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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1993 REGULAR SESSION
FIFTY-THIRD LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 11, 1993

Pursuant to law, the Senate of the 1993 Regular Session of the Fifty-third Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Joel Pritchard, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Adam Magnoni and Christian Mattson, presented the Colors. Reverend Thomas Belleque, pastor of Saint Andrews Catholic Church of Sumner, and a guest of Senator Marcus Gaspard, offered the prayer.

MOMENT OF SILENCE

At the request of the Chaplain, Reverend Thomas Belleque, the members of the Senate stood in memory of Senator A. L. "Slim" Rasmussen who died January 6, 1993.

The President lead the Senate in the Pledge of Allegiance.

PRESIDENT WELCOMES SENATORS TO FIFTY-THIRD LEGISLATURE

President Pritchard: "The President would like to welcome all of you here. This will be a fascinating session and I'm sure you are already keenly aware of that. Each person in this body represents about a hundred thousand people. That is a great responsibility which I know you are aware of. We have a lot of work to do and if we don't get at it, we'll be celebrating the Fourth of July still in this same chamber. I know none of us want that.

"I pledge to you that the Chair will be fair to both the majority and the minority. We want everyone to have their say; we want everything to be out here, so it can be worked on. We want to be sure that the process is as open as is possible and reflects the very best in our society. The challenges are great; the needs are great and I know that you people are up to the task. We will proceed with this session of the Senate, one in which I hope when we look back years later, we can say, 'I was a part of that session which accomplished so much.'"

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Owen and Amondson to escort the 1993 Lakefair Queen, Jannette Wise, to the Senate Rostrum.

The President introduced Queen Jannette Wise and the visiting dignitaries representing the Lakefair celebration, who were seated in the gallery.

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

The committee of honored escorted Queen Jannette Wise from the Senate Chamber.

LETTER OF RESIGNATION

**WASHINGTON STATE SENATE
Senator Mike Kreidler
22nd Legislative District**

December 17, 1992

The Honorable Booth Gardner
Governor, State of Washington
Second Floor, Legislative Building

Olympia, WA 98504

Dear Governor Gardner:

Please accept this as my official letter of resignation from the Washington State Senate. In accordance with the Constitutions and laws of the United States and Washington State, I must resign my position effective January 3, 1993.

I have enjoyed my service in the Washington State Legislature for the past 16 years, and look forward to serving the people of the new 9th Congressional District. I intend to serve them well as their newly elected member of the United States House of Representatives.

Sincerely,
MIKE KREIDLER
State Senator

LETTER OF RESIGNATION

UNITED STATES SENATE
Patty Murray, Washington Senator-Elect
Washington, D.C. 20510-4704

December 18, 1992

The Honorable Booth Gardner
Second Floor, Legislative Building
Olympia, WA 98504

Dear Governor Gardner:

I will be resigning as State Senator for the 1st Legislative District effective January 4, 1993, in order to assume my responsibilities as a United States Senator.

Thank you for your consideration of this matter.

Sincerely,
PATTY MURRAY
United States Senator-elect

EDITOR'S NOTE: Pursuant to RCW 29.01.180, the following Senators took the Oath of Office for the remainder of the short term, after the certification of election returns in 1992. See the administration of the Oath of Office for these same Senators for their full term of office which took place on this first day of the 1993 Session.

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON
28th LEGISLATIVE DISTRICT

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

SENATOR SHIRLEY WINSLEY

Subscribed and sworn to before me this 19th day of November, 1992

ROBERT H. PETERSON,
Superior Court Judge, PIERCE COUNTY

OATH OF SENATOR FOR THE STATE OF WASHINGTON
13th LEGISLATIVE DISTRICT

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

SENATOR HAROLD HOCHSTATTER

Subscribed and sworn to before me this 8th day of December, 1992

MICHAEL E. COOPER,
Superior Court Judge, KITTITAS COUNTY

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of the persons elected to the office of State Senator at the State General Election held in the state of Washington on the third day of November, 1992, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

LIST OF STATE SENATORS ELECTED NOVEMBER 3, 1992

DISTRICT NAME COUNTIES REPRESENTED

No. 1 McAuliffe(D) King, part, and Snohomish (part)
No. 2 Rasmussen, M.(D) Pierce (part)
No. 3 Moyer(R) Spokane (part)
No. 4 McCaslin(R) Spokane (part)
No. 5 Drew(D) King (part)
No. 9 Prince(R) Adams, Asotin, (part), Spokane (part), Whitman
No. 10 Haugen(D) Island, Skagit (part), Snohomish (part)
No. 11 Prentice(D) King (part)
No. 12 Sellar (R) Chelan, Douglas, Grant (part) Okanogan (part)
No. 13 Hochstatter(R) Benton (part), Grant (part), Kittitas, Yakima (part)
No. 14 Deccio(R) Yakima (part)
No. 16 Loveland(D) Asotin (part), Columbia, Franklin, Walla Walla
No. 17 Sutherland(D) Clark (part), Skamania (part)
No. 18 Smith, L.(R) Clark (part), Cowlitz (part), Lewis (part)
No. 19 Snyder(D) Cowlitz (part), Grays Harbor, (part), Pacific, Wahkiakum
No. 20 Amondson(R) Lewis (part), Pierce (part), Thurston (part)
No. 22 Fraser(D) Thurston (part)
No. 23 Sheldon(D) Kitsap (part)
No. 24 Hargrove(D) Clallam, Grays Harbor (part), Jefferson
No. 25 Gaspard(D) King (part), Pierce (part)
No. 27 Wojahn(D) Pierce (part)
No. 28 Winsley(R) Pierce (part)
No. 39 Quigley(D) King (part), Snohomish (part)
No. 40 Spanel(D) San Juan, Skagit (part), Whatcom (part)
No. 41 Cantu(R) King (part)
No. 49 Bauer(D) Clark (part)

LIST OF HOLDOVER STATE SENATORS

DISTRICT NAME COUNTIES REPRESENTED

No. 6 West(R) Spokane (part)
No. 7 Barr(R) Ferry, Lincoln, Okanogan (part), Pend Oreille, Spokane (part), Stevens
No. 8 Jesernig(D) Benton (part)
No. 15 Newhouse(R) Benton (part), Klickitat, Skamania (part), Yakima, (part)
No. 21 Nelson(R) Snohomish (part)
No. 26 Oke(R) Kitsap (part), Pierce (part)
No. 29 Rasmussen, A.L.(D) Pierce (part)
No. 30 von Reichbauer(R) King (part), Pierce (part)
No. 31 Roach(R) King (part), Pierce (part)
No. 32 Williams(D) King (part)
No. 33 Smith, A.(D) King (part)
No. 34 Talmadge(D) King (part)
No. 35 Owen(D) Grays Harbor (part), Kitsap (part), Mason, Thurston (part)
No. 36 Moore(D) King (part)
No. 37 Pelz(D) King (part)
No. 38 Vognild(D) Snohomish (part)
No. 42 Anderson(R) Whatcom (part)
No. 43 Niemi(D) King (part)
No. 44 Erwin(R) Snohomish (part)
No. 45 Bluechel(R) King (part)
No. 46 Rinehart(D) King (part)
No. 47 Skratek(D) King (part)

No. 48 McDonald(R) King (part)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and
affixed the seal of the state of Washington
at Olympia, this eleventh day of January, 1993.

(Seal)

RALPH MUNRO,
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the initiatives which were submitted to the vote of the people at the state general election held on the third day of November, 1992, that the total number of ballots cast at this state general election was 2,324,907 and that the total number of votes cast for and against each of these measures was as follows:

INITIATIVE TO THE PEOPLE 573

Shall candidates for certain offices, who have already served for specified time periods in those offices, be denied ballot access?

Yes 1,119,985
No 1,018,260

INITIATIVE TO THE LEGISLATURE 134

Shall campaign contributions be limited; public funding of state and local campaigns be prohibited; and campaign related activities be restricted?

Yes 1,549,297
No 576,161

I, further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the third day of November, 1992, for all federal, state-wide, joint legislative, and joint judicial offices, and that the votes cast for candidates to these offices are as follows:

CERTIFICATION OF MEASURES AND CANDIDATES (1992 GENERAL)

PRESIDENT/VICE-PRESIDENT OF THE UNITED STATES

Clinton/Gore Democrat 993,037
Bush/Quayle Republican 731,234
Marrou/Lord Libertarian 7,533
Warren/DeBates Socialist Workers 515
Fulani/Munoz New Alliance 1,776
Gritz/Minett Populist 4,854
LaRouche/Bevel Independent 855
Perot/Stockdale Independent 541,780
Daniels/Tupahache Independent 1,171
Phillips/Knight Washington Taxpayers 2,354
Hagelin/Tompkins Natural Law 2,456

U.S. SENATE

Patty Murray (D) 1,197,973
Rod Chandler (R) 1,020,829

U.S. REPRESENTATIVE, 1st District

Maria Cantwell (D) 148,844
Gary Nelson (R) 113,897
Patrick L. Ruckert (I) 4,322
Anne Fleming (NL) 4,211

U.S. REPRESENTATIVE, 2nd District

Al Swift (D) 133,207
Jack Metcalf (R) 107,365
R.M. "Robin" Dexter (I) 8,702
Karen Leibrant (NL) 6,646

U.S. REPRESENTATIVE, 3rd District

Jolene Unsoeld (D) 138,043
Pat Fiske (R) 108,583

U.S. REPRESENTATIVE, 4th District

Jay Inslee (D) 106,556
Richard "Doc" Hastings (R) 103,028

U.S. REPRESENTATIVE, 5th District

Thomas S. Foley (D) 135,965
John Sonneland (R) 110,443

U.S. REPRESENTATIVE, 6th District

Norm Dicks (D) 152,933
Lauri J. Phillips (R) 66,664
Tom Donnelly (I) 14,490
Jim Horgan (LB) 4,075

U.S. REPRESENTATIVE, 7th District

Jim McDermott (D) 222,604
Glenn C. Hampson (R) 54,149
Paul Glumaz (I) 7,197

U.S. REPRESENTATIVE, 8th District

George O. Tamblyn (D) 87,611
Jennifer Dunn (R) 155,874
Bob Adams (I) 14,686

U.S. REPRESENTATIVE, 9th District

Mike Kreidler (D) 110,902
Pete von Reichbauer (R) 91,910
Brian Wilson (I) 6,585
Timothy J. Brill (I) 3,522

GOVERNOR

Mike Lowry (D) 1,184,315
Ken Eikenberry (R) 1,086,216

LIEUTENANT GOVERNOR

Richard Kelley (D) 862,063
Joel Pritchard (R) 1,072,968
Tom Isenberg (LB) 75,933
Absolutely Nobody (I) 148,021

SECRETARY OF STATE

Jeanne Dixon (D) 875,653
Ralph Munro (R) 1,206,414
Maurice Willey (LB) 66,953

STATE TREASURER

Dan Grimm (D) 1,237,527
Claude L. Oliver (R) 855,671

STATE AUDITOR

Brian Sonntag (D) 1,042,229
Sam Reed (R) 946,621
Arthur D. "Art" Rathjen (LB) 92,818

ATTORNEY GENERAL

Christine Gregoire (D) 1,190,784

Norm Maleng (R) 946,946
Homer L. Brand (P) 32,124

COMMISSIONER OF PUBLIC LANDS

Jennifer M. Belcher (D) 1,112,389
Ann Anderson (R) 950,459
William L. McCord (LB) 77,949

SUPERINTENDANT OF PUBLIC INSTRUCTION

Judith Billings (NP) 1,027,574
Teresa "Terry" Bergeson (NP) 938,885

INSURANCE COMMISSIONER

Deborah Senn (D) 1,049,231
Richard G. "Dick" Marquardt (R) 894,551
Brian McCulloch (I) 148,280

STATE SUPREME COURT, Position 1

Barbara Madsen (NP) 900,614
Elaine Houghton (NP) 877,489

STATE SUPREME COURT, Position 2

James M. Dolliver (NP) 1,033,638
Kevin Patrick Dolan (NP) 639,168

STATE SUPREME COURT, Position 3

Robert F. Utter (NP) 1,350,834

COURT OF APPEALS, DIVISION 3, DISTRICT 2

(Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant,
Walla Walla, Whitman)

Dennis J. Sweeney (NP) 95,301

SUPERIOR COURT JUDGE, POSITION 1

(Asotin, Columbia, Garfield)

John M. Lyden (NP) 8,046

SUPERIOR COURT JUDGE, POSITION 1

(Benton, Franklin)

Dennis D. Yule (NP) 41,831

SUPERIOR COURT JUDGE, POSITION 3

(Benton, Franklin)

Albert J. Yencopal (NP) 45,828

SUPERIOR COURT JUDGE, POSITION 4

(Benton, Franklin)

Carolyn A. Brown (NP) 42,676

SUPERIOR COURT JUDGE, POSITION 5

(Benton, Franklin)

Duane Taber (NP) 40,255

SUPERIOR COURT JUDGE, POSITION 1

(Chelan, Douglas)

Carol A. Wardell (NP) 23,552

SUPERIOR COURT JUDGE, POSITION 2

(Chelan, Douglas)

T.W. "Chip" Small (NP) 21,672

SUPERIOR COURT JUDGE, POSITION 3

(Chelan, Douglas)

John E. Bridges (NP) 20,797

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

Alan R. Hancock (NP) 19,599

SUPERIOR COURT JUDGE, POSITION 2
(Island, San Juan)

Joan H. McPherson (NP) 15,013
Merle E. Wilcox (NP) 13,409

SUPERIOR COURT JUDGE, POSITION 1
(Pacific, Wahkiakum)

Joel Penoyar (NP) 8,474

STATE SENATE, 1st District

Rosemary McAuliffe (D) 26,210
Marshall Paris (R) 19,978

STATE REPRESENTATIVE, 1st District, Position 1

Barbara S. Cothorn (D) 24,316
Walter K. Backstrom (R) 19,607

STATE REPRESENTATIVE, 1st District, Position 2

Linda S. Johnson (D) 24,840
Joyce Meyerson (R) 18,357

STATE REPRESENTATIVE, 7th District, Position 1

John J. McLaughlin (D) 15,105
Steve Fuhrman (R) 27,542
Jack McLean (I) 2,052

STATE REPRESENTATIVE, 7th District, Position 2

Lou Stone (D) 15,878
Bob Morton (R) 26,048

STATE SENATE, 9th District

Bill Schmick (D) 17,891
Eugene A. Prince (R) 20,156

STATE REPRESENTATIVE, 9th District, Position 1

Libby Walker (D) 17,039
Larry Sheahan (R) 19,513
John Gearhart (LB) 1,463

STATE REPRESENTATIVE, 9th District, Position 2

Chris Gorton (D) 15,468
Mark G. Schoesler (R) 21,626

STATE SENATE, 10th District

Mary Margaret Haugen (D) 26,744
Dick Caldwell (R) 18,936

STATE REPRESENTATIVE, 10th District, Position 1

Sue M. Karahalios (D) 21,337
Joan Houchen (R) 20,670

STATE REPRESENTATIVE, 10th District, Position 2

Helen Schoenfeld (D) 16,286
Barry Sehlin (R) 23,623

STATE SENATE, 12th District

Beverly Jagla (D) 19,979
George Sellar (R) 21,613

STATE REPRESENTATIVE, 12th District, Position 1

Rae M. Barnett (D) 15,231

Clyde Ballard (R) 24,999

STATE REPRESENTATIVE, 12th District, Position 2

Dale Foreman (R) 28,811

STATE SENATE, 13th District (Unexpired Term)

Eric Skaug (D) 17,385
Harold Hochstatter (R) 22,046

STATE REPRESENTATIVE, 13th District, Position 1

Gary Chandler (R) 31,382

STATE REPRESENTATIVE, 13th District, Position 2

Mike Hansen (D) 20,241
Joyce Mulliken (R) 18,878

STATE REPRESENTATIVE, 15th District, Position 1

Margaret Rayburn (D) 16,288
Jim Honeyford (R) 10,949

STATE REPRESENTATIVE, 15th District, Position 2

Forrest Baugher (D) 11,485
Barb Lisk (R) 15,708

STATE SENATE, 16th District

Valoria H. Loveland (D) 18,997
Dick Neher (R) 18,403

STATE REPRESENTATIVE, 16th District, Position 1

Dave Mastin (D) 18,930
Douglas L. Bayne (R) 17,455

STATE REPRESENTATIVE, 16th District, Position 2

Bill Grant (D) 23,544
Bonnie K. Reidt (R) 12,989

STATE SENATE, 17th District

Dean Sutherland (D) 23,898
Tim Heenan (R) 18,970

STATE REPRESENTATIVE, 17th District, Position 1

Kim Peery (D) 25,016
Bud Quinn (R) 16,399

STATE REPRESENTATIVE, 17th District, Position 2

Holly Myers (D) 24,266
Chris Lucia (R) 16,218
Jim B. Becker (LB) 1,681

STATE SENATE, 18th District

Ireda Grohs (D) 18,680
Linda A. Smith (R) 25,793

STATE REPRESENTATIVE, 18th District, Position 1

Betty Sue Morris (D) 25,272
Don Lynch (R) 18,409

STATE REPRESENTATIVE, 18th District, Position 2

Jim Springer (D) 22,765
Tim Young (R) 20,484

STATE SENATE, 19th District

Sid Snyder (D) 33,184

STATE REPRESENTATIVE, District 19, Position 1

Mike Riley (D) 28,547
Mark R. Obtinario (R) 9,345

STATE REPRESENTATIVE, District 19, Position 2

Bob Basich (D) 32,102

STATE SENATE, 20th District

Tom Nogler (D) 16,822
Neil Amondson (R) 26,215

STATE REPRESENTATIVE, 20th District, Position 1

Dave Chapel (D) 21,730
Rose Bowman (R) 21,602

STATE REPRESENTATIVE, 20th District, Position 2

Chris Hansen (D) 18,907
Bill Brumsickle (R) 23,557

STATE SENATE, 24th District

Jim Hargrove (D) 26,087
Jean Fairchild (R) 18,263
John Pitts (I) 1,408
Anne Forest (I) 3,609

STATE REPRESENTATIVE, 24th District, Position 1

Evan Jones (D) 25,984
Ellen Pickell (R) 23,203

STATE REPRESENTATIVE, 24th District, Position 2

Lynn Kessler (D) 25,868
Jim Buck (R) 22,243

STATE SENATE, 25th District

Marc Gaspard (D) 26,726
Joyce McDonald (R) 17,661

STATE REPRESENTATIVE, 25th District, Position 1

Dale T. Mitchell (D) 21,216
Sarah Casada (R) 22,887

STATE REPRESENTATIVE, 25th District, Position 2

Art Wall (D) 19,240
Randy Tate (R) 24,759

STATE REPRESENTATIVE, 26th District, Position 1

Ron Meyers (D) 25,813
Tom Schneider (R) 19,467

STATE REPRESENTATIVE, 26th District, Position 2

Wes Pruitt (D) 25,975
Alan Coleman (R) 15,323
Karen A. Allard (LB) 3,696

STATE REPRESENTATIVE, 30th District, Position 1

Tracey Eide (D) 21,386
Maryann Mitchell (R) 20,706

STATE REPRESENTATIVE, 30th District, Position 2

Mark Miloscia (D) 21,255
Jean Marie Brough (R) 21,637

STATE REPRESENTATIVE, 31st District, Position 1

Judi Roland (D) 22,671
Les Thomas (R) 16,766

Lee Valenta (D) 17,740
Chris Vance (R) 21,026

STATE REPRESENTATIVE, 31st District, Position 2

Barbara Holm (D) 21,985
Peggy Johnson (R) 21,917

STATE REPRESENTATIVE, 35th District, Position 1

Tim Sheldon (D) 27,239

STATE REPRESENTATIVE, 35th District, Position 2

Kevin Quigley (D) 26,268
John Wynne (R) 18,612

STATE SENATE, 39th District

Dennis Lebow (D) 20,876
Val Stevens (R) 23,017

STATE REPRESENTATIVE, 39th District, Position 1

Hans Dunshee (D) 22,423
Kirk Pearson (R) 20,159

STATE REPRESENTATIVE, 39th District, Position 2

Harriet Spanel (D) 28,051
Ted W. Anderson (R) 22,574

STATE SENATE, 40th District

Dave Quall (D) 28,151
John Milnor (R) 20,040

STATE REPRESENTATIVE, 40th District, Position 1

Rob Johnson (D) 27,454
Carolann Wheeler (R) 20,849

STATE REPRESENTATIVE, 40th District, Position 2

IN WITNESS WHEREOF, I have set my hand and
affixed the seal of the state of Washington,
this eleventh day of January, 1993.

(Seal) RALPH MUNRO,

Secretary of State

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

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Adam Smith and Nelson to escort the Honorable Richard P. Guy, Justice of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

The President introduced the Honorable Richard P. Guy who will administer the oath of office to the newly elected and re-elected Senators.

ROLL CALL

The Acting Secretary called the roll of the following holdover members of the Senate: Senators Ann Anderson, Scott Barr, Alan Bluechel, Tim Erwin, Jim Jesernig, Dan McDonald, Ray Moore, Gary Nelson, Irv Newhouse, Janice Niemi, Bob Oke, Brad Owen, Dwight Pelz, Nita Rinehart, Pam Roach, Sylvia Skratek, Adam Smith, Phil Talmadge, Larry L. Vognild, Peter von Reichbauer, James E. West, Al Williams.

All members were present, except Senator Moore.

MOTION

On motion of Senator Snyder, Senator Moore was excused.

ROLL CALL

The Acting Secretary called the roll of the following re-elected Senators and all were present: Senators Neil Amondson, Albert Bauer, Emilio Cantu, Marcus S. Gaspard, Bob McCaslin, George L. Sellar, Linda A. Smith, Sid Snyder, Dean Sutherland, R. Lorraine Wojahn.

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

Justice Richard P. Guy of the Washington State Supreme Court thereupon administered the oath of office to each of the newly re-elected members.

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

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

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Alex A. Deccio, Kathleen Drew, Karen Fraser, Jim Hargrove, Mary Margaret Haugen, Harold Hochstatter, Valoria Loveland, Rosemary McAuliffe, John Moyer, Margarita Prentice, Eugene A. Prince, Kevin Quigley, Marilyn Rasmussen, Betti L. Sheldon, Harriet A. Spanel, Shirley J. Winsley.

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

Justice Richard P. Guy of the Washington State Supreme Court thereupon administered the oath of office to each of the newly elected members.

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

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

ELECTION OF PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate. I wish to place in nomination the name of the Senator from the twenty-seventh legislative district, Senator Lorraine Wojahn, as the President Pro Tempore of the Senate.

"She is a long-time friend and colleague and it gives me great honor to place her name in nomination as a presiding President Pro Tempore of our Senate--Senator Lorraine Wojahn. We have known her for a number of years and we have known that long before it became politically fashionable, Senator Wojahn was in the forefront of a number of issues and the forefront of consumer's rights and women's rights. She played a major role in the successful battle to add the Equal Rights Amendment to the State Constitution. Senator Wojahn, also, had a strong hand in making community property and credit laws more fair for all women across this state.

"She has many other interests and those honors and recognitions that she has received over the years just tell part of the story. She has received several honors for her work as the prime sponsor of the legislation creating the State Department of Health, from both medical and hospital groups alike. In addition, The Home Care Association has named her Legislator of the Year. She has also been recognized by the Developmental Disabilities Planning Council, The Washington Coalition for the Homeless and organizations representing displaced homemakers.

"She has served her district and the people of this state very well. I take great pride in nominating Senator Lorraine Wojahn for the Office of President Pro Tempore."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator R. Lorraine Wojahn was elected President Pro Tempore by the following vote: Wojahn, 47; excused, 1.

Voting Wojahn: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley, Wojahn - 47.

Excused: Senator Moore - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Gaspard and Sellar as a committee of honor to escort Senator Wojahn to the rostrum. Justice Richard P. Guy of the Washington State Supreme Court administered the oath of office to Senator Wojahn.

REMARKS BY PRESIDENT PRO TEMPORE WOJAHN

President Pro Tempore Wojahn: "First, I want to thank all of you for not laughing when I took a flying leap off the podium a few minutes ago. I didn't expect that there were stairs there. I should have remembered after twenty-four years that we have stairs around here.

"As the new year and the new session begins, I think it is going to be an exciting time for all of us. I hope that I can work--and plan to work--with each of you individually and collectively to make this coming session a success and to face the problems that the state of Washington faces with vigor and with enthusiasm and support.

"It is fun to look out over the Senate now, because I see a lot of members of the distaff side. I didn't think this would ever happen, but it is happening and I congratulate you--all who won election--and especially the women. I am delighted to see all of you out there and hope that we can work successfully together. I will do my part. Thank you very much."

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

ELECTION OF VICE PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR PELZ

Senator Pelz: "Mr. President, I nominate Senator Al Williams for the office of Vice President Pro Tempore.

"Mr. President and members of the Senate, in rising to nominate Senator Williams to this office, I rise to nominate a friend of mine for many years. I had the honor of serving as Al's secretary in 1976 and we have been close friends ever since. Al Williams has served the thirty-second district of Seattle for twenty-two years in the State Legislature, including the last fourteen years as member of this body. He is known as an architect and a community activist in the Wallingford and Fremont areas.

"Senator Williams is the author of the state's policy and the city of Seattle's policy on historic preservation and has been a leader in this field for two decades. Senator Williams led the battle in 1977 to remove the sales tax on food, which has made our state tax structure more fair for everyone. He has been a leader for many years on energy issues particularly in the late seventies and early eighties, when we faced some very difficult decisions in this area. I think the most important credential that Senator Williams brings to this position is that Senator Williams is a very thoughtful legislator. He is a student of this body, a student of this process and he will serve us well in this position."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator Al Williams was elected Vice President Pro Tempore by the following vote: Williams, 47; excused, 1.

Voting Williams: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley, Wojahn - 47.

Excused: Senator Moore - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Pelz and Bluechel as a committee of honor to escort Senator Williams to the rostrum. Justice Richard P. Guy of the Washington State Supreme Court administered the oath of office to Senator Williams.

REMARKS BY VICE PRESIDENT PRO TEMPORE WILLIAMS

Vice President Pro Tempore Williams: "Just a word, thank you very much for your support. My role, as I see it, is to assist Senator Wojahn as President Pro Tempore and President Pritchard as Lieutenant Governor. I will do my best in that role. Thank you."

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

ELECTION OF SECRETARY OF THE SENATE

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

REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President, I rise to place the name of Marty Brown as Secretary of the Senate.

"It is indeed with a lot of pride that I rise to nominate Marty Brown for Secretary of the Senate. Our good fortune was when a fellow student of Marty's talked him into coming to Washington and to go to UPS Law School. Marty's fellow student lasted about two weeks and Marty stayed and eventually ended up working for the Senate. He spent a brief time over with the courts and decided that his lot in life was with the Legislature. He came back and has served in several capacities. He was the attorney for the Lieutenant Governor for quite a length of time. He has been the Democratic Caucus Staff Director and now he is going to move up to Secretary of the Senate.

"I know my predecessors in the job always taught me that as Secretary of the Senate or Chief Clerk of the House that you serve all members, regardless of party. I am sure that Marty will carry on that tradition in a very fair manner. He has the background for it; he has the ability and he has the friendliness to do the job.

"I went back and looked through Journals to see what had been said in previous nominating speeches and seconding speeches for the Secretary of the Senate. Marshall Neill was a Senator from Whitman County and his remarks were, 'When it comes to getting the work done and the organization of the Senate, there isn't any room for party politics.' I think that has been the way it has been in the past. I know Gordon Golob has performed his duties very well the last five years and Marty will continue to do that. I also looked a little further back in the Journal and I found that Vic Zednick who was a Senator back in the fifties and a former Secretary of the Senate said, 'Frankly, I think it is more important to be Secretary of the Senate than a Senator.' Now, at one time I may have believed that was correct, but I don't anymore. It is with a great deal of pride and delight that I nominate Marty Brown for Secretary of the Senate."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Thank you, Mr. President. I would also like to second the nomination of Marty Brown as the Secretary of the Senate.

"While Marty's beginnings may not go back as far as one of his predecessors, namely Senator Snyder now, who started his career as an elevator operator and then became the Secretary of the Senate and has now taken a lesser job as State Senator.

"Marty had his beginnings with his work with the committee services, worked with Lieutenant Governor Cherberg and went then to the Office of Counsel for the Senate and then became our staff director for our caucus. Throughout all that time, Marty has developed a reputation among all of us as a very open, very fair individual and a trusted advisor and in that capacity will now be of benefit to the entire Senate and not just our Democratic Caucus--with the fairness and openness that he will have in his administration following all of his predecessors and doing an outstanding job for all of us."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Marty Brown was elected Secretary of the Senate by the following vote: Brown, 47; excused, 1.

Voting Brown: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley, Wojahn - 47.

Excused: Senator Moore - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Snyder and Anderson as a committee of honor to escort Marty Brown to the rostrum. Justice Richard P. Guy of the Washington State Supreme Court administered the oath of office to Marty Brown.

REMARKS BY SECRETARY BROWN

Secretary Brown: "The first thing, I thank you all for your support. I would like to assure Senator Fraser that I have no intention of elevating to the office of State Senator as one of my predecessors did. I would just like, once again, to thank you for your support and let you all know that the Office of Secretary of Senate is available for each and every one of you. Whatever you need, we will try and be accommodating. I know that is the tradition of my predecessor, Gordon Golob, who has run a wonderful office and we have not made many changes in the office because of the good job that he had done and that Sid had done, and I would just like to say that if I can do half the job that my two predecessors did, I think you will be well served."

The committee of honor escorted Secretary of the Senate Marty Brown to his seat in the Senate Chamber and the committee was discharged.

ELECTION OF SERGEANT AT ARMS

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

REMARKS BY SENATOR PRENTICE

Senator Prentice: "Mr. President, I rise to place the name of Richard Fisher for the Office of Sergeant at Arms.

"It was in 1969 when I first became acquainted with Richard Fisher when I was a night staffer at Valley Medical Emergency Department and he was a state trooper. The integrity and the courtesy and the cheerfulness that he displayed are qualities that he is going to need getting us through these tough and intense times. I could go on and on about him, but he and I have an agreement. I don't tell all I know about him and he won't tell everything he knows about me. There is a lesson to be learned here and one is that you better be nice to people because you never know when they are going to come and rise and haunt you. It gives me great pleasure to nominate Richard Fisher for the Office of Sergeant at Arms."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate, I, too, would like to second the nomination of Richard Fisher as our Sergeant at Arms. Richard brings with him some outstanding qualities and resumes from a lot of service to state government. He has served two Governors--has been assigned to the Governor's Office from the State Patrol.

"He has had to work with many of us, but more properly put, maybe he has had to put up with a lot of us in the Governor's Office. It is with great pleasure and pride that Richard will serve all of us now as our Sergeant at Arms."

MOTION

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

ROLL CALL

The Secretary called the roll and Richard Fisher was elected Sergeant at Arms: Fisher, 47; excused, 1.

Voting Fisher: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley, Wojahn - 47.

Excused: Senator Moore - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Prentice and von Reichbauer as a committee of honor to escort Richard Fisher to the rostrum.

Justice Richard P. Guy of the Washington State Supreme Court administered the oath of office to Richard Fisher.

REMARKS BY SERGEANT AT ARMS FISHER

Sergeant at Arms Fisher: "Well, you know when I first asked about this job--was asked about the job--I really didn't know what my title was going to be until I saw my name plate. I always thought it was Sergeant of Arms.

"I want to thank everyone for their support. We are going to make the Sergeant at Arms Office as professional as we can. We are here for everybody. We are in Room 93. My staff and I are here to help you. We can fix almost anything except parking tickets. Thank you very much."

The committee of honor escorted Sergeant at Arms Fisher to his seat in the Senate Chamber and the committee was discharged.

The committee of honor consisting of Senators Adam Smith and Nelson escorted the Honorable Justice Richard P. Guy from the Senate Chamber.

MOTION

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

SENATE RESOLUTION 1993-8600

By Senators Gaspard, Snyder, Sellar and Anderson

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1993-8600, the President appointed Senators Spanel, Hargrove, Prince and Winsley to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Jesernig, the appointees were confirmed.
The committee retired to the House of Representatives.

At 1:24 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 1:32 p.m. by President Pritchard.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Cole, Lisk, Long and Holly Myers appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business. The report was received and the committee returned to the House of Representatives.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5000 by Senators Gaspard, Talmadge, Snyder, Prentice, Skratek, Drew, Fraser, Owen, Sheldon, Pelz, Rinehart, McAuliffe, M. Rasmussen, Wojahn, Williams, A. Rasmussen, A. Smith, Loveland, Vognild, Hargrove, Jesernig, Bauer, Spanel, Sutherland, Winsley, West, Moyer, Erwin, Quigley, von Reichbauer, Haugen, Sellar, Hochstatter, Newhouse, Oke, McDonald and Roach

AN ACT Relating to repealing the sunset termination of the basic health plan; repealing RCW 43.131.355 and 43.131.356; and declaring an emergency.

HOLD.

SB 5001 by Senators West, Sellar, Nelson and Oke

AN ACT Relating to extension of the basic health plan; amending RCW 43.131.355 and 43.131.356; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5002 by Senators Nelson, Winsley, Hochstatter, Oke, Roach and McCaslin

AN ACT Relating to dedicating lottery proceeds to the common schools; and amending RCW 67.70.040 and 67.70.240.

Referred to Committee on Ways and Means.

SB 5003 by Senators Nelson, West, Erwin, Oke and McCaslin

AN ACT Relating to adult entertainment businesses; amending RCW 7.48A.040 and 42.17.310; adding a new section to chapter 43.43 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5004 by Senators Nelson, Winsley, Oke and McCaslin

AN ACT Relating to sexually transmitted disease; amending RCW 9A.36.011, 9A.36.031, 9A.36.041, 9.94A.310, 70.24.105, and 70.24.340; reenacting and amending RCW 9A.36.021; adding new sections to chapter 70.24 RCW; creating a new section; repealing RCW 70.24.140; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5005 by Senator Nelson

AN ACT Relating to exceptional sentences; amending RCW 9.94A.390 and 13.40.150; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5006 by Senators Nelson, Winsley, Erwin, Roach and McCaslin

AN ACT Relating to extending the statute of limitations for sexual offenses committed against minors; and amending RCW 9A.04.080.

Referred to Committee on Law and Justice.

SB 5007 by Senators Nelson and Hochstatter

AN ACT Relating to administrative searches; adding a new section to Title 4 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5008 by Senators Nelson, Winsley, West, Erwin, Sellar, Newhouse and Oke

AN ACT Relating to good samaritans and medical services provided to low-income persons by physicians; amending RCW 18.71.220; adding new sections to chapter 18.71 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5009 by Senators Nelson and Winsley

AN ACT Relating to the rights of victims; and amending RCW 7.69.030.

Referred to Committee on Law and Justice.

SB 5010 by Senators Nelson, Winsley, Oke and Amondson

AN ACT Relating to drivers' licenses; amending RCW 46.04.580, 46.20.308, 46.20.311, 46.20.311, 46.20.391, 46.61.515, and 46.68.060; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.20 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5011 by Senators Nelson and Newhouse

AN ACT Relating to recommendations of the juvenile issues task force; amending RCW 13.40.020, 13.40.0357, 13.40.050, and 13.40.100; adding new sections to chapter 13.16 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5012 by Senators Nelson and Newhouse

AN ACT Relating to establishing a certificate of merit procedure in law suits alleging professional negligence; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5013 by Senators Nelson and Amondson

AN ACT Relating to the authority of the attorney general to investigate and prosecute crimes upon the request of a victim; and amending RCW 43.10.232.

Referred to Committee on Law and Justice.

SB 5014 by Senators Nelson and West

AN ACT Relating to solicitation of signatures on initiative and referendum petitions; amending RCW 29.79.490; adding a new section to chapter 29.79 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5015 by Senators Nelson and West

AN ACT Relating to signature requirements for initiatives and referendums; and amending RCW 29.79.120.

Referred to Committee on Government Operations.

SB 5016 by Senators Nelson and Amondson

AN ACT Relating to payment responsibility for utility service; amending RCW 35.21.290, 35.67.200, 36.94.150, 56.16.100, and 57.08.080; reenacting and amending RCW 80.28.010; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Energy and Utilities.

SB 5017 by Senators Nelson and West

AN ACT Relating to residential landlord-tenant duties; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Law and Justice.

SB 5018 by Senator Nelson

AN ACT Relating to service of process; and amending RCW 4.28.080.

Referred to Committee on Law and Justice.

SB 5019 by Senators Nelson and Winsley

AN ACT Relating to dogs; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Natural Resources.

SB 5020 by Senators Nelson and Winsley

AN ACT Relating to defective vehicle equipment; and amending RCW 46.37.010.

Referred to Committee on Transportation.

SB 5021 by Senators West, Winsley, Hochstatter, Amondson, Moyer and McCaslin

AN ACT Relating to earned early release time; and amending RCW 9.94A.150, 9.95.070, and 72.09.130.

Referred to Committee on Law and Justice.

SB 5022 by Senators M. Rasmussen, Haugen and von Reichbauer

AN ACT Relating to charitable solicitations; amending RCW 19.09.020, 19.09.065, 19.09.075, 19.09.079, 19.09.085, 19.09.097, 19.09.271, 19.09.100, 19.09.190, 19.09.200, 19.09.210, 19.09.230, 19.09.240, 19.09.275, 19.09.305, and 19.09.315; adding new sections to chapter 19.09 RCW; creating new sections; repealing RCW 19.09.078; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5023 by Senators A. Rasmussen, Erwin, Vognild and Roach

AN ACT Relating to the senior citizen property tax exemption; and amending RCW 84.36.383.

Referred to Committee on Ways and Means.

SB 5024 by Senators A. Rasmussen, McDonald and McCaslin

AN ACT Relating to the homestead exemption; and amending RCW 6.13.030.

Referred to Committee on Law and Justice.

SB 5025 by Senator Owen

AN ACT Relating to forest fires; amending RCW 76.04.495 and 76.04.015; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

SB 5026 by Senator A. Rasmussen

AN ACT Relating to regulation of funeral directors, embalmers, and crematories; amending RCW 18.39.290, 68.05.100, 68.05.205, and 68.50.180; and adding a new section to chapter 18.39 RCW.

Referred to Committee on Government Operations.

SB 5027 by Senator A. Rasmussen

AN ACT Relating to the creation of state-wide affordable housing; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Government Operations.

SB 5028 by Senator Haugen

AN ACT Relating to on-site sewage additives; amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ecology and Parks.

SB 5029 by Senators Haugen, Winsley, Skratek, Erwin, Vognild, Gaspard, Prentice, Quigley and McAuliffe

AN ACT Relating to deferral of property tax increases by senior citizens; adding a new section to chapter 84.38 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5030 by Senators Haugen, Winsley, Gaspard, Prentice and Quigley

AN ACT Relating to the retired person real property tax exemption; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SB 5031 by Senator Haugen

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

Referred to Committee on Natural Resources.

SB 5032 by Senators Haugen and Spanel

AN ACT Relating to the loss of nets in the aquatic environment; adding new sections to chapter 75.28 RCW; adding new sections to chapter 82.04 RCW; creating new sections; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5033 by Senator Haugen

AN ACT Relating to county research services; amending RCW 82.14.200, 43.88.114, 43.110.030, and 43.110.010; reenacting RCW 82.44.160; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Government Operations.

SB 5034 by Senators Haugen and A. Smith

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

Referred to Committee on Natural Resources.

SB 5035 by Senator Haugen

AN ACT Relating to public restroom facilities; and amending RCW 67.28.210.

Referred to Committee on Government Operations.

SB 5036 by Senators Haugen, Winsley and Erwin

AN ACT Relating to noise pollution; and amending RCW 70.107.020, 70.107.040, 70.107.060, and 46.10.090.

Referred to Committee on Ecology and Parks.

SB 5037 by Senators Haugen and Winsley

AN ACT Relating to government borrowing; amending RCW 14.08.112, 14.08.114, 35.24.305, 35.41.030, 35.41.080, 35.58.450, 35.58.460, 35.58.470, 35.59.070, 35.67.120, 35.67.190, 35.81.100, 35.82.130, 35.89.010, 35.89.030, 35.92.100, 35.92.110, 35.92.150, 35.97.100, 35A.40.080, 36.58.150, 36.60.060, 36.67.510, 36.67.520, 36.69.350, 36.69.360, 36.69.450, 36.83.040, 36.83.050, 36.89.100, 36.94.200, 39.46.150, 39.46.160, 39.50.030, 39.53.020, 39.84.100, 43.52.3411, 53.34.030, 53.40.010, 53.40.130, 54.16.070, 54.24.018, 54.24.030, 54.24.040, 54.24.090, 56.16.020, 56.16.115, 57.16.030, 57.16.040, 57.20.020, 57.20.025, 67.28.160, 67.38.120, 70.44.060, 70.95A.040, 86.09.592, 86.15.178, 87.28.010, 87.28.103, 87.28.150, and 89.30.427; adding a new section to chapter 39.46 RCW; creating new sections; and repealing RCW 14.08.118, 35.41.010, 35.41.050, 35.41.060, 35.41.070, 35.41.090, 35.67.130, 35.67.140, 35.67.150, 35.67.160, 35.67.170, 35.67.180, 35.82.140, 35.82.150, 35.89.020, 35.89.040, 35.89.080, 35.92.120, 35.97.110, 35.97.120, 35.97.130, 36.67.500, 36.67.530, 36.67.540, 36.67.550, 36.67.560, 36.67.570, 36.69.370, 36.69.380, 36.69.390, 36.69.400, 36.69.410, 36.83.060, 36.83.070, 39.44.070, 39.44.140, 39.48.020, 53.34.040, 53.34.050, 53.34.070, 53.34.080, 53.34.140, 53.40.020, 53.40.030, 53.40.040, 53.40.050, 53.40.110, 53.40.120, 53.40.135, 53.40.140, 53.40.150, 54.24.050, 54.24.060, 54.24.080, 54.24.100, 56.16.060, 56.16.065, 56.16.070, 56.16.080, 56.16.085, 56.16.130, 57.20.023, 57.20.027, 86.09.595, 86.09.598, 86.09.616, 87.28.015, 87.28.020, 87.28.030, 87.28.035, 87.28.040, 87.28.070, 87.28.100, 87.28.108, 87.28.110, 89.30.430, and 89.30.433.

Referred to Committee on Government Operations.

SB 5038 by Senators Haugen and Winsley

AN ACT Relating to local government service agreements; adding a new chapter to Title 36 RCW; adding a new section to chapter 36.93 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 5039 by Senators Haugen and Winsley

AN ACT Relating to provision of a process to alter local governments; amending RCW 29.30.101; adding a new chapter to Title 36 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 5040 by Senators Haugen, Winsley, Skratek and Erwin

AN ACT Relating to the use of impact fees for traffic management and programs; and amending RCW 82.02.050.

Referred to Committee on Transportation.

SB 5041 by Senators Haugen and Winsley

AN ACT Relating to relocation assistance for low-income tenants by local governments that choose to plan under the growth management act; and amending RCW 59.18.440.

Referred to Committee on Government Operations.

SB 5042 by Senators Haugen and Winsley

AN ACT Relating to authorized uses of the excise tax on the sale of real property; and amending RCW 82.46.010.

Referred to Committee on Ways and Means.

SB 5043 by Senators Haugen and Winsley

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.030, 35.58.040, 35.58.090, 35.58.120, 35.58.200, 35.58.210, 35.58.220, 35.58.230, 35.58.270, 35.58.280, 35.58.300, 35.58.320, 35.58.340, 35.58.350, 35.58.410, 35.58.450, 35.58.460, 35.58.490, 35.58.500, 35.58.520, and 35.58.530; and repealing RCW 35.58.118, 35.58.420, 35.58.440, and 35A.57.010.

Referred to Committee on Government Operations.

SB 5044 by Senators Haugen and Winsley

AN ACT Relating to city and town incorporations; amending RCW 35.02.010, 35.02.020, 35.02.090, 35A.12.070, and 35A.13.040; and adding new sections to chapter 35.02 RCW.

Referred to Committee on Government Operations.

SB 5045 by Senator Haugen

AN ACT Relating to disclosure of location of septic systems and issuance of necessary permits in sales of residential real estate; and adding a new section to chapter 65.04 RCW.

Referred to Committee on Government Operations.

SB 5046 by Senators Haugen, Winsley and Newhouse

AN ACT Relating to repayment of cost of counsel provided to indigent persons; and amending RCW 10.101.020.

Referred to Committee on Law and Justice.

SB 5047 by Senator Haugen

AN ACT Relating to special districts; amending RCW 85.22.010; adding a new section to chapter 85.38 RCW; and repealing RCW 85.07.080.

Referred to Committee on Government Operations.

SB 5048 by Senator Haugen

AN ACT Relating to bidding practices of municipalities; and amending RCW 39.04.155, 39.04.190, 39.04.200, 39.30.045, 36.32.240, 36.32.253, 36.32.245, 36.32.250, 35.22.620, 35.23.352, 52.14.110, 52.14.120, 53.08.120, 54.04.070, 54.04.082, 56.08.070, 56.08.080, 56.08.090, 57.08.015, 57.08.016, 57.08.050, and 70.44.140.

Referred to Committee on Government Operations.

SB 5049 by Senator Haugen

AN ACT Relating to the reduction of city limits; amending RCW 35.16.010, 35.16.020, 35.16.030, 35.16.040, and 35.16.050; adding a new section to chapter 35.16 RCW; adding a new section to chapter 35A.21 RCW; and repealing RCW 35A.16.001, 35A.16.010, 35A.16.020, 35A.16.030, 35A.16.040, 35A.16.050, 35A.16.060, and 35A.16.070.

Referred to Committee on Government Operations.

SB 5050 by Senator Haugen

AN ACT Relating to local government; amending RCW 14.08.304, 17.10.050, 17.28.140, 27.12.190, 28A.320.050, 35.17.108, 35.18.220, 35.22.200, 35.22.205, 35.23.220, 35.24.090, 35.27.130, 35.58.160, 35.61.150, 35.82.040, 35A.12.070, 35A.13.040, 36.62.200, 36.69.110, 36.70.310, 41.04.180, 52.14.010, 53.08.170, 53.08.175, 53.08.176, 54.12.080, 56.08.100, 56.12.010, 57.08.100, 57.12.010, 68.52.220, 70.44.050, 70.94.130, 70.94.240, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 86.09.283, 87.03.160, 87.03.460, 89.08.200, and 89.30.298; reenacting and amending RCW 28A.400.350; adding a new section to chapter 17.04 RCW; adding a new section to chapter 17.06 RCW; adding new sections to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.63 RCW; and adding a new section to chapter 36.17 RCW.

Referred to Committee on Government Operations.

SB 5051 by Senator Haugen

AN ACT Relating to fish and wildlife enforcement; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5052 by Senators A. Smith, Haugen and Quigley

AN ACT Relating to towns; and amending RCW 35.27.270 and 35.24.180.

Referred to Committee on Government Operations.

SB 5053 by Senators A. Smith, Haugen, Loveland and McAuliffe

AN ACT Relating to the local vessel excise tax; and adding new sections to chapter 82.49 RCW.

Referred to Committee on Government Operations.

SB 5054 by Senators A. Smith, Winsley and Erwin

AN ACT Relating to sports collectibles; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5055 by Senators Prentice and Pelz

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090 and 50.29.020; creating new sections; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5056 by Senator Haugen

AN ACT Relating to seaweed; adding new sections to chapter 79.01 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5057 by Senators A. Smith, Quigley, McCaslin and Erwin (by request of Law Revision Commission)

AN ACT Relating to correcting a double amendment related to exceptions to the right of privacy; and reenacting and amending RCW 9.73.070.

Referred to Committee on Law and Justice.

SB 5058 by Senators A. Smith, Quigley, McCaslin, Winsley and Roach (by request of Law Revision Commission)

AN ACT Relating to correcting an unconstitutional provision about jurisdiction for violations dealing with motor vehicles; and amending RCW 46.08.190.

Referred to Committee on Law and Justice.

SB 5059 by Senator McCaslin

AN ACT Relating to the use of physical force against intruders; adding a new section to chapter 9A.16 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5060 by Senators A. Smith, Nelson, McCaslin and Hargrove (by request of Indeterminate Sentence Review Board)

AN ACT Relating to indeterminate sentencing; amending RCW 9.95.040, 9.95.125, 9.95.130, and 9.96.050; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5061 by Senators Fraser, Winsley and A. Smith

AN ACT Relating to restrictions on residential time for abusive parents; amending RCW 26.10.160; and reenacting and amending RCW 26.09.191.

Referred to Committee on Law and Justice.

SB 5062 by Senators Nelson and Vognild

AN ACT Relating to fuel tax exemptions for power take-off units; and amending RCW 82.36.280 and 82.38.080.

Referred to Committee on Transportation.

SB 5063 by Senators Nelson, McCaslin, Winsley and Oke

AN ACT Relating to weapons on school premises; amending RCW 9.41.280 and 9.41.098; and prescribing penalties.

Referred to Committee on Education.

SB 5064 by Senator A. Smith

AN ACT Relating to garnishment; and amending RCW 6.27.010, 6.27.140, 6.27.150, and 6.27.310.

Referred to Committee on Law and Justice.

SB 5065 by Senator A. Smith

AN ACT Relating to garnishment; and amending RCW 6.27.140, 6.27.150, and 6.27.310.

Referred to Committee on Law and Justice.

SB 5066 by Senators A. Smith, McCaslin and Nelson

AN ACT Relating to limiting the powers of a trustee; amending RCW 11.97.010; adding new sections to chapter 11.98 RCW; and adding new sections to chapter 11.95 RCW.

Referred to Committee on Law and Justice.

SB 5067 by Senators A. Smith, McCaslin and Nelson

AN ACT Relating to joint tenancy; and amending RCW 64.28.010 and 64.28.040.

Referred to Committee on Law and Justice.

SB 5068 by Senators A. Smith, McCaslin, Nelson, Erwin, Vognild and Roach

AN ACT Relating to homestead exemptions; amending RCW 6.13.010, 6.13.040, and 6.15.060; and reenacting and amending RCW 6.13.080.

Referred to Committee on Law and Justice.

SB 5069 by Senators A. Smith, Nelson, McCaslin, Quigley and Erwin

AN ACT Relating to crimes; amending RCW 9.94A.390, 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, 43.43.754, 43.43.680, and 9.94A.140; creating new sections; repealing RCW 10.19.130; and prescribing penalties.

Referred to Committee on Law and Justice.

SJM 8000 by Senators Cantu, Winsley, Rinehart, Vognild, Bluechel, Newhouse and McDonald

Recognizing Homer M. Hadley as the father of the floating bridge.

Referred to Committee on Transportation.

SJR 8200 by Senators A. Rasmussen, Winsley and Newhouse

Amending the Constitution to require that public pension and retirement funds be invested exclusively to maximize return at a prudent level of risk.

Referred to Committee on Labor and Commerce.

SJR 8201 by Senators Haugen and Winsley

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

Referred to Committee on Government Operations.

SJR 8202 by Senators Haugen and Winsley

Allowing the review and modification of local government.

Referred to Committee on Government Operations.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5000 was advanced to second reading and placed on the second reading calendar.

MOTION

Senator Jesernig moved that the following 1993 Draft Proposed Senate Standing Committee Assignments be approved:

1993 DRAFT PROPOSED SENATE
STANDING COMMITTEE ASSIGNMENTS

Agriculture (7) -- M. Rasmussen, Chair; Loveland, Vice Chair; Anderson, *Barr, Bauer, Newhouse, Snyder.
Ecology and Parks (7) -- Fraser, Chair; *Barr, Deccio, McCaslin, Moore, Sutherland, Talmadge.
Education (12) -- Pelz, Chair; McAuliffe, Vice Chair; Gaspard, Hochstatter, McDonald, *Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, Winsley.
Energy and Utilities (11) -- Sutherland, Chair; Jesernig, Vice Chair; Amondson, *Hochstatter, McCaslin, Roach, A. Smith, Vognild, West, Williams.
Government Operations (7) -- Haugen, Chair; Drew, Vice Chair; Loveland, Oke, Owen, *von Reichbauer, Winsley.
Health and Human Services (15) -- Talmadge, Chair; Wojahn, Vice Chair; *Deccio, Erwin, Fraser, Hargrove, McAuliffe, **Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, Winsley.
Higher Education (9) -- Bauer, Chair; Drew, Vice Chair; Cantu, Jesernig, *Prince, Quigley, Sheldon, von Reichbauer, West.
Labor and Commerce (13) -- Moore, Chair; Prentice, Vice Chair; *Amondson, Cantu, Fraser, McAuliffe, McDonald, Newhouse, Pelz, Prince, Sutherland, Vognild, Wojahn.
Law and Justice (9) -- A. Smith, Chair; Quigley, Vice Chair; Hargrove, *McCaslin, Nelson, Niemi, Rinehart, Roach, Spanel.
Natural Resources (11) -- Owen, Chair; Hargrove, Vice Chair; Amondson, Erwin, Haugen, *Oke, Sellar, L. Smith, Snyder, Spanel.
Rules (21) Pritchard, Chair; Wojahn, Vice Chair; Anderson, Bauer, Cantu, Drew, Gaspard, Jesernig, Loveland, McAuliffe, Nelson, Newhouse, Niemi, Oke, Prentice, *Sellar, L. Smith, Snyder, Spanel, Williams.
Trade, Technology and Economic Development (8) -- Skratek, Chair; Sheldon, Vice Chair; Bluechel, Deccio, *Erwin, M. Rasmussen, Williams.
Transportation (15) -- Vognild, Chair; Loveland, Vice Chair (Eastern Washington); Skratek, Vice Chair (Western Washington); Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, Winsley.
Ways and Means (24) -- Rinehart, Chair; Spanel, Vice Chair; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, *McDonald, Moyer, Niemi, Owen, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, Wojahn.

*Ranking Republican Member

**Assistant Ranking Republican Member

The President declared the question before the Senate to be the motion by Senator Jesernig to adopt the 1993 Draft Proposed Senate Standing Committee Assignments.

The motion by Senator Jesernig carried and the 1993 Draft Proposed Senate Standing Committee Assignments were adopted.

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

MESSAGE FROM THE HOUSE

January 11, 1993

MR. PRESIDENT:

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

ALAN THOMPSON, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4400 by Representatives Hine and Ballard.

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

MOTIONS

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

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4400, the President appointed Senators Gaspard, Wojahn, Deccio and McCaslin to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

MOTION

On motion of Senator Jesernig, the appointees were confirmed.
The committee retired to the office of the Governor.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Spanel, Hargrove, Prince and Winsley appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Gaspard, Wojahn, Deccio and McCaslin appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4400, that the Legislature is organized and ready to transact business.

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

MESSAGE FROM THE HOUSE

January 11, 1993

MR. PRESIDENT:

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

ALAN THOMPSON, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4401 by Representatives Hine and Ballard.

Resolving to meet in joint session to receive the State of the State message from Governor Gardner and for the inauguration of the Governor-elect.

MOTIONS

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

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTION

At 1:52 p.m., on motion of Senator Jesernig, the Senate adjourned until 11:00 a.m., Tuesday, January 12, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 11, 1993

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

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 12, 1993

The Senate was called to order at 11:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Niemi and Linda Smith.

The Sergeant at Arms Color Guard, consisting of Pages Kathy Leavitt and Tom Kortlever, presented the Colors. Reverend Rex Niblack, pastor of the Rainier Chapel of Rainier, offered the prayer.

MOTION

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

CHANGES IN STANDING COMMITTEE ASSIGNMENTS

The President announced the following changes in the Standing Committee assignments: Senator McDonald is removed from the Committee on Labor and Commerce and added to the Committee on Health and Human Services. Senator Barr is added to the Committee on Labor and Commerce.

MOTION

On motion of Senator Jesernig, the changes in the Standing Committee assignments were confirmed.

INTRODUCTION AND FIRST READING

SB 5070 by Senators Prentice and Roach

AN ACT Relating to labor relations consultants; amending RCW 43.09.230; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5071 by Senator Haugen (by request of Law Revision Commission)

AN ACT Relating to correcting unconstitutional provisions regarding the construction, sale, and conditions of revenue bonds for pollution control facilities; and amending RCW 70.95A.030 and 70.95A.060.

Referred to Committee on Government Operations.

SB 5072 by Senators Haugen and von Reichbauer (by request of Law Revision Commission)

AN ACT Relating to deleting obsolete provisions related to the printing and duplicating center; and repealing RCW 43.19.640, 43.19.645, 43.19.650, 43.19.655, 43.19.660, and 43.19.665.

Referred to Committee on Government Operations.

SB 5073 by Senators Wojahn, Pelz and Vognild

AN ACT Relating to health reform; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.060, 70.47.080, 70.47.120, 82.03.130 and 82.03.140; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 48 RCW; adding a new title to the Revised Code of Washington to be numbered Title 82A RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 5074 by Senators Vognild, Newhouse, Gaspard, Snyder, Sellar and Erwin

AN ACT Relating to political advertising; and adding new sections to chapter 42.17 RCW.

Referred to Committee on Law and Justice.

SB 5075 by Senators Winsley, Fraser and Erwin

AN ACT Relating to hazing at state and independent institutions of higher education; adding new sections to chapter 28B.10 RCW; and prescribing penalties.

Referred to Committee on Higher Education.

SB 5076 by Senators Talmadge, Gaspard, Snyder and Pelz (by request of Governor Gardner)

AN ACT Relating to health care reform; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.080, 70.47.120, 48.20.032, 48.21.050, 48.30.300, 48.44.220, 48.46.370, 70.170.010, 70.170.020, 70.170.080, 70.170.070, 5.60.070, 18.130.160, 18.130.190, 70.41.200, 48.14.020, 82.26.020, 82.24.020, 82.08.150, 82.08.160, 66.08.180, 66.24.210, 66.24.290, 41.16.050, and 41.24.030; adding a new section to chapter 70.47 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 70.170 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 18.130 RCW; adding a new section to Title 70 RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 43.70 RCW; adding new sections to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to Title 51 RCW; adding new chapters to Title 70 RCW; creating new sections; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5077 by Senator Vognild

AN ACT Relating to survival of actions and damages; and amending RCW 40.046.

Referred to Committee on Law and Justice.

SB 5078 by Senators Owen, Oke, Sheldon, McDonald, Sutherland and Erwin

AN ACT Relating to Hood Canal fisheries; adding a new section to Title 77 RCW; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

SB 5079 by Senators Owen, Snyder, Hargrove and Erwin

AN ACT Relating to the digging of razor clams for persons with physical disability permits; and amending RCW 75.25.080.

Referred to Committee on Natural Resources.

MOTION

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

SENATE RESOLUTION 1993-8601

By Senators Gaspard, Snyder, Sellar, Anderson, Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Roach, Sheldon, Skratek, A. Smith, L. Smith, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn

WHEREAS, A.L. "Slim" Rasmussen served the people of Tacoma, Pierce County, and the state of Washington for nearly half a century; and

WHEREAS, Slim, who lived in Tacoma for all but the first year of his life, began a career of public service that began in 1944 with his appointment to the Tacoma School Board, and continued with service in the Legislature, on the Pierce County Council, and as Mayor of Tacoma; and

WHEREAS, His constant dedication to the interests of the working people of our state was an example to all in public service; and

WHEREAS, Senator Rasmussen was well known in the Legislature as one who studied each bill that came before him, and brought to the legislative process a unique and independent point of view; and

WHEREAS, Slim was expert at deflating the egos of those whom he believed strayed too far from promotion of the public interest; and

WHEREAS, Senator Rasmussen's vast legislative experience and excellent memory proved a frequent source of perspective and information, as well as a good deal of humor; and

WHEREAS, Senator Rasmussen, at the time of his death, was the most senior member of the Washington State Legislature; and

WHEREAS, Slim, in addition to his many years of public service, was also a dedicated and devoted husband, father, and grandfather;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its sympathy and condolences to the family of Senator A.L. "Slim" Rasmussen; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate hereby pay tribute to Slim's legacy of public service and his contribution to the public good; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the members of Senator Rasmussen's family.

A tape was played on remarks by Senator Rasmussen on a Senate Bill being debated in 1983.

Senators Gaspard, Snyder, Oke, Owen, Anderson, Deccio, Rasmussen, McCaslin, Wojahn, McDonald, von Reichbauer and Winsley spoke to Senate Resolution 1993-8601 and Senator A.L. "Slim" Rasmussen's legacy of public service and his contribution to the public good.

The President introduced members of Senator Rasmussen's family who were seated in the gallery.

President Pro Tempore Wojahn assumed the Chair.

MOTION

At 11:43 a.m., on motion of Senator Jesernig, the Senate was declared to be at recess.

The members of the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

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

The Speaker (Representative R. Meyers presiding) instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice-President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard, and Minority Leader George L. Sellar to seats on the rostrum.

The Speaker (Representative R. Meyers presiding) invited the Senators to seats within the House Chamber.

Speaker Ebersole assumed the chair.

The Speaker appointed Senators Quigley, Roach and McCaslin and Representatives Basich, Valle, Stevens and Schoesler as a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The Speaker appointed Senators Snyder, Sheldon and Oke and Representatives Bray, Scott, Van Luven and Cooke as a special committee to escort the elected officials from the State Reception room to the House Chamber.

INTRODUCTION OF SPECIAL GUESTS

The Speaker introduced His Excellency, the Consul General of Korea, Mr. Hae Soon Lee; His Excellency, the Consul General of Mexico, Lopez-Lira; the former Honorary Consul of Chile, Mr. Kerry Monterey; and Mr. Donald Brody, Honorary Consul General and Mrs. Brody from Malawi; who were seated in the gallery.

The Speaker introduced the Supreme Court Justices present, Chief Justice James A. Andersen, Justices Charles Z. Smith, Robert Brachtenbach, Charles Johnson, Barbara Madsen, Barbara Durham, Robert Utter, and Richard Guy.

The Speaker greeted the outgoing, incoming and continuing state elected officials, State Auditor Robert Graham, State Attorney General Ken Eikenberry, Commissioner of Public Lands Brian J. Boyle, Insurance Commissioner Richard Marquardt, Auditor-elect Brian Sonntag, Attorney General-elect Christine Gregoire, State Superintendent of Public Instruction Judith Billings, Commissioner of Public Lands-elect Jennifer Belcher, Insurance Commissioner-elect Deborah Senn, Secretary of State Ralph Munro and Lieutenant Governor Joel Pritchard.

The Speaker appointed Representatives Hine, Sommers and Grant to escort Congresswoman Maria Cantwell to her place on the rostrum.

The Speaker appointed Senators Vognild and Prince and Representatives Dorn and Miller as a special committee to escort Governor-elect Mike Lowry from the State Reception room to the House Chamber.

The Speaker appointed Senators Jesernig and Anderson and Representatives Anderson and Schmidt as a special committee to advise His Excellency, Governor Booth Gardner, that the Joint Session had assembled and to escort him from his Office to the House of Representatives.

The Speaker called the Joint Session to order.

The Clerk of the Senate called the roll of the Senate and all members were present except Senators Niemi and Linda Smith.

The Clerk of the House called the roll of the House and all members were present.

REMARKS BY THE SPEAKER

Speaker Ebersole: "This joint session has more than one purpose. It has been called to hear the State of the State Address of the Governor. This occasion also provides the legislature with the most appropriate opportunity to recognize retired and retiring state officials for their long and distinguished service to the state of Washington. The Joint Session also complies with the constitutional requirement to canvass the vote for the constitutional elective offices of the state of Washington. In view of the election results certified by the Secretary of State, and to which there have been no protests, this joint session now declares the following qualified citizens to be elected in accordance with the constitution of the State of Washington:

MIKE LOWRY, GOVERNOR
JOEL PRITCHARD, LIEUTENANT GOVERNOR
RALPH MUNRO, SECRETARY OF STATE
DAN GRIMM, STATE TREASURER
BRIAN SONNTAG, STATE AUDITOR
CHRISTINE GREGOIRE, ATTORNEY GENERAL
JUDITH BILLINGS, SUPERINTENDENT OF PUBLIC INSTRUCTION
JENNIFER BELCHER, COMMISSIONER OF PUBLIC LANDS
DEBORAH SENN, INSURANCE COMMISSIONER

FURTHER REMARKS BY THE SPEAKER

Speaker Ebersole: "Having discharged the constitutional requirement imposed upon the Speaker of the House, it is now my pleasure to call upon the President of the Senate, Joel Pritchard, to preside over the Joint Session."

The Speaker presented the gavel to President Pritchard.

President Pritchard: "Thank you, Brian. Well it's a joyous occasion. We have a new start; we have a lot of new faces; we have the same old artwork. As the Speaker has announced, this occasion provides all of us with the opportunity to recognize old friends who are leaving office after long and effective service to the state of Washington.

"For this part of the program, I am going to call upon Secretary of State Ralph Munro to join me and the Speaker in making presentations to these distinguished individuals. Secretary Munro, will you please make the first introduction."

INTRODUCTION OF INSURANCE COMMISSIONER DICK MARQUARDT

Secretary of State Munro: "Mr. President and Mr. Speaker, a long-time Insurance Commissioner for our state, Mr. Dick Marquardt is a former Senator from north Seattle and the Director of the Washington State Selective Service Commission. Commissioner Marquardt was first elected in 1976. Under his leadership, Washington became the first state to outlaw low benefit, high-cost life insurance, including the so-called funeral plans. The rule survived all court challenges by insurance companies, even to the State Supreme Court. The Commissioner's crusade against deceptive television advertising and misleading cold-lead insurance mail marketing to get prospect's names has won him national acclaim from consumer groups in 1987 and 1988. The Commissioner's Senior Health Insurance Benefit's Advisors, commonly called SHIBA, is a volunteer program that was the first of its kind in the nation, and is the model for a new federal grant program establishing similar ideas and plans in forty-nine states.

"Mr. President and Mr. Speaker, I give you the Insurance Commissioner of the state of Washington, the Honorable Richard Marquardt."

The President and the Speaker presented Insurance Commissioner Marquardt with a plaque of appreciation.

REMARKS BY INSURANCE COMMISSIONER MARQUARDT

Insurance Commissioner Marquardt: "Well, it's a wonderful thrill to have served the public for these past sixteen years. You folks have been very cooperative with my office, and I thank you. I'd like to ask that same cooperation for my successor. Thank you, again."

INTRODUCTION OF PUBLIC LANDS COMMISSIONER BRIAN BOYLE

Secretary of State Munro: "Mr. President and Mr. Speaker, Brian Boyle studied at the Montana School of Mines and earned his tuition each summer working as a hard rock miner himself. He went on to the University of Portland and the University of Chicago. Mr. Brian Boyle, formerly a Cowlitz County Commissioner, was elected as our Public Lands Commissioner in 1980.

"Under his leadership, the Department of Natural Resources has achieved many milestones, including the Timber, Fish, Wildlife Agreement, The Commission on Old Growth Alternatives and the Olympic Experimental State Forest--establishing a network of natural area preserves and natural resource conservation areas. He created the Aquatic Lands Enhancement Account which gives us aquatic lands lease payments for public access trails, restoration of estuaries, and improvement of beaches and boater access and lastly, a state landscape that will be better because of his work. Mr. President and Mr. Speaker, I present to you our Washington State Commissioner of Public Lands, Mr. Brian Boyle."

The President and the Speaker presented Commissioner of Public Lands Boyle with a plaque of appreciation.

REMARKS BY COMMISSIONER OF PUBLIC LANDS BRIAN BOYLE

Commissioner of Public Lands Boyle: "Thank you, Mr. Speaker and Mr. President. It's interesting to be here twelve years later, and realize how I sat there, kind of in awe of this room, in 1980, as the new state elected officials are today. It's also interesting, and I think it's a mark of progress, that a Commissioner of Public Lands could show up wearing canary yellow. There is a substantial difference in, I suspect, it's obvious in the make-up and I suspect in the temperament of the new elected officials, and I wish you well.

"I think it's a mark of progress that those of us who recognize our time has past, step aside, and make room for other progressive ideas. You should remember that Voltaire, when asked to eulogize someone that he detested, said that he was a great writer, a statesman, a wonderful husband and father, and I'll say that all, presuming he's actually dead.

"We should remember that those of us who claim that we've accomplished things through leadership sometimes have had to step aside, because it's really the followers that provide the leadership, and we've had to step aside to make room for them. One of the things that I have enjoyed, and I hope you as new legislators do, is that the caliber of people in state government, as state employees, is incredibly high and they're terribly dedicated to the quality of living in the state of Washington. Thank you."

INTRODUCTION OF ATTORNEY GENERAL KEN EIKENBERRY

Secretary of State Munro: "Mr. President and Mr. Speaker, Mr. Ken Eikenberry, Washington State's fourteenth Attorney General, was born and educated in the Wenatchee Valley, received a law degree from the University of Washington, was a deputy prosecutor for King County and an agent for the Federal Bureau of Investigation. For three terms, he worked in this room as a member of the House of Representatives. General Eikenberry has now served twelve years as our Attorney General, appointed on numerous occasions by the White House to National Commissions. Ken Eikenberry is known for his consumer protection work. Mr. President and Mr. Speaker, I give you the Attorney General of the state of Washington, the Honorable Ken Eikenberry."

The President and the Speaker presented Attorney General Eikenberry with a plaque of appreciation.

REMARKS BY ATTORNEY GENERAL KEN EIKENBERRY

Attorney General Eikenberry: "Well, thank you for this handsome memento, and this occasion. It's nice of the Legislature and the officers to do this. I should start out by addressing Mr. Speaker, Mr. President, members of this joint session and ladies and

gentlemen. I hope Mr. President, you don't mind, I'm not being disrespectful, but as a former House member, I always address the Speaker first.

"It has been a high honor and a privilege to serve as the Attorney General for the people of our state, and to serve with you during the past twelve years. As a former House member, I do appreciate the pressures and the challenges that confront this body as you hammer out legislation designed to benefit the citizens of our state. It's in that spirit that I want to comment and express appreciation for the attention and the amendments you've given to the consumer, and fair business practices laws of our state, to the attention you've given to improving the law on crime, particularly as it relates to sex predators, and to victims of crime, culminating in the Amendment to our Constitution in 1989 on behalf of crime victims.

"I'd like to close on the thought of the authority that was placed in the Office of the Attorney General by this body in 1981, giving it the responsibility of prosecuting certain kinds of crimes and offenses and investigating them. That has been a demonstration project for this body since that time, expanding into especially difficult kinds of prosecutions, such as murder cases in several counties, crimes against government agencies, like the reformatory at Monroe, racketeer influence in corrupt organization prosecutions, Labor and Industries medical provider fraud cases, and that sort of thing. I do suggest to you that this will be an area that you will look at expanding into as criminal activity does become more sophisticated and more difficult to prosecute in the future. But for today, again, my appreciation to you, for the opportunity to work with you in crafting and designing these items of legislation, designed to benefit the citizens of our state. Thank you again for this occasion."

INTRODUCTION OF STATE AUDITOR ROBERT GRAHAM

Secretary of State Munro: "Mr. President and Mr. Speaker, since statehood in 1889, our Washington State has only had seven constitutional auditors. Robert V. Graham is the seventh, and was first elected to this position in November of 1964. Previously, he worked for Labor and Industries and the Budget Office. This is his forty-seventh year of state service. He received his education at Moclips High School on the Pacific Coast and Grays Harbor College. He and his lovely wife, Loydine, have been married for forty-seven years. Among his many accomplishments, Auditor Bob Graham has developed a nationally recognized fraud prevention and investigation program. He has led the states in auditing electronic data processing systems and applying computer assisted audit techniques. He's provided direct leadership in the production of the state's first audited financial statements in 1982. In 1987, and each year since, the state has received a certificate of achievement of excellence in financial reporting from the Government Finance Officer's Association for its comprehensive annual financial report. Mr. Speaker and Mr. President, I present to you our Washington State Auditor for the last twenty-eight years, the Honorable Bob Graham."

The President and the Speaker presented State Auditor Graham with a plaque of appreciation.

REMARKS BY STATE AUDITOR GRAHAM

State Auditor Graham: "Well, Mr. Speaker, Mr. President and all of you esteemed elected officials and citizens here present--and family here present--I just want to say that I can't really believe that I'm hanging up a fifty-year career, at this particular point in time, but they do say that time passes swiftly when you are having fun--and that's been the case. As a matter of fact twenty-eight years ago tomorrow, I stood here and was sworn in as the seventh state auditor of the state of Washington by Judge Ott and that seems phenomenal, being in that position for twenty-eight years. The interesting thing, too, is the first four auditors served for just sixteen years total, so there have been three of us old birds that have served for eighty-eight years, which I think is probably a national precedent or a winning championship, as far as tenure in office.

"I really have a couple of thank you's that I want to make today. One is to the people who have given me the opportunity to fulfill a youthful desire. I wrote in my high school annual that what I hoped to do when I graduated was to go on to college and finish my education in either accounting or law and apply it in government, and nothing could have fit more than the Office of State Auditor in that. So even in my youth, I looked upon the possibility of my vocation being public service. The second thank you should go to the legislative body--the legislative body over a number of years--because I have officed continuously in this building, since May 1 of 1948. The Legislature has been a good host to allow me to office here in this Legislative Building for all those years. I am going to share a little secret with you, not everybody believes that this is the Legislative Building. There are some here today in the gallery over here, mainly my children and my grandchildren, because for a number of years this building was known as Daddy's Capital. In more contemporary history, this building is known as Grandpa's Capital, but you have been good hosts.

"It's been said, in the introduction, that we have really brought accountability and full financial disclosure to the state of Washington during my tenure, and that's true. It was a good thing that we did that with those audited financial statements, because two years after we did that, Standards, Poor and Moody came out with the ruling that unless a state had audited financial statements that they would do one of two things, either they wouldn't rate the state bonds at all or they would rate them down, so that has bode well for us in our bond rating in the state of Washington.

"I've always run the office feeling that I'm responsible to the people of this state who have elected me, but equally responsive to the state legislative body. The audits that we provide have been, I feel, a tool to this body to do the work of managing the public purse and setting the public policy, which is your role. The state has been the beneficiary of what has been said here this morning about the national recognition of the Office of Auditor. We have that strong recognition in the financial audit area.

"There's one area yet to be done, however. In the state of Washington, the Office of Auditor is the only state in the nation where the Office of Auditor is precluded from doing performance audits and I think that is something that the Legislature should look at and actually pass a law to change the law preventing that function in the Office of Auditor.

"The law says that I can give information to this body at any time or to make recommendations at any time, so I'll use this parting shot to say that my recommendation is that you amend the law prohibiting the Office of Auditor to do performance audits, because in so doing you will enhance the tool kit for yourself to do future work in the role that you have to play. You'll also be giving the citizen taxpayer of this state the biggest bang for its buck.

"Let me just say in concluding that my career has been fulfilling. It most certainly has been satisfying and it is satisfying because I think that the citizens of this state, the one thing that they want most is the accountability from their government. That is

what the Office of Auditor is all about. The late President, John Kennedy, said something and I'll paraphrase it, he said, 'The most important thing that a government can have is the confidence of our people.' It is my belief that the accountability role that the Office of Auditor plays in this state for clean government has given the citizens of this state some confidence in their government, both at the state and local government level. Therein lies my satisfaction of my career and I just want to thank the people of the state for the opportunity to fill my youthful desire. Finally, I want to thank my family who have borne with me over these years, and particularly my wife, Loydine, to see that I've kept in line and to carry out the role of the Office of State Auditor. It's been a great thing and I've enjoyed it very much. Thank you."

INTRODUCTION OF GOVERNOR BOOTH GARDNER

Secretary of State Munro: "Mr. President and Mr. Speaker, the Governor of the state of Washington, The Honorable Booth Gardner, and his wonderful wife, Jean, have led our state for the last eight years. Governor Gardner will be remembered for strong environmental legislation that will keep Washington livable far into the future--growth management; water resource management; oil-spill prevention; cleaner air; Puget Sound clean-up; Hanford clean-up; hazardous waste clean-up; a plan to save the salmon; improving education, as in early childhood education for all four year-olds; smaller class sizes; improved funding; school choice; leadership towards the educational reform; setting the stage for health care reform; creating the Department of Health to focus on health efforts; establishing the Basic Health Care Plan to expand access; spearheading health care reform at the state and national levels as Chair of the National Governor's Association; making Washington a safer and healthier place for children, as in more health care and better nutrition for poor children; more CPS workers; tougher penalties for child abuse; cracking down on dead-beat dads and the finest of service to our state's disabled and handicapped children; fostering an attitude of openness and cooperation in state government so that it's now more accessible to citizens; more welcoming of women and minorities; on good terms with our Native American tribes--and more efficient and better managed.

"Mrs. Gardner will be remembered for her fine work as the Co-Chair of the state's one hundredth birthday celebration, the 1989 Centennial. She has been an active and involved supporter of our state's heritage programs. Known for her ready smile and warm personality, Jean Gardner has been an absolutely first-rate First Lady. Mr. President and Mr. Speaker, I give you Governor and Mrs. Gardner, affectionately known to the citizens of our state as Booth and Jean."

The President and Speaker presented Governor Gardner with a plaque of appreciation.

INTRODUCTION OF THE GOVERNOR BY SPEAKER EBERSOLE

Speaker Ebersole: It's a great honor for me to join with Secretary of State Munro and President of the Senate Pritchard in introducing one of the most popular Governors this state has ever had and one of the finest human beings many of us have ever known. I know that the press has been full of articles, lately, discussing and dissecting Booth's administration and his achievements, but none of them have really focused on the role that Booth and Jean have played as first citizens of this great state. In that role, both Jean and Booth have set a new standard. They are both people who have lead by example.

"As the chief organizer of this state's centennial celebration, Jean Gardner brought new depth to our understanding of our cultural diversity and history of Washington State. Without preaching, she taught us a lot about who we are as a state and about how important it is to recognize the contributions of every ethnic group in every community. As First Lady, Jean has been independent, involved, willing to take risks, and at the same time fully devoted to her family.

"Booth has been every bit her equal. His openness to people from every walk of life and his ability to make friends are legendary. I am convinced that there are at least ten thousand people across this state who count Booth among their very best friends. What's even more extraordinary, they really are. Booth is a man who can connect with people--genuinely, honestly, and with real concern for their well being. This is a Governor who has had time for every man and women in this state, unless of course there were children around. If you have ever been in a room and watched Booth at a public event, you will know of what I speak. We know that when Booth spots a child, he will snub Supreme Court Justices, political big shots and CEO's of major corporations and make a beeline to that child. When this Governor says children come first; he means it and he lives it.

"We've all learned a great deal from him and we all know that today we are about to learn something more. Please join me in again welcoming the nineteenth Governor of the state of Washington, the Honorable Booth Gardner."

STATE OF THE STATE ADDRESS BY GOVERNOR BOOTH GARDNER

Governor Gardner: "Mr. President, Mr. Speaker, members of the Supreme Court, existing elected officials, newly elected officials, members of the Legislature and citizens of the state of Washington.

"Before I begin my prepared remarks, I would like you to join me in a round of appreciation, first of all--although Ralph mentioned her--for the individual who I have strived to equal. Would you like to give this speech? A person who led this state through a very successful centennial and has been an outstanding First Lady of the state. Jean, would you stand to be recognized by your friends, please?

"Members of our immediate family are here. Our daughter is teaching school and could not get off today, but our son-in-law, son and daughter-in-law are here. Would you please stand, along with my cousins, grandparents, and whoever else is here? Thank you.

"In a strenuous effort to serve the Legislature and the people of the state as effectively as we could, and having made a sincere effort to do so, I would like you now to recognize--and would the staff of the governor's office and the policy office, who are here today, please stand and be thanked for the fine work which you have done?

"Lastly, I would like to recognize the cabinet members who are with us today and to thank you for a tremendous service to the state of Washington. Would you please stand and be recognized?

"I am going to begin my talk today focusing on a particular community in the state of Washington. As I do this, I want you all to keep in mind that for almost everyone of you, you represent a community like the one I am going to be talking about. It just happens that I have picked the town of Hoquiam--a timber town in Grays Harbor. For longer than anyone can remember, the Grays Harbor area has been one of the largest timber producing regions in the United States of America. For several generations, trees meant jobs in Grays Harbor. There are plenty of trees left in those forests, but there are no longer many jobs. Supply, demand and environmental issues have conspired against Hoquiam. I have been there many times--most recently this past fall, just after a permanent mill closure put another nine hundred people out of work.

"As we drove into Hoquiam, through the falling rain that afternoon, the town looked like one of those Fisher Price creations--neat rows of homes with churches and schools and stores, side-by-side, all surrounded by an endless landscape of growing trees. As I watched the rain fall, I thought of the generations of men and women who had grown up, worked, married, raised their families, lived and died, surrounded by trees. It was and it is a good life. Working in the woods is not easy, but it's an honest day's work and it is a good wage. It was something solid to pass from father to son and from mother to daughter. It was something solid upon which to build a community. The strength of that community was evident at Hoquiam High School, home of the Grizzlies, where I spoke at an assembly.

"When I looked at those young women and men, just about to embark upon adulthood, full of hope for their future, but perplexed and scared by what was happening to their parents, I was moved. I dug deep and I told them that nothing is permanent, not even the town where they had been born, or the woods and mills that gave that town its life. I told them that while their parents and their grandparents have lived a good life and productive life in Hoquiam, that same life may not be available to all of them. I advised them to look ahead and not cling to the past. I urged them to continue their education and to look, perhaps, beyond Hoquiam--beyond the mills which they could see and the trees which surrounded them--toward the more prosperous economies on I-5.

"I thought it was a pretty good speech. It was honest; it made sense; it had hope; and it was doable. Apparently it was heard, because at least one student went home and told her parents about that talk. At a community forum that evening, one of the parents asked me to share what I had told the students. When I finished, a man rose from the crowd. You could see twenty-five years of working in the woods on his face and on his hands--twenty five years which had ended a month before with a pink slip. He said, 'Governor,' and then more ominously, he said, 'Booth, what you say is all right for my kids, but what about me? I'm forty-five years old; I have four children; my mother is sick. Do you really think that I can start over again?'

"I didn't have much of an answer. Since that evening, I have thought a lot about that man and I have thought a lot about what I could say to you that would be useful--to the many new legislators who are here for the first time--to the many veterans of this body who have risen to positions of leadership--and something that could be useful to the people of the state of Washington.

"For the past eight years, I have had a perspective that has been shared by only seventeen other people. The view from the Governor's office is different from any other view. From that corner office, you inevitably come to see the big picture--the distant horizon on the future and the oncoming rush of history. It is a pinnacle of power, but it is also a daily lesson in humility. It is a daily lesson in the limits of what government can do, the inevitability of change and the challenge of passing democratic values from one generation to the next.

"Here's what I've seen from this perspective. First, and most important, I have seen that everybody matters. That man in Hoquiam matters; his children matter; his sick mother matters. Every student in our public schools matter; every teenager's dream is essential to our future and every adult of this state is an important citizen. There are no 'little people' in the state of Washington--perhaps little minds that fail to grasp the basic truth of our common humanity and our common future.

"Secondly, I have seen that change is a double-edged sword. Change is constructive; it is desirable. In a dynamic, free-market economy, it is inevitable, but it can also be painful, frightening and often terribly unfair. Government doesn't have much control over a great deal of it, but we are required to respond to it, to try to shape and direct it where we can, and to protect those who suffer from its effects.

"In some cases, we are called upon to promote change and to overcome the enormous obstacles and entrenched resistance in order to achieve it. For example, when we discover that change in other countries has resulted in their students learning more than our children, we are called upon to move heaven and earth to change the way we educate our young people. When our health care system spins out of control and devours both family and government budgets, we are called upon to change the way which we organize and deliver our medical services--and to do it quickly.

"The essential point about change is this: Our ability to sustain a stable, democratic and prosperous society depends on our capacity to change. It depends upon us having the courage to change--even when change is uncomfortable--even when there is resistance to change--and even when some of the consequences of change are unknown. In a democratic society, the status quo is the enemy of stability--not its friend.

"The final truth I have come to see in the past eight years is that we are all pretty ignorant. We never have enough information to make our decisions, but we have to make them anyway. Our power to predict the future is extremely imperfect and our knowledge of our own constituents is constantly overtaken by social and cultural changes which we barely comprehend.

"So, for all of us--everyone of us on this floor--to lead is to learn. To be Governor is simply to be the premier student in the state of Washington. To be Governor is to know that the more we differ from one another, the more we have to learn from each other. And to be Governor is to know that if the state is to prosper, all of us--of every age and in every community--must become more diligent students.

"I leave this office after eight years with a profound affection and respect for the people of this state, and for the thousands of public servants who make our state government work. I am genuinely grateful to you in the Legislature and to the citizens of this state for all that you have taught me and I will never forget that which I have learned.

"Thank you and goodbye."

The President invited all legislators and the public to attend a reception outside the State Reception Room for the outgoing State Elected Officials.

The President of the Senate instructed the special committee to escort the Governor and his wife from the House Chamber.

The President of the Senate instructed the special committee to escort the Governor-elect from the House Chamber.

The President of the Senate instructed the special committee to escort the Congresswoman from the House Chamber.

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

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

MOTION

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

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

The Speaker instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice-President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard and Minority Leader George L. Sellar and members of the State Senate from the House Chamber.

The Senate was called to order at 1:04 p.m. by President Pro Tempore Wojahn.

MOTION

At 1:04 p.m., on motion of Senator Jesernig, the Senate adjourned until 11:30 a.m., Wednesday, January 13, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 12, 1993

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

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 13, 1993

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

The Sergeant at Arms Color Guard, consisting of Pages Sharon Seabrook and Eric Nelson-Penland, presented the Colors. Reverend Paul Pierce, pastor of the First Baptist Church of Tumwater, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OLYMPIA, WASHINGTON 98504-0095

January 7, 1993

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

Dear Gordon:

Enclosed is our Report to the Legislature on the Offenses Committed by Juveniles While on Authorized Leave, Unauthorized Leave, and Minimum Security Status, as required by Chapter 271, Laws of 1989.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
PAUL TRAUSE
Secretary

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

REPORT OF SELECT COMMITTEE

WASHINGTON STATE
CHILD CARE COORDINATING COMMITTEE

January 12, 1993

Mr. Legislator:

Attached is a copy of the Child Care Coordinating Committee's 4th Annual Report to the Legislature. In compiling the data and generating the recommendations outlined in this report, the Child Care Coordinating Committee (CCCC) held frequent meetings and solicited input from business representatives, community groups and affected public agencies. We hope that you will rely upon this developmental work as you struggle with the difficult policy and fiscal choices facing you this legislative session.

The CCCC was established by the Legislature in 1988 to serve as a vehicle for coordination and communication among non-governmental entities concerned with child care and state agencies responsible for child care and early childhood education services. The Committee is also responsible for proposing changes to improved child care systems in Washington State. Statute mandates that the thirty-one members of the CCCC represent the broad spectrum of child care providers, parents who use child care, and the supporting agencies and community-based organizations.

This report is designed to assist the Governor and the Legislature in developing priorities which integrate child care with the overall needs of Washington's families. If you have any questions or wish further information, please contact Maggie Edgar, DSHS staff to the Committee, at (206) 753-5088.

Sincerely,
STACEY GRAVILLE
Chair

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS BY GOVERNOR GARDNER

March 3, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joyce Gillie, reappointed March 3, 1992, for a term ending January 18, 1996, as a member of the Board of Pharmacy.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

March 3, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Kiessling, appointed March 3, 1992, for a term ending January 20, 1994, as a member of the Board of Pharmacy.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

March 16, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Stephen J. Williams, appointed March 16, 1992, for a term ending June 13, 1994, as a member of the Washington Public Power Supply System Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

March 18, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Christenson, appointed March 18, 1992, and continuing at the Governor's pleasure as Director of the Washington Basic Health Plan.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kelso Gillenwater, appointed April 2, 1992, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 16, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Pleas Green, reappointed April 16, 1992, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 16, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Donald Jacobson, appointed April 16, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 16, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
A.M. Jorgenson, appointed April 16, 1992, for a term ending September 30, 1993, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 16, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Susan Ringwood, appointed April 16, 1992, for a term ending September 30, 1995, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 21, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Scott Brundage, appointed April 21, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Wenatchee Community College District No. 15.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 21, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Napoleon Caldwell, appointed April 21, 1992, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 21, 1992

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

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

L. Daniel Fessler, appointed April 21, 1992, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 21, 1992

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

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

Betty Hogan, appointed April 21, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 21, 1992

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

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

Margaret Laidlaw, reappointed April 21, 1992, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

April 21, 1992

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

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

Michael Spearman, appointed April 21, 1992, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 4, 1992

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

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

SuAnn M. Stone, appointed May 4, 1992, for a term ending January 18, 1995, as a member of the Board of Pharmacy.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 5, 1992

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

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

James R. Fox, reappointed May 5, 1992, for a term ending December 31, 1995, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 5, 1992

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

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

Dr. Eliot W. Scull, reappointed May 5, 1992, for a term ending December 31, 1995, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 6, 1992

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

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

Wilford Collins, Jr., appointed May 6, 1992, for a term ending December 31, 1995, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 6, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy J. Donigan, appointed May 6, 1992, for a term ending December 5, 1995, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 6, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth Mukhtarian, reappointed May 6, 1992, for a term ending December 5, 1995, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 6, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark E. Soelling, reappointed May 6, 1992, for a term ending December 5, 1995, as a member of the Western State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 19, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Correy Spooner, appointed May 19, 1992, for a term ending June 12, 1995, as a member of the Pacific Marine Fisheries Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

May 19, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Senator Dean Sutherland, appointed May 19, 1992, for a term ending June 12, 1995, as a member of the Pacific Marine Fisheries Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

June 1, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Doug Sayan, appointed June 1, 1992, for a term beginning June 10, 1992, and ending July 26, 1997, as a member of the Personnel Appeals Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

June 9, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Susan Hahn, appointed June 9, 1992, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

June 9, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Ricardo Martinez, appointed June 9, 1992, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

June 23, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jan Kumasaka, reappointed June 23, 1992, for a term ending June 17, 1997, as Chair of the Human Rights Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

June 26, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John F. Cockburn, reappointed June 26, 1992, for a term ending June 13, 1996, as a member of the Washington Public Power Supply System Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 6, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph Fram, reappointed July 6, 1992, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 6, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wanda Mosbarger, appointed July 6, 1992, for a term ending June 30, 1994, as a member of the Gambling Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 6, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonnie Roth, reappointed July 6, 1992, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 6, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alice B. Tawresey, reappointed July 6, 1992, for a term ending June 30, 1998, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 7, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charlotte Chalker, reappointed July 7, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Western Washington University.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 7, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wayne H. Ehlers, appointed July 7, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Western Washington University.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 10, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lois M. Curtis, appointed July 10, 1992, for a term ending July 5, 1995, as a member of the Puget Sound Water Quality Authority.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 10, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry Phillips, appointed July 10, 1992, for a term ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

July 27, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Warren A. Bishop, appointed July 27, 1992, for a term beginning July 31, 1992, and continuing coextensively with the Governor's term, pursuant to RCW 80.50.030, as Chair of the Energy Facility Site Evaluation Council.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

September 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carolyn Keck, appointed September 2, 1992, for a term ending September 30, 1993, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

September 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dan C. O'Neill, appointed September 2, 1992, for a term ending September 30, 1994, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

September 8, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert V. Jensen, appointed September 8, 1992, for a term ending June 30, 1998, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

September 9, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patricia Schrom, appointed September 9, 1992, for a term ending September 30, 1995, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

September 16, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Seth Dawson, reappointed September 16, 1992, for a term ending August 2, 1995, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

September 16, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Marcus M. Kelly, reappointed September 16, 1992, for a term ending August 2, 1995, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

September 16, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Robert Lasnik, reappointed September 16, 1992, for a term ending August 2, 1995, as Chair of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 7, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sally Storm, appointed October 7, 1992, for a term ending August 2, 1995, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 8, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Judge Reginald T. Roberts, reappointed October 8, 1992, for a term ending September 25, 1996, as a member of the
Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 8, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Trudy Sutherland, reappointed October 8, 1992, for a term ending September 25, 1996, as a member of the Clemency
and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 13, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Michael R. Thorp, reappointed October 13, 1992, for a term ending July 5, 1995, as a member of the Puget Sound Water
Quality Authority.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 13, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Sheri Tonn, reappointed October 13, 1992, for a term ending July 5, 1996, as a member of the Puget Sound Water
Quality Authority.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 13, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Terry Williams, reappointed October 13, 1992, for a term ending July 5, 1996, as a member of the Puget Sound Water
Quality Authority.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Carol Bender, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of
Trustees for Lake Washington Technical College District No. 26.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Carl R. Brown, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of
Trustees for Bates Technical College District No. 28.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Bruce L. Cardwell, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Donna E. Dilger, appointed October 14, 1992, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Frank Ducceschi, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Wendell George, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Julie Grant, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for South Sound Community College District No. 24.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
Julie Johnson, reappointed October 14, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

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

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

Rod Kawakami, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John P. Kniskern, reappointed October 14, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Josephine V. Tamayo Murray, appointed October 14, 1992, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Nichols, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas H. Nixon, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonnie J. Polhamus, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cynthia K. Rekdal, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clint Shinkle, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathy Simonis, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James G. Walton, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Spokane Community College District No. 17.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arnold Wright, reappointed October 14, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 19, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Tang, reappointed October 19, 1992, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 21, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ralph DiSibio, appointed October 21, 1992, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 28, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald J. Hale, reappointed October 28, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

October 28, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

M. J. Hrdlicka, appointed October 28, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Daniel A. DiGuilio, reappointed November 2, 1992, for a term ending November 2, 1995, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rufus McKee, appointed November 2, 1992, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William S. Pine, reappointed November 2, 1992, for a term ending November 2, 1995, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marilee Roloff, reappointed November 2, 1992, for a term ending November 2, 1995, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gay V. Selby, appointed November 2, 1992, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Turner, reappointed November 2, 1992, for a term ending November 2, 1995, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 3, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John V. Geraghty, Jr., reappointed November 3, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 3, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Warren J. Gilbert, Jr., reappointed November 3, 1992, for a term ending September 30, 1998, as a member of the Board of Trustees for Western Washington University.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 3, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lila Girvin, reappointed November 3, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 3, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vicki McNeill, appointed November 3, 1992, for a term ending June 30, 1995, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 3, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Christina Meserve, reappointed November 3, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 4, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

H. Jon Runstad, reappointed November 4, 1992, for a term ending September 30, 1998, as a member of the Board of Regents for the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 17, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John M. Nettleton, appointed November 17, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

November 19, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Holly Echo-Hawk Middleton, appointed November 19, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul L. Campbell, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathryne Cobb, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Burrill Hatch, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry Killeen, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bernard Korth, reappointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Lewis, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
William Maas, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business
Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Donald Miller, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business
Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Claude Soudah, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business
Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
David Thornton, appointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small Business
Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 4, 1992

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

I have the honor to submit the following reappointment, subject to your confirmation.
James R. Walesby, reappointed December 4, 1992, for a term ending October 25, 1997, as a member of the Small
Business Export Financial Assistance Center Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

December 22, 1992

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

I have the honor to submit the following appointment, subject to your confirmation.
Karen Steeb, appointed December 22, 1992, for a term ending September 30, 1996, as a member of the Board of
Trustees for Shoreline Community College District No. 7.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
May Gerstle, reappointed January 8, 1993, for a term ending April 3, 1996, as a member of the State Board for
Community and Technical Colleges.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

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

I have the honor to submit the following appointment, subject to your confirmation.
Robert Quoidbach, appointed January 9, 1993, for a term ending January 1, 1997, as a member of the Forest Practices
Appeals Board.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Antonio Santoy, reappointed January 8, 1993, for a term ending April 3, 1996, as a member of the State Board for
Community and Technical Colleges.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
John L. Shreve, reappointed January 8, 1993, for a term ending December 31, 1998, as a member of the Parks and
Recreation Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

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

I have the honor to submit the following appointment, subject to your confirmation.
Miland Walling, appointed January 8, 1993, for a term ending April 16, 1993, as a member of the Oil and Gas
Conservation Committee.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Melvin D. Wortman, reappointed January 8, 1993, for a term ending December 31, 1998, as a member of the Parks and
Recreation Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

MOTION

On motion of Senator Jesernig, the Messages from the Governor concerning Gubernatorial Appointments were held on
the desk.

MESSAGE FROM THE GOVERNOR

January 11, 1993

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

In compliance with the provision of Section 11 of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation, or pardon that he has granted since the adjournment of the 1992 Regular Session of the Fifty-Second Legislature, copies of which are attached.

Respectfully submitted,
KALEEN COTTINGHAM
Legal Counsel to the Governor

COMMUTATION OF SENTENCE
for
Tamera Schoen (a.k.a. Kristy Williams)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

On January 17, 1992, Tamera Schoen was sentenced by the Superior Court for King County for the state of Washington to a term of 43 months in prison after being found guilty on December 9, 1991, of numerous counts of Possessing Stolen Property.

Ms. Schoen is terminally ill. She has been diagnosed with adenocarcinoma (cancer) of unknown primary origin which has metastasized to the liver. As of October 30, 1992, her medical oncologist and primary physician indicated that she is not a surgical candidate and that the goal of therapy is to preserve the quality of her life as long as possible with analgesics and chemotherapy. Ms. Schoen is tentatively scheduled for chemoembolization of her adenocarcinoma at Tacoma General Hospital on December 7, 1992. This hospitalization will require a three to four-day stay at Tacoma General Hospital.

On December 3, 1992, the Clemency and Pardons Board met to review the clemency petition presented on behalf of Ms. Tamera Schoen. The Board voted unanimously to recommend that the Governor grant clemency to Ms. Schoen so that she can be transferred to a hospice situation immediately following her hospitalization at Tacoma General Hospital.

A hospice arrangement has been made in the home of Ms. Cynthia Locke. Ms. Locke is a resident of Snohomish County and presently resides at 19918 Damson Road, Lynnwood, Washington. Ms. Locke is a registered nurse and is licensed in the state of Washington. Ms. Locke has been providing adult in-home hospice care.

Because of the medical condition of Ms. Schoen, this is an extraordinary case and justifies granting clemency at this time for the remainder of Ms. Schoen's sentence.

The period of this clemency shall begin from the time of release from the hospital following the tentatively scheduled chemoembolization on or following December 7, 1992. If the necessary hospitalization is delayed, this clemency shall be effective in a delayed fashion to coincide with her release from the hospital following the medical procedure. In the event that her physician certifies that she is unable to receive the chemoembolization at any point in the foreseeable future due to her medical condition, she shall be released from the Department of Corrections to the hospice in-home care provided by Ms. Cynthia Locke no later than December 14, 1992.

During the pendency of this placement, a community corrections officer will monitor the placement on a periodic basis.

NOW THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant the clemency for Tamera Schoen, Department of Corrections No. 940821, for her conviction for several counts of Possession of Stolen Property, pursuant to the conditions set forth herein.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 4th day of December, A.D., nineteen hundred and ninety-two.

BOOTH GARDNER, Governor

BY THE GOVERNOR:

DONALD WHITING
Assistant Secretary of State

CONDITIONAL COMMUTATION ORDER

Arlyn Davis

On September 30, 1981, Arlyn Davis, and his co-defendant, John Wright, entered pleas of guilty to the crime of First Degree Murder. The crime occurred on March 22, 1981. Arlyn Davis was 15 years old at the time, having turned 15 years old on March 20, 1981. John Wright, the co-defendant, was 16 years old.

The victim was a 36 year-old man who had offered Mr. Davis a ride when Mr. Davis was hitchhiking several months prior to the date of this offense. The victim offered to give Mr. Davis drugs and assistance at any time he needed them, as Mr. Davis was running away from home. Mr. Davis subsequently contacted the victim who did supply him with drugs. This eventually led to Mr. Davis' involvement in homosexual activity with the victim, and ultimately the victim became Mr. Davis' pimp. The victim encouraged Mr. Davis to recruit other young men, one of which was John Wright. Mr. Wright and Mr. Davis concluded that they needed to get out of the situation and made the decision to steal money from the victim, buy plane tickets, and go to Florida. During the robbery attempt, the victim resisted and was choked with an electrical cord by Mr. Wright. Both defendants planned and executed the robbery, although there had been no plan to take the life of the victim. The two boys received \$11,000 as a result of the robbery, but were apprehended at SeaTac Airport before they could leave for Florida. The \$11,000 was fully recovered.

Mr. Davis was sentenced to life in prison. The Thurston County prosecuting attorney, Patrick Sutherland, and the sentencing judge, Gerry Alexander, both recommended to the parole board that the minimum term be set at its lowest possible level, which was 20 years at the time of sentencing. Mr. Davis' Sentencing Reform Act guideline range is 240 to 320 months. He

has jail time credits of 191 days, and therefore, has an adjusted guideline range of 233 to 313 months. The Indeterminate Sentence Review Board set Mr. Davis' duration of confinement at 240 months, as mandated by statute.

From the time that Mr. Davis arrived at the Walla Walla State Penitentiary in 1987 to the present time, he has been free of any infractions. Prior to being sent to Walla Walla, Mr. Davis married his girlfriend, Patty, in 1985. From that time on, Mr. Davis began to rehabilitate himself. Mr. Davis was involved with and completed both mental health counseling and drug treatment counseling. He completed his high school diploma and has taken various college classes. He is employed as the inventory manager and purchaser for Institutional Industries at Walla Walla.

A psychological evaluation of Mr. Davis was completed on September 29, 1992, by Dr. Ronald D. Page, clinical psychologist. Dr. Page is supportive of clemency for Mr. Davis.

The Thurston County prosecuting attorney, Patrick Sutherland, investigated Mr. Davis' progress at Walla Walla thoroughly by both conferring with Mr. Davis' counselor at Walla Walla and examining his institutional file. Prosecutor Sutherland recommends that Mr. Davis be considered for clemency.

At the request of the Clemency and Pardons Board, the Indeterminate Sentence Review Board conducted an investigation into Mr. Davis' "paroleability" and conducted a hearing on that issue on October 23, 1992. At that hearing, the Department of Corrections was represented and took the position that it has no objection to clemency. After its investigation, the Indeterminate Sentence Review Board supported and encouraged a grant of clemency to Mr. Davis who is now 26 years of age.

The parents of Mr. Davis, Edward and Nicolette Davis, have been supportive of their son since the time of his arrest. They reside in Honolulu, Hawaii, and run two businesses.

Mr. Davis has accepted the responsibility for his actions and admitted his guilt. He has shown appropriate remorse and his chances for re-offending are low. Mr. Davis has completed all of the programming possible with the Department of Corrections. During this process, he has matured a great deal and has taken advantage of every opportunity to improve himself. It is unlikely that Mr. Davis will present any future danger to society if released at this time, subject to the conditions set forth herein.

The Clemency and Pardons Board, at its December 3, 1992, meeting, reviewed and discussed the petition of Mr. Davis. A presentation was made on his behalf by his attorney, Mr. Ed Schaller. After deliberation, the Board voted 3-2 to recommend to the governor that clemency be granted.

This is an extraordinary case and justice is served by granting a conditional clemency at this time for the remainder of Mr. Davis' sentence. By this order, I hereby waive the 20-year mandatory minimum term set by RCW 9.95.115, and direct the Indeterminate Sentence Review Board to parole Mr. Davis. The Indeterminate Sentence Review Board shall impose, at a minimum, the following conditions in its parole order:

1. Upon release from the institution, report as instructed to a community corrections officer and thereafter make a correct report as often as directed.
2. Secure written permission of a community corrections officer before leaving the state of Washington.
3. Obey all laws and abide by any special conditions imposed by the Indeterminate Sentence Review Board or any written instructions issued by a community corrections officer of the Department of Corrections.
4. At no time, purchase, own, possess, or control any firearm or deadly weapon.
5. Submit to a search of person, residence, vehicle, and possessions whenever requested by a community corrections officer.
6. Obey all court orders.
7. Reside in a residence approved by the assigned community corrections officer and secure permission of the community corrections officer before changing residences.
8. Do not use or possess controlled substances of any kind.
9. Submit to drug or alcohol monitoring, if directed by the community corrections officer, through an agency approved by the community corrections officer. As a condition of clemency, sign a full release of information allowing the treatment or monitoring agency to release information to the community corrections officer and the Indeterminate Sentence Review board. This release of information must be effective until Mr. Davis is granted a final discharge.
10. Do not consume any alcoholic beverages.
11. Enter into full-time employment or an education program within 30 days of release.
12. An inter-state compact investigation of transfer of parole to Hawaii must be submitted for final approval to the Indeterminate Sentence Review Board in the event that Mr. Davis desires to move to Hawaii.

The Indeterminate Sentence Review Board may, in its discretion, amend these conditions if the situation so warrants.

NOW THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington do hereby grant the conditional clemency for Arlyn Davis, Department of Corrections No. 279242, for his conviction of Murder in the First Degree, pursuant to the conditions set forth herein.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 7th day of January, A.D., nineteen hundred and ninety-three.

BOOTH GARDNER, Governor

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

PARDON

TO ALL WHO TO WHOM THESE PRESENTS SHALL COME, GREETING:

Sherwood J. Trulson was found guilty of assault in the third degree by the Superior Court of the state of Washington for King County on January 25, 1985, and he was thereupon sentenced to a term of two years community supervision by the Department of Corrections (reduced to one year after one year completed) and 240 hours of community service and attendance at an alcohol treatment program. Since this time, Sherwood Trulson has maintained a record free of further felony convictions and has involved himself in the creation of a new company, Environmental Waste of America, Inc. He has also shown his commitment to rehabilitation through his recovery from alcohol abuse. For these reasons, the Clemency and Pardons Board recommended that a pardon be granted in order to further the role of Mr. Trulson as an active member of the business community, his family and the state of Washington.

NOW THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Sherwood J. Trulson from the judgment and sentence of assault in the second degree entered January 25, 1985, by the Superior Court of the state of Washington for King County.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 24th day of August, A.D., nineteen hundred and ninety-two.

BOOTH GARDNER, Governor

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

PARDON

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Gordon H. Graham was found guilty of forgery, robbery, and numerous parole violations by the Superior Courts of the state of Washington for Chelan, Spokane, and King Counties during the years 1949 to 1972. He served many years in jails. With the exception of an occasional parole violation during that same time period, 1949 to 1972, Mr. Graham has maintained a record free of further felony convictions and has involved himself commendably in community and professional activities, and has shown his rehabilitation. He petitioned for a pardon to clear his good name.

NOW THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Gordon A. Graham from the judgment and sentences imposed in Chelan, Spokane, and King Counties during the period 1949 to 1972.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 11th day of January, A.D., nineteen hundred and ninety-three.

BOOTH GARDNER, Governor

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

PARDON

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Mark Nelson plead guilty to Simple Assault in the state of Washington, a crime which was committed on February 15, 1980, and he was sentenced with a deferred finding followed by a dismissal one year later.

This is the only assault in Mr. Nelson's background. Since that point in time, Mr. Nelson has enrolled in a nurse training program at Shoreline Community College. In the course of that training, both he and the school's administration have asked that this simple assault be removed from his criminal background record. For the reason of furthering his educational pursuits, and the relationship of that educational pursuit to his rehabilitation, the Clemency and Pardons Board recommended to the Governor that a pardon be granted.

NOW THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Mark Nelson from the sentence imposed for simple assault committed on February 15, 1980.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 24th day of August, A.D., nineteen hundred and ninety-two.

BOOTH GARDNER, Governor

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

PARDON

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Jamaal D. Kiah-el was found guilty of petty larceny, contributing to delinquency of a minor, and grand larceny by the Superior Court of the state of Washington for King County during the years 1958 and 1959. He served several months of time in the King County jail. During the early 1960's, Mr. Kiah-el was also convicted of similar crimes in the state of Pennsylvania. With these exceptions, Jamaal D. Kiah-el has since maintained a record free of further felony convictions and has involved himself commendably in community activities and has shown his rehabilitation. He petitioned for a pardon to clear his good name.

NOW THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Jamaal D. Kiah-el from the judgment and sentences imposed in King County during 1958 and 1959.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 24th day of August, A.D., nineteen hundred and ninety-two.

BOOTH GARDNER, Governor

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 141, originally filed with this office on June 11, 1992. On December 31, 1992, the sponsor of the proposed initiative filed 9,665 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 159,308 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 141 to you at this time. We expect to complete verification of signatures no later than February 14, 1993, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this eleventh day of January, 1993.

(Seal) RALPH MUNRO,

Secretary of State

INITIATIVE MEASURE NUMBER 141

AN ACT Relating to health reform; and adding a new chapter to Title 48 RCW.

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

NEW SECTION. Sec. 1. FINDINGS. We the people of the state of Washington find that our health and financial security are jeopardized by current health insurance and health system practices. These practices result in unaffordable costs and cost increases that far exceed ordinary inflation. Current total health care expenditures are more than sufficient to provide access to all within a reformed, efficient system.

We find that too many of our state's residents are without health insurance, that each year many individuals and families are forced into poverty because of serious illness and that many must leave gainful employment to be eligible for publicly funded health services. Additionally, thousands of us are at risk of losing adequate health insurance, or have had insurance canceled in the past year, or cannot afford to renew existing coverage.

We find that businesses can no longer afford to pay for health insurance and remain competitive in a global economy, and that individuals and small businesses bear an inequitable insurance burden.

NEW SECTION. Sec. 2. PURPOSES, GOALS, AND INTENT. Be it enacted by the people of the state of Washington that we intend that the state government establish health care policy that will reduce and stabilize costs, assure access for all residents, improve the public's health, and ensure that health care cost increases do not endanger business viability.

We intend that total health care costs be stabilized and kept within increases similar to the rates of general economic inflation by encouraging consumers, providers, and insurers to make more cost-effective health care decisions.

We intend that all state residents be enrolled in an insurance plan of their choice so long as the plan offers affordable, accessible, cost-effective, and comprehensive health services.

We intend that individuals and businesses have the option to purchase any health services they may choose in addition to those defined in the benefits package referenced in this chapter.

We intend that all state residents, all businesses, employees, and government participate in payment for health services, and that individual premium costs and access to service fees be on a sliding scale based on income with the lowest-income citizens exempt from premium payments.

We intend that these goals be accomplished within a reformed system using available private providers and facilities, and that consumers be free to choose among competing plans operating within total budget limits.

NEW SECTION. Sec. 3. ENROLLMENT IN A CERTIFIED INSURANCE PLAN REQUIRED. By November 1, 1997, all Washington state residents, as defined by the governor in rule, shall be enrolled in the certified insurance plan of their choice.

NEW SECTION. Sec. 4. POWERS OF THE GOVERNOR AND THE INSURANCE COMMISSIONER. The governor, in consultation with the insurance commissioner, shall:

(1) By January 1, 1995, determine in rule a comprehensive package of cost-effective health and long-term care services that shall be known as "the benefits package." In determining the benefits package, the health services offered to Washington state employees through the state health care authority during 1992 shall be used as an example, and the benefits package recommendations of the health care commission shall also be considered. The benefits package shall include, but not be limited to, inpatient services, outpatient services, preventive services, and community residential services for physical, mental, and developmental illnesses and disabilities.

(2) By July 1, 1996, establish and make public the maximum total funds that a certified insurance plan may receive per enrollee during each year for the benefits package. In establishing these maximum levels, all Washington state residents must be considered as a single community. However, regional variations may be allowed in total funds received by a certified insurance plan based on documented demographic factors, or other factors established by rule that predict utilization within a community. The annual increase in the per enrollee costs of the benefits package may not exceed one and one-half times the percentage increase in the annual average wage in the state for the previous year. Annual average wage shall mean that wage calculated by the employment security department for unemployment insurance contributions purposes as defined in RCW 50.04.355.

(3) By July 1, 1997, establish and implement requirements according to section 5 of this act.

(4) Establish by rule requirements for all residents, all businesses, and government to make payments that shall be received by certified insurance plans and that will be sufficient to implement this chapter while providing the comprehensive benefits package to all state residents. The payment requirements must result in as little change in current aggregate payment levels for health services as is possible within each of these groups. The payment levels must give consideration to the financial viability of small low-wage businesses and to low-income families and individuals. Payment requirements established under this subsection may be modified or replaced by an alternative set of payment requirements that fulfills the intent of this chapter, and that is approved by two-thirds of each house of the state legislature.

(5) Reorganize state government as needed to implement this chapter; however no more than fifty new, full-time equivalent employees shall be hired for this purpose. Additional employees who may be needed must be added by reassigning personnel employed by the state on the effective date of this act.

(6) Determine, in conjunction with the medical community, practice parameters and peer review mechanisms for reducing malpractice. Also, apply the malpractice reform recommendations of the health care commission, as appropriate, to reform the system.

(7) Ensure that an amount equal to at least five percent of total funds received by certified insurance plans for the benefits package is allocated to state and local public health departments to provide public health status assessment, policy development, and other services to protect the public health, including vital records, infectious and contagious disease control, assurance of the safety of food and drinking water, and protection from contamination by pollutants or toxic substances.

(8) Negotiate with congress and federal agencies to obtain waivers or exemptions from federal rules or statutes as needed to implement this chapter without losing federal funds that now come to the state.

(9) Establish rules, appoint advisory commissions, conduct research, receive grants or gifts, convene task forces, or engage in any other actions that may be needed to implement this chapter.

(10) Establish, if certified plans are insufficient or unable to meet a population's health service needs, contracts with local health departments, community or migrant health centers, or other nonprofit health service entities for all or part of the benefits package, and recognize the unique ability of community and migrant health centers to serve populations within their communities.

(11) Apply all mechanisms as necessary, including those recommended by the health care commission, to control costs and assure quality of care consistent with this chapter.

NEW SECTION. Sec. 5. REQUIREMENTS FOR CERTIFIED INSURANCE PLANS. A health maintenance organization, health care service contractor, group disability insurer, or other entity is qualified to be a certified insurance plan if they meet requirements established by the governor in consultation with the insurance commissioner.

These requirements must include that a certified insurance plan:

(1) Accept enrollment from any Washington state resident regardless of preexisting health condition, employment, or income.

(2) Provide the benefits package to all of its enrollees.

(3) Receive payments for the benefits package only in the form of fixed, prepaid, per capita payments, and access to service fees so long as these limited fees do not become a barrier to appropriate and timely access.

(4) Receive from all sources no more than the maximum funding levels per enrollee established by the state for the benefits package and prohibit balance billing or unauthorized cost sharing.

(5) Comply with uniform billing, reporting, and inspection requirements, monitoring processes and standards for continuous quality improvement and total quality management as determined by rule.

(6) Promote community health education to increase awareness of injury and illness prevention; encourage enrollees to take responsibility for protecting their own health; and stimulate community discussion about the use and limits of medical care in improving the health of individuals and communities.

(7) Comply with rules established by the governor, consistent with this chapter, for freedom of choice of plans and providers, consumer participation in policy development, portability of benefits, enrollee grievance procedures, uniform billing procedures, avoidance or elimination of barriers to access, and other rules, all of which shall be established through an open, public process.

NEW SECTION. Sec. 6. PROHIBITIONS AGAINST NONCERTIFIED ENTITIES RECEIVING PAYMENT FOR BENEFITS PACKAGE SERVICES.--NO RESTRICTION ON SERVICES NOT INCLUDED WITHIN THE BENEFITS PACKAGE. It is unlawful for a person or corporation to receive payments for services for an enrollee covered within the benefits package unless they are within a certified plan or qualify as an exception, established in rule, under section 4(10) of this act. However nothing in this chapter precludes an entity from insuring, providing, contracting, or receiving payment for health services not included in the

benefits package, nor does anything in this chapter restrict an employer from offering, and an employee representative from negotiating for, or an individual from purchasing, services not included in the benefits package.

NEW SECTION. Sec. 7. PUBLIC REPORTS AND DETAILED PLAN REQUIRED; MORE SWIFT ACTION NOT PROHIBITED. Quarterly, beginning in January 1994, the governor and insurance commissioner or their designees, shall report to the people on progress in implementing this chapter by making presentations to local boards of health in public meetings. Local boards may convene joint, regional meetings for this purpose.

By July 1994, the governor and the insurance commissioner shall present to the public a detailed plan to implement this chapter. All rules proposed for implementation of this chapter must be adopted in accordance with statutes that ensure public scrutiny and an ability for public response and must conform to the requirements of chapter 34.05 RCW. Nothing in this chapter prevents the government from taking action to contain health care costs, or to expand access more quickly than required in this chapter, or to adopt recommendations of the health care commission, so long as these actions are consistent with sections 3 through 6 of this act, and do not conflict with the intent of this chapter.

NEW SECTION. Sec. 8. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 48 RCW.

MESSAGE FROM THE SECRETARY OF STATE

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

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

Substitute Senate Bill No. 6146,
Senate Bill No. 6270,
Engrossed Senate Bill No. 6273.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed
the seal of the state of Washington, at Olympia, this eleventh day
of January, 1993.

(Seal) RALPH MUNRO,

Secretary of State

VETOED BILLS

MESSAGE FROM THE GOVERNOR VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6146

March 31, 1992

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

I am returning herewith, without my approval, Substitute Senate Bill No. 6146 entitled:
"AN ACT Relating to appropriations for projects recommended by the public works board."

Substitute Senate Bill No. 6146 approves local public works projects recommended by the Public Works Board for low-interest loan financing from the dedicated Public Works Assistance Account.

Today, I signed Substitute House Bill No. 2302, which is identical to Substitute Senate Bill No. 6146.

For this reason, I have vetoed Substitute Senate Bill No. 6146 in its entirety.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR VETO MESSAGE ON SENATE BILL NO. 6270

March 26, 1992

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

I am returning herewith, without my approval Senate Bill No. 6270, entitled:
"AN ACT Relating to municipal criminal justice account distributions based on city crime rates."

Senate Bill No. 6270 modifies the current statute related to municipal criminal justice account distributions by reducing funding eligibility criteria for high crime cities. The bill also clearly specifies that excess funds shall be distributed to cities with crime rates of one hundred twenty-five percent of the state-wide average.

Today, I signed House Bill No. 2655, which is identical to this legislation.
For this reason, I have vetoed Senate Bill No. 6270 in its entirety.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6273

April 1, 1992

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

I am returning herewith, without my approval Engrossed Senate Bill No. 6273, entitled:
"AN ACT Relating to clarifying the department of agriculture's authority to regulate pesticides."

A recent United States Supreme Court decision (Casey v. Mortier) clarified that local governments are permitted under the federal Insecticide, Fungicide, and Rodenticide Act to regulate the use of pesticides. This court decision did not alter the ability of state government to limit local government's ability to regulate pesticide use. Engrossed Senate Bill No. 6273 seeks to address the Supreme Court decision by pre-empting, to a limited extent, the ability of local government to regulate pesticide use.

The concern giving rise to this legislation was that local regulation of pesticides could, over time, become complex, unreasonable or oppressive and could burden vital segments of Washington's timber and agricultural economy. I, too, want to avoid this outcome. However, the Supreme Court's action occurred only last June. Few examples of local pesticide regulations of concern exist.

I believe that insufficient information exists to conclude the degree to which pre-emption of local authority, if any, is necessary to ensure pesticide use is regulated in a balanced manner to meet agricultural, forest products and other economic needs as well as the needs of the environment. For this reason, it is not clear that the level of pre-emption set forth in Engrossed Senate Bill No. 6273, is a sufficient or appropriate interim measure.

To address my concern, I am hereby directing the Department of Agriculture to lead an inter-agency group including the Departments of Labor and Industries, Community Development, Health and Ecology. This group shall coordinate, among all affected interests, a process to review the issue of local pesticide regulation and develop a timely recommendation on the degree of pesticide regulation appropriate for state and local governments.

For the reasons stated above, I have vetoed Engrossed Senate Bill No. 6273 in its entirety.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

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

Section 4, Substitute Senate Bill No. 5116, the remainder of which has been designated Chapter 39, Laws of 1992;
Section 2, Substitute Senate Bill No. 5557, the remainder of which has been designated Chapter 106, Laws of 1992;
Section 2, Engrossed Senate Bill No. 5675, the remainder of which has been designated Chapter 88, Laws of 1992;
Subsection 1 of Section 202, Substitute Senate Bill No. 5953, the remainder of which has been designated Chapter 141, Laws of 1992;
Section 5, Engrossed Senate Bill No. 6054, the remainder of which has been designated Chapter 241, Laws of 1992;
Sections 2, 3, and 4, Engrossed Senate Bill No. 6184, the remainder of which has been designated Chapter 92, Laws of 1992;
Sections 4 and 7, Engrossed Senate Bill No. 6319, the remainder of which has been designated Chapter 230, Laws of 1992;
Section 5, Substitute Senate Bill No. 6327, the remainder of which has been designated Chapter 50, Laws of 1992;
Sections 3, 5, and 13, Engrossed Second Substitute Senate Bill No. 6347, the remainder of which has been designated Chapter 111, Laws of 1992;
Sections 12 and 13, Substitute Senate Bill No. 6428, the remainder of which has been designated Chapter 198, Laws of 1992;

IN TESTIMONY WHEREOF, I have hereunto set my hand,
and affixed the seal of the state of Washington,
this eleventh day of January, 1993.

(Seal) RALPH MUNRO,

Secretary of State

PARTIALLY VETOED BILLS

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5116

March 26, 1992

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

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5116 entitled:
"AN ACT Relating to transportation safety."

Substitute Senate Bill No. 5116 is the product of work by the task force on school bus safety. It includes several excellent provisions to assist law enforcement personnel in enforcing school bus stop laws and enhancing school bus safety. I applaud and fully support these provisions.

However, section 4 would change current Washington State Patrol rules to allow school buses to utilize their hazard strobe lamps regardless of whether it is warranted by hazardous conditions. Studies indicate that overuse of hazard warning lights ultimately diminishes their effectiveness. For this reason, I have vetoed section 4 of Substitute Senate Bill No. 5116.

With the exception of section 4, Substitute Senate Bill No. 5116 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5557

March 31, 1992

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

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5557 entitled:
"AN ACT Relating to recording of surveys."

Section 1 of Substitute Senate Bill No. 5557 amends the Survey Recording Act of 1973 (RCW 58.09) by clearly specifying when a record of survey is not required. Section 2 requires the Department of Natural Resources to adopt rules and regulations limiting the exemptions when the public interest will be served.

I support the Legislature's desire to protect the public interest in matters related to land surveys. I am concerned, however, that section 2 authorizes the Department of Natural Resources to override policies established in statute by the adoption of rules. This provision not only creates the potential for confusion among the surveying community, but also raises questions about the appropriateness of requiring a state agency to adopt rules which negate statutory exemptions to land survey recording requirements. I am satisfied that the public interest is sufficiently protected through the provisions of section 1.

For this reason, I have vetoed section 2 of Substitute Senate Bill No. 5557.
With the exception of section 2, Substitute Senate Bill No. 5557 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5675

March 26, 1992

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

I am returning herewith, without my approval as to section 2, Engrossed Senate Bill No. 5675 entitled:
"AN ACT Relating to Skagit river salmon."

Engrossed Senate Bill No. 5675 calls for the Department of Fisheries to prepare a salmon recovery plan for the Skagit River. Section 2 directs that the plan be completed by December 31, 1992.

No funding was provided for the development of the salmon recovery plan. Therefore, the time-frame established in section 2 cannot be met. I am, however, directing the Department of Fisheries, within its budget, to complete a salmon recovery plan for the Skagit River by December 31, 1993.

For this reason, I have vetoed section 2 of Engrossed Senate Bill No. 5675.

With the exception of section 2, Engrossed Senate Bill No. 5675 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5953

April 1, 1992

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

I am returning herewith, without my approval as to subsection 1 of section 202, Substitute Senate Bill No. 5953 entitled:
"AN ACT Relating to education."

Substitute Senate Bill No. 5953 sets our public education system on a new course by moving to a system that emphasizes excellence in student performance. It creates the Commission on Student Learning to establish the capacity to immediately begin implementation of the recommendations of the Governor's Council on Education Reform and Funding. Simultaneously, it creates a mechanism to waive a number of existing state rules that impede local restructuring activities. I strongly support these and other provisions in the bill and congratulate the Legislature for its far-sightedness in setting the stage for these important changes.

Section 202 establishes the Commission on Student Learning and defines its activities and timelines. Subsection 1 of section 202 creates a procedure which may eliminate not only the commission, but major revisions to the Basic Education Act as well. The continued viability of these sections of law rests on the passage or failure to pass a joint resolution in the future. This process is a legislative veto that violates basic constitutional checks and balances. Through this mechanism, one House of the Legislature is given the power to nullify constitutionally enacted legislation. Furthermore, the Legislature is given the power to amend the law by resolution without presenting it to the executive.

I have vetoed this subsection solely because it is an infringement on the constitutional doctrine of separation of powers. The Legislature is an equal partner in the creation of education policy, including student learning goals. This veto protects the integrity of the legislative process and assures adequate bicameral review, including public scrutiny and executive approval, before future enactments or amendments can occur. Notwithstanding this veto, it is important that the Legislature affirm the student learning goals put forward by the Governor's Council on Education Reform and Funding during the 1993 Legislature. I encourage you to do so.

For the reasons stated above, I have vetoed subsection 1 of section 202 of Substitute Senate Bill No. 5953.

With the exception of subsection 1 of section 202, Substitute Senate Bill No. 5953 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6054

April 3, 1992

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

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 6054 entitled:
"AN ACT Relating to Chiropractic."

Section 5 of Engrossed Senate Bill No. 6054 implements this bill immediately. The language in the bill is ambiguous concerning the ability of chiropractors to treat problems originating in the extremities. The proponents of the bill assure me that the expansion in the scope of practice does not include disorders that originate in the extremities. I have asked the Chiropractic Disciplinary Board to clarify this issue in rule.

For these reasons, I have vetoed section 5 of Engrossed Senate Bill No. 6054.

With the exception of section 5, Engrossed Senate Bill No. 6054 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6184

March 26, 1992

To the Honorable, the Senate

of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, and 4, Engrossed Senate Bill No. 6184 entitled:
"AN ACT Relating to real estate brokers and salespersons."

Engrossed Senate Bill No. 6184 provides greater specificity for the use of funds for real estate education activities. Several sections would create a nonappropriated account and as such would reduce budget oversight of the real estate education program. There has been an acceleration of the trend to create special funds, dedicated accounts and other budgetary techniques that reduce the ability to adapt resources to meet changing or emerging priorities. Despite my general concern with these types of special funds, I am willing to support the specific revenues being dedicated as long as there is adequate oversight. As written, there is inadequate oversight.

I have vetoed the sections referring to the nonappropriated account. I have retained the language that clearly defines the Department of Licensing's real estate education program and the director's role. I am directing the Department of Licensing to submit proposed legislation to the 1993 Legislature that would permanently dedicate for real estate education purposes the fund sources specified in the vetoed sections of Engrossed Senate Bill No. 6184. Such a dedication must, however, still be subject to legislative appropriation and budgetary oversight.

For this reason, I have vetoed sections 2, 3, and 4 of Engrossed Senate Bill No. 6184.
With the exception of sections 2, 3, and 4, Engrossed Senate Bill No. 6184 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6319

April 2, 1992

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

I am returning herewith, without my approval as to sections 4 and 7, Engrossed Senate Bill No. 6319 entitled:
"AN ACT Relating to the placement of people with disabilities."

Existing law mandates that regional support networks receive a portion of state mental hospital funds when they assume new responsibilities for short-term involuntary commitments. The Department of Social and Health Services and the regional support networks have been working for months to establish a formula to implement this funding change.

The language in section 4 creates a right to "any savings" achieved through reduction in use of hospital beds. This is not feasible to administer since it would require constant readjustment according to bed day use or some other factor. Neither regional support networks nor the state would retain any certainty as to their budgets. Unfair allocations between regions would be created. The effect would be a potential for ongoing litigation and tension between mental health regional support networks and the Department of Social and Health Services.

I am pleased with the remarkable achievements of the regional support networks and the Department of Social and Health Services in implementing mental health reform. The type of mandate contained in section 4 of this bill could interfere with that collaborative effort.

Section 7 of the bill would repeal statutes intended to be addressed in section 4.
For these reasons, I have vetoed sections 4 and 7 of Engrossed Senate Bill No. 6319.
With the exception of sections 4 and 7, Engrossed Senate Bill No. 6319 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6327

March 26, 1992

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

I am returning herewith, without my approval as to section 5, Substitute Senate Bill No. 6327 entitled:
"AN ACT Relating to the award for excellence in education program."

Substitute Senate Bill No. 6327 adds classified school employees to those eligible to receive recognition, and a stipend or tuition reimbursement, for outstanding performance and contribution to our public education system. The work of classified school staff is vital to an effective school program. They are deserving of this recognition.

Section 5 puts this recognition in jeopardy by providing that if specific funding is not included in the 1993 Appropriations Act, the act will become null and void. In recognition of the important service rendered by classified school employees, I am eliminating this "null and void" provision to ensure full participation in the award for excellence in education program. For this reason, I have vetoed section 5 of Substitute Senate Bill No. 6327.

With the exception of section 5, Substitute Senate Bill No. 6327 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE
ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347

March 31, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 5, and 13, Engrossed Second Substitute Senate Bill No. 6347 entitled:

"AN ACT Relating to domestic violence."

Sections 2 and 3 of Engrossed Second Substitute Senate Bill No. 6347 require the Office of the Administrator for the Courts to develop standardized forms, instructions, and informational brochures for persons petitioning for protection under the state's Domestic Violence Protection Act. Section 5 requires records of incidents of domestic violence to be submitted to the Washington Association of Sheriffs and Police Chiefs for the purpose of collecting statewide crime data.

Section 13 declares sections 2, 3, and 5, null and void if funding is not provided in the Omnibus Appropriations Act referencing these sections by number.

Although funding has not been specifically provided in the 1992 Supplemental Appropriations Act, the Office of the Administrator for the Courts can accomplish the provisions of section 2 within available resources. In order to allow section 2 to go into effect without placing additional burdens on state agencies, I am vetoing section 3, which contains the date for completion, and section 13 which contains the null and void language.

I am further troubled by the lack of funding for the domestic violence incident reporting contained in section 5. The broad coverage of section 5 to include all reports of incidents of domestic violence (rather than just reports of felony incidents) is a cost which cannot be absorbed within the current budget of the Criminal Justice Training Commission. However, because RCW 10.99.030(7) and (8) require law enforcement agencies to maintain records of all domestic violence incidents reported, and to maintain such records identifiable by a specific code, I believe greater cooperation and coordination between law enforcement records of the various state and local jurisdictions is possible.

Many felonies (for which records are kept) characterized as rape, homicide, assault, arson, robbery, burglary, larceny and motor vehicle theft originate as acts of domestic violence. The lack of coordinated documentation tends to de-emphasize the explosion in domestic violence incidents. Failure to document will continue to impair our ability to control, prevent or adequately respond to such violence.

Despite the veto of section 5, I am directing the Office of Financial Management to work toward obtaining funding, through available grants or applicable federal or state funds, to assist the improvement of domestic violence data through coordinated reporting of domestic violence incidents pursuant to RCW 10.99.030(7). In the event such funding cannot be found, I encourage the Washington State Association of Sheriffs and Police Chiefs to work with interested groups to develop a request for funding to the 1993 Legislature.

With the exception of sections 3, 5, and 13, Engrossed Second Substitute Senate Bill No. 6347 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6428

April 2, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 12 and 13, Substitute Senate Bill 6428 entitled:

"AN ACT Relating to at-risk families."

Section 12 directs the Juvenile Issues Task Force to determine whether a network of local consortia may administer the program funds from state agencies serving children and families at-risk. Section 401 of Engrossed Substitute House Bill No. 2466 (the juvenile issues omnibus bill) directs the Joint Select Committee of Juvenile Issues to undertake a similar study of community-based services to children and families. Therefore, I have vetoed section 12 of Substitute Senate Bill No. 6428.

Section 13 requires that "implementation of council, consortia and the children's institute" be included in all federal and state plans affecting children, youth, and families. I believe there was an error in drafting this section because it is not clear what is meant by this requirement. To avoid confusion, I have vetoed section 13.

For the reasons stated above, I have vetoed sections 12 and 13 of Substitute Senate Bill No. 6428.

With the exception of sections 12 and 13, Substitute Senate Bill No. 6428 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MOTION

On motion of Senator Jesernig, the Messages from the Secretary of State regarding Initiative to the Legislature Number 141, bills that the Governor vetoed and partially vetoed in the 1992 Session were held on the desk.

INTRODUCTION AND FIRST READING

SB 5080 by Senators Talmadge and von Reichbauer

AN ACT Relating to the sale and resale of admission tickets; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5081 by Senators Skratek, Roach, M. Rasmussen, Hargrove, Vognild, Erwin, Owen, Snyder, Drew, Anderson, L. Smith, Haugen, Quigley, Oke, Hochstatter and Barr

AN ACT Relating to the designation of wetlands; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5082 by Senators M. Rasmussen, Barr, Erwin and Bauer

AN ACT Relating to poultry farming; amending RCW 16.57.010; adding a new section to chapter 16.57 RCW; adding a new section to chapter 16.36 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 5083 by Senators McCaslin, L. Smith and Deccio

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

Referred to Committee on Government Operations.

SB 5084 by Senator McCaslin

AN ACT Relating to land use regulations; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Government Operations.

SB 5085 by Senators McCaslin and Barr

AN ACT Relating to hydraulic project approval authority of the departments of fisheries and wildlife; and amending RCW 75.20.100 and 75.20.103.

Referred to Committee on Natural Resources.

SB 5086 by Senator McCaslin

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

Referred to Committee on Government Operations.

SB 5087 by Senators McCaslin and Hochstatter

AN ACT Relating to revoking the growth management act; amending RCW 35.58.2795, 35.77.010, 36.79.150, 36.81.121, 36.94.040, 36.105.070, 43.31.005, 43.31.035, 43.63A.065, 43.155.070, 43.160.060, 43.168.050, 43.210.010, 43.210.020, 47.26.080, 47.86.035, 56.08.020, 57.16.010, 58.17.060, 58.17.110, 66.08.190, 70.94.455, 70.94.527, 70.94.534, 70.94.743, 70.146.070, 76.09.050, 76.09.060, 81.104.080, 81.112.050, 82.02.020, 82.46.010, 82.46.030, 82.46.050, and 86.12.200; reenacting and amending RCW 43.88.030, 43.88.110, 82.46.040, and 82.46.060; repealing RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.045, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.090, 36.70A.100, 36.70A.103, 36.70A.106, 36.70A.110, 36.70A.120, 36.70A.130, 36.70A.140, 36.70A.150, 36.70A.160, 36.70A.170, 36.70A.180, 36.70A.190, 36.70A.200, 36.70A.210, 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.310, 36.70A.320, 36.70A.330, 36.70A.340, 36.70A.350, 36.70A.360, 36.70A.370, 36.70A.380, 36.70A.385, 36.70A.390, 36.70A.800, 36.70A.900, 36.70A.901, 36.70A.902, 19.27.097, 35.13.005, 35.63.125, 35A.14.005, 35A.63.105, 36.70.545, 36.93.157,

36.93.230, 43.17.065, 43.17.250, 43.31.097, 43.62.035, 43.63A.550, 43.63A.560, 47.80.010, 47.80.020, 47.80.030, 47.80.040, 47.80.050, 59.18.440, 59.18.450, 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, 82.08.180, 82.14.215, and 82.46.035; and repealing 1990 1st ex.s. c 17 s 64 (uncodified).

Referred to Committee on Government Operations.

SB 5088 by Senators McCaslin and Barr

AN ACT Relating to flexible approaches to developing administrative rules; amending RCW 34.05.310; and adding new sections to chapter 34.05 RCW.

Referred to Committee on Government Operations.

SB 5089 by Senators McCaslin, Deccio, Oke and Anderson

AN ACT Relating to the effective date of administrative rules; and amending RCW 34.05.380.

Referred to Committee on Government Operations.

SB 5090 by Senators McCaslin and Hochstatter

AN ACT Relating to the presidential preference primary; amending RCW 29.13.010, 29.13.020, and 29.18.200; and repealing RCW 29.19.010, 29.19.020, 29.19.030, 29.19.040, 29.19.050, 29.19.060, 29.19.070, 29.19.080, and 29.19.900.

Referred to Committee on Government Operations.

SB 5091 by Senator McCaslin

AN ACT Relating to incorporation elections; and amending RCW 36.93.152.

Referred to Committee on Government Operations.

SB 5092 by Senator McCaslin

AN ACT Relating to gubernatorial appointments; and amending RCW 43.06.030 and 43.06.092.

Referred to Committee on Government Operations.

SB 5093 by Senator McCaslin

AN ACT Relating to boundary review boards; amending RCW 36.93.051 and 36.93.061; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5094 by Senator McCaslin

AN ACT Relating to incorporation elections; and amending RCW 35.02.078.

Referred to Committee on Government Operations.

SB 5095 by Senator McCaslin

AN ACT Relating to term limits for elected public officials; and adding a new section to Title 29 RCW.

Referred to Committee on Government Operations.

SB 5096 by Senators McCaslin and Deccio

AN ACT Relating to determination of population for counties required to engage in growth management planning; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5097 by Senators McCaslin and Deccio

AN ACT Relating to fire protection district annexations; and amending RCW 35.02.190.

Referred to Committee on Government Operations.

SB 5098 by Senators McCaslin and Deccio

AN ACT Relating to election recounts; and amending RCW 29.64.015 and 29.64.051.

Referred to Committee on Government Operations.

SB 5099 by Senators McCaslin, L. Smith and Deccio

AN ACT Relating to carjacking; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5100 by Senator McCaslin

AN ACT Relating to unlawful harboring of a minor; and amending RCW 13.32A.080.

Referred to Committee on Law and Justice.

SB 5101 by Senator Vognild

AN ACT Relating to motorcycle fees; and amending RCW 46.20.505 and 46.81A.020.

Referred to Committee on Transportation.

SB 5102 by Senators Owen, Snyder, Hargrove, Bauer, M. Rasmussen, Gaspard, Rinehart, Sutherland and Jesernig (by request of Office of Financial Management)

AN ACT Relating to Grays Harbor Community College; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5103 by Senators Loveland, Winsley, Vognild and West

AN ACT Relating to emergency service communication districts; and adding a new section to chapter 82.14B RCW.

Referred to Committee on Ways and Means.

SB 5104 by Senators Snyder, Anderson, Roach, Erwin and Barr

AN ACT Relating to the department of fisheries; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

SB 5105 by Senators Owen, Haugen, Sutherland and Oke

AN ACT Relating to commercial bottom trawling for food fish; and amending RCW 75.12.390.

Referred to Committee on Natural Resources.

SB 5106 by Senators Owen, Sutherland, Oke, Snyder and L. Smith

AN ACT Relating to fish and wildlife enhancement; and amending RCW 75.08.230 and 79.24.580.

Referred to Committee on Natural Resources.

SB 5107 by Senators Sutherland and A. Smith

AN ACT Relating to arrest without warrant; and amending RCW 10.31.100.

Referred to Committee on Education.

SB 5108 by Senators A. Rasmussen, L. Smith, Deccio and Wojahn

AN ACT Relating to property tax exemptions; amending RCW 84.36.350; and reenacting and amending RCW 84.36.805.

Referred to Committee on Ways and Means.

SB 5109 by Senator A. Rasmussen

AN ACT Relating to voting membership on the state investment board; and amending RCW 43.33A.020 and 43.33A.040.

Referred to Committee on Labor and Commerce.

SB 5110 by Senators Haugen, Drew and Winsley

AN ACT Relating to water and sewer districts; amending RCW 56.08.070, 57.08.010, 57.08.050, and 57.08.170; and reenacting and amending RCW 56.08.010.

Referred to Committee on Government Operations.

SB 5111 by Senators Drew, von Reichbauer and Haugen

AN ACT Relating to disposal of property by towns; and amending RCW 35.27.010.

Referred to Committee on Government Operations.

SB 5112 by Senators Drew and von Reichbauer

AN ACT Relating to hiring procedures by cities and towns; and amending RCW 35.24.020, 35.27.070, 35.27.130, 41.08.040, and 41.12.040.

Referred to Committee on Government Operations.

SB 5113 by Senators Haugen, von Reichbauer, Roach, Erwin and Drew

AN ACT Relating to the township organization of counties; amending RCW 45.04.010, 45.12.030, 84.52.052, and 29.04.010; adding a new chapter to Title 45 RCW; creating a new section; recodifying RCW 45.04.010, 45.12.030, and 45.80.010; and repealing RCW 45.04.020, 45.04.030, 45.08.010, 45.08.020, 45.08.060, 45.08.070, 45.08.080, 45.08.090, 45.12.010, 45.12.020, 45.12.021, 45.12.040, 45.12.050, 45.12.060, 45.12.070, 45.12.080, 45.12.090, 45.12.100, 45.12.110, 45.12.120, 45.12.130, 45.12.140, 45.12.150, 45.12.160, 45.12.170, 45.12.180, 45.12.190, 45.12.200, 45.12.210, 45.12.220, 45.12.230, 45.12.240, 45.16.010, 45.16.020, 45.16.030, 45.16.035, 45.16.040, 45.16.060, 45.16.070, 45.16.080, 45.16.090, 45.16.100, 45.16.110, 45.16.120, 45.20.010, 45.20.020, 45.24.010, 45.24.040, 45.24.050, 45.24.060, 45.28.010, 45.28.020, 45.28.030, 45.28.040, 45.28.050, 45.28.060, 45.28.070, 45.28.100, 45.32.010, 45.32.020, 45.32.030, 45.32.050, 45.32.060, 45.32.070, 45.32.080, 45.32.090, 45.36.010, 45.36.020, 45.36.030, 45.40.010, 45.40.030, 45.44.010, 45.48.010, 45.48.020, 45.48.030, 45.48.040, 45.52.010, 45.52.020, 45.52.030, 45.52.040, 45.52.050, 45.52.060, 45.52.070, 45.52.080, 45.52.090, 45.54.010, 45.54.020, 45.56.010, 45.56.040, 45.56.050, 45.56.070, 45.56.080, 45.64.010, 45.64.020, 45.64.030, 45.64.040, 45.64.050, 45.64.060, 45.64.070, 45.64.080, 45.72.010, 45.72.020, 45.72.030, 45.72.040, 45.72.050, 45.72.060, 45.72.070, 45.76.020, 45.76.030, 45.76.040, 45.76.050, 45.76.060, 45.76.070, 45.76.080, 45.76.090, 45.76.100, 45.80.020, 45.80.030, 45.80.040, 45.80.050, 45.80.060, 45.80.070, 45.80.080, 45.80.100, 45.82.010, and 45.82.020.

Referred to Committee on Government Operations.

SB 5114 by Senators Haugen and von Reichbauer

AN ACT Relating to compensation for local officials; amending RCW 35.17.108, 35.18.220, 35.22.205, 35.23.220, 35.24.090, 35.27.130, 35A.12.070, 35A.13.040, 36.17.020, and 53.12.260; and repealing RCW 53.12.005.

Referred to Committee on Government Operations.

SB 5115 by Senators Drew, von Reichbauer, Loveland and Haugen

AN ACT Relating to meetings by cities and towns; and amending RCW 35.24.180, 35.24.190, 35.27.270, 35.27.280, and 35A.39.010.

Referred to Committee on Government Operations.

SB 5116 by Senators Loveland, von Reichbauer, Haugen and Drew

AN ACT Relating to cities and towns; amending RCW 3.38.010, 29.07.105, 35.01.010, 35.01.020, 35.01.040, 35.06.010, 35.06.070, 35.06.080, 35.07.010, 35.13.180, 35.13.190, 35.13.200, 35.13.210, 35.13.280, 35.23.170, 35.23.270, 35.23.352, 35.23.440, 35.23.455, 35.23.460, 35.23.470, 35.23.570, 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160, 35.23.180, 35.23.190, 35.23.250, 35.23.280, 35.23.530, 35.24.020, 35.24.050, 35.24.080, 35.24.100, 35.24.142, 35.24.160, 35.24.190, 35.24.200, 35.24.210, 35.24.305, 35.24.306, 35.24.330, 35.24.370, 35.24.400, 35.24.410, 35.24.420, 35.24.440, 35.24.455, 35.27.010, 35.27.550, 35.31.050, 35.34.040, 35.55.010, 35.55.130, 35.56.010, 35.61.010, 35.69.010, 35.70.020, 35.70.100, 35.86A.020, 35.86A.050, 35A.01.070, 35A.02.130, 35A.06.020, 35A.06.030, 35A.10.010, 35A.12.010, 35A.13.010, 35A.29.150, 36.94.050, 39.36.040, 41.44.050, 42.23.030, 54.16.110, 54.16.180, 56.04.090, 57.04.100, 57.08.010, 68.52.210, 81.48.030, 81.48.040, 84.52.020, 84.52.070, 90.28.010, and 90.28.020; adding new sections to chapter 35.23 RCW; recodifying RCW 35.24.020, 35.24.050, 35.24.070, 35.24.080, 35.24.090, 35.24.100, 35.24.110, 35.24.120, 35.24.130, 35.24.140, 35.24.142, 35.24.144, 35.24.146, 35.24.148, 35.24.160, 35.24.180, 35.24.190, 35.24.200, 35.24.210, 35.24.220, 35.24.250, 35.24.260, 35.24.300, 35.24.305, 35.24.306, 35.24.310, 35.24.330, 35.24.370, 35.24.400, 35.24.410, 35.24.420, 35.24.430, 35.24.440, 35.24.455, 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160, 35.23.180, 35.23.190, 35.23.250, 35.23.280, and 35.23.530; and repealing RCW 35.01.030, 35.06.020, 35.06.030, 35.06.040, 35.06.050, 35.06.060, 35.23.030, 35.23.050, 35.23.070, 35.23.090, 35.23.100, 35.23.110, 35.23.130, 35.23.132, 35.23.140, 35.23.200, 35.23.210, 35.23.220, 35.23.230, 35.23.240, 35.23.260, 35.23.300, 35.23.310, 35.23.320, 35.23.370, 35.23.450, 35.23.500, 35.23.510, 35.23.540, 35.23.550, 35.23.595, 35.24.010, 35.24.030, 35.24.060, 35.24.230, 35.24.274, 35.24.275, 35.24.290, 35.24.340, 35.24.350, 35.24.380, 35.24.390, 35.61.320, 35.61.330, and 35.61.340.

Referred to Committee on Government Operations.

SB 5117 by Senators Haugen and Niemi

AN ACT Relating to municipal courts; and amending RCW 3.34.010, 3.46.040, 3.46.050, 3.50.010, 3.50.040, 3.50.050, 3.50.060, 3.50.070, and 46.63.110.

Referred to Committee on Law and Justice.

SB 5118 by Senators Drew and von Reichbauer

AN ACT Relating to ordinances of cities and towns; amending RCW 35.27.320; adding a new section to chapter 35.21 RCW; and prescribing penalties.

Referred to Committee on Government Operations.

SB 5119 by Senators A. Smith and Rinehart

AN ACT Relating to consumer purchases and leases of motor vehicles; reenacting and amending RCW 46.70.011; and adding new sections to chapter 46.70 RCW.

Referred to Committee on Law and Justice.

SB 5120 by Senator A. Smith

AN ACT Relating to consumer protection; and amending RCW 19.86.090 and 19.86.920.

Referred to Committee on Law and Justice.

SB 5121 by Senators A. Smith, Rinehart and Quigley

AN ACT Relating to consumer leases of automobiles; amending RCW 63.10.020 and 63.10.040; and adding a new section to chapter 63.10 RCW.

Referred to Committee on Law and Justice.

SB 5122 by Senators A. Smith and Rinehart

AN ACT Relating to motor vehicle dealers; amending RCW 46.70.070, 46.70.180, and 46.70.190; and creating a new section.

Referred to Committee on Law and Justice.

SB 5123 by Senators A. Smith and Rinehart

AN ACT Relating to automobile manufacturers' adjustment programs; and adding a new chapter to Title 19 RCW.

Referred to Committee on Law and Justice.

SJM 8001 by Senator Sutherland

Requesting amending the Copyright Act to address current situations.

Referred to Committee on Energy and Utilities.

SJR 8203 by Senators Haugen, von Reichbauer, Loveland and Winsley

Amending the Constitution to revise the method of altering county boundaries.

Referred to Committee on Government Operations.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege. We are indeed honored and blessed to have so many new members joining us this year. They joined a Senate that is steeped in deep tradition that has many honored traditions of which I am sure our new members will want to learn of and will want to perpetuate and continue. These traditions are such that they give this body some dignity and give this body a living legacy.

"Yesterday, three of our new members made very glowing remarks on the floor of the Senate. They made what is called their 'maiden speech.' As a time-honored tradition that goes back to when this Senate was founded, they now owe a tribute to the body for their maiden speech. The distinguished gentle woman from the second district, Senator Rasmussen; the distinguished gentle woman from the twenty-eighth, Senator Winsley; and the distinguished gentleman from the fourteenth, Senator Deccio, should, on the next day that we meet, make a tribute to the Senate and tradition would have it--that in the olden days they used to provide chocolate and cigars, but very few people smoke and so now it somewhat--"

POINT OF ORDER

Senator Deccio: "Was that really my maiden speech? It seems to me that I hear my voice rolling around--"

Senator West: "Freshmen are freshmen."

Senator Deccio: "I'm going to withdraw my name from that list."

Senator West: "We will expect a tribute of a consumable nature unique to each member in the Senate at the next meeting of the session--perhaps next week. We will give them some time. The other new members might think of what their opportunities--for when they make their maiden speech and the tribute that they may provide to the entire body."

REMARKS BY SENATOR SKRATEK

Senator Skratek: "Thank you, Mr. President. I completely concur with Senator West. However, I must add a name to his list. Our gentle woman from the eleventh district, Senator Prentice, made her maiden speech in her nomination of the Sergeant at Arms. So, we must add her as well."

REMARKS BY SENATOR PRENTICE

Senator Prentice: "Thank you, Mr. President. I also am acknowledging the changes that have occurred in this room and they are about to continue to change. I would suggest that perhaps we use a different term besides 'maiden.'"

MOTIONS

On motion of Senator Jesernig, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5042.

On motion of Senator Jesernig, Senate Bill No. 5042 was referred to the Committee on Government Operations.

MOTION

At 11:43 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The members of the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

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

The Speaker instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard, and Minority Leader George L. Sellar to seats on the rostrum.

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

The Speaker presented the gavel to President Pritchard.

REMARKS BY THE SPEAKER

Speaker Ebersole: "It is indeed a pleasure for me to turn over the gavel to the President of the Senate, Joel Pritchard, who will preside over the Joint Session."

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Pelz and Vognild.

The Clerk of the House called the roll of the House and all members were present.

REMARKS BY THE PRESIDENT

President Pritchard: "The President is pleased to recognize the many representatives of our international community who are with us today. A special introduction for the Vice Dean of the Consular Corps from Britain, her Majesty's Consul, Mr. Stephen Turner."

The President introduced the following distinguished guests seated on the rostrum: Former Governor Al Rosellini, Congressman Al Swift, Congresswoman Jolene Unsoeld and Congressman Mike Kreidler.

The President appointed Senators Hargrove, Loveland, Amondson and Erwin, Representatives Roland, Heavey, Brough and Talcott as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Senators Drew, McAuliffe, Hochstatter and Deccio and Representatives Fisher, Rust, Stevens and Fuhman as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President introduced the Supreme Court Justices and the State Elected Officials.

The President appointed Senators Prentice and Cantu and Representatives Rayburn and Reams as a special committee to escort Governor-elect Mike Lowry and Mrs. Lowry to the rostrum.

The President of the Senate introduced Governor-elect and Mrs. Lowry.

The flag was escorted to the rostrum by I Corps Command Color Guard of Fort Lewis.

The National Anthem was sung by The Celestial Singers from Centralia High School.

The following prayer was offered by Reverend Samuel McKinney of Mt. Zion Baptist Church of Seattle:

"Let us pray. We gather O God, to seek your blessings upon all the elected officials who shall be sworn in this day. We're grateful for the excellence and the diversity they represent. We gather also God to seek your blessings upon Mike Lowry, the twentieth Governor of the state of Washington. Smile, we pray upon all the inhabitants of this state, all elected and appointed officials and those who reside within all state institutions. May your creative, compassionate, beneficent, and understanding spirit encompass our Governor and all those who shall be sworn in this day. Be a shining light before him; a protective hovering cloud over him; a wall of strength behind him; solid unyielding ground underneath him as he leads us into a future, which in spite of human tears and fears, will be undimmed.

"May Governor Mike Lowry be blessed with an understanding and cooperative Legislature and a sensitive Supreme Court. Surround him with cooperative elected officials and may he be upheld by a helpful and knowledgeable staff and employees. Deepen O God our commitment to education so that we support and sustain a system of educational opportunities for all the populace at all ages and levels. Open doors of trade and commerce and production, so full employment might be enjoyed by all. Enable each of us to participate with creation in the preservation of our environment including the majestic mountains, verdant valleys, towering trees, clean clear waters laden with many varieties of fish. Remove from this state and nation all symbols of hate and acts of racism, sexism, elitism, ageism, and all other isms. May the many splendid varieties of the human family residing in this state signal to the rest of the world how we could all live together as brothers and sisters. Now, send your presence to the Governor's family that they might enjoy his successes with him. Succor, strengthen and encourage him at those times when he and his conscious must stand alone. Grant him wisdom, grant him courage, for the facing of this hour, for the living of these days that he fail not humanity nor thee. Amen"

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "The purpose of this Joint Session is to administer the oath of office to the constitutionally elected state officials of the state of Washington and to receive the Inaugural Address of Governor Mike Lowry."

THE OATH OF OFFICE TO ELECTED OFFICIALS

Justice Barbara A. Madsen administered the oath of office to Insurance Commissioner Deborah Senn, and the President of the Senate presented her the Certificate of Office.

Justice Charles Z. Smith administered the oath of office to Commissioner of Public Lands Jennifer Belcher, and the President of the Senate presented her the Certificate of Office.

Acting Chief Justice Barbara Durham administered the oath of office to Superintendent of Public Instruction Judith Billings, and the President of the Senate presented her the Certificate of Office.

Justice Richard P. Guy administered the oath of office to Attorney General Christine Gregoire, and the President of the Senate presented her the Certificate of Office.

Justice Charles W. Johnson administered the oath of office to State Auditor Brian Sonntag, and the President of the Senate presented him the Certificate of Office.

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

Justice Charles Z. Smith administered the oath of office to State Treasurer Dan Grimm, and the President of the Senate presented him the Certificate of Office.

Justice Robert F. Utter administered the oath of office to Lieutenant Governor Joel Pritchard, and the Speaker of the House presented him the Certificate of Office.

Chief Justice James A. Andersen administered the oath of office to Governor Mike Lowry, and the President of the Senate presented him the Certificate of Office.

The President of the Senate introduced our new First Lady, Mary Lowry.

REMARKS BY THE SPEAKER

Speaker Ebersole: "Thank you Mr. President, this is indeed an honor.

"This is a week for sharp contrasts. Yesterday, we said goodbye to a Governor who was known to be soft-spoken, quiet, and often perplexed by the twists and turns of legislative politics. He was a man of many interests--a serious tennis player, a regular at the local gym, a diligent piano student, and a soccer coach.

"Today, we welcome a new Governor--a man who eats, breathes and sleeps politics and public policy. Our new Governor is a man who revels in the rough and tumble of the legislative arena--a man whose passionate and vocal devotion to the democratic process is legendary. Among our new Governor's passions are health care reform, education reform, and the creation of state budgets that invest in opportunity and promote economic vitality. We, in the Legislature, look forward to working closely with the new Governor to achieve these goals. But, Mike's overriding concern is bringing people together across all the lines of difference of color, of gender, of geography, and partisan loyalty.

"He devotes every ounce of his considerable energy to these tasks. In fact, when our new Governor needs a thorough aerobic workout, he doesn't go to the gym--he gives a speech. So, let me clear away the water pitchers and get out of harm's way. We ask all of you to join me in giving a joyous and rousing welcome to the twentieth Governor of the state of Washington, the Honorable Mike Lowry."

INAUGURAL ADDRESS BY GOVERNOR MIKE LOWRY

Governor Lowry: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, distinguished members of the Legislature and my distinguished fellow elected officials, Reverend McKinney--my pastor, our distinguished congressional delegation, other honored guests, dedicated public employees, and fellow citizens of the state of Washington.

"Before I begin, I did hear just from news people who contacted me, only moments ago, news that you may have heard that there is air bombing going on in Iraq. Each and every one of us offer our prayers and our hope to all people involved. I know that is true of all the people of the state of Washington. Our hopes and our prayers go to everyone involved.

"Before I begin, I also want to acknowledge two people again as this room and body and state did yesterday and that is Governor Booth Gardner and Jean Gardner--for the tremendous contribution that they have made to our state over this last eight years. It is my honor as Governor to say 'Thank you, Booth, and thank you, Jean.'

"I stand here today because of the tremendous support of literally thousands of friends and people across the state of Washington. I wish I could name each and everyone of them. That, of course, is not possible at this time, but please extend to me the privilege of acknowledging my best friend, my closest advisor, the person that has meant the most to getting me to this place today--Mary Lowry. Extend to me the privilege of introducing other members of my family who are here--that mean so very much to me and have been so supportive. Our daughter, Diane, who is an absolute inspiration to us; my sister, Suellen Lowry Hibschman; my niece, Ann Ventress; Mary's father, Elmer Carlson; and my mother, Helen Lowry.

"It is a great honor to be elected Governor of the state of Washington and I want to thank each and every person in the state for that honor. There have been those who have questioned why I am so optimistic about the future of the state of Washington. The answer to that is simple. I am optimistic because the people of the state of Washington are saying that they want to all work together--Democrats, Republicans, Independents--one state all working together for the good of all. That is why I am optimistic that we will have a great future for this state. I've seen that in so many places in the last few months and I have a transition task force, the number of which is more than the people in this room. This is actually a small meeting for me. They have done an absolutely fantastic job. They are made up of business and labor and conservationists from all over the state--people of all ethnic origins--all working together because they want us to work together to meet the challenges and the opportunities of our state. It is so clear watching those wonderful, dedicated people working together, just how easy it is going to be to do this job. I am especially optimistic about the future of the state of Washington, because exactly that same attitude is with the elected officials in this room--with the legislators in this room, with all the elected officials in this room, who I know from what they have been showing and you have been showing and been working together, saying, 'We are going to work together to get the job done.' Thank you for that attitude; it is because of that this state has a great future.

"Certainly, we have a difficult budget situation, but we will handle that budget situation and not with gimmicks, not with smoke and mirrors, not with IOU's, but with good, sound fiscal policy that understands the importance of sound fiscal policy to the future of our state, to our economic vitality and to the quality of life of our people. We will handle that, because of you.

"So, let's look at some of the most important components of the work we will be doing--working together--with your leadership--the foundations for a great future for this state. Health care, the dual crisis of escalating, out of control health care costs and uncovered people in our state is an absolute crisis for everyone--from the family to every business to, yes, our state budget. We will spend for the same level of health care, five hundred and fifty million dollars more this next biennium for health care in the state budget than this biennium. If we had passed meaningful health care reform in 1981, we wouldn't have a budget deficit in 1993. For the vitality of this state, to be able to move ahead and get at fundamentals so that we can have good sound fiscal policies, we must and we will pass meaningful health care reform this year.

"Education--Education--I have often said that I think we could hold a press conference and perhaps answer every question put before us on a challenge of our problem in one word, 'Education.' It is the key to our economic vitality. In the real world of today, to maintain the outstanding firms that we have in this state and to attract the type of firms that we have in this state that will provide for good, high-paying jobs--the key to that is to have the best educated workforce. That is what attracts, keeps, draws, the businesses that we need. The key to our economic future--the key to our economic vitality is education--having that highest quality educated workforce.

"So, from preschool through K-12 through our community colleges and our technical institutes and our four-year universities and our research universities, we must put the priority to have an education system second to none, because it is the key to the future of this state. It would be penny wise and pound foolish to, at this time, make deep cuts in education. It would critically hurt and cripple our economy for the future. We are not going to make that mistake.

"Allow me to talk more about education. One of the most important things to us as people is to benefit and appreciate the importance of our culture, of our arts, and of our hysterical heritage--our historical heritage--and for some of us hysterical heritage. It is so key; it seems so easy that when we get into the crunch that the importance of culture and art and history--it is so easy for us to cut those out. That is a tremendous mistake for us as people. As we move through our education component, let's remember that. Let's remember what a tremendous thing arts and our culture are to us.

"Continuing on education, I believe the most important education issue of all is the health and the condition of the child when they come to the classroom--readiness for learning. It seems to me that it would be impossible to learn if you were hungry or if you were sick or if you were homeless. Yet we have thousands of children in our state who are hungry and sick and homeless and it does not have to be that way. We can change that; we must commit ourselves to programs in this state that eliminate hunger, get health care that we need and eliminate homeless, so that child can come to that classroom ready to learn--key education issues.

"Let me mention one last area that I am still going to place under the broad umbrella of education, although there are many things that go into that. We have got to get to the root causes of why we are having this burgeoning, bursting at the seams, increase in our prison population. We have got to get to that--to what are the root causes and why is that happening. We are spending twenty-seven thousand dollars a person a year in prisons. We spend six times more on prisoners than we do on community college students, per student. I mean, can that work? I can think the answer to it all is obviously, 'No.' So, what we need to do is one, get more judgment back into the justice system and two, get at the roots of why these crimes are going on.

"I believe that a great number of our people who are now on their way to prison or in a place in their life, that if it doesn't change, they are going to be on their way to prison--that if they had the opportunity and the hope to have a good job then they would be going a different path. What we need to do is give hope and opportunity and education a chance and I think we will get a great return with that understanding of that investment.

"While all of these elements of education have many important components in them, because of your work, because of the work of Governor Gardner and many dedicated people across the state, we are in a position to, in this year, make a giant step forward on improving our education process--on putting us in the place to be competitive in the real world of today. I'm referring, of course, to the work that has been done by the Governor's Council on Education Reform and Funding and all of the work of all the people across the state that have gone into that, that have put us in the position of this year of doing something very meaningful. We must and we will pass education reform this year. Let's do that.

"I think it is true all across our country, but it is certainly true in the beautiful state of Washington that good environmental policy is good economic policy. As we move through these next four years and as we work on the policies of economic vitality of the things that really count of making sure that our people have the opportunity for a good paying job, we must remember that a key component of a strong economy--of a real economy--is good environmental policy, good agricultural policy, good forest policy. Those go hand in hand--good fisheries policy--those go hand in hand with a good environment, because if we are approaching our natural resources directly, then we are going to have a solid fisheries and a solid forestry and solid agriculture.

"High technology goes hand in hand with a good environment. As a matter of fact, we have a great opportunity in this state to be the world's leader for environmental cleanup. We have a tremendously, highly educated workforce and high technology abilities in so many of our different industries around the state. Of course, a perfect example is to look at that wonderful workforce in the Tri-Cities where we have an opportunity working there as is also true of working many other places around our state--to become the world leader in environmental cleanup technology. Now, talk about something that, unfortunately, there is a real market for, that is something there is a real market for. Let's make sure that we see that relationship and we work our way towards that.

"Let's also make sure as we go through our policies over the next four years that we understand the importance of the great beauty of this state as a wonderful economic job opportunity. Tourists--I mean we simply are not doing as much as we should be doing in this most beautiful of all places, in the whole world, of attracting and bringing in and getting those tourism dollars. We can be working that with film institutes and all types of things.

"So, again, protecting our environment, enhancing our natural resources, those just move forward as great economic opportunities for the people of our state. One last item on the environment--the importance of that within our economy. We must build a infrastructure that handles our needs for the remainder of this decade and carries us into the twenty-first century. We must have water quality and water policy, and transportation policy--state-wide integrated transportation policies that meet the needs of this decade and the twenty-first century. We must dedicate ourselves to make that happen. Those things all will work together, for that key, most important component of quality of life, the opportunity to have a good paying job--it all comes together in that.

"One last area I would like to talk about within that is we need and we will make state government more efficient and more effective and more streamlined to provide better services in partnership with the private sector in this state. We will do that. Streamlining regulations, streamlining over-lapping duplicating regulations, so that we apply those correctly will both be a great enhancement as a partner with the private sector for our economy in this state and we'll do a better job of protecting our environment and the health and the safety of our people. So, regulatory reform--making our government work more efficiently and more effectively is good from every standpoint. We can and we will do that. A key component within that is recognizing the wonderful contribution that the public employees make to the state of Washington. We have excellent, hard working public employees.

"As we move to making our government more efficient, more effective through consolidation and elimination of duplication and making all the agencies of state government accountable to the people--as we do that--the key to how we will make that happen is because of the dedication of our excellent public employees. An important component of management and the employees, to be able to do their job, is that we would be much better off at that if we have collective bargaining and civil service reform. Let's get those so that we can move ahead with a streamlined effective government, so that we can do the job we are all here to do.

"All of these things that I mentioned are, of course, because they all relate together for the future of our economy and the future of our quality of life. I think we will have great success in accomplishing those fundamentals that are so key to that.

"Let me mention before I end this speech--and it will end. I was looking for an applause line from over here with the Republicans. Yes, thank you! The most important issue in America and in the state of Washington--the most important political issue is to rebuild the credibility of our political system. That is the most important. I want to thank many of the elected officials in this room for the job that you have done in this last election cycle of working on rebuilding that credibility. It is the key issue to our wonderful democracy.

"That is why in the Governor's campaign that I just went through, that I set two very strong rules for my campaign. First, that it would be a totally, positive campaign and would not employ any negative politics. I had confidence that the wonderful people of the state of Washington wanted that type of a campaign. You and I together have a fantastic opportunity for all of us to work together and say, 'Let's end the blight of negative campaigning.' Will you all join me and commit in making that happen? It will be a wonderful thing for our democracy.

"The second rule I set for the campaign is that we would have strict campaign contribution limits. I believe that the people of the state of Washington would really participate within their political system if given the opportunity, if knowing that their small contribution and their grass roots work could really make a difference and not be off set by huge contributions from financial special interests.

"Of course, the people of the state of Washington showed that that was absolutely true. They participated in response to that opportunity in record-setting ways. As a matter of fact, by the end of the campaign, it wasn't possible to open the small envelopes coming in to make the calculation to know how many funds we had to purchase ads and so my staff developed a means by which they weighed the mail and calculated what it was. Why did that work? Because this is a political system that is owned by the people of the state of Washington. Given the opportunity to participate, in that political system, they said, 'Yes, we do want to do that.'

"We can make a tremendous change for the remainder of our political system if we will continue the road on campaign finance reform and continue it until the job is done. Will you join with me to pass campaign finance reform that will get the job done?

"So, today, we begin the work of the next four years. I have talked of high standards and challenging goals, but I know those will be met. I know those will be met because of you. There is fantastic dedication and leadership within this room. I think that four years from now, when we look back at what has been accomplished, we can, with pride, look at these goals that were achieved. We will know that we had earned the faith that was placed in us by the voters. The people of the state of Washington will be able to say, 'They did the job that we elected them to do.' That, for a public servant, is the highest possible praise.

"Thank you and let's get to work."

The President instructed the special committee to escort the Governor and Mrs. Lowry from the House Chamber.
The President instructed the special committee to escort the Supreme Court Justices from the House Chamber.
The President of the Senate instructed the special committee to escort the Elected Officials from the House Chamber.

MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice-President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard and Minority Leader George L. Sellar from the House Chamber.

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

The Senate was called to order at 1:12 p.m. by President Pritchard.

MOTION

At 1:12 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, January 14, 1993.

MARTY BROWN, Secretary of the Senate.

JOEL PRITCHARD, President of the Senate.

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 13, 1993

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

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 14, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Laura Hopper and Ashley Dumas, presented the Colors. Reverend Don Roberts, pastor of the Church of the Living Water of Olympia, offered the prayer.

MOTION

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

MOTION

At 10:08 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:04 a.m. by President Pritchard

INTRODUCTION AND FIRST READING

SB 5124 by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin (by request of Department of Fisheries)

AN ACT Relating to commercial fishing licenses; amending RCW 75.28.010, 75.28.014, 75.28.020, 75.28.030, 75.28.040, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.280, 75.28.290, 75.28.690, 75.28.287, 75.28.710, 75.30.050, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.28.235, 75.28.245, 75.30.160, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.240, 75.30.250, 75.08.230, 75.28.134, 75.24.100, 75.28.070, and 75.50.100; reenacting and amending RCW 75.28.095 and 75.08.011; adding new sections to chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; adding new sections to chapter 75.12 RCW; creating new sections; recodifying RCW 75.28.070, 75.28.134, 75.28.235, 75.28.245, and 75.28.287; decodifying RCW 75.30.150; repealing RCW 75.28.012, 75.28.035, 75.28.060, 75.28.140, and 75.28.255; and providing an effective date.

Referred to Committee on Natural Resources.

SB 5125 by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin (by request of Department of Fisheries)

AN ACT Relating to commercial salmon fishing licenses; and amending RCW 75.30.120.

Referred to Committee on Natural Resources.

SB 5126 by Senators Snyder, Owen, Haugen, Spanel, Sellar, Oke, Bauer, Amondson and Erwin (by request of Department of Fisheries)

AN ACT Relating to the geographical landmark at Cape Shoalwater; amending RCW 75.12.210 and 75.28.012; and creating a new section.

Referred to Committee on Natural Resources.

SB 5127 by Senators Moore, Prentice, Roach, Bauer, West, Talmadge, Williams, Vognild, Sutherland, Pelz, Prince, McAuliffe, Wojahn, Jesernig and Erwin

AN ACT Relating to leaves of absence by members of the Washington public employees' retirement system; reenacting and amending RCW 41.40.010; adding new sections to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5128 by Senators Moore, Newhouse, Snyder and Amondson

AN ACT Relating to registration for kegs or other similar containers for malt liquor; and amending RCW 66.24.360, 66.28.200, and 66.28.220.

Referred to Committee on Labor and Commerce.

SB 5129 by Senators Bauer, Sheldon, Barr, Haugen, Owen, Moyer, Gaspard, Sellar, Rinehart, Sutherland and McAuliffe

AN ACT Relating to educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Education.

SB 5130 by Senators Talmadge and A. Smith

AN ACT Relating to attorneys' fees; and amending RCW 4.84.250.

Referred to Committee on Law and Justice.

SB 5131 by Senators Wojahn, Gaspard, Moyer, Prentice, A. Smith, Spanel, Deccio, Haugen, Quigley, Pelz and Talmadge

AN ACT Relating to firearms; amending RCW 9.41.098; and reenacting and amending RCW 9.41.010.

Referred to Committee on Law and Justice.

SB 5132 by Senators Talmadge, A. Smith, Wojahn and Oke

AN ACT Relating to liability of parents for the acts of children; and amending RCW 4.24.190.

Referred to Committee on Law and Justice.

SB 5133 by Senators Talmadge, Pelz, Moore, Skratek, Owen, A. Smith, Winsley and McAuliffe

AN ACT Relating to enhancement of youth recreation opportunities; amending RCW 9A.36.031; adding new sections to chapter 43.99 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 67 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ecology and Parks.

SB 5134 by Senators Haugen, Barr, Snyder, Oke, Winsley, Roach and Erwin

AN ACT Relating to property taxation of real or personal property owned by nonprofit organizations, associations, and corporations; and amending RCW 84.36.037 and 84.36.030.

Referred to Committee on Ways and Means.

SB 5135 by Senators Talmadge and McCaslin

AN ACT Relating to state and local initiative and referendum ballot titles; amending RCW 29.27.060, 29.79.040, 29.79.110, 29.27.065, 29.27.067, and 35A.29.120; adding a new section to chapter 29.79 RCW; and repealing RCW 35.17.320.

Referred to Committee on Government Operations.

SB 5136 by Senators Skratek and Haugen

AN ACT Relating to the vesting of property rights upon an application for the development or improvement of land; adding new sections to chapter 58.17 RCW; creating a new section; and repealing RCW 58.17.033.

Referred to Committee on Government Operations.

SB 5137 by Senators M. Rasmussen, Deccio, Erwin, Moyer, A. Smith, Haugen, Prince, Spanel, McCaslin, Winsley, von Reichbauer and Oke

AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010, 29.21.010, 29.21.015, and 29.21.070; and providing an effective date.

Referred to Committee on Government Operations.

SB 5138 by Senators M. Rasmussen, Roach, Erwin, Moyer, A. Smith, Wojahn, Haugen, Spanel, McCaslin, Nelson, Quigley, Winsley and Oke

AN ACT Relating to persons under the age of twenty-one who are apparently under the influence of alcohol in a public place; amending RCW 66.44.270; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5139 by Senators Fraser, Wojahn, Prentice, Haugen, von Reichbauer, Williams, Winsley, Roach and McAuliffe (by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association)

AN ACT Relating to consolidation of the state capital historical association and the Washington state historical society; amending RCW 27.34.010, 27.34.020, 27.34.040, 27.34.250, 27.34.900, and 43.03.028; creating new sections; repealing RCW 27.34.090; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SCR 8400 by Senators Talmadge, Skratek, Haugen, Owen, A. Smith, Pelz, Bluechel, Winsley and Erwin

Declaring a sister state relationship with the Province of Taiwan.

Referred to Committee on Trade, Technology and Economic Development.

MOTION

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

MOTION

On motion of Senator Jesernig, the Committee on Energy and Utilities was relieved of further consideration of Gubernatorial Appointment No. 9056, R. Ted Bottiger, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

On motion of Senator Sutherland, Gubernatorial Appointment No. 9056, R. Ted Bottiger, as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was confirmed.

Senator Gaspard spoke to the confirmation of R. Ted Bottiger, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

APPOINTMENT OF R. TED BOTTIGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Anderson and Barr - 2.

SECOND READING

SENATE BILL NO. 5000, by Senators Gaspard, Talmadge, Snyder, Prentice, Skratek, Drew, Fraser, Owen, Sheldon, Pelz, Rinehart, McAuliffe, M. Rasmussen, Wojahn, Williams, A. Rasmussen, A. Smith, Loveland, Vognild, Hargrove, Jesernig, Bauer, Spanel, Sutherland, Winsley, West, Moyer, Erwin, Quigley, von Reichbauer, Haugen, Sellar, Hochstatter, Newhouse, Oke, McDonald and Roach

Repealing the basic health plan sunset termination.

The bill was read the second time.

MOTION

Senator West moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.131.355 and 1987 1st ex.s. c 5 s 24 are each amended to read as follows:

The Washington basic health plan administrator and its powers and duties shall be terminated on June 30, ~~((4992))~~ 1997, as provided in RCW 43.131.356.

"**Sec. 2** RCW 43.131.356 and 1987 1st ex.s. c 5 s 25 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((4993))~~ 1998:

(1) Section 1, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.900;

(2) Section 1, chapter 54, Laws of 1990 and RCW 70.47.150;

(3) Section 2, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.140;

~~((3))~~ (4) Section 3, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.010;

~~((4))~~ (5) Section 4, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.020;

~~((5))~~ (6) Section ((5)) 907, chapter ((5)) 232, Laws of ~~((1987 1st ex.s.))~~ 1992 and RCW 70.47.030;

~~((6))~~ (7) Section 6, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.040;

~~((7))~~ (8) Section 7, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.050;

~~((8))~~ (9) Section ((8)) 908, chapter ((5)) 232, Laws of ~~((1987 1st ex.s.))~~ 1992 and RCW 70.47.060;

~~((9))~~ (10) Section 9, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.070;

~~((10))~~ (11) Section 10, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.080;

~~((11))~~ (12) Section 11, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.090;

~~((12))~~ (13) Section 12, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.100;

~~((13))~~ (14) Section 13, chapter 5, Laws of 1987 1st ex.s., section 3, chapter 4, Laws of 1991 sp.s. and RCW 70.47.110;

~~((14))~~ (15) Section 22, chapter 315, Laws of 1991, section 7, chapter 21, Laws of 1992 and RCW 70.47.115;

(16) Section 14, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.120;

~~((15))~~ (17) Section 15, chapter 5, Laws of 1987 1st ex.s. and RCW 70.47.130;

~~((16))~~ (18) Section 16, chapter 5, Laws of 1987 1st ex.s. and RCW 50.20.210;

~~((17))~~ (19) Section 17, chapter 5, Laws of 1987 1st ex.s. and RCW 51.28.090; and

~~((18))~~ (20) Section 18, chapter 5, Laws of 1987 1st ex.s. and RCW 74.04.033.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."2

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator West to Senate Bill No. 5000.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Prince: "Senator Gaspard, I am a little reluctant to vote for this bill, because this bill only deals with a part of this state. I represent a district that needs this program very badly. I would find it much easier to vote for this if I felt that if the intent was, in continuing this program, that maybe some other people could be brought in to the program as well."

Senator Gaspard: "Senator Prince, the purpose for this legislation is to eliminate the termination of our Basic Health Care Plan that was scheduled to take place at the end of this biennium, June 30. As I mentioned earlier in our comments, and Senator Talmadge has also mentioned it, it will probably be a major part of the improvements that we would like to make to health care in a health care reform program that we will be looking at later this session.

"Certainly, when we improve access, we would like to make the improvements to health care that would go to other parts of our state, and so we look forward to making this program available throughout the state of Washington and look forward to working with you to make that happen."

Senator Prince: "O.K., that reassures me; it is easier for me to cast a vote for it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5000.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5000 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

SENATE BILL NO. 5000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8602

BE IT RESOLVED, That the Rules of the Senate for the 1991 Regular Session of the 52nd Legislature be adopted, as amended, as the Rules for the 1993 Regular Session of the 53rd Legislature, to read as follows:

PERMANENT RULES OF THE SENATE

FIFTY-~~(SECOND)~~ THIRD LEGISLATURE

~~((1994))~~ 1993

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SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

- Rule 1.** 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)
2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.
3. The president shall have charge of and see that all officers, employees, and clerks perform their respective duties, and shall have general control of the senate chamber and lobby. (See also Art. 2, Sec. 10, State Constitution.)
4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.
5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)
6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.
7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.
8. The president shall decide and announce the result of any vote taken.
9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

Sergeant at Arms

Rule 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

3. A legislative employee shall not use or attempt to (a) obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of senate employment.

4. A legislative employee shall not accept or solicit anything of value under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

5. A legislative employee shall not disclose confidential information acquired by reason of senate employment to any person or group not entitled to receive such information, nor shall such information be used for personal gain or to benefit others.

6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, shall directly or indirectly be required to make any contribution to a political candidate, committee or party.

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the president and the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

- a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.
- b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,
Members of the house of representatives,
State elected officials,
Officers and authorized employees of the legislature,
Honored guests being presented to the senate,
Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,
Representatives of the press,
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

Printing of Bills

Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules. The secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

Regulation of Lobbyists

Rule 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

Recognizing the public concern about lobbyist influence on the legislative process, the Senate encourages more complete disclosure of all gifts from lobbyists registered pursuant to chapter 42.17 RCW by requiring the following:

(1) Each quarter, beginning with the 2nd calendar quarter of 1991, each Senator and staff member of the Senate shall advise the public disclosure commission of all gifts, received by that Senator or staff member.

For this rule, "gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, reimbursements from or payments by persons, other than the state of Washington or any agency or political subdivision thereof, for travel or anything else of value in excess of fifty dollars in return for which legal consideration of equal or greater value is not given and received but does not include:

- (a) Any contribution that is required to be reported under chapter 42.17 RCW;
- (b) Any informational material that is transferred for the purpose of informing the recipient about matters pertaining to official legislative business, and that is not intended to financially benefit that recipient;
- (c) Any symbolic presentation that is not intended to financially benefit the recipient;
- (d) Any hosting in the form of entertainment, meals, or refreshments, the value of which does not exceed one hundred dollars, furnished in connection with official appearances, official ceremonies, and occasions where official legislative business is discussed;
- (e) Gifts that are not used and that, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;
- (f) Intrafamily gifts; or
- (g) Gifts received in the normal course of private business or social interaction that are not related to public policy decisions or legislative actions.

(2) The lobbyists shall provide each member a timely report of such gifts.

(3) The gift reporting requirements for members and staff contained in this rule will be inoperative so long as a state law is in effect which addresses gift reporting to the Public Disclosure Commission.

Security Management

Rule 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

SECTION III

RULES AND ORDER

Time of Convening

Rule 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

Quorum

Rule 16. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.
SECOND. Reports of select committees.
THIRD. Messages from the governor and other state officers.
FOURTH. Messages from the house of representatives.
FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
SIXTH. Second reading of bills.
SEVENTH. Third reading of bills.
EIGHTH. Presentation of petitions, memorials and floor resolutions.
NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

Unfinished Business

Rule 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

Motion and Senate Floor Resolutions (How Presented)

Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the tenth day preceding adjournment sine die of any regular session, senate floor resolutions automatically shall be referred to the committee on rules.

Precedence of Motions

Rule 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

Adjourn or recess
Reconsider

Demand for call of the senate
Demand for roll call
Demand for division
Question of privilege
Orders of the day

INCIDENTAL MOTIONS

Points of order and appeal
Method of consideration
Suspend the rules
Reading papers
Withdraw a motion
Division of a question

SUBSIDIARY MOTIONS

1st Rank: To lay on the table
2nd Rank: For the previous question
3rd Rank: To postpone to a day certain
 To commit or recommit
 To postpone indefinitely
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

Announcement of Vote

Rule 23. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV

PARLIAMENTARY PROCEDURE

Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order - Decision Appealable

Rule 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Motion to Adjourn

Rule 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

Reed's Parliamentary Rules

Rule 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

SECTION V

COMMITTEES

Committees - Appointment and Confirmation

Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

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

1. Agriculture ~~((and Water Resources))~~ 7
2. ~~((Children and Family Services-5))~~
Ecology and Parks 7
~~((Commerce and Labor-9))~~
3. Education ~~((14))~~ 12
4. Energy and Utilities ~~((9))~~ 11
~~((Environment and Natural Resources-9))~~
~~((Financial Institutions and Insurance-11))~~
5. Government~~((al))~~ Operations ~~((5))~~ 7
6. Health and ~~((Long Term Care))~~
Human Services((7)) 15
7. Higher Education 9
8. Labor and Commerce 13
9. Law and Justice 9
10. Natural Resources 11
11. Rules~~((18))~~ 21
12. Trade, Technology and Economic Development 7
13. Transportation 15
14. Ways and Means ~~((23))~~ 24

Subcommittees

Rule 42. Committee chairmen may create subcommittees of the standing committee and designate subcommittee chairmen thereof to study subjects within the jurisdiction of the standing committee. The committee chairmen shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

Subpoena Power

Rule 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chairman shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

8. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

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

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

Committee Meetings During Sessions

Rule 46. No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.

Reading of Reports

Rule 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

Recalling Bills from Committees

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

Rules Committee

Rule 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

Joint Resolutions and Memorials

Rule 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

Rule 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

- FIRST: A standing committee.
- SECOND: A select committee.

Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of

bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chairman shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

Rule 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

Third Reading

Rule 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule.

Matters Related to Disagreement Between the Senate and House

Rule 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur
To non-concur

To recede
To insist
To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

Bills Committed for Special Amendment

Rule 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chairman of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the senators elected. (Article 13 of the State Constitution.)

Senators Jesernig and Newhouse spoke to Senate Resolution 1993-8602.

MOTION

On motion of Senator Jesernig, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8401 by Senators Gaspard, Jesernig, Snyder, Sellar, Newhouse and Anderson

Establishing legislative cut-off dates.

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 1993 Regular Session of the Fifty-Third Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the following cutoff dates apply to all bills, memorials, and joint resolutions with the exception of budgets, matters necessary to implement budgets, initiatives to the legislature, and alternatives to initiatives to the legislature;

(1) Wednesday, March 3, 1993, the fifty-second day, will be the final day to read in committee reports in the house of origin with the exception of reports from the Senate Ways and Means and House fiscal committees;

(2) Monday, March 8, 1993, the fifty-seventh day, will be the final day to read in Senate Ways and Means and House fiscal committee reports in the house of origin;

(3) Wednesday, March 17, 1993, the sixty-sixth day, at 5:00 p.m., will be the final time to consider bills in their house of origin;

(4) Friday, April 2, 1993, the eighty-second day, will be the final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means and House fiscal committees;

(5) Monday, April 5, 1993, the eighty-fifth day, will be the final day to read in Senate Ways and Means and House fiscal committee reports on bills from the opposite house; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, April 16, 1993, the ninety-sixth day, neither house may consider any bills, memorials, or joint resolutions except initiatives to the legislature and alternatives to such initiatives, messages pertaining to amendments, matters of differences between the two houses, conference and free conference reports, and matters incident to the interim and to the closing of the business of the 1993 Regular Session of the Legislature.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. As explained by Senator West, yesterday, to the new members of this august body, I think we have a couple of Senators that made their maiden speeches today. One being, Senator Spanel--that was your maiden speech--and also Senator Prince made his maiden speech today. May I remind them that cigars, cigarettes and booze are not acceptable. However, chocolates, candy, cake, etc. will be accepted by the members, especially us thin ones."

MOTION

At 11:32 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, January 15, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 14, 1993

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

FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 15, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

MESSAGE FROM THE HOUSE

January 15, 1993

MR. PRESIDENT:

The House has passed Senate Bill No. 5000, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
Senate Bill No. 5000.

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS BY GOVERNOR GARDNER

December 31, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Richard Hicks, appointed December 31, 1992, for a term ending November 2, 1995, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jean H. Adams, reappointed January 8, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

BOOTH GARDNER, Governor

HOLD.

January 8, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Collins, appointed January 8, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Healea, appointed January 8, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 8, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jose G. Ruiz, reappointed January 8, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

January 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gina Vicente, appointed January 12, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Olympic Columbia Community College District No. 3.

Sincerely,
BOOTH GARDNER, Governor

HOLD.

The gubernatorial appointments by Governor Gardner were held on the desk.

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

INTRODUCTION AND FIRST READING

SB 5140 by Senator Winsley

AN ACT Relating to the measure of damages to a motor vehicle; and adding a new section to chapter 4.56 RCW.

Referred to Committee on Law and Justice.

SB 5141 by Senator Owen

AN ACT Relating to specialized forest products; and amending RCW 76.48.020, 76.48.060, and 76.48.070.

Referred to Committee on Natural Resources.

SB 5142 by Senator Owen

AN ACT Relating to supporting threatened or endangered food fish; amending RCW 46.16.605; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5143 by Senator Winsley

AN ACT Relating to early retirement; and amending RCW 41.40.180 and 41.40.630.

Referred to Committee on Ways and Means.

SB 5144 by Senator Winsley

AN ACT Relating to the sale or purchase of a credit card number by a person other than the cardholder; and adding a new section to chapter 62A.3 RCW.

Referred to Committee on Labor and Commerce.

SB 5145 by Senator Winsley

AN ACT Relating to amusement rides; amending RCW 67.42.010, 67.42.020, 67.42.040, and 67.42.060; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5146 by Senators Winsley, Sheldon and Oke

AN ACT Relating to absentee ballots for members of the armed forces; and amending RCW 29.36.013.

Referred to Committee on Government Operations.

SB 5147 by Senator Winsley

AN ACT Relating to directors, officers, employees, and other agents of credit unions; adding new sections to chapter 31.12 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5148 by Senator Winsley

AN ACT Relating to penalties for improper use of parking spaces for disabled persons; amending RCW 46.16.381; and prescribing penalties.

Referred to Committee on Transportation.

SB 5149 by Senators Winsley and Roach

AN ACT Relating to a penalty for littering; amending RCW 70.93.060, 70.93.070, and 70.95.240; and prescribing penalties.

Referred to Committee on Ecology and Parks.

SB 5150 by Senator Winsley

AN ACT Relating to food stamps; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Health and Human Services.

SB 5151 by Senator Winsley

AN ACT Relating to studded tires; and amending RCW 47.36.250 and 46.37.420.

Referred to Committee on Transportation.

SB 5152 by Senator Winsley

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing and of mobile home parks at current use value; reenacting and amending RCW 42.17.310; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Labor and Commerce.

SB 5153 by Senator Winsley

AN ACT Relating to mobile home parks; and amending RCW 59.20.070.

Referred to Committee on Labor and Commerce.

SB 5154 by Senator Winsley

AN ACT Relating to mobile home rental parks; adding a new section to chapter 59.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5155 by Senators Skratek, Haugen, Drew and Roach

AN ACT Relating to community councils in unincorporated areas; and amending RCW 36.105.010, 36.105.020, and 36.105.030.

Referred to Committee on Government Operations.

SB 5156 by Senators Snyder, Moyer, Wojahn, Bauer, Talmadge, Pelz, McAuliffe, von Reichbauer, Winsley and Roach

AN ACT Relating to public assistance; reenacting and amending RCW 74.04.005; and adding a new section to chapter 74.14 RCW.

Referred to Committee on Health and Human Services.

SB 5157 by Senators Hargrove and Nelson

AN ACT Relating to attorneys' fees; and amending RCW 12.20.060.

Referred to Committee on Law and Justice.

SB 5158 by Senators Talmadge and A. Smith

AN ACT Relating to the reporter of decisions; and amending RCW 2.32.110.

Referred to Committee on Law and Justice.

SB 5159 by Senators Talmadge, Owen and Fraser

AN ACT Relating to urban forestry; amending RCW 35.92.355, 43.19.668, 76.12.160, 76.15.007, 76.15.020, 80.28.024, 80.28.025, and 82.16.055; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35A.80 RCW; adding new sections to chapter 76.15 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.04 RCW; creating new sections; and making an appropriation.

Referred to Committee on Ecology and Parks.

SB 5160 by Senator Talmadge

AN ACT Relating to firearms; amending RCW 9.41.070, 9.41.090, 9.41.098, 9.41.280, 9.41.300, and 10.31.100; reenacting and amending RCW 9.41.010 and 9.41.040; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5161 by Senators Owen, Pelz, Sellar and Erwin (by request of Washington State Patrol)

AN ACT Relating to portability in the Washington state patrol retirement system; amending RCW 43.43.120, 43.43.130, and 43.43.260; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5162 by Senators Niemi, A. Smith, Prentice, McAuliffe, Drew, Spanel, Skratek, Loveland, Talmadge, Moore, Wojahn, Snyder, Fraser, Rinehart, Vognild, Williams, Bluechel, Bauer, Sheldon, Newhouse, Sutherland, Prince, Pelz, Jesernig and Gaspard

AN ACT Relating to prohibiting interference with access to health care, health care providers, and health care service delivery; amending RCW 10.31.100 and 10.97.070; adding a new chapter to Title 9A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5163 by Senator McCaslin

AN ACT Relating to the order of offices on ballots; and amending RCW 29.30.020.

Referred to Committee on Government Operations.

SB 5164 by Senators Wojahn and Talmadge

AN ACT Relating to nonprofit organizations providing credit services; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5165 by Senators West and Anderson

AN ACT Relating to health care; amending RCW 48.14.020, 48.14.022, 48.21.010, 48.21.050, 48.30.300, 48.44.220, 48.46.370, 7.70.070, 7.06.060, 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.070, 70.170.100, 70.170.110, 43.20.050, 43.70.050, 70.47.010, 70.47.020, 70.47.030, 70.47.060, 70.47.080, 70.47.120, 43.131.355, 43.131.356, 19.68.010, 82.24.020, 82.26.020, and 43.84.092; adding a new section to chapter 43.70 RCW; adding new sections to chapter 7.06 RCW; adding new sections to chapter 70.170 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.84 RCW; adding a new section to chapter 41.05 RCW; adding a new section to Title 51 RCW; adding a new section to chapter 70.47 RCW; adding new chapters to Title 48 RCW; adding new chapters to Title 70 RCW; creating new sections; repealing RCW 70.170.080; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5166 by Senators Vognild, Nelson and Sheldon (by request of State Treasurer and Department of Transportation)

AN ACT Relating to refunding revenue bonds for the department of transportation; amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SB 5167 by Senators M. Rasmussen, Snyder and Barr

AN ACT Relating to highways; directing construction of a Naches Pass tunnel; adding new sections to Title 47 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5168 by Senators Snyder, Owen and Hargrove

AN ACT Relating to public health; and amending RCW 70.38.125.

Referred to Committee on Health and Human Services.

SB 5169 by Senators Barr, Haugen, Bluechel, McCaslin, Snyder, Owen, von Reichbauer, Sellar and Oke

AN ACT Relating to the presidential preference primary; amending RCW 29.13.047 and 29.19.050; and repealing RCW 29.19.080.

Referred to Committee on Government Operations.

SB 5170 by Senators Snyder, Owen, Quigley, Hargrove, Spanel, Anderson and Erwin

AN ACT Relating to reauthorization of timber programs under chapters 314 and 315, Laws of 1991; amending RCW 43.31.611, 43.31.621, 43.31.631, 43.160.200, and 50.22.090; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); amending 1991 c 315 s 2 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5171 by Senators Sutherland, Moore, Vognild, Amondson, von Reichbauer and Bauer

AN ACT Relating to collection of debts owed the state; and amending RCW 43.17.240.

Referred to Committee on Labor and Commerce.

SB 5172 by Senators Wojahn, Moore, Fraser, Prentice and Pelz

AN ACT Relating to insurer reporting of financial impairment; adding new sections to chapter 48.05 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5173 by Senators Vognild, Moore and Wojahn

AN ACT Relating to the gambling revolving fund; and amending RCW 9.46.100.

Referred to Committee on Labor and Commerce.

SB 5174 by Senators Moore and Wojahn

AN ACT Relating to withholding information necessary for the collection of child support; adding a new section to chapter 26.18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5175 by Senator Moore

AN ACT Relating to verification of parents' income for purposes of calculating child support; and adding a new section to chapter 26.19 RCW.

Referred to Committee on Law and Justice.

SB 5176 by Senators Vognild, Pelz, Moore, Wojahn and Fraser

AN ACT Relating to the cashing of government issued checks or warrants; and amending RCW 43.08.135.

Referred to Committee on Labor and Commerce.

SB 5177 by Senators Pelz, Prentice and Moore

AN ACT Relating to automobile insurance; amending RCW 48.18.297; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Labor and Commerce.

SB 5178 by Senators Wojahn, Prentice and Moore

AN ACT Relating to fireworks; amending RCW 70.77.250, 70.77.255, 70.77.330, 70.77.340, 70.77.370, 70.77.435, 70.77.440, and 70.77.515; adding a new section to chapter 70.77 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5179 by Senators Owen, Barr, Fraser, Rinehart and Sutherland

AN ACT Relating to vessel safety; and adding new sections to chapter 88.12 RCW.

Referred to Committee on Ecology and Parks.

SB 5180 by Senators Vognild, Nelson, Skratek, Winsley, Loveland, Drew, Prince, Sellar, Sheldon, Prentice, von Reichbauer, Barr, Erwin and Roach

AN ACT Relating to the legislative transportation committee; and amending RCW 44.40.010.

Referred to Committee on Transportation.

SB 5181 by Senator Moore

AN ACT Relating to securities advisers disclosures; and amending RCW 21.20.020.

Referred to Committee on Labor and Commerce.

SB 5182 by Senator Moore

AN ACT Relating to the resolution of disputes arising from contracts between securities broker-dealers and clients; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Labor and Commerce.

SB 5183 by Senator Moore

AN ACT Relating to breaches of fiduciary duty in securities advising; and amending RCW 21.20.020.

Referred to Committee on Labor and Commerce.

SB 5184 by Senator Moore

AN ACT Relating to the securities brokers recovery account; adding a new chapter to Title 21 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5185 by Senator Moore

AN ACT Relating to excessive securities transactions; amending RCW 21.20.005; and adding new sections to chapter 21.20 RCW.

Referred to Committee on Labor and Commerce.

SB 5186 by Senators von Reichbauer, A. Smith, McCaslin, Prentice, Gaspard, Hargrove, Quigley, Winsley and Erwin

AN ACT Relating to luring; adding a new section to chapter 9A.40 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5187 by Senators Moore, Pelz, Prentice and Fraser

AN ACT Relating to eliminating insurance premium tax credits; amending RCW 48.32A.090; repealing RCW 48.32.145; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5188 by Senator Moore, Prentice and Loveland

AN ACT Relating to the valuation of items under a homeowner's policy; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Labor and Commerce.

SB 5189 by Senator Moore

AN ACT Relating to insurance holding company systems; amending RCW 48.31A.020 and 48.31A.050; and repealing RCW 48.31A.055.

Referred to Committee on Labor and Commerce.

SB 5190 by Senators Loveland and Moore

AN ACT Relating to payment of credit card accounts; and adding a new section to chapter 62A.3 RCW.

Referred to Committee on Labor and Commerce.

SB 5191 by Senators Moore and Prentice

AN ACT Relating to the life and disability guaranty fund; and amending RCW 48.32A.010, 48.32A.020, 48.32A.030, 48.32A.050, 48.32A.060, 48.32A.070, 48.32A.080, and 48.32A.120.

Referred to Committee on Labor and Commerce.

SB 5192 by Senators Moore and Prentice

AN ACT Relating to primary and secondary coverage under homeowners' policies; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Labor and Commerce.

SB 5193 by Senators Moore and Pelz

AN ACT Relating to motor vehicle insurance; adding a new chapter to Title 46 RCW; and making an appropriation.

Referred to Committee on Labor and Commerce.

SB 5194 by Senators Moore and Amondson

AN ACT Relating to consolidation of administration of financial institutions, securities, and corporate affairs; amending RCW 21.20.005, 21.20.450, 21.20.720, 30.12.190, 31.12.005, 31.12A.010, 31.24.020, 31.24.080, 31.24.120, 31.30.010, 31.30.150, 33.04.010, 33.04.110, 33.46.020, 33.46.030, 33.46.040, 33.46.050, 33.46.060, 33.46.080, 33.46.130, 43.17.010, 43.17.020, 43.19.010, 43.19.015, 43.19.020, 43.19.040, 43.19.050, 43.19.080, 43.19.090, 43.19.095, 43.19.100, 43.19.110, 43.19.112, 43.24.020, 43.24.024, 46.01.011, 46.01.050, 43.07.030, 43.07.120, 43.07.130, 43.07.140, 43.07.170, 43.07.180, 43.07.190, and 43.07.210; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.07.170, 43.07.180, 43.19.190, 43.07.200, 43.07.210, 43.19.020, 43.19.030, 43.19.040, 43.19.050, 43.19.080, 43.19.090, 43.19.095, 43.19.100, 43.19.110, and 43.19.112; prescribing penalties; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 5195 by Senator Moore

AN ACT Relating to excessive securities transactions; amending RCW 21.20.005; and adding new sections to chapter 21.20 RCW.

Referred to Committee on Labor and Commerce.

SB 5196 by Senator Moore

AN ACT Relating to insurance premium taxes; amending RCW 48.14.020; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5197 by Senators Sutherland and Moore

AN ACT Relating to apprenticeship for securities brokers; amending RCW 21.20.060; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5198 by Senators Sutherland, Owen and Bauer

AN ACT Relating to wild salmon; adding new sections to chapter 75.50 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 5199 by Senators L. Smith, Hargrove and Roach

AN ACT Relating to fisheries patrol officers and wildlife agents; amending RCW 4.24.350, 10.93.020, 46.09.200, 46.10.200, 69.30.110, 69.30.120, 70.93.050, 75.08.160, 75.10.020, 75.10.030, 75.10.040, 75.10.160, 75.25.140, 75.25.170, 76.04.045, 76.48.040, 77.08.010, 77.12.055, 77.12.060, 77.12.620, 77.16.610, 77.32.250, 77.32.380, and 88.12.330; reenacting and amending RCW 75.08.011; adding new sections to chapter 43.43 RCW; adding a new section to Title 75 RCW; adding a new section to Title 77 RCW; creating new sections; repealing RCW 75.08.206, 75.08.208, and 75.10.010; and providing an effective date.

Referred to Committee on Natural Resources.

SB 5200 by Senators Skratek, Owen, Gaspard, Prentice, Moore and Winsley

AN ACT Relating to the protection of private employee rights; amending RCW 49.60.250; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5201 by Senators Skratek, Roach, L. Smith, Loveland, Niemi, Prentice, Moore, von Reichbauer, Bluechel, Pelz and Erwin

AN ACT Relating to a naturopath pilot program for basic health plan and health care authority coverage; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health and Human Services.

SB 5202 by Senators Skratek, Prentice, Sheldon, Drew, Niemi, McAuliffe, Loveland, Haugen, Spanel, Fraser, M. Rasmussen, Wojahn, von Reichbauer and Roach

AN ACT Relating to informed consent prior to the performance of a hysterectomy; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health and Human Services.

SB 5203 by Senators Skratek, Gaspard and Sheldon

AN ACT Relating to employment and training; amending RCW 50.16.010, 50.16.020, and 50.29.025; adding new sections to chapter 50.16 RCW; adding new sections to chapter 50.24 RCW; adding new sections to chapter 50.29 RCW; creating new sections; and making appropriations.

Referred to Committee on Trade, Technology and Economic Development.

SJM 8002 by Senators Talmadge, Owen and Fraser

Requesting the national park service increase resource protection programs.

Referred to Committee on Ecology and Parks.

SJR 8204 by Senator Winsley

Amending the Constitution to allow current use valuation of very low-income housing.

Referred to Committee on Labor and Commerce.

SJR 8205 by Senator Winsley

Allowing taxing districts to approve levies with a simple majority of votes cast.

Referred to Committee on Ways and Means.

SJR 8206 by Senator Winsley

Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value.

Referred to Committee on Labor and Commerce.

MOTION

At 12:03 p.m., on motion of Senator Jesernig, the Senate adjourned until 11:30 a.m., Monday, January 18, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 15, 1993

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

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 18, 1993

The Senate was called to order at 11:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Anderson, Cantu, Hargrove, Moore, Nelson, Niemi, Prentice, Adam Smith, Linda Smith and Sutherland. There being no objection, the President excused Senators Amondson, Anderson, Cantu, Hargrove, Moore, Nelson, Niemi, Prentice, Adam Smith, Linda Smith and Sutherland.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer White and Casey Knak, presented the Colors. Reverend Dr. Edna Travis, pastor of the New Covenant Pentecostal Tabernacle of Tacoma, and a guest of Senator R. Lorraine Wojahn, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
WASHINGTON TRAFFIC SAFETY COMMISSION
100 S. Cherry Street, PO Box 40944
Olympia, Washington 98504-0944

January 12, 1993

Dear Legislator:

Welcome! As the 1993 legislative session gets underway, I want to take a moment to introduce our agency to you. The Washington Traffic Safety Commission (WTSC) is directed under RCW 43.59 to plan and supervise programs for the prevention of traffic collisions and to coordinate activities at the state and local level in the development of traffic safety programs.

The WTSC is funded primarily with federal highway safety funds, normally a little over \$5 million a biennium in federal gas tax dollars returned to the state for traffic safety uses. We also receive match dollars from the state highway safety fund to qualify for the federal funds, normally about \$360 thousand a biennium, and since 1989 we have received funding from the state Public Safety and Education Account (PSEA) to help support the statewide network of community DWI Task Forces. PSEA funding for the DWI Task Forces in the 1991-93 biennium was \$900 thousand.

I have enclosed two documents that may help you understand the Traffic Safety Commission a little better.

The first is our Highway Safety Plan for 1993. Although this plan only addresses programs funded with federal section 402 dollars, and does not cover projects financed with federal incentive or state funds, it is helpful in understanding our processes and the type of projects we typically support. You might find the Data Summary and Problem Analysis section, pages 13 through 98, helpful in determining what the most serious traffic safety problems are in Washington State.

The second document enclosed is a copy of our FY 1992 Highway Safety Plan Annual Report. According to federal rules, this report is submitted annually to the National Highway Traffic Safety Administration and covers all our federally funded projects.

One of our most important missions is to provide policy makers with the data, studies and information needed to make good decisions. The WTSC legislative liaison, Steve Lind, can be reached at 753-6538. Steve is available to provide testimony at a hearing, research questions you may have about proposed traffic safety legislation, work with your staff on preparing legislation, or assist you in many other ways. Through our Traffic Records Data Center (TRDC), Steve can make some excellent resources available to you, including an extensive document library containing many traffic safety studies and research documents in addition to a powerful computer based query system that can access many different state traffic safety related data bases.

Our goal is to provide the best information available so that you can make good policy decisions. My commitment to you is that the data will be accurate and reliable, the studies and research will be scientific, and in all our dealings we will be prompt and nonpartisan.

Again, welcome aboard! We look forward to working with you during what promises to be an exciting and challenging session.

Sincerely,
CHARLES F. HAYES, Director

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

MESSAGES FROM THE HOUSE

January 12, 1993

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4001, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

January 15, 1993

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8401.

INTRODUCTION AND FIRST READING

SB 5204 by Senators Haugen, Sutherland, West, von Reichbauer, Winsley, Deccio and Quigley

AN ACT Relating to lateral transfer of county sheriff's employees to municipalities; adding new sections to chapter 41.12 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5205 by Senators Wojahn, Moyer, Sheldon, Erwin, Fraser, Winsley, Prentice, Niemi and Talmadge

AN ACT Relating to infant mortality review; and amending RCW 70.05.170.

Referred to Committee on Health and Human Services.

SB 5206 by Senators Prentice and Niemi

AN ACT Relating to health reform; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health and Human Services.

SB 5207 by Senators Prentice and Snyder

AN ACT Relating to pet deposits paid by tenants; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Law and Justice.

SB 5208 by Senators Prentice, Moore, Wojahn, Fraser, Pelz, McAuliffe, Vognild and Winsley

AN ACT Relating to enforcement powers of the director of licensing in regard to the securities industry; and amending RCW 21.20.110.

Referred to Committee on Labor and Commerce.

SB 5209 by Senators A. Smith and Moore

AN ACT Relating to cancellation or nonrenewal of automobile, motorcycle, and homeowners insurance; and adding new sections to chapter 48.18 RCW.

Referred to Committee on Labor and Commerce.

SB 5210 by Senators Haugen and M. Rasmussen

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

Referred to Committee on Government Operations.

SB 5211 by Senator Haugen

AN ACT Relating to powers of public transportation benefit areas; and amending RCW 36.57A.080.

Referred to Committee on Transportation.

SB 5212 by Senator Haugen

AN ACT Relating to competition on ferry and toll bridge routes; amending RCW 47.60.120; and providing a contingent effect.

Referred to Committee on Transportation.

SB 5213 by Senators Haugen and Winsley

AN ACT Relating to lien foreclosure; amending RCW 84.64.050, 84.64.070, 84.64.080, 84.64.120, 84.64.180, 84.64.360, 84.64.380, 84.64.390, 84.64.420, 84.64.460, 35.50.010, 35.50.030, 35.50.220, 35.50.230, 87.03.265, 87.03.270, 87.03.271, 87.03.272, 87.03.445, 87.06.020, 87.06.080, 87.06.090, 87.06.100, 87.80.180, 56.20.120, and 57.16.150; adding new sections to chapter 84.64 RCW; creating new sections; and repealing RCW 84.64.040, 84.64.060, 84.64.200, 35.50.225, 35.50.240, 35.50.250, 35.50.260, 87.06.010, 87.06.030, 87.06.040, 87.06.050, 87.06.060, 87.06.070, 87.06.110, and 87.06.120.

Referred to Committee on Government Operations.

SB 5214 by Senators Haugen and Winsley

AN ACT Relating to local improvement districts; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.73 RCW; adding a new section to chapter 36.83 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 39.46 RCW; adding a new section to chapter 52.20 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; adding a new section to chapter 87.03 RCW; adding a new chapter to Title 39 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5215 by Senators Talmadge, Fraser, Owen and Skratek

AN ACT Relating to protecting Puget Sound and other waters of Washington; amending RCW 90.70.011, 90.70.060, 90.70.025, 90.70.070, 43.131.369, 43.131.370, 90.70.902, 82.02.090, 36.70A.070, 58.17.110, 17.21.030, 15.58.100, 90.48.037, 43.21B.300, and 90.48.140; reenacting and amending RCW 43.88.030 and 70.146.060; adding a new section to chapter 90.70 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 15.58 RCW; adding a new chapter to Title 36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ecology and Parks.

SB 5216 by Senators Prentice, Moore, A. Smith, Sutherland and Quigley

AN ACT Relating to construction contracts; adding a new section to chapter 39.04 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.32 RCW; and creating new sections.

Referred to Committee on Labor and Commerce.

SB 5217 by Senators Pelz, Jesernig, A. Smith, Prentice, Moore, Vognild, Winsley, Roach, Sutherland and Quigley

AN ACT Relating to public contracts; adding a new section to chapter 39.04 RCW; creating a new section; and repealing RCW 43.82.015.

Referred to Committee on Labor and Commerce.

SB 5218 by Senators McAuliffe, Prentice, Jesernig, A. Smith, Winsley, Vognild, Sutherland and Quigley

AN ACT Relating to public works contracts; amending RCW 28B.10.350, 28B.10.355, 28B.50.330, 35.22.620, 35.23.352, 35.56.270, 35.82.075, 36.32.250, 36.77.040, 39.04.015, 39.04.150, 39.04.155, 39.04.220, 39.19.070, 43.19.1911, 47.28.090, 47.28.100, 47.28.170, 53.08.120, 53.08.130, 54.04.070, 54.04.080, 56.08.070, 57.08.050, 70.44.140, 72.01.120, 85.24.070, 86.09.178, 87.03.435, 87.03.436, 89.30.154, and 91.08.530; and adding a new section to chapter 39.30 RCW.

Referred to Committee on Labor and Commerce.

SB 5219 by Senators M. Rasmussen, Newhouse and Barr

AN ACT Relating to the Washington wine commission; and amending RCW 66.12.180 and 66.24.210.

Referred to Committee on Agriculture.

SB 5220 by Senators Skratek, Erwin, Bluechel, Sheldon, M. Rasmussen, Deccio and Winsley

AN ACT Relating to a linked deposit program for investment by the state; and adding new sections to chapter 43.84 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5221 by Senators Skratek, Erwin, M. Rasmussen, Deccio and Barr

AN ACT Relating to the Washington rural development council; adding new sections to chapter 43.31 RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5222 by Senators Skratek, Erwin, Bluechel, M. Rasmussen, Deccio, Winsley and Barr

AN ACT Relating to urban/rural economic partnerships; amending RCW 43.63A.560; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Trade, Technology and Economic Development.

SB 5223 by Senators Skratek, Erwin, Bluechel, M. Rasmussen, Deccio and Winsley

AN ACT Relating to the Washington state self-employment loan program; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5224 by Senators Skratek, Bluechel, Erwin, M. Rasmussen, Deccio and Winsley

AN ACT Relating to international capital projects; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 5225 by Senators Skratek, Erwin, M. Rasmussen, Winsley and Barr

AN ACT Relating to a state-wide work-based learning program for youth; adding a new chapter to Title 28C RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 5226 by Senators Skratek, Haugen, Talmadge, Winsley, M. Rasmussen and Quigley

AN ACT Relating to management and evaluation of state programs; amending RCW 43.88.020, 43.88.090, and 43.88.160; adding a new section to chapter 43.88 RCW; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5227 by Senators Skratek, Haugen, Sheldon, Erwin, Winsley, M. Rasmussen, Barr and Roach

AN ACT Relating to taxing property based on actual use; amending RCW 84.34.010, 84.34.020, 84.34.030, 84.34.035, 84.34.045, 84.34.060, 84.34.080, and 84.34.108; adding a new section to chapter 84.34 RCW; and providing a contingent effective date.

Referred to Committee on Labor and Commerce.

SB 5228 by Senators Skratek, Haugen, A. Smith, Winsley and Quigley

AN ACT Relating to ongoing absentee voter status; amending RCW 29.36.013; and repealing RCW 29.36.016.

Referred to Committee on Government Operations.

SB 5229 by Senators Vognild, Sellar, Skratek, Winsley and Oke

AN ACT Relating to creating department of transportation and Washington state patrol's rule-making authority to govern state rest area activities; amending RCW 47.38.010 and 47.38.030; and prescribing penalties.

Referred to Committee on Transportation.

SB 5230 by Senators Hargrove, Anderson, Roach, Snyder, M. Rasmussen, Haugen, Jesernig, Deccio and Oke

AN ACT Relating to growth management deadlines; amending RCW 36.70A.040 and 82.02.050; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5231 by Senators Snyder, Hargrove, Amondson, Owen, Erwin, McCaslin, L. Smith, Jesernig, Prentice, Winsley, Quigley and Roach

AN ACT Relating to economic development; amending RCW 82.61.010 and 82.61.070; and repealing RCW 82.60.050, 82.61.040, and 82.62.040.

Referred to Committee on Ways and Means.

SB 5232 by Senators Hargrove, Vognild, Snyder, Owen, Anderson, Amondson, Erwin, McCaslin, Roach, L. Smith, M. Rasmussen, Jesernig, Prentice and Barr

AN ACT Relating to vehicular weight enforcement; and amending RCW 46.44.100 and 46.44.105.

Referred to Committee on Transportation.

SB 5233 by Senators A. Smith, McCaslin, Spanel, Nelson and Hargrove

AN ACT Relating to costs allowed to a prevailing party; and amending RCW 4.84.010.

Referred to Committee on Law and Justice.

SB 5234 by Senators Snyder, Gaspard, Wojahn, Bauer and Winsley

AN ACT Relating to vacancies in elective office; amending RCW 36.32.070, 42.12.040, and 42.12.010; adding new sections to chapter 42.12 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 5235 by Senators Fraser, Barr, Sutherland, Owen and Winsley (by request of Department of Health)

AN ACT Relating to enforcement of public water system requirements; amending RCW 70.119A.030, 70.119A.040, and 70.119A.050; adding a new section to chapter 70.119A RCW; and prescribing penalties.

Referred to Committee on Ecology and Parks.

SB 5236 by Senators Fraser, Barr, Sutherland, Owen and Winsley (by request of Department of Health)

AN ACT Relating to public water supply system operators; amending RCW 70.119.150; and adding a new section to chapter 70.119 RCW.

Referred to Committee on Ecology and Parks.

SB 5237 by Senators M. Rasmussen, A. Smith, Nelson, Winsley, Haugen, von Reichbauer, Oke, Roach and Spanel (by request of Attorney General and Secretary of State)

AN ACT Relating to charitable solicitations; amending RCW 19.09.020, 19.09.065, 19.09.075, 19.09.076, 19.09.079, 19.09.085, 19.09.097, 19.09.271, 19.09.100, 19.09.190, 19.09.200, 19.09.210, 19.09.230, 19.09.240, 19.09.275, 19.09.305, 19.09.315, 43.07.130, 11.110.010, 11.110.040, 11.110.050, 11.110.060, 11.110.070, 11.110.075, 11.110.080, 11.110.125, and 11.110.130; adding a new section to chapter 43.07 RCW; adding new sections to chapter 19.09 RCW; creating new sections; repealing RCW 19.09.078; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SJM 8003 by Senators Skratek, Erwin, Sheldon, Bluechel, M. Rasmussen, Deccio and von Reichbauer

Petitioning Congress to establish the Rural Development Council on a permanent basis.

Referred to Committee on Trade, Technology and Economic Development.

SJR 8207 by Senators Skratek, Haugen, Sheldon, Erwin, Winsley, M. Rasmussen and Roach

Taxing based on actual use.

Referred to Committee on Labor and Commerce.

SJR 8208 by Senators Snyder, Gaspard, Wojahn, Bauer and Winsley

Changing procedures for filling vacancies in certain elective offices.

Referred to Committee on Government Operations.

MOTION

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

SENATE RESOLUTION 1993-8603

By Senators Pelz, Wojahn, Drew, West, Oke, Gaspard, McAuliffe, Prentice, Fraser, Rinehart, Skratek, Niemi, Spanel, von Reichbauer, McDonald, Quigley, A. Smith, Anderson, Erwin, Bauer, Winsley, Snyder and Roach

WHEREAS, The Reverend Dr. Martin Luther King, Jr. devoted his life and teachings to the fight against injustice, intolerance, and segregation; and

WHEREAS, Dr. King's legacy of nonviolent change gave all Americans a share in his dream that "one day this nation will rise up and live out the true meaning of its creed... that all men are created equal"; and

WHEREAS, Dr. King's speech "I Have A Dream" expressed the dreams of all Americans for equality and justice when he said he prayed that one day his children would live in a nation where they will be judged not by the color of their skin but by the content of their character; and

WHEREAS, Dr. King symbolizes this nation's promise of liberty and democracy for all its citizens, and has become the symbol of freedom and democracy for all people throughout the world; and

WHEREAS, Dr. King understood the work of God, he knew that justice must overcome injustice, peace must overcome violence, and love must overcome hate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors the work of Dr. King and embraces his ideals and teachings; and

BE IT FURTHER RESOLVED, That the Washington State Senate joins with the people of our state in celebration of Dr. King's dream and his legacy.

A tape was played of a portion of a speech by the Reverend Dr. Martin Luther King.
Senators Pelz, Wojahn, Gaspard, Sellar and McAuliffe spoke to Senate Resolution 1993-8603.

MOTION

At 11:54 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Tuesday, January 19, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 18, 1993

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

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 19, 1993
The Senate was called to order at 12:00 noon by Vice President Pro Tempore Williams. No roll call was taken.

MOTION

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

REPORT OF SELECT COMMITTEE

WASHINGTON STATE BOARD OF EDUCATION

January 1, 1993

TO: Members of Washington State Legislature
FROM: Kathleen Anderson, President
 Judith A. Billings, Chief Executive Officer
SUBJECT: 1993 Report to the Legislature on the Schools for the 21st Century Program

In May of 1987, the Legislature passed Chapter 525, Laws of 1987 (Substitute Senate Bill No. 5479), authorizing the Schools for the 21st Century Program. Included in the provisions of that act was the requirement that the Washington State Board of Education report to the Legislature on the progress of the program on a biennial basis, with the first report being due in January 1989. Attached is the Executive Summary of the Board's third report to satisfy that requirement.

The State Board of Education is pleased to share with you information about the progress and results of the program to date. The first twenty-one projects have completed four of their six years, while the second twelve will reach the midpoint of their projects in June of this year. Included in the Executive Summary is background information about the program, data on what we have learned, barriers to implementing change, and staff recommendations. Also included are contacts for each project so that legislators may obtain additional information about projects located in their area or those of special interest to them.

We believe that the Schools for the 21st Century Program has played a key role in educational restructuring throughout the state and has been a catalyst for significant changes, such as the movement towards outcome-based education, site-based management, and the passage of the Education Reform Bill of 1992. We also believe that continued review and analysis of the program during the six years authorized for each of the projects can assist the Legislature in its efforts to promote school improvement and increased student performance.

For copies of the full 1993 Report to the Legislature on the Schools for the 21st Century Program or for additional copies of this report, please contact: John Anderson, Coordinator, Schools for the 21st Century; Office of Superintendent of Public Instruction, Old Capitol Building, PO Box 47200, Olympia, WA 98504; (206) 586-4512, SCAN 321-4512

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

INTRODUCTION AND FIRST READING

SB 5238 by Senators L. Smith, Niemi, Hargrove, McDonald, Erwin, Oke, Winsley and Hochstatter

AN ACT Relating to support programs for families of individuals with developmental disabilities; amending RCW 71A.10.015, 71A.10.020, 71A.12.010, and 71A.18.010; adding a new chapter to Title 71A RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5239 by Senators Wojahn, Prentice, Moyer, Deccio, Talmadge, Hargrove, Winsley, West and Erwin

AN ACT Relating to poison information centers; amending RCW 18.76.010, 18.76.030, and 18.76.060; adding new sections to chapter 18.76 RCW; repealing RCW 18.76.040; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5240 by Senators Bluechel, Rinehart, Oke and Winsley

AN ACT Relating to property tax exemptions and deferrals for senior citizens and persons retired for reasons of physical disability; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Ways and Means.

SB 5241 by Senators Vognild, Newhouse, Moore and Prince

AN ACT Relating to gambling; amending RCW 9.46.070; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5242 by Senators Jesernig, A. Smith, Loveland, Prentice, Bauer, Williams, Hargrove, Drew, M. Rasmussen, Snyder, McAuliffe, Wojahn, Quigley, Oke, Fraser, Winsley and Spanel

AN ACT Relating to incest; amending RCW 9A.64.020; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5243 by Senators Sutherland and Fraser (by request of Department of Ecology)

AN ACT Relating to fee structures of the air quality stationary source permit programs; amending RCW 70.94.015, 70.94.030, 70.94.151, 70.94.152, 70.94.161, 70.94.331, and 70.94.431; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Ecology and Parks.

SB 5244 by Senators Prentice, A. Smith, Moore, Winsley, Vognild, Sutherland, Jesernig and Quigley

AN ACT Relating to prevailing wages on public works projects; amending RCW 39.12.042; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5245 by Senators A. Smith, Quigley, Roach and Winsley (by request of Washington State Patrol)

AN ACT Relating to the time limitation on the analysis of blood and breath alcohol; and amending RCW 46.61.502, 46.61.504, and 46.61.506.

Referred to Committee on Law and Justice.

SB 5246 by Senators Snyder, Winsley, Rinehart, Gaspard, Prentice, Moore, Hargrove, Roach, Loveland, Jesernig, Vognild, Sutherland, von Reichbauer, Bauer, Quigley and Erwin

AN ACT Relating to creating the public works administration account; amending RCW 39.12.070; adding a new section to chapter 39.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5247 by Senators Skratek, Deccio, Erwin, Sheldon, M. Rasmussen, Moyer and Sellar

AN ACT Relating to port districts; and amending RCW 53.04.023.

Referred to Committee on Government Operations.

SB 5248 by Senators M. Rasmussen, Barr, Loveland, Newhouse and Bauer

AN ACT Relating to the sale of pollination agents; amending RCW 82.04.050; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5249 by Senator Winsley

AN ACT Relating to involuntarily inserting Norplant in mothers who have given birth to a child with fetal alcohol syndrome or addicted to drugs; adding a new section to chapter 70.96 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5250 by Senators Roach, M. Rasmussen, Oke and Hochstatter

AN ACT Relating to the well-being of children; adding new sections to chapter 9.68 RCW; creating a new section; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.110, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; and prescribing penalties.

Referred to Committee on Law and Justice.

MOTION

At 12:02 p.m., on motion of Senator Sheldon, the Senate adjourned until 12:00 noon, Wednesday, January 20, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 19, 1993

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

TENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 20, 1993

The Senate was called to order at 12:00 noon by President Pritchard in candlelight, because of a wind-caused power outage. No roll call was taken.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5251 by Senators Bauer, Snyder, Sheldon, Moore, Prentice, Sutherland, Jesernig, Rinehart and Winsley

AN ACT Relating to the nonresident sales tax exemption; and amending RCW 82.08.0273.

Referred to Committee on Ways and Means.

SB 5252 by Senator Winsley

AN ACT Relating to condominiums; adding a new section to chapter 64.32 RCW; and adding a new section to chapter 64.34 RCW.

Referred to Committee on Law and Justice.

SB 5253 by Senators Sutherland, Hochstatter and Williams (by request of Office of Financial Management)

AN ACT Relating to energy savings from efficiency projects at public facilities; and amending RCW 39.35C.120.

Referred to Committee on Energy and Utilities.

SB 5254 by Senators Fraser, Barr, Owen and Talmadge (by request of Office of Marine Safety)

AN ACT Relating to marine safety field operations; amending RCW 82.23B.020; adding a new section to chapter 88.46 RCW; adding a new section to chapter 88.44 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5255 by Senators Fraser, Barr, Talmadge, Bluechel and Haugen

AN ACT Relating to escheat lands suitable for operation for park and recreation purposes; and amending RCW 79.01.612.

Referred to Committee on Ecology and Parks.

SB 5256 by Senators Sutherland, McCaslin and Erwin

AN ACT Relating to annexation by cities and towns; amending RCW 35.13.350 and 35A.14.550; and creating a new section.

Referred to Committee on Government Operations.

SB 5257 by Senators Sutherland and McCaslin

AN ACT Relating to public utilities owned by cities or towns; and amending RCW 80.04.500.

Referred to Committee on Energy and Utilities.

SB 5258 by Senators Sutherland and McCaslin

AN ACT Relating to local utility taxes, fees, and charges; and amending RCW 35.21.860, 35.21.865, and 35.21.870.

Referred to Committee on Ways and Means.

SB 5259 by Senators Niemi, Wojahn, Williams, Pelz, Prentice and Winsley

AN ACT Relating to portability of public retirement benefits; amending RCW 41.54.061 and 41.54.040; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5260 by Senators Spanel, Owen, Oke, Haugen, Hargrove and Snyder

AN ACT Relating to salmon labeling for human consumption; adding new sections to chapter 69.04 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5261 by Senators Fraser, Deccio and Talmadge

AN ACT Relating to state background checks on persons providing services to physically disabled or mentally impaired persons; amending RCW 43.20A.710; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5262 by Senators M. Rasmussen and Barr

AN ACT Relating to the beef commission; and amending RCW 16.67.040 and 16.67.050.

Referred to Committee on Agriculture.

SB 5263 by Senators M. Rasmussen, Anderson, Barr and Bauer

AN ACT Relating to the marketing of milk; and amending RCW 15.35.060, 15.35.080, 15.35.100, 15.35.105, 15.35.110, 15.35.115, 15.35.150, and 15.35.250.

Referred to Committee on Agriculture.

SB 5264 by Senators M. Rasmussen, Bluechel, Skratek, Erwin, Deccio, Roach, Sheldon, Williams, Moore, Loveland, Sutherland, Bauer and Winsley

AN ACT Relating to trade and economic development; and adding a new section to chapter 43.31 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5265 by Senators Snyder, Winsley, A. Smith, Bauer, Hochstatter, Gaspard, L. Smith, Loveland, Vognild, Skratek and Pelz

AN ACT Relating to funeral expenses of a deceased person; and amending RCW 74.08.125.

Referred to Committee on Ways and Means.

SB 5266 by Senators Niemi, Pelz and McAuliffe

AN ACT Relating to first-time offenders; and reenacting and amending RCW 9.94A.030.

Referred to Committee on Law and Justice.

SB 5267 by Senators Niemi, A. Smith, Pelz and McAuliffe

AN ACT Relating to sentencing options for offenders convicted of nonviolent crimes with a presumptive sentence less than twelve months; reenacting and amending RCW 9.94A.030 and 9.94A.120; adding new sections to chapter 9.94A RCW; adding a new section to chapter 2.56 RCW; creating a new section; repealing RCW 9.94A.380; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5268 by Senators Sutherland, Roach, Prentice, von Reichbauer and Skratek

AN ACT Relating to public employee collective bargaining; amending RCW 41.56.460; reenacting and amending RCW 41.56.030; and repealing RCW 41.56.495.

Referred to Committee on Labor and Commerce.

SB 5269 by Senators Bauer, von Reichbauer, Sheldon, Sellar, Drew, Jesernig, Winsley and Erwin

AN ACT Relating to the governing board of the state's higher education institutions; amending RCW 28B.20.100, 28B.30.100, and 28B.35.100; and providing an effective date.

Referred to Committee on Higher Education.

SB 5270 by Senators Moore, Prentice and Amondson

AN ACT Relating to the creation of the department of financial institutions; amending RCW 43.17.010, 43.17.020, 43.19.010, 43.19.020, 43.19.030, 43.19.050, 43.19.080, 43.19.090, 43.19.095, and 43.19.112; adding a new chapter to Title 43 RCW; repealing RCW 43.19.040, 43.19.100, and 43.19.110; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5271 by Senators Owen, Oke, L. Smith and McDonald

AN ACT Relating to the enhancement of Chinook salmon; adding a new chapter to Title 75 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 5272 by Senator Oke

AN ACT Relating to public assistance award levels; and amending RCW 74.08.025.

Referred to Committee on Health and Human Services.

SB 5273 by Senators Oke, Pelz, Moyer, McDonald, West and Quigley

AN ACT Relating to cigarettes and tobacco products; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 5274 by Senator Oke

AN ACT Relating to exemptions from boiler regulations; and amending RCW 70.79.080.

Referred to Committee on Labor and Commerce.

SB 5275 by Senators Oke, Haugen and Winsley

AN ACT Relating to abandoned cemeteries; and amending RCW 68.60.030.

Referred to Committee on Government Operations.

SB 5276 by Senators Snyder and Amondson

AN ACT Relating to the business and occupation tax on the sale of fish; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5277 by Senator Erwin

AN ACT Relating to health care reform; amending RCW 70.47.030, 70.47.040, 70.47.050, 70.47.060, 70.47.070, 70.47.080, 70.47.090, 70.47.100, 70.47.110, 70.47.115, 70.47.130, 70.47.150, 41.05.031, 42.17.2401, 43.20.050, 50.20.210, 51.28.090, 74.04.033, 48.21.010, 48.21.050, 48.30.300, 48.44.220, 48.46.370, 41.05.021, 41.05.065, 41.05.006, 41.05.011, 41.05.021, 41.05.050, 41.05.055, 41.05.065, 41.05.075, 41.05.140, 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.080, 70.170.100, 70.170.110, 7.70.070, 4.22.070, 43.20.050, and 28B.125.010; reenacting and amending RCW 28A.400.350; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.84 RCW; adding a new section to chapter 74.09 RCW; adding a new section to Title 51 RCW; adding a new section to chapter 70.170 RCW; adding a new section to chapter 7.70 RCW; adding new sections to chapter 7.06 RCW; adding new chapters to Title 48 RCW; adding a new chapter to Title 19 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 70.47.030, 70.47.040, 70.47.050, 70.47.060, 70.47.070, 70.47.080, 70.47.090, 70.47.100, 70.47.110, 70.47.115, 70.47.130, 70.47.140, 70.47.150, and 70.47.901; repealing RCW 43.131.355, 43.131.356, 70.47.010, 70.47.020, 70.47.120, and 70.47.900; making appropriations; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Health and Human Services.

POINT OF INQUIRY

Senator Gaspard: "Senator Snyder, being the historian around here, do you ever remember a power outage such as this that shut down the Legislature?"

Senator Snyder: "The only time I can remember that the Senate was shut down was for an earthquake."

MOTION

2 At 12:03 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, January 21, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 20, 1993

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

TWELFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 22, 1993

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF INFORMATION SERVICES
Olympia, Washington 98504-2440

January 19, 1993

Dear Colleague:

It is my pleasure to submit for your review Washington State's first "Strategic Information Technology Plan," as required by RCW 43.105.160. This plan will serve as the foundation for state government information technology planning. It was developed by the Department of Information Services' (DIS) Policy and Regulation Division after discussions with and recommendations from numerous state agency executives and information technology professionals. The plan was adopted by the Information Services Board in December, 1992.

Information technology supports core organizational goals, and is a tool that helps agencies meet their goals and serve their clients. The strategic plan is a call to action to use information technology to improve government effectiveness.

The plan is designed to optimize, coordinate, and deploy state of Washington information technology resources to support and enable effective government operations and public service. It establishes four goals:

1. Improve service delivery to the public through the use of information technology.
2. Make information more accessible through an affordable and widely-available communications infrastructure.
3. Use information technology to respond quickly to changing business requirements.
4. Invest in people, tools, methods, and partnerships that support agency missions through information technology in government.

The state strategic plan guides individual agency strategic information technology plans. These plans will be reviewed by DIS' Policy and Regulation Division to ensure compliance with the state strategic plan.

State government now has a high level focus towards strategic planning that will improve this important segment of state government. It will help ensure that we work together to make the best and most cost-effective use of information technology.

If you have any questions or comments about this plan, please feel free to contact me at 753-0400.

Sincerely,
CLARE DONAHUE, Deputy Director

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON

OFFICE OF THE GOVERNOR
P. O. Box 40002
Olympia, Washington 98504-0002 * (206) 753-6780

January 14, 1993

Marty Brown, Secretary of the Senate
Washington State Senate

Legislative Building
Olympia, Washington 98504-0400

Dear Mr. Brown:

RE: ANNUAL EFFICIENCY COMMISSION REPORT

The original legislation enacting the Efficiency Commission directed the Commission to develop a four-year work plan to be presented to the Legislature by December 31, 1987. The Commission was directed to present an annual report to the Legislature annually, no later than December 31, on its progress toward completing the four-year plan and on its recommendations for operational and organizational improvements in state government. The reenacting legislation only changed the expiration date of the Commission, and did not specifically address whether an annual report was still required.

The Efficiency Commission has submitted an annual report since 1987. The Governor is the chair of the Commission. With the transition occurring, the Commission has deferred preparing the report in order to incorporate any changes a new chair might suggest in operations or focus. The Commission hopes to have these decisions made in the next few months.

Please accept our request to delay submittal of the Efficiency Commission annual report until March 31, 1993.

Sincerely,
CAROLE CHEATLE, Executive Director
Efficiency and Accountability Commission

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

INTRODUCTION AND FIRST READING

SB 5302 by Senators Owen, Hargrove and Oke

AN ACT Relating to food fish and shellfish; and amending RCW 75.08.080.

Referred to Committee on Natural Resources.

SB 5303 by Senators Owen and Hargrove

AN ACT Relating to the western Washington upland game bird permit; and amending RCW 77.32.350.

Referred to Committee on Natural Resources.

SB 5304 by Senators Talmadge, Gaspard, Moore, Deccio, Wojahn, Moyer, Snyder, Winsley, Fraser, Haugen, McAuliffe, Drew, Sheldon, Skratek and Pelz

AN ACT Relating to health care; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.060, 70.47.080, 70.47.120, 41.05.011, 41.05.021, 41.05.065, 19.68.010, 70.05.010, 70.05.030, 70.05.040, 70.05.050, 70.05.070, 70.05.080, 70.05.120, 70.05.130, 70.05.150, 70.08.010, 70.12.030, 70.12.050, 70.46.020, 70.46.060, 70.46.080, 70.46.085, 70.46.090, 70.46.120, 82.44.110, 82.44.155, 70.170.100, 70.170.110, 28B.125.010, 28B.115.080, 70.185.030, 43.70.460, 43.70.470, 82.02.030, 82.24.020, 82.08.0293, 82.12.0293, 82.04.260, 18.130.160, 18.130.190, 42.17.2401, 43.20.030, and 43.20.050; adding a new section to chapter 74.09 RCW; adding a new section to chapter 18.130 RCW; adding a new section to Title 43 RCW; adding new sections to chapter 70.05 RCW; adding new sections to chapter 70.170 RCW; adding a new section to chapter 70.185 RCW; adding new sections to Title 48 RCW; adding new sections to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 43.70 RCW; adding new chapters to Title 43 RCW; creating new sections; recodifying RCW 70.08.010; repealing RCW 70.05.005, 70.05.020, 70.05.132, 70.05.145, 70.08.005, 70.08.020, 70.08.030, 70.08.040, 70.08.050, 70.08.060, 70.08.070, 70.08.080, 70.08.090, 70.08.100, 70.08.110, 70.08.900, 70.12.005, 70.46.030, 70.46.040, 70.46.050, 82.04.4288, and 82.04.4289; prescribing penalties; making appropriations; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5305 by Senators Gaspard, Bauer, Haugen, A. Smith, Quigley, Spanel and Pelz (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

AN ACT Relating to school district and library district elections; amending RCW 28A.530.020, 28A.535.020, 28A.535.050, 84.52.056, and 27.12.222; and providing a contingent effective date.

Referred to Committee on Education.

SB 5306 by Senators Pelz, Gaspard, Moyer, Rinehart, McAuliffe, Spanel, A. Smith, Winsley, Skratek and Drew (by request of Council on Education Reform and Funding)

AN ACT Relating to education; amending RCW 28A.630.884, 28A.630.885, and 28A.225.220; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.240 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.105 RCW; adding new a section to chapter 28B.15 RCW; creating new sections; decodifying RCW 28A.215.904; repealing RCW 28A.415.250; and providing an effective date.

Referred to Committee on Education.

SB 5307 by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

AN ACT Relating to student safety and discipline; amending RCW 9.41.280, 9.41.300, and 28A.635.060; and prescribing penalties.

Referred to Committee on Education.

SB 5308 by Senator Owen

AN ACT Relating to forest fire protection; and amending RCW 76.04.610 and 76.04.630.

Referred to Committee on Natural Resources.

SB 5309 by Senator Owen

AN ACT Relating to the land bank; and amending RCW 79.66.090.

Referred to Committee on Natural Resources.

SB 5310 by Senator Owen

AN ACT Relating to trespass or waste of public lands; and amending RCW 79.01.760.

Referred to Committee on Natural Resources.

SB 5311 by Senators Talmadge and Deccio

AN ACT Relating to health care services for persons under the supervision of the department of corrections; and amending RCW 72.10.005, 72.10.010, 72.10.020, and 72.10.030.

Referred to Committee on Health and Human Services.

SB 5312 by Senators Haugen, Loveland and Oke

AN ACT Relating to cities and counties under five thousand in population; and amending RCW 82.46.010.

Referred to Committee on Government Operations.

SB 5313 by Senators Loveland, Winsley, Oke, Haugen, Sheldon, Owen, Quigley and Erwin

AN ACT Relating to surcharges for recording documents; and amending RCW 36.22.170.

Referred to Committee on Government Operations.

SB 5314 by Senators Talmadge, Moyer, Deccio and Winsley

AN ACT Relating to health care reform; amending RCW 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.100, 70.170.110, 7.70.070, 43.70.050, 43.70.060, 43.70.070, and 18.19.160; reenacting and amending RCW 18.64.080; adding a new section to chapter 43.70 RCW; adding new sections to Title 51 RCW; adding new sections to chapter 7.70 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 70 RCW; creating a new section; recodifying RCW 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.100, and 70.170.110; repealing RCW 19.68.010, 19.68.020, 19.68.030, 19.68.040, 48.20.002, 48.20.012, 48.20.013, 48.20.015, 48.20.022, 48.20.032, 48.20.042, 48.20.050, 48.20.052, 48.20.062, 48.20.072, 48.20.082, 48.20.092, 48.20.102, 48.20.112, 48.20.122, 48.20.132, 48.20.142, 48.20.152, 48.20.162, 48.20.172, 48.20.192, 48.20.202, 48.20.212, 48.20.222, 48.20.232, 48.20.242, 48.20.252, 48.20.262, 48.20.272, 48.20.282, 48.20.292, 48.20.302, 48.20.312, 48.20.322, 48.20.340, 48.20.350, 48.20.360, 48.20.380, 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.414, 48.20.416, 48.20.420, 48.20.430, 48.20.450, 48.20.460, 48.20.470, 48.20.480, 48.20.490, 48.20.500, 48.20.510, 48.20.520, 48.20.530, 48.21.010, 48.21.015, 48.21.020, 48.21.030, 48.21.040, 48.21.045, 48.21.050, 48.21.060, 48.21.070, 48.21.075, 48.21.080, 48.21.090, 48.21.100, 48.21.110, 48.21.120, 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.150, 48.21.155, 48.21.160, 48.21.180, 48.21.190, 48.21.195, 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.260, 48.21.270, 48.21.280, 48.21.290, 48.21.300, 48.21.310, 48.21.320, 48.21.330, 48.41.010, 48.41.020, 48.41.030, 48.41.040, 48.41.050, 48.41.060, 48.41.070, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.130, 48.41.140, 48.41.150, 48.41.160, 48.41.170, 48.41.180, 48.41.190, 48.41.200, 48.41.210, 48.41.900, 48.41.910, 48.44.010, 48.44.011, 48.44.015, 48.44.020, 48.44.023, 48.44.026, 48.44.030, 48.44.033, 48.44.035, 48.44.037, 48.44.040, 48.44.050, 48.44.055, 48.44.057, 48.44.060, 48.44.070, 48.44.080, 48.44.090, 48.44.095, 48.44.100, 48.44.110, 48.44.120, 48.44.130, 48.44.140, 48.44.145, 48.44.150, 48.44.160, 48.44.164, 48.44.166, 48.44.170, 48.44.180, 48.44.200, 48.44.210, 48.44.212, 48.44.220, 48.44.225, 48.44.230, 48.44.240, 48.44.245, 48.44.250, 48.44.260, 48.44.270, 48.44.290, 48.44.299, 48.44.300, 48.44.309, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.350, 48.44.360, 48.44.370, 48.44.380, 48.44.390, 48.44.400, 48.44.410, 48.44.420, 48.44.430, 48.44.440, 48.44.450, 48.44.460, 48.44.470, 48.45.005, 48.45.010, 48.45.020, 48.45.030, 48.46.010, 48.46.020, 48.46.023, 48.46.027, 48.46.030, 48.46.040, 48.46.060, 48.46.066, 48.46.070, 48.46.080, 48.46.090, 48.46.100, 48.46.110, 48.46.120, 48.46.130, 48.46.135, 48.46.140, 48.46.150, 48.46.160, 48.46.170, 48.46.180, 48.46.200, 48.46.210, 48.46.220, 48.46.225, 48.46.235, 48.46.240, 48.46.243, 48.46.245, 48.46.247, 48.46.250, 48.46.260, 48.46.270, 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.300, 48.46.310, 48.46.320, 48.46.340, 48.46.350, 48.46.355, 48.46.360, 48.46.370, 48.46.375, 48.46.380, 48.46.390, 48.46.400, 48.46.410, 48.46.420, 48.46.430, 48.46.440, 48.46.450, 48.46.460, 48.46.470, 48.46.480, 48.46.490, 48.46.500, 48.46.510, 48.46.520, 48.46.530, 48.46.540, 48.46.900, 48.46.905, 48.46.910, 48.46.920, 70.38.015, 70.38.025, 70.38.095, 70.38.105, 70.38.111, 70.38.115, 70.38.125

Referred to Committee on Health and Human Services.

SB 5315 by Senators Erwin, Haugen, M. Rasmussen, Amondson, Hargrove, Sheldon, L. Smith, Prince and Deccio

AN ACT Relating to cellular communication expenses of state employees; and amending RCW 43.03.050.

Referred to Committee on Government Operations.

SB 5316 by Senators Moore and McCaslin

AN ACT Relating to private moorage facilities; and adding a new chapter to Title 88 RCW.

Referred to Committee on Labor and Commerce.

SB 5317 by Senators Skratek and Haugen

AN ACT Relating to obsolete references; amending RCW 9.41.300, 9.46.0201, 9.46.0205, 9.46.0209, 9.46.0217, 9.46.0221, 9.46.0233, 9.46.0261, 9.46.0273, 9.46.0281, 9.46.0311, 9.46.0315, 9.46.0321, 9.46.0331, 9.46.0335, 9.46.0341, 9.46.0345, 9.46.0351, 9.46.0361, 9.46.060, 9.46.070, 9.46.075, 9.46.077, 9.46.080, 9.46.085, 9.46.090, 9.46.095, 9.46.100, 9.46.110, 9.46.116, 9.46.120, 9.46.130, 9.46.140, 9.46.150, 9.46.153, 9.46.158, 9.46.160, 9.46.170, 9.46.198, 9.46.210, 9.46.220, 9.46.225, 9.46.250, 9.46.285, 9.46.293, 9.46.300, 9.46.310, 9.46.350, 9.46.360, 10.93.020, 19.02.040, 19.02.050, 19.09.020, 19.126.070, 36.27.020, 42.17.2401, 43.03.028, 43.82.010, 51.16.210, 66.04.010, 66.08.020, 66.08.022, 66.08.075, 66.08.230, 66.12.190, 66.16.010, 66.24.010, 66.24.160, 66.24.185, 66.24.204, 66.24.206, 66.24.210, 66.24.260, 66.24.270, 66.24.480, 66.24.481, 66.24.490, 66.24.495, 66.28.040, 66.28.045, 66.40.030, 66.40.140, 66.44.190, 66.44.292, 66.44.310, 66.44.350, 67.16.010, 67.16.020, 67.16.040, 67.16.050, 67.16.060, 67.16.075, 67.16.100, 67.16.101, 67.16.102, 67.16.105, 67.16.110, 67.16.130, 67.16.140, 67.16.150, 67.16.160, 67.16.175, 67.16.190, 67.16.200, 67.16.230, 67.16.300, 67.70.055, 67.70.070, and 82.04.350; and reenacting and amending RCW 9.46.230 and 51.12.020.

Referred to Committee on Labor and Commerce.

SB 5318 by Senators Fraser, Deccio, Talmadge and Winsley

AN ACT Relating to physician's assistants and osteopathic physician's assistants; amending RCW 4.16.350, 4.24.240, 5.64.010, 7.70.020, 10.79.100, 18.57.040, 18.57A.010, 18.57A.020, 18.57A.030, 18.57A.040, 18.57A.050, 18.57A.060, 18.71A.010, 18.71A.020, 18.71A.030, 18.71A.040, 18.71A.045, 18.71A.050, 18.71A.060, 18.71A.070, 18.71A.085,

18.72.045, 18.72.345, 18.78.182, 41.05.180, 48.20.393, 48.21.225, 48.44.325, 48.46.275, 51.04.030, 69.41.030, 69.45.010, 70.180.005, 70.180.009, 70.180.020, 70.180.030, 70.180.040, 74.42.010, and 74.42.230; and reenacting and amending RCW 18.71.015, 18.71.030, 18.78.010, 69.41.010, 69.50.101, and 71.05.210.

Referred to Committee on Health and Human Services.

SB 5319 by Senators Fraser, Barr, Bluechel, Talmadge, Winsley, Moore, Prince and Deccio

AN ACT Relating to transfers of fuel taxes attributable to marine and nonhighway uses; and amending RCW 43.99.070, 46.09.170, and 46.10.170.

Referred to Committee on Ecology and Parks.

SB 5320 by Senators Fraser, Talmadge, Winsley, Deccio, Moore and Sutherland

AN ACT Relating to limits on phosphorus contents in certain detergents; and adding new sections to Title 70 RCW.

Referred to Committee on Ecology and Parks.

SB 5321 by Senators Skratek and Haugen

AN ACT Relating to economic development; amending RCW 41.06.070; reenacting and amending RCW 41.40.023; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 9.46.040, 9.46.050, 66.08.012, 66.08.014, 66.08.016, 67.16.012, 67.16.014, and 67.16.017; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5322 by Senators Talmadge, Moyer and Winsley

AN ACT Relating to programs for highly capable students; amending RCW 28A.150.370, 28A.185.020, and 28A.185.030; adding a new section to chapter 28A.185 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5323 by Senators Talmadge, Pelz, Moyer, McDonald, Winsley and Oke

AN ACT Relating to the protection of students in kindergarten through twelfth grades; amending RCW 28A.635.020; and prescribing penalties.

Referred to Committee on Education.

SB 5324 by Senator Pelz (by request of Law Revision Commission)

AN ACT Relating to correcting a double amendment related to reimbursement for school transportation costs; and reenacting RCW 28A.150.280.

Referred to Committee on Education.

SB 5325 by Senators Pelz and Wojahn

AN ACT Relating to applications for business licenses; adding a new section to chapter 66.24 RCW; adding a new section to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5326 by Senators Pelz, von Reichbauer, Moore and Winsley

AN ACT Relating to food products requiring insurance or proof of financial responsibility; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5327 by Senators Haugen, Winsley, Skratek, Quigley, M. Rasmussen, Moyer and Roach

AN ACT Relating to limiting the value of residential property for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SB 5328 by Senators Haugen, Winsley, Skratek, Quigley, M. Rasmussen, Oke and Moyer

AN ACT Relating to the deferral of property taxes for senior citizens; amending RCW 84.38.020 and 84.38.030; adding a new section to chapter 84.38 RCW; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5329 by Senators Haugen, A. Smith and Talmadge

AN ACT Relating to port districts; amending RCW 53.12.010, 53.12.115, 53.12.120, 53.12.130, and 53.16.015; reenacting and amending RCW 53.12.172; adding a new section to chapter 53.12 RCW; and adding new sections to chapter 53.04 RCW.

Referred to Committee on Government Operations.

SB 5330 by Senators Haugen, Moore and Amondson

AN ACT Relating to second-hand property; and adding a new section to chapter 18.11 RCW.

Referred to Committee on Labor and Commerce.

SB 5331 by Senators West, Erwin, Deccio, Moyer, McDonald, Hochstatter, Oke, Prince, Newhouse and Sellar

AN ACT Relating to the basic health plan; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.060, 70.47.080, and 70.47.120; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 5332 by Senators West, Oke, Nelson, Owen, Pelz, Sutherland, Hargrove, Winsley, von Reichbauer, Erwin and Sheldon

AN ACT Relating to underwater parks; and adding new sections to chapter 43.51 RCW.

Referred to Committee on Ecology and Parks.

SB 5333 by Senator West

AN ACT Relating to the insurance commissioner; and amending RCW 43.01.010, 48.02.010, 43.17.010, 43.17.020, and 42.17.2401.

Referred to Committee on Labor and Commerce.

SB 5334 by Senators West and Moyer

AN ACT Relating to bicycle helmets; amending RCW 46.61.750; adding a new section to chapter 46.61 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 5335 by Senator Winsley

AN ACT Relating to Norplant; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health and Human Services.

SB 5336 by Senators Wojahn, Talmadge and Moyer

AN ACT Relating to Washington state gambling commission approval of lotteries; and amending RCW 67.70.040 and 9.46.070.

Referred to Committee on Labor and Commerce.

SJM 8004 by Senators Owen, Erwin, Hochstatter, von Reichbauer, Oke, Moyer, Newhouse, Bauer and M. Rasmussen

Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

Referred to Committee on Law and Justice.

SJR 8209 by Senators Gaspard, Bauer, Haugen, A. Smith, Quigley, Spanel and Pelz (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district levies and bonds.

Referred to Committee on Education.

MOTION

At 12:01 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, January 25, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 22, 1993

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FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 25, 1993

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

MESSAGE FROM THE HOUSE

January 25, 1993

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5000,

SENATE CONCURRENT RESOLUTION NO. 8401, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

INTRODUCTION AND FIRST READING

SB 5337 by Senators Sutherland and Vognild

AN ACT Relating to the department of transportation's aeronautics division; amending RCW 14.20.010, 14.20.020, 47.68.020, 47.68.230, 47.68.240, and 47.68.250; adding a new section to chapter 47.68 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5338 by Senators A. Smith, Quigley, McCaslin, Winsley and M. Rasmussen

AN ACT Relating to court-referred treatment programs; amending RCW 10.05.090; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Law and Justice.

SB 5339 by Senators A. Smith, McCaslin, Winsley, Deccio, Fraser, M. Rasmussen and Roach

AN ACT Relating to drivers' licenses; amending RCW 46.04.580, 46.20.308, 46.20.311, 46.20.311, 46.20.391, 46.52.130, 46.61.515, and 46.68.060; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.20 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5340 by Senators A. Smith, Quigley, McCaslin, Winsley, Talmadge, Fraser, von Reichbauer, M. Rasmussen, Roach and Oke

AN ACT Relating to persons under the influence of intoxicating liquor or drugs; amending RCW 46.61.502, 46.61.504, 46.61.506, 46.61.515, and 9.41.098; reenacting and amending RCW 88.12.100; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5341 by Senators A. Smith, Quigley, McCaslin, Vognild, Winsley, Deccio, von Reichbauer, M. Rasmussen, Roach and Oke

AN ACT Relating to driving while under the influence of intoxicating liquor or drugs; adding a new section to chapter 46.64 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5342 by Senators Vognild and Skratek (by request of Department of Transportation)

AN ACT Relating to the tax exemption and tax credit for alcohol used as fuel; and repealing RCW 82.36.225.

Referred to Committee on Transportation.

SB 5343 by Senators Vognild, Nelson, Skratek and von Reichbauer (by request of Department of Transportation)

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

SB 5344 by Senators Vognild, Nelson and Skratek (by request of Department of Transportation)

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

SB 5345 by Senators Vognild, Nelson and Skratek (by request of Department of Transportation)

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

SB 5346 by Senators Prentice, Moyer, Sellar and Winsley

AN ACT Relating to dietitians and nutritionists; amending RCW 18.138.010, 18.138.020, 18.138.030, 18.138.040, 18.138.050, 18.138.060, 18.138.070, 18.138.080, 18.138.090, and 18.138.110; and adding a new section to chapter 18.138 RCW.

Referred to Committee on Health and Human Services.

SB 5347 by Senators Prentice, Pelz, Moore, Talmadge, Fraser and Niemi

AN ACT Relating to agricultural labor relations; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5348 by Senator A. Smith

AN ACT Relating to disclosure of tax information and returns; amending RCW 82.32.330; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5349 by Senators Pelz and Moyer

AN ACT Relating to nomenclature of educational clinics; and amending RCW 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.050, 28A.205.060, 28A.205.070, 28A.205.080, and 28A.205.090;

Referred to Committee on Education.

SB 5350 by Senators A. Smith, Erwin, Skratek, Loveland, Owen, L. Smith, Drew, Amondson, Snyder, Barr, Winsley and M. Rasmussen

AN ACT Relating to prohibiting artificially high wholesale prices and resale price maintenance in gasoline marketing; and adding a new chapter to Title 19 RCW.

Referred to Committee on Law and Justice.

SB 5351 by Senators Newhouse, Spanel, Moore, Bauer, Winsley, von Reichbauer and Roach (by request of Joint Committee on Pension Policy)

AN ACT Relating to teachers' retirement; amending RCW 41.32.520; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5352 by Senators Newhouse, Spanel, Moore, Bauer and Winsley (by request of Joint Committee on Pension Policy)

AN ACT Relating to the effect of payments based on retirement agreements on calculation of pension benefits; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Ways and Means.

SB 5353 by Senators A. Smith, Roach, Bauer, Newhouse, Jesernig, Quigley, Anderson, Hochstatter, Winsley, Talmadge, Deccio and Oke

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state; adding a new section to chapter 4.84 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 5354 by Senators Newhouse, Haugen and Deccio

AN ACT Relating to public facilities districts; and amending RCW 36.100.010.

Referred to Committee on Government Operations.

SB 5355 by Senators Vognild and McCaslin

AN ACT Relating to extending the prohibition on mandatory local measured service; and amending RCW 80.04.130.

Referred to Committee on Energy and Utilities.

SB 5356 by Senator Haugen

AN ACT Relating to payment of claims by cities and towns; and amending RCW 42.24.180.

Referred to Committee on Government Operations.

SB 5357 by Senators Pelz, Sutherland, Jesernig, Snyder, Gaspard, Fraser, Moore and Quigley

AN ACT Relating to employment benefits for employees under school service contracts; and adding a new section to Title 28A RCW.

Referred to Committee on Education.

SB 5358 by Senators Pelz, Fraser, Prince and Winsley (by request of Department of Licensing)

AN ACT Relating to the creation of an appropriated real estate education account; amending RCW 18.85.220, 18.85.310, and 18.85.315; adding a new section to chapter 18.85 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5359 by Senators Skratek, Erwin and M. Rasmussen

AN ACT Relating to the Spokane research and technology institute; amending RCW 28B.10.060 and 28B.25.020; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 43.131 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5360 by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer

AN ACT Relating to domestic violence; amending RCW 26.50.035 and 10.99.030; and creating a new section.

Referred to Committee on Law and Justice.

SB 5361 by Senators A. Smith and Niemi

AN ACT Relating to the civil liability of joint tortfeasors; and amending RCW 4.22.070.

Referred to Committee on Law and Justice.

SB 5362 by Senators A. Smith, Niemi, Pelz, Spanel and Quigley

AN ACT Relating to full disclosure of civil court proceedings relating to public hazards; adding new sections to chapter 4.24 RCW; adding a new section to chapter 4.16 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5363 by Senators Newhouse, Sutherland, Snyder, Anderson, Loveland, Hochstatter and Barr

AN ACT Relating to claim of right to withdraw, divert, or use ground or surface waters; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Energy and Utilities.

SB 5364 by Senators Deccio, Talmadge, Gaspard, Oke, McCaslin, Quigley, Snyder, Vognild and Winsley

AN ACT Relating to local criminal justice funding; amending RCW 82.14.310, 82.14.320, 82.14.330, and 82.44.110; and reenacting and amending RCW 82.14.340.

Referred to Committee on Government Operations.

SJM 8005 by Senators Oke, Owen, Hargrove, Amondson, Erwin, Haugen, Snyder, Hochstatter, Deccio, M. Rasmussen and Roach

Requesting the federal government to allow the state of Washington to permanently remove certain predatory seals and sea lions.

Referred to Committee on Natural Resources.

SJM 8006 by Senators Loveland, M. Rasmussen, Jesernig, Newhouse, Prince, McCaslin, West, Deccio, Moyer, Barr, Snyder, Hochstatter and Roach

Concerning the preservation of salmon.

Referred to Committee on Energy and Utilities.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Tuesday, January 26, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 25, 1993

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SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 26, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Moore.

The Sergeant at Arms Color Guard, consisting of Pages Deema Long and Travis Hogman, presented the Colors. Reverend Dr. Bruce Armstrong, pastor of the Lacey Presbyterian Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 1993

SB 5041 Prime Sponsor, Senator Haugen: Authorizing counties that choose to plan under the Growth Management Act to require relocation assistance for low-income tenants. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 22, 1993

SB 5052 Prime Sponsor, Senator A. Smith: Removing the requirement that town council meetings be held within the town limits. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5052 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 22, 1993

SB 5053 Prime Sponsor, Senator A. Smith: Requiring the department of licensing to collect the local vessel excise tax on behalf of the counties. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

January 25, 1993

SB 5219 Prime Sponsor, Senator M. Rasmussen: Modifying provisions regarding the Washington wine commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5365 by Senators Snyder, Winsley and Bauer

AN ACT Relating to voluntary payroll deductions for political committees; and reenacting and amending RCW 41.04.230.

Referred to Committee on Law and Justice.

SB 5366 by Senators Pelz, West, Talmadge, McAuliffe, Oke, Sheldon, A. Smith, Moyer and Quigley

AN ACT Relating to funding of tobacco education; adding a new section to chapter 82.24 RCW; adding new sections to chapter 43.70 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5367 by Senators Hargrove, L. Smith, M. Rasmussen, Bauer, Newhouse, Loveland and Anderson

AN ACT Relating to veterinary medicine; amending RCW 18.92.015, 18.92.030, 18.92.060, 18.92.125, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture.

SB 5368 by Senators Owen, Sutherland, McDonald, Bauer, Nelson, Anderson and Erwin

AN ACT Relating to a sales tax exemption for Washington boats sold to residents of foreign countries; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways and Means.

SB 5369 by Senators Haugen, Oke, Owen, Winsley and McDonald

AN ACT Relating to procedures for claims involving constitutional property rights; amending RCW 64.40.010; adding new sections to chapter 64.40 RCW; creating a new section; and repealing RCW 64.40.020 and 64.40.030.

Referred to Committee on Government Operations.

SB 5370 by Senators Vognild, Nelson, Skratek and Talmadge

AN ACT Relating to state highway bonds; and amending RCW 47.10.761 and 47.10.762.

Referred to Committee on Transportation.

SB 5371 by Senators Vognild and Talmadge

AN ACT Relating to highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

SB 5372 by Senators Loveland and Winsley

AN ACT Relating to taxation; amending RCW 9.46.110, 28A.315.440, 35.49.130, 36.21.011, 46.44.175, 82.01.090, 84.08.130, 84.08.140, 84.12.360, 84.12.370, 84.16.090, 84.16.120, 84.16.130, 84.33.130, 84.34.230, 84.36.381, 84.38.040, 84.40.0301, 84.40.045, 84.40.080, 84.40.090, 84.40.170, 84.41.070, 84.44.010, 84.48.010, 84.48.050, 84.48.080, 84.48.110, 84.48.120, 84.48.150, 84.52.018, 84.55.005, 84.56.023, 84.56.340, 84.60.020, 84.60.050, 84.69.020, and 84.70.010

Referred to Committee on Government Operations.

SB 5373 by Senators Gaspard, Oke, Bauer, Barr, von Reichbauer and Winsley (by request of Legislative Budget Committee)

AN ACT Relating to changing the name of the legislative budget committee to the joint committee on performance audits; and amending RCW 19.02.885, 26.23.0401, 28A.630.830, 28B.15.766, 28B.20.382, 28B.102.900, 39.29.016, 39.29.018,

41.06.070, 42.48.060, 43.09.310, 43.79.270, 43.79.280, 43.88.020, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.136.030, 43.136.040, 43.136.050, 43.163.900, 43.250.080, 44.28.010, 44.28.050, 44.28.060, 44.28.085, 44.28.086, 44.28.087, 44.28.140, 44.40.025, 44.70.010, 49.78.210, 67.70.310, 70.95E.070, 70.127.901, 74.09.415, 74.21.070, 74.21.140, 79.01.006, 88.46.920, and 90.48.465.

Referred to Committee on Ways and Means.

SB 5374 by Senators von Reichbauer, Oke, Wojahn, Bauer, Barr, Hochstatter and Winsley (by request of Legislative Budget Committee)

AN ACT Relating to hospice agencies; and amending RCW 70.127.050.

Referred to Committee on Health and Human Services.

SB 5375 by Senators Bauer, Wojahn, Barr, Oke, Rinehart, von Reichbauer and Winsley (by request of Legislative Budget Committee)

AN ACT Relating to personal service contracts; amending RCW 39.29.003 and 39.29.006; and adding new sections to chapter 39.29 RCW.

Referred to Committee on Government Operations.

SB 5376 by Senators Wojahn, Oke, Barr and Winsley (by request of Legislative Budget Committee)

AN ACT Relating to the economic development finance authority; amending RCW 42.17.2401; reenacting and amending RCW 42.17.310; and repealing RCW 43.163.005, 43.163.010, 43.163.020, 43.163.030, 43.163.040, 43.163.050, 43.163.060, 43.163.070, 43.163.080, 43.163.090, 43.163.100, 43.163.110, 43.163.120, 43.163.130, 43.163.140, 43.163.150, 43.163.160, 43.163.170, 43.163.180, 43.163.190, 43.163.200, 43.163.900, and 43.163.901.

Referred to Committee on Trade, Technology and Economic Development.

SB 5377 by Senators Bauer, Oke, Wojahn, Barr, von Reichbauer and Winsley (by request of Legislative Budget Committee)

AN ACT Relating to duties of the legislative auditor and the attorney general; and amending RCW 43.88.310.

Referred to Committee on Ways and Means.

SB 5378 by Senators M. Rasmussen, Barr, Loveland and Winsley (by request of Department of Agriculture)

AN ACT Relating to horticultural plants and facilities; amending RCW 15.13.250, 15.13.260, 15.13.270, 15.13.280, 15.13.310, 15.13.320, 15.13.370, 15.13.390, 15.13.400, 15.13.410, 15.13.420, 15.13.430, 15.13.440, 15.13.470, and 15.13.480; and adding new sections to chapter 15.13 RCW.

Referred to Committee on Agriculture.

SB 5379 by Senators M. Rasmussen, Barr, Loveland, Hochstatter and Winsley (by request of Department of Agriculture)

AN ACT Relating to milk and milk products; amending RCW 15.32.010, 15.32.100, 15.32.110, 15.32.160, 15.32.510, 15.32.530, 15.32.580, 15.32.582, 15.32.610, 15.36.040, 15.36.070, 15.36.080, 15.36.100, 15.36.110, 15.36.300, 15.36.345, 15.36.470, 15.36.490, 15.36.500, 15.36.540, and 69.07.040; reenacting and amending RCW 15.36.115; adding new sections to chapter 15.36 RCW; recodifying RCW 15.36.005, 15.36.011, 15.36.040, 15.32.010, 15.36.030, 15.36.055, 15.36.060, 15.36.070, 15.36.080, 15.36.100, 15.32.100, 15.32.110, 15.36.110, 15.36.115, 15.36.120, 15.36.140, 15.36.150, 15.32.160, 15.36.260, 15.36.265, 15.36.300, 15.36.345, 15.32.410, 15.32.420, 15.36.420, 15.32.450, 15.32.460, 15.36.460, 15.36.470, 15.36.480, 15.36.490, 15.36.500, 15.36.510, 15.32.510, 15.36.520, 15.36.530, 15.32.530, 15.36.540, 15.36.550, 15.32.550, 15.32.580, 15.32.582, 15.32.584, 15.32.600, 15.36.600, 15.32.610, 15.32.710, 15.32.720, 15.32.730, 15.32.900, 15.32.910, 15.36.105, and 15.36.107; and repealing RCW 15.32.051, 15.32.060, 15.32.070, 15.32.080, 15.32.090, 15.32.120, 15.32.130, 15.32.140, 15.32.150, 15.32.220, 15.32.250, 15.32.260, 15.32.330, 15.32.340, 15.32.360, 15.32.380, 15.32.430, 15.32.440, 15.32.490, 15.32.500, 15.32.540, 15.32.560, 15.32.570, 15.32.590, 15.32.620, 15.32.630, 15.32.660, 15.32.670, 15.32.680, 15.32.700, 15.32.740, 15.32.750, 15.32.755, 15.32.760, 15.32.770, 15.32.780, 15.32.790, 15.36.020, 15.36.075, 15.36.090, 15.36.155, 15.36.160, 15.36.165, 15.36.170, 15.36.175, 15.36.180, 15.36.185, 15.36.190, 15.36.195, 15.36.200, 15.36.205, 15.36.210, 15.36.215, 15.36.220, 15.36.225, 15.36.230, 15.36.235, 15.36.240, 15.36.245, 15.36.250, 15.36.255, 15.36.270, 15.36.280, 15.36.320, 15.36.325, 15.36.330, 15.36.335, 15.36.340, 15.36.350, 15.36.355, 15.36.360, 15.36.365, 15.36.370, 15.36.375, 15.36.380, 15.36.385, 15.36.390, 15.36.395, 15.36.400, 15.36.405, 15.36.410, 15.36.415, 15.36.425, 15.36.430, 15.36.440, 15.36.580, 15.36.590, 15.36.595, and 15.36.900.

Referred to Committee on Agriculture.

SB 5380 by Senators Prentice, West, Pelz, Winsley, A. Smith, L. Smith, Snyder, Roach, Owen, Talmadge, Skratek, Niemi, Haugen, Spanel, Drew, Moyer, Jesernig, Sutherland, Rinehart, Williams, Vognild, Sheldon, Loveland, Hargrove, M. Rasmussen, Bauer, Gaspard, Wojahn, Sellar, Quigley and McAuliffe

AN ACT Relating to collective bargaining for Washington state patrol officers; and amending RCW 41.56.475.

Referred to Committee on Labor and Commerce.

SB 5381 by Senators Vognild, Newhouse, Deccio, Hochstatter, Sellar and Erwin

AN ACT Relating to operation of overweight loads; and amending RCW 46.44.0941.

Referred to Committee on Transportation.

SB 5382 by Senators Vognild and Amondson

AN ACT Relating to the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures; and amending RCW 31.04.105.

Referred to Committee on Labor and Commerce.

SB 5383 by Senators Vognild and Amondson

AN ACT Relating to the amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans; and amending RCW 31.04.115.

Referred to Committee on Labor and Commerce.

SB 5384 by Senators Moore, Newhouse, McAuliffe and Erwin (by request of Department of Licensing)

AN ACT Relating to performance-based compensation of investment advisers; and amending RCW 21.20.030.

Referred to Committee on Labor and Commerce.

SB 5385 by Senators Moore, Newhouse, McAuliffe and Winsley (by request of Department of Licensing)

AN ACT Relating to creating an appropriated uniform commercial code fund; amending RCW 62A.9-409; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5386 by Senators Wojahn, Moyer, Gaspard, Deccio, Hochstatter and Winsley

AN ACT Relating to the licensure of home health, hospice, and home care agencies under chapter 70.127 RCW; amending RCW 70.127.010, 70.127.040, 70.127.080, 70.127.090, 70.127.100, 70.127.120, 70.127.130, and 70.127.250; adding new sections to chapter 70.127 RCW; creating a new section; repealing RCW 70.127.050, 70.127.160, 70.127.900, and 70.127.901; providing effective dates; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5387 by Senators Fraser, Talmadge and Haugen (by request of Department of Ecology)

AN ACT Relating to investment earnings of the water pollution control revolving fund; and amending RCW 90.50A.020 and 43.84.092.

Referred to Committee on Ecology and Parks.

SB 5388 by Senators Jesernig, Prentice, McDonald, Prince, Fraser, Moyer, Deccio, Erwin, Sheldon, Oke and Winsley

AN ACT Relating to sheltered workshops and programs; and amending RCW 43.19.530, 43.19.1908, and 43.19.1911.

Referred to Committee on Health and Human Services.

SB 5389 by Senators Moore and Prentice

AN ACT Relating to selling insurance; and repealing RCW 48.30.075.

Referred to Committee on Labor and Commerce.

SB 5390 by Senators Sutherland, Hochstatter, Deccio, Haugen and Erwin

AN ACT Relating to conservation tariffs allowing transfer of payment obligations to successive property owners; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy and Utilities.

SB 5391 by Senators L. Smith, Talmadge, McCaslin, Deccio, Erwin, Moyer, Oke and Winsley

AN ACT Relating to infants exposed to drugs; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 5392 by Senators Talmadge, Deccio, Fraser, L. Smith, McCaslin, Moyer, Oke and Winsley

AN ACT Relating to abuse of children and incompetent persons; amending RCW 13.34.110, 13.34.120, 13.34.130, 13.34.145, 13.34.150, 13.34.162, 26.44.020, 26.44.030, 26.44.040, 26.44.063, 26.44.067, and 26.44.100; adding new sections to chapter 13.34 RCW; adding a new section to chapter 26.44 RCW; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 5393 by Senators Talmadge, Deccio, Niemi, McDonald, Owen, A. Smith, Moore, McAuliffe, Drew, Fraser, L. Smith, Snyder, Moyer, Oke and Winsley

AN ACT Relating to community planning for children, youth, and family services; amending RCW 74.14A.020, 41.06.380, and 13.40.040; adding a new section to Title 28A RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 74.14A RCW; creating new sections; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 5394 by Senator Skratek

AN ACT Relating to payment for improvements to regional transportation systems and facilities; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 5395 by Senators Skratek and Erwin

AN ACT Relating to public involvement in transportation planning; and adding new sections to chapter 47.80 RCW.

Referred to Committee on Transportation.

SB 5396 by Senator Winsley

AN ACT Relating to the education for 2001 program; amending RCW 82.08.020, 28A.150.230, and 28A.150.250; adding new sections to chapter 28A.305 RCW; adding a new section to chapter 43.08 RCW; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.320 RCW; adding a new

section to chapter 28A.300 RCW; adding a new section to chapter 28A.150 RCW; creating new sections; providing for submission of this act to a vote of the people; and providing an expiration date.

Referred to Committee on Education.

RESOLUTION OF APPOINTMENT
29TH LEGISLATIVE DISTRICT

PIERCE COUNTY COUNCIL

RESOLUTION NO. R93-8

A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING ROSA FRANKLIN TO THE WASHINGTON STATE SENATE REPRESENTING THE 29th DISTRICT

WHEREAS, a vacancy for the position of Washington State Senator 29th District occurred with the death of Senator Rasmussen; and

WHEREAS, as prescribed by law, the Pierce County Democratic Central Committee has submitted a list of three names of nominees for appointment to the Washington State Senate representing the 29th District; and

WHEREAS, the Council has met and interviewed the three nominees;

NOW THEREFORE, BE IT RESOLVED by the Council of Pierce County:

Section 1. Rosa Franklin is one of the three individuals on the list submitted by the Pierce County Democratic Central Committee, and is highly qualified to fill the vacancy in the Washington State Senate representing the 29th District.

Section 2. Rosa Franklin is hereby appointed to the position of the Washington State Senate representing the 29th District.

PASSED this 25th Day of January, 1993.

PIERCE COUNTY COUNCIL
Pierce County, Washington

GERRI RAINWATER BILL STONER
Clerk of the Council Council Chair

Approved As to Form Only:

KEITH M. BLACK
Chief Civil Deputy
Prosecuting Attorney

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Charles Z. Smith, Justice of the Supreme Court, who was seated on the rostrum.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Wojahn and Oke as a committee of honor to escort newly appointed Senator Rosa Franklin to the rostrum.

Justice Charles Z. Smith of the Washington State Supreme Court administered the oath of office to Senator Rosa Franklin.

The committee of honor escorted Senator Rosa Franklin to her seat in the Senate Chamber and the committee was discharged.

MOTION

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

SENATE RESOLUTION 1993-8604

By Senators Franklin, Oke, Sellar, Haugen, M. Rasmussen, Bauer, Wojahn, Talmadge, Owen, Snyder, Pelz, Sutherland, Williams, Winsley and Quigley

WHEREAS, Equality of all human beings is the fundamental principle upon which our nation was founded; and

WHEREAS, Equal protection of the law is guaranteed to all people by our Constitution; and
WHEREAS, Thurgood Marshall pursued the fight for equality and justice throughout his life with persistence, intelligence, and dignity; and

WHEREAS, Thurgood Marshall, as general counsel for the National Association for the Advancement of Colored People and director of the NAACP Legal Defense and Education Fund for twenty-five years, was the principal architect of the strategy of using the courts to assure African-Americans the full rights of citizenship and in so doing strengthened the rights of all citizens; and

WHEREAS, Thurgood Marshall successfully argued that a racially segregated system of "separate but equal" public education was inherently unequal in the case of Brown v. Board of Education before the United States Supreme Court in 1954, which signaled the beginning of the end of segregation and created new educational opportunity for many in our country; and

WHEREAS, Thurgood Marshall compiled an unparalleled record of success as an advocate and as a judge, including twenty-nine victories in thirty-two cases argued before the United States Supreme Court, and one hundred fifty federal court decisions of which not one was overturned on appeal; and

WHEREAS, Thurgood Marshall served with distinction as a member of the 2nd United States Circuit Court of Appeals from 1961-1965, as Solicitor General of the United States from 1965 until his appointment to the United States Supreme Court in 1967, and as the first African-American Justice of the highest court in the land until his retirement in 1991; and

WHEREAS, Mr. Justice Thurgood Marshall died on Sunday, January 24, 1993, at the age of eighty-four; and

WHEREAS, In his passing our nation and its people have lost a true American hero for the causes of freedom, liberty, and equality;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors the life and work of Mr. Justice Thurgood Marshall and recognizes his contribution to the continuing struggle for civil rights; and

BE IT FURTHER RESOLVED, That the Washington State Senate joins with the people of our state in remembering Thurgood Marshall and his legacy.

Senators Jesernig, Franklin, Talmadge and Wojahn spoke to Senate Resolution 1993-8604.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I was admonished by Senator West a few days ago, along with some of the other freshmen, that we needed to do something for the members. On your desk, you have a little can of Tree Top apple juice. The reason why this gift is so significant for me is that the world headquarters for Tree Top, one of the world's largest producers of apple juice is in Selah, a bedroom district of Yakima.

"I need to explain to you that the contents of this can of apple juice--these are made from apples--not the kind you find in the store that are extra fancy and fancy, they are made of C-grade apples. Interestingly enough, these apples don't come from the Yakima Valley, because the Yakima Valley only grows fancies and extra fancies. Wenatchee, for years, has tried to grow fancy and extra fancy apples, but all they can come up with are C-grades. While these world headquarters are in Yakima, the apples are very fine C-grades and come from Wenatchee. Thank you."

Debate ensued.

MOTION

At 10:24 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Pritchard.

MOTION

At 11:52 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Wednesday, January 27, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 26, 1993

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SEVENTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 27, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1993
SB 5026 Prime Sponsor, Senator A. Rasmussen: Revising provisions regulating funeral directors, embalmers, and crematories. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1993
SB 5047 Prime Sponsor, Senator Haugen: Affecting withdrawal of territory by special districts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1993
SB 5048 Prime Sponsor, Senator Haugen: Revising bidding practices of municipalities. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5048 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 26, 1993
SB 5128 Prime Sponsor, Senator Moore: Raising keg registration container size requirements from four to five and one-half gallons. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5397 by Senators Sheldon, Prince, Winsley, Bauer, Drew and Oke

AN ACT Relating to residency status for students at institutions of higher education; and reenacting and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

SB 5398 by Senators Quigley, Haugen, A. Smith, Prince, Fraser, Skratek, McAuliffe, Bauer, Drew, Deccio, Talmadge, Sutherland, Gaspard, Snyder, Jesernig, von Reichbauer, Winsley, Niemi, Prentice, Vognild, Sheldon and Erwin

AN ACT Relating to a primary voters' pamphlet; amending RCW 29.80.040 and 29.80.060; and adding new sections to chapter 29.80 RCW.

Referred to Committee on Government Operations.

SB 5399 by Senators Quigley, Haugen, A. Smith, Sutherland, Fraser, Prince, McAuliffe, Deccio, Bauer, Drew, Talmadge, Loveland, Rinehart, Gaspard, Snyder, Jesernig, von Reichbauer, Winsley, Niemi, Prentice, Vognild, Spanel, Pelz and Sheldon

AN ACT Relating to campaign spending limits; amending RCW 29.80.010; adding new sections to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5400 by Senators Quigley, A. Smith, Haugen, Niemi, Prentice, Fraser, Sutherland, Bauer, Loveland, Drew, Rinehart, Gaspard, Snyder, Jesernig, McAuliffe, Vognild, Pelz and Sheldon

AN ACT Relating to campaign contribution and spending limits; amending RCW 42.17.640; adding new sections to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5401 by Senators Quigley, Haugen, A. Smith, Skratek, Fraser, Prince, Deccio, Drew, Bauer, Talmadge, Spanel, Loveland, Sutherland, Rinehart, Gaspard, Snyder, Jesernig, von Reichbauer, Winsley, Niemi, Vognild, Prentice and Sheldon

AN ACT Relating to political telemarketing; and amending RCW 42.17.020 and 42.17.510.

Referred to Committee on Law and Justice.

SB 5402 by Senators Jesernig, Sellar, Bauer and Hochstatter

AN ACT Relating to literacy in mathematics, science, and technology; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

SB 5403 by Senators Haugen, Oke and Deccio

AN ACT Relating to the authority of a public utility district to fluoridate water supply systems; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Energy and Utilities.

SB 5404 by Senators Fraser and Barr

AN ACT Relating to confirming a private right of action or right of contribution under the model toxic control act; and amending RCW 70.105D.040.

Referred to Committee on Ecology and Parks.

SB 5405 by Senators Pelz, Oke, McAuliffe and Winsley

AN ACT Relating to school district competitive bidding; and amending RCW 28A.335.190.

Referred to Committee on Education.

SB 5406 by Senators McCaslin and Erwin

AN ACT Relating to law enforcement service districts; and adding a new chapter to Title 36 RCW.

Referred to Committee on Government Operations.

SB 5407 by Senators Loveland, Barr and M. Rasmussen

AN ACT Relating to agricultural burning permits; and amending RCW 70.94.650.

Referred to Committee on Ecology and Parks.

SB 5408 by Senators Prentice, M. Rasmussen, Nelson, Barr and Vognild (by request of Department of Licensing)

AN ACT Relating to provisional driver licensing; amending RCW 46.04.480, 46.20.161, 46.20.311, and 46.20.342; adding new sections to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5409 by Senators Vognild, Nelson, Sheldon and Erwin (by request of Board of Pilotage Commissioners)

AN ACT Relating to strengthening the provisions of the pilotage act affecting marine safety and protection of the marine environment; and amending RCW 88.16.050, 88.16.070, 88.16.090, and 88.16.100.

Referred to Committee on Transportation.

SB 5410 by Senators Skratek, Prince, Prentice, Roach, Drew, Sheldon and Nelson (by request of Department of Licensing)

AN ACT Relating to motor vehicles; amending RCW 46.12.050, 46.68.010, 82.44.120, 46.70.021, 46.70.023, 46.70.041, 46.70.051, 46.70.083, 46.70.140, 46.70.290, 46.70.300, 46.87.020, 46.87.030, 46.87.080, 46.87.310, and 46.87.340; adding a new section to chapter 46.87 RCW; adding new sections to chapter 46.70 RCW; recodifying RCW 46.12.120 and 46.12.140; repealing RCW 46.70.150 and 46.87.160; and prescribing penalties.

Referred to Committee on Transportation.

SB 5411 by Senators Vognild, Prince, Prentice, Drew, Sheldon and Sellar (by request of Department of Licensing)

AN ACT Relating to fuel taxes; and amending RCW 82.36.010, 82.36.030, 82.36.110, 82.36.230, 82.37.020, 82.38.090, and 46.10.170.

Referred to Committee on Transportation.

SB 5412 by Senators Prentice, Fraser, Sutherland and Moore

AN ACT Relating to the education and certification of paint or coating applicators; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5413 by Senators Prentice, Pelz, Fraser, Spanel, Niemi, McAuliffe and Talmadge

AN ACT Relating to expanding the legislative purpose of the laws against discrimination and lowering the size of an employer subject to the law against discrimination; amending RCW 49.60.010; reenacting and amending RCW 49.60.040; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5414 by Senators Prentice, Rinehart, Williams and Moore

AN ACT Relating to the death penalty; amending RCW 10.95.030, 10.95.040, 10.95.080, and 10.95.140; adding new sections to chapter 10.95 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5415 by Senators Prentice, Pelz and Talmadge

AN ACT Relating to method of execution; and amending RCW 10.95.180.

Referred to Committee on Law and Justice.

SB 5416 by Senator Prentice

AN ACT Relating to industrial insurance; and amending RCW 51.48.025.

Referred to Committee on Labor and Commerce.

SB 5417 by Senators Moore, Wojahn, Moyer, Prentice and Erwin

AN ACT Relating to management of cases administered through community action agencies; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 5418 by Senators M. Rasmussen, Anderson, Loveland, Barr, Roach, Prince, Oke, Haugen, Erwin, Owen, Newhouse and Amondson

AN ACT Relating to alternative livestock; amending RCW 77.08.010, 77.32.010, 77.12.570, 77.12.580, 77.12.590, 77.12.600, 16.57.010, 77.12.020, 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060, 16.36.070, 16.36.080, 16.36.100, and 16.52.010; adding a new section to chapter 77.04 RCW; adding a new section to Title 16 RCW; adding a new section to chapter 16.49A RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5419 by Senators Wojahn, Franklin and M. Rasmussen

AN ACT Relating to metropolitan park districts; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Government Operations.

SB 5420 by Senators Moyer, Wojahn, Oke, Deccio, Prince and Talmadge

AN ACT Relating to health care reform; amending RCW 48.21.010, 48.21.050, 48.30.300, 48.44.220, 48.46.370, 70.47.010, 70.47.020, 70.47.030, 70.47.060, 70.47.080, 70.47.120, 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.080, 70.170.100, 70.170.110, 18.130.160, 18.130.190, 70.41.200, 82.24.020, and 82.26.020; adding new sections to Title 48 RCW; adding a new section to chapter 70.170 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 18.68 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 18.130 RCW; adding a new section to Title 70 RCW; adding a new section to chapter 48.22 RCW; adding new chapters to Title 48 RCW; creating new sections; repealing RCW 7.70.080; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 5421 by Senator Skratek (by request of Department of Transportation)

AN ACT Relating to transit funding; amending RCW 82.44.180; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 5422 by Senator Skratek (by request of Department of Transportation)

AN ACT Relating to transit development plans; amending RCW 35.58.2795, 35.58.2796, 36.57A.070, and 36.57.070; and repealing RCW 36.57A.060.

Referred to Committee on Transportation.

SB 5423 by Senators Skratek and Prince (by request of Department of Transportation)

AN ACT Relating to development of a public transportation policy plan; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 5424 by Senators Loveland and Fraser (by request of Department of Transportation)

AN ACT Relating to the exclusion of site exploration as a substantial shoreline development; and amending RCW 90.58.030.

Referred to Committee on Natural Resources.

SB 5425 by Senator Fraser (by request of Department of Transportation)

AN ACT Relating to scenic and recreational highways; amending RCW 47.39.020, 47.42.025, and 47.42.140; adding a new section to chapter 47.39 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5426 by Senators Loveland, Newhouse, Vognild and Prince (by request of Department of Transportation)

AN ACT Relating to overweight permits for trucks; amending RCW 46.16.070, 46.16.160, 46.44.0941, 46.44.095, 46.44.096, and 46.68.035; reenacting and amending RCW 46.44.041; and repealing RCW 46.44.160.

Referred to Committee on Transportation.

SB 5427 by Senator Loveland (by request of Department of Transportation)

AN ACT Relating to maximum gross weight tire factors; and amending RCW 46.44.042.

Referred to Committee on Transportation.

SB 5428 by Senator Loveland (by request of Department of Transportation)

AN ACT Relating to lawful vehicle lengths; and amending RCW 46.44.030.

Referred to Committee on Transportation.

SB 5429 by Senators Erwin, Deccio, L. Smith, Winsley, Moyer, Prentice and Roach

AN ACT Relating to fetal alcohol syndrome and fetal alcohol effect; amending RCW 28A.170.060, 74.50.010, 74.50.055, 70.96A.140, 71A.10.020, and 66.08.180; adding new sections to chapter 43.70 RCW; adding a new section to chapter 70.05 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 66.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 5430 by Senators Fraser, Bluechel, Pelz, Prentice, Moore, Prince, Moyer, Skratek and Deccio

AN ACT Relating to Washington state's sister-state relationship with Hyogo prefecture, Japan; creating a new section; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 5431 by Senators Snyder, Amondson, Vognild, M. Rasmussen, Bauer, Jesernig, Hargrove, Williams, Sheldon, Newhouse, McCaslin, Erwin, Hochstatter, Moyer, Oke, McDonald, Nelson, Anderson, Roach, Bluechel, Sellar, L. Smith, Barr, von Reichbauer, Deccio, Loveland and Quigley

AN ACT Relating to regulatory takings of private property; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new chapter to Title 8 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5432 by Senators Pelz, Prentice, Moore, Franklin, Bauer, Wojahn, Fraser and Skratek

AN ACT Relating to a study of discrimination based on race and national origin in mortgage lending; and creating new sections.

Referred to Committee on Labor and Commerce.

MOTIONS

On motion of Senator Jesernig, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5103.

On motion of Senator Jesernig, Senate Bill No. 5103 was referred to the Committee on Government Operations.

MOTION

At 12:05 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, January 28, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 27, 1993

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

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 28, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Owen.

The Sergeant at Arms Color Guard, consisting of Pages Amy Burns and Doug Coombs, presented the Colors. Reverend Dr. Bruce Armstrong, pastor of the Lacey Presbyterian Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5018 Prime Sponsor, Senator Nelson: Allowing service of process on a marital community by serving either spouse. Reported by Committee on Law and Justice
January 27, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

SB 5024 Prime Sponsor, Senator A. Rasmussen: Increasing the homestead exemption. Reported by Committee on Law and Justice
January 27, 1993

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

SB 5033 Prime Sponsor, Senator Haugen: Authorizing a county research service. Reported by Committee on Government Operations
January 27, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Referred to Committee on Ways and Means.

SB 5056 Prime Sponsor, Senator Haugen: Regulating seaweed harvesting. Reported by Committee on Natural Resources
January 27, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5056 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Erwin, Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5057 Prime Sponsor, Senator A. Smith: Correcting a double amendment related to exceptions to the right of privacy. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5058 Prime Sponsor, Senator A. Smith: Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5066 Prime Sponsor, Senator A. Smith: Limiting powers of trustees. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5066 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5067 Prime Sponsor, Senator A. Smith: Altering the provisions concerning joint tenancy. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5125 Prime Sponsor, Senator Owen: Regulating issuance of commercial salmon fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Erwin, Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5126 Prime Sponsor, Senator Snyder: Correcting references to the geographical landmark on Cape Shoalwater. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Erwin, Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5130 Prime Sponsor, Senator Talmadge: Clarifying conditions for granting attorneys' fees. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5138 Prime Sponsor, Senator M. Rasmussen: Making under-aged persons in a public place under the influence of alcohol guilty of a misdemeanor. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SB 5158 Prime Sponsor, Senator Talmadge: Requiring the reporter of decisions to include the date of argument and date decided in published court opinions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

January 26, 1993

SB 5166 Prime Sponsor, Senator Vognild: Authorizing refunding revenue bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

HOLD.

January 26, 1993

SB 5229 Prime Sponsor, Senator Vognild: Permitting the department of transportation and state patrol to adopt rules to govern state rest areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Oke, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Jesernig, Senate Bill No. 5166 was held on the desk.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 13, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A. J. Bergeron, appointed January 13, 1993, for a term beginning immediately and continuing at the Governor's pleasure, as Director of the Department of Veterans Affairs.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

January 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mike Fitzgerald, appointed January 18, 1993, for a term beginning immediately and continuing at the Governor's pleasure, as Director of the Department of Trade and Economic Development.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Trade, Technology and Economic Development.

January 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George E. Lindamood, appointed January 18, 1993, for a term beginning February 8, 1993, and continuing at the Governor's pleasure, as Director of the Department of Information Services.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

January 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce Miyahara, appointed January 21, 1993, for a term beginning February 16, 1993, and continuing at the Governor's pleasure, as Secretary of the Department of Health.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

January 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert A. Turner, appointed January 18, 1993, for a term beginning immediately and continuing at the Governor's pleasure, as Director of the Department of Fisheries.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

January 22, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James P. Seabeck, appointed January 22, 1993, for a term ending January 17, 1995, as a member of the Horse Racing Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

January 22, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Shinpoch, appointed January 22, 1993, for a term ending January 17, 1997, as a member of the Horse Racing Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

INTRODUCTION AND FIRST READING

SB 5433 by Senators West, Talmadge, Deccio, Wojahn, Pelz, Moyer, von Reichbauer, Erwin, Winsley and Oke

AN ACT Relating to the Washington state award for excellence in health care; adding new sections to chapter 43.06 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5434 by Senators Nelson, A. Smith, Winsley and Pelz

AN ACT Relating to security in schools; and making an appropriation.

Referred to Committee on Education.

SB 5435 by Senators Fraser, Moore, Wojahn, Barr, Sutherland, Vognild and Amondson

AN ACT Relating to limitations on actions for unlawful securities transactions; and amending RCW 4.16.080 and 21.20.430.

Referred to Committee on Labor and Commerce.

SB 5436 by Senators Talmadge, Moyer, Prentice, Fraser, Franklin and Winsley

AN ACT Relating to nutritional counseling for medicaid recipients; creating new sections; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 5437 by Senators McAuliffe, Prentice and Moore

AN ACT Relating to discrimination on the basis of sex or marital status in the business of insurance; adding a new section to chapter 48.30 RCW; and creating new sections.

Referred to Committee on Labor and Commerce.

SB 5438 by Senators McAuliffe, Moore, Winsley, Pelz, Prentice, M. Rasmussen, Erwin, Loveland, Drew, Franklin, McDonald, Moyer and Deccio

AN ACT Relating to before-and-after-school child care; amending RCW 74.13.085 and 74.13.095; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Education.

SB 5439 by Senators McCaslin and Sutherland

AN ACT Relating to the utilities and transportation commission; and amending RCW 80.01.010.

Referred to Committee on Energy and Utilities.

SB 5440 by Senators Prentice, Talmadge, Franklin and Skratek

AN ACT Relating to reproductive health and status; amending RCW 49.17.050, 49.60.180, 49.60.190, 49.60.200, 70.58.320, 70.58.322, 70.58.324, 70.58.330, 70.58.338, and 70.58.350; reenacting and amending RCW 49.60.040; adding a new section to chapter 18.76 RCW; adding a new section to chapter 49.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5441 by Senators McAuliffe, Erwin, Talmadge, M. Rasmussen, Drew, Spanel, Loveland, von Reichbauer and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to updating statutes for rehabilitation services for individuals with disabilities pursuant to changes in federal law and regulations; amending RCW 74.29.005, 74.29.010, 74.29.020, 74.29.080, and 74.29.037; and repealing RCW 74.29.105, 74.29.100, 74.29.110, and 74.29.025.

Referred to Committee on Health and Human Services.

SB 5442 by Senators Vognild, Sellar, Skratek and von Reichbauer

AN ACT Relating to tow trucks; and amending RCW 46.55.115, 46.55.120, and 81.80.040.

Referred to Committee on Transportation.

SB 5443 by Senators M. Rasmussen, Barr and Loveland (by request of Department of Agriculture)

AN ACT Relating to livestock identification, public livestock markets, and certified feed lots; amending RCW 16.65.030, 16.65.090, 16.58.050, 16.58.130, 16.57.080, 16.57.090, 16.57.140, 16.57.220, and 16.57.400; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture.

SB 5444 by Senator Talmadge (by request of Department of Social and Health Services)

AN ACT Relating to medical assistance coverage of hospice care and services; amending RCW 74.09.520; and reenacting and amending RCW 74.09.700.

Referred to Committee on Health and Human Services.

SB 5445 by Senators Williams, McCaslin and Pelz

AN ACT Relating to joint operating agency nuclear construction authority requiring site certification under chapter 80.50 RCW; amending RCW 43.52.250, 43.52.300, 43.52.3411, 43.52.360, 43.52.370, 43.52.378, 43.52.520, and 43.52.612; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SB 5446 by Senators Owen, Oke, Haugen and Spanel (by request of Department of Wildlife)

AN ACT Relating to the wildlife violator compact; adding a new section to chapter 77.21 RCW; adding a new section to chapter 75.10 RCW; and adding a new chapter to Title 77 RCW.

Referred to Committee on Natural Resources.

SB 5447 by Senator Fraser (by request of Utilities and Transportation Commission)

AN ACT Relating to the review of solid waste collection company tariff filings by the utilities and transportation commission; and amending RCW 81.04.130 and 81.28.050.

Referred to Committee on Ecology and Parks.

SB 5448 by Senators Sheldon, Bluechel, Erwin, Williams, M. Rasmussen and Hochstatter

AN ACT Relating to small business innovation research awards; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SCR 8402 by Senators McAuliffe, Amondson, Wojahn, Prentice, Pelz, Sutherland, Loveland, A. Smith, Quigley, M. Rasmussen and Erwin

Requesting the liquor control board to uphold the spirit and letter of the Steel Act.

Referred to Committee on Labor and Commerce.

MOTIONS

On motion of Senator Jesernig, the Committee on Rules was relieved of further consideration of Senate Bill No. 5219. On motion of Senator Jesernig, Senate Bill No. 5219 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Jesernig, the Senate recessed until 10:45 a.m.

The Senate was called to order at 11:11 a.m. by President Pritchard.

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

MOTION

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

SENATE RESOLUTION 1993-8607

By Senators Gaspard and Snyder

BE IT RESOLVED, That Senate Resolution No. 1993-8602, adopting the Rules of the Senate for the 53rd Legislature, be amended as follows:

On page 17, beginning on line 1, strike everything down to 24 and insert:

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

1. Agriculture 7
2. Ecology and Parks 7
3. Education 12
4. Energy and Utilities 11
5. Government Operations 7
6. Health and Human Services ((45)) 16
7. Higher Education 9
8. Labor and Commerce 13
9. Law and Justice 9
10. Natural Resources 11
11. Rules 21
12. Trade, Technology and Economic Development 7
13. Transportation 15
14. Ways and Means 24

APPOINTMENT TO STANDING COMMITTEES

The President appointed Senator Franklin to the Committee on Rules, the Committee on Health and Human Services and the Committee on Natural Resources.

MOTION

On motion of Senator Jesernig, the Standing Committee Appointments were confirmed.

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

MESSAGE FROM THE GOVERNOR

January 27, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on January 27, 1993, Governor Lowry approved the following Senate Bill entitled:

Senate Bill No. 5000

Relating to repealing the sunset termination of the basic health plan.

Sincerely,
ED FLEISHER, Legal Counsel to the Governor

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

MESSAGE FROM THE HOUSE

January 27, 1993

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.

MARILYN SHOWALTER
Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4404 by Representatives R. Meyers, Sommers, Tate, Jacobsen, Basich, Wood, Leonard, Long, J. Kohl, Wineberry, Hansen, Roland, Horn, Sheahan, Chandler, Cothorn, Kessler, Padden, Sheldon, Cooke, Schoesler and Anderson

Honoring former legislators who have recently passed away.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to House Concurrent Resolution No. 4404, the President appointed Senators Snyder, Deccio, Franklin and Prince to join with a like committee from the House of Representatives to arrange for the memorial service.

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

MESSAGE FROM THE HOUSE

January 27, 1993

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4409, and the same is herewith transmitted.

MARILYN SHOWALTER
Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4409 by Representatives Peery, Sommers, Miller, Ballard, Tate, Vance, Carlson, R. Meyers, Horn, Long, Foreman, Springer, Wood and L. Johnson

Adopting the joint rules.

BE IT RESOLVED, By the House of Representatives, the Senate concurring, That the following be adopted as the Joint Rules of the Fifty-Third Legislature:

**JOINT RULES
OF THE SENATE AND THE
HOUSE OF REPRESENTATIVES**

FIFTY-~~(SECOND)~~ THIRD LEGISLATURE

~~((1994))~~ 1993

JOINT RULE NO.

- Rule 1 Code of ethics.
Rule 2 Legislative conflict of interest.
Rule ~~((2))~~ (3) Independence of legislative judgment.
Rule 4 Undue influence of legislator.
Rule 5 Abuse of legislative position.
Rule 6 Employee ~~((restrictions))~~ actions.
Rule ~~((3))~~ (7) Prohibited political activity.
Rule 8 Legislative questionnaires.
Rule 9 Study of legislative and electoral activities.
Rule 10 Sessions of the legislature.
Rule 11 Joint session.
Rule ~~((4))~~ 12 Motions for joint session.
Rule ~~((5))~~ 13 Business limited.
~~((Rule 6 Conference committee.~~
Rule 7 Conference committee appointees.
Rule 8 Failure to agree.
Rule 9 Report of conference committee, how made out; whom returned to.
Rule 10 Adoption of reports.
Rule 11 Messages between the two houses.
Rule 12 Final action on bills, how communicated.
Rule 13 Enrolled bills--Presiding officer to sign.
Rule 14 Disposition of enrolled bills.
Rule 15 Transmission of documents.))
Rule 14 Joint legislative committees.
Rule 15 Joint committee hearings.
Rule 16 Joint and concurrent resolutions: Memorials.
Rule 17 Amendatory bills.
Rule 18 Amendatory bills, how drawn.
Rule 19 Amendments to state Constitution: Action by legislature.
Rule 20 Publicity of proposed amendments to state Constitution.
Rule 21 Initiative petition before the legislature.
Rule 22 Conference committee.
Rule 23 Conference committee appointees.
Rule 24 Failure to agree.
Rule 25 Report of conference committee, how made out; whom returned to.
Rule 26 Adoption of reports.
Rule 27 Messages between the two houses.
Rule 28 Bills to be engrossed.
Rule 29 Final action on bills, how communicated.
Rule 30 Enrolled bills--Presiding officer to sign.
Rule 31 Disposition of enrolled bills.
Rule 32 Adjournment.
Rule ~~((23))~~ 33 Adjournment sine die.
~~((Rule 24 Operation of committees during interim.~~
Rule 25 Joint legislative committees.
Rule 26 Joint committee hearings.))
Rule ~~((27))~~ 34 Each house judge of its own membership.
~~((Rule 28 Sessions of the legislature.~~
Rule 29 Amendments to joint rules.
Rule 30 Joint rules to apply for biennium.
Rule 31 Open standing committee meeting.
Rule 32 Standing committees--Duties.
Rule 33 Standing committees--Expenses--Subpoena power.
Rule 34 Committee procedures.
Rule 35 Legislative polling.
Rule 36 Bills to be engrossed.))
Rule ~~((37))~~ 35 Convening special legislative sessions.
Rule 36 Amendments to joint rules.
Rule 37 Joint rules to apply for biennium.

Code of Ethics

Rule 1. Rules 2 through 7 of these Joint Rules constitute a Code of Legislative Ethics which shall be administered under the provisions of RCW 44.60.010 through 44.60.130. Disciplinary actions for violation include: In the case of a legislator, reprimand, censure, or expulsion, and when applicable, restitution; and in the case of a legislative employee, reprimand, suspension, or dismissal, and when applicable, restitution.

Legislative Conflict of Interest

Rule ((1)) 2. A legislator has a personal interest which is in conflict with the proper discharge of legislative duties if the legislator has reason to believe or expect that a direct monetary gain or a direct monetary loss will be derived by reason of the legislator's official activity.

However, a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation, or group, to a greater extent than to any other member of such business, profession, occupation, or group.

((CODE OF ETHICS

In order to maintain legislative integrity and secure the public interest the following Code of Ethics is adopted for legislators:))

Independence of Legislative Judgment

((a)) **Rule 3.** Actions which destroy public confidence in the independence of judgment ((as) of a legislator:

((1)) **Section 1.** A legislator shall not vote on or influence legislation in committee or on the floor of either house, where the legislator has a personal interest which is in conflict with the proper discharge of legislative duties.

((2)) **Section 2.** A legislator shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary.

((3)) **Section 3.** A legislator shall not accept an honorarium if it can be reasonably concluded that the honorarium would not have been made but for the legislator's status as a legislator.

((4)) **Section 4.** A legislator shall not ask, receive, or agree to receive anything of value upon any understanding that the legislator's vote, opinion, judgment, or action will be influenced thereby.

((5)) **Section 5.** A legislator shall not solicit, receive, or accept a gift, favor or service under circumstances where it could be reasonably inferred that such action would influence the legislator in the discharge of legislative duties, or was a reward.

((6)) **Section 6.** A legislator shall not accept any remuneration other than legislative compensation for legislative advice or assistance.

((7)) **Section 7.** A legislator shall not appear before any department of state government for compensation that is contingent upon action by that department of state government unless the fee is set or approved by that department.

Undue Influence of a Legislator

((b)) **Rule 4.** Actions which involve undue influence upon any state agency, court, or governmental subdivision:

((1)) **Section 1.** A legislator shall not represent clients for compensation in proceedings or hearings before state agencies, boards or commissions involving claims of state employees.

((2)) **Section 2.** A legislator, singularly or through others, shall not use or attempt to use improper means to influence a state agency, board or commission.

((3)) **Section 3.** A legislator may use an official title or stationery in connection with a matter or proceeding before a state agency, board or commission, only if done without compensation, in connection with legislative duties.

((4)) **Section 4.** A legislator shall not represent any claimant for compensation in any claim placed before the legislature.

((5)) **Section 5.** A legislator shall not receive compensation for an appearance before a state agency as an expert witness.

Abuse of Legislative Position

((c)) **Rule 5.** Actions which constitute an abuse of official position or a violation of public trust:

((1)) **Section 1.** A legislator shall not accept employment, or engage in any business, or be involved in any activity which one might reasonably expect would require the disclosure of privileged information gained by virtue of holding legislative office.

((2)) **Section 2.** A legislator shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the Board of Ethics.

Section 3. A legislator shall not solicit, directly or indirectly, a political contribution from a legislative employee.

Employee ((Restrictions)) Actions

Rule ((2)) (6). Employee actions that impair independence of judgment, constitute an abuse of employment position, or constitute political activity prohibited by statute or legislative policy or both:

Section 1. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee's independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

Section 2. A legislative employee shall not accept an honorarium if it can be reasonably concluded that the honorarium would not have been made but for the employee's status as a legislative employee.

Section 3. A legislative employee shall not use or attempt to use the employee's official position to (1) personally obtain any privilege, exemption, special treatment or any other thing of value, or (2) obtain any such benefit for others except as required to perform duties within the scope of employment.

Section 4. A legislative employee shall not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

Section 5. A legislative employee shall not disclose confidential information acquired by reason of the employee's official position to any person or group not entitled to receive such information, nor shall the employee use such information for personal gain or benefit or for the benefit of others.

Section 6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

Section 7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly solicit a contribution from another legislative employee for any legislative candidate, caucus, or leadership committee, nor coerce another employee into making a contribution to ((a)) any candidate or ((a)) political committee. No legislative employee, as a condition of becoming or remaining employed, may directly or indirectly be required to make any contribution to a political candidate, committee, or party.

Prohibited Political Activity

Rule 7. Actions of legislators and legislative employees that constitute political campaign activity prohibited by statute or legislative policy:

Section 1. Other than activities that are part of the normal and regular conduct of the legislature, no legislator or legislative employee may use or authorize the use of any of the facilities of the legislature, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition. Facilities of the legislature include, but are not limited to, use of stationery, postage machines, and equipment, use of employees of the legislature during working hours, vehicles, office space, publications of the legislature, and constituent, interest group, or lobbyist lists of persons developed by the legislature.

Section 2. No legislative caucus or political organization of legislators or legislative leadership may conduct a political fund-raising event during the period the legislature is convened in regular or special session.

Section 3. No retaliation shall be permitted against any legislative employee who in good faith cooperates or has cooperated with the public disclosure commission in bringing to light potential violations of law or legislative policy.

Legislative Questionnaires

Rule 8. The use of public funds by a legislator or legislative committee for mailed questionnaires is authorized only when the following criteria are met:

(1) The questionnaire is authorized by a legislator, and confined to soliciting opinions or facts relative to legislative issues or studies;

(2) The identity of the legislator or legislative committee sponsoring the questionnaire is disclosed on the questionnaire;

(3) Except as otherwise provided in this section, a legislator may authorize mailing of a questionnaire at any time.

During the twelve-month period preceding the expiration of a state legislator's term in office, mass mailing of a questionnaire is allowed only if it is included in the identical newsletter to constituents permitted at the beginning of a legislative session under RCW 42.17.132.

In any year in which a legislator is a candidate for another public office, no questionnaire may be sponsored by or on behalf of such legislator during the period between June 1st and the general election day of that year or, in the event of a special election, no questionnaire may be sponsored by or on behalf of such legislator during the period between either sixty days prior to the election or the date of the filing of the legislator for the office subject to special election, whichever occurs last, and the special election.

A legislative committee may authorize a questionnaire at any time if the questionnaire conforms to subsections (1), (2), and (4) of this rule; and

(4) The questionnaire complies with all other pertinent laws and rules.

Study of Separation of Legislative from Electoral Activities

Rule 9. The executive rules committee of the house of representatives and the facilities and operations committee of the senate shall cause a joint study to be undertaken and completed prior to December 31, 1993, bearing on the separation of legislative from electoral activities, including:

Section 1. Prohibiting legislative employees from recruiting or campaigning for legislative candidates.

Section 2. Preventing benefits from being paid to employees on leave without pay for purposes of campaigning.

Section 3. Removing the block-out of the last four digits for members' telephone records.

Section 4. Reviewing all partisan staff positions to determine which require partisan affiliation and which should be converted to nonpartisan.

Section 5. Reviewing whether additional or more specific disciplinary procedures are required for violations of the Joint Standards of Conduct Regarding Use of Public Facilities.

Section 6. Reviewing the appropriate employment status of legislative employees who become candidates for legislative or state-wide elective office.

Sessions of the Legislature

Rule 10. The sessions of the legislature shall be held annually, convening at 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with Art. 2, section 12 of the state Constitution.

Joint Session

Rule ((3)) 11. Whenever there shall be a joint session of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint session, and the clerk of the house shall act as the clerk thereof, except in the case of the joint session held for the purpose of canvassing the votes of constitutional elective state officers, when the speaker shall preside over such joint sessions. The lieutenant governor ((shall not act in said joint session except as the presiding officer, and)) in no case shall have the right to give the deciding vote.

Motions for Joint Session

Rule ((4)) 12. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.

Business Limited

Rule ((5)) 13. No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.

~~((CONFERENCE COMMITTEE, REPORTS, ETC.))~~

~~Conference Committee~~

~~**Rule 6.** In every case of difference between the two houses, upon any subject of legislation, either house may request a conference and appoint a committee of three for that purpose, and the other house may grant the request for a conference and appoint a like committee to confer. The committees, at the earliest possible hour, shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other. The papers shall be left with the conferees of the house if a senate bill, and with the conferees of the senate, if a house bill, and the holders of the papers shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of a majority of the conference committee members of each house. Conference committee reports must be signed at a meeting duly convened by the chief clerk of the house for senate bills or the secretary of the senate for house bills.~~

~~Conference Committee Appointees~~

~~**Rule 7.** The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions as relates to the subject matter, and to the extent possible the majority and minority political parties.~~

~~Failure to Agree~~

Rule 8. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the bill in conference. A report proposing new items shall include all amendments to the bill or resolution agreed upon by the conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.

Report of Conference Committee, How Made Out; Whom Returned to

Rule 9. The conference committee shall submit the bill as amended together with three signed copies of its report to the house if a senate bill, and to the senate, if a house bill. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.

Adoption of Reports*

Rule 10. The report of a conference committee may be adopted by acclamation, but concurrence in the bill as amended shall be by roll call and the ayes and nays entered on the journals of the respective houses. The report must be voted upon in its entirety and cannot be amended. The report shall be read in full in each house before a vote is taken on the report. The senate and house, within their own bodies, can suspend the reading of a report in full. Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house and the secretary of the senate, and by distribution to the desks of the members, to consider reports from a conference committee which has proposed new items within the scope and object of the bill in conference. Neither house may vote thereon until the twenty-four hour period shall have elapsed. The clerk and the secretary shall place the reports on the desks of the members as soon as possible. The foregoing provisions relating to twenty-four hour intervals may be suspended by the senate or the house of representatives by a two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions. No floor vote may be taken on any conference committee report without a summary of additions, changes, and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions.

*Requires a constitutional majority. Requires two-thirds on constitutional amendment.

Messages Between the Two Houses

Rule 11. Messages from the senate to the house of representatives shall be delivered by the secretary or assistant secretary, and messages from the house of representatives to the senate shall be delivered by the chief clerk or assistant.

Final Action on Bills, How Communicated

Rule 12. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

Enrolled Bills - Presiding Officer to Sign

Rule 13. After a bill shall have passed both houses and all amendments have been carefully engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house shall present the original bill to the governor for signature, who, after taking action thereon, shall transmit it to the office of the secretary of state.

Disposition of Enrolled Bills

Rule 14. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

Transmission of Documents

Rule 15. Each house shall transmit to the other all documents on which any bill or resolution may be founded.))

Joint Legislative Committees

Rule 14. Joint legislative committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses.

Joint legislative committees may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint legislative committee may issue any process, the committee chairperson shall submit for approval of both the executive rules committee of the house of representatives and the rules committee of the senate, a statement of purpose setting forth the name or names of those

subject to process. The process shall not be issued prior to approval by both the executive rules committee of the house of representatives and the rules committee of the senate. The process shall be limited to the named individuals.

Joint Committee Hearings

Rule 15. All public hearings held by joint committees or held jointly by house of representatives and senate standing committees shall be scheduled in accordance with the public notice requirements of both the senate and the house of representatives.

Joint and Concurrent Resolutions; Memorials

Rule 16. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, to any other branch of the Federal government, to any other branch of state government, or to any unit of local government shall be in the form of joint memorials. Proposed amendments to the state Constitution shall be in the form of joint resolutions. Business between the two houses such as joint sessions, amendments to redistricting plans submitted by a redistricting commission created under chapter 44.05 RCW, adopting or amending joint rules, creating or empowering joint committees, opening and closing business of the legislature and all such related matters shall be in the form of concurrent resolutions. Joint memorials, joint resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be subject to the rules governing the course of bills. Concurrent resolutions may be adopted without a roll call. Concurrent resolutions amending a redistricting plan submitted by a redistricting commission, authorizing investigations or authorizing the expenditure or allocation of any money or relating to any joint committee must be adopted by roll call, and the yeas and nays recorded in the journal. Concurrent resolutions amending a redistricting plan as well as all amendments to those resolutions must be agreed to by two-thirds of the members elected or appointed to each house.

Amendatory Bills

Rule 17. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.

Amendatory Bills, How Drawn

Rule 18. Bills introduced in either house intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses, and no bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION." in upper case type and such designation shall be underlined.

No bill shall be introduced by title only, and, in the event a bill is not complete, at least section 1 shall be set forth in full before the bill may be accepted for introduction.

Amendments to bills will be acted upon in the manner provided in the Rules of the Senate and in the Rules of the House. No amendment to a bill shall be considered which strikes the entire subject matter of a bill, and substitutes in lieu thereof entirely new subject matter not germane to the original or engrossed bill.

Amendments to State Constitution; Action by Legislature

Rule 19. Amendments to the state Constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. (Const., art. 23, sec. 1.)

Publicity of Proposed Amendments to State Constitution

Rule 20. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. 1e.)

Initiative Petition Before the Legislature

Rule 21. Initiative petitions filed with the secretary of state not less than ten days before any regular session of the legislature shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. Upon certification from the secretary of state that an initiative to the legislature has received sufficient valid signatures, the secretary of state shall submit certified copies of the said initiative to the state senate and the house of representatives. Upon receipt of said initiative, each body of the legislature through its presiding officers shall refer the certified copies of the initiative to a proper committee.

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment. After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

Conference Committee

Rule 22. In every case of difference between the two houses, upon any subject of legislation, either house may request a conference and appoint a committee of three for that purpose, and the other house may grant the request for a conference and appoint a like committee to confer. The committees, at the earliest possible hour, shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other. The papers shall be left with the conferees of the house if a senate bill, and with the conferees of the senate, if a house bill, and the holders of the papers shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of a majority of the conference committee members of each house. Conference committee reports must be signed at a meeting duly convened by the chief clerk of the house for senate bills or the secretary of the senate for house bills.

Conference Committee Appointees

Rule 23. The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions to the extent possible as relates to the subject matter, and the majority and minority political parties.

Failure to Agree

Rule 24. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the bill in conference. A report proposing new items shall include all amendments to the bill or resolution agreed upon by the conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.

Report of Conference Committee, How Made Out; Whom Returned to

Rule 25. The conference committee shall submit the bill as amended together with three signed copies of its report to the house if a senate bill, and to the senate, if a house bill. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.

Adoption of Reports

Rule 26. No floor vote may be taken on any conference committee report without a distribution to all members of a summary of additions, changes, and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions. The clerk and the secretary shall place the reports on the desks of the members as soon as possible.

Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house and the secretary of the senate, and by distribution to the desks of the members before considering reports from a conference committee which has proposed new items within the scope and object of the bill in conference. The report shall be read in full.

The foregoing provisions relating to twenty-four hour intervals and reading of the report in full may be suspended by the senate or the house of representatives by two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.

The report must be voted upon in its entirety and cannot be amended. The report of a conference committee may be adopted by acclamation.

Passage of a bill as amended by conference report shall be by roll call and ayes and nays shall be entered on the journals of the respective house. Passage requires a constitutional majority in both houses, except in the case of constitutional amendments, which require a two-thirds vote.

Messages Between the Two Houses

Rule 27. Messages from the senate to the house of representatives shall be delivered by the secretary or the secretary's designee, and messages from the house of representatives to the senate shall be delivered by the chief clerk or the chief clerk's designee.

Bills to be Engrossed

Rule 28. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

Final Action on Bills, How Communicated

Rule 29. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

Enrolled Bills - Presiding Officer to Sign

Rule 30. After a bill shall have passed both houses and all amendments have been engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house shall present the original bill to the governor for signature.

Disposition of Enrolled Bills

Rule 31. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

Adjournment

Rule ((22)) 32. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)

Adjournment Sine Die

Rule ((23)) 33. Adjournment sine die shall be made only by concurrent resolution.

((Operation of Committees During Interim

Rule 24. During the interim between legislative sessions the membership and structure of each standing committee of each house of the legislature shall be continued for the purpose of studying and making recommendations to any subsequent session. Each standing committee shall have the following powers and duties:

(1) To perform either through the standing committee as a whole or through subcommittees thereof or select committees thereof all duties and functions customarily delegated to legislative committees acting within the scope of the duties exercised by such committee concerning the subject matter with which the legislative standing committee is generally entrusted during a regular or special legislative session;

(2) To examine and study the administrative organization and procedures of the state government, its officers, boards, committees, commissions, institutions, and other state agencies and to make recommendations where found advisable directed to the elimination of unnecessary overlapping or duplication of functions, procedures, and expenditures and to the promotion of economy and efficiency in state government and as particularly related to the scope of the activities related to the standing legislative committee while the legislature is in session;

(3) To make such other studies and examinations of the state government and its agencies as it may find advisable and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto within the scope of the activities related to the standing legislative committee while the legislature is in session;

(4) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings and recommendations.

For the purposes above mentioned the Facilities and Operations Committee established in the Senate and a corresponding similar committee in the House of Representatives shall be authorized to select such clerical, legal, accounting, research, and other assistants as may be deemed desirable to work for the standing committees established hereby, and the compensation and salary of such employees shall be fixed by such committees in each respective house subject to such legislative appropriations as shall be or have been made for such purposes by the legislature for the Senate and the House of Representatives respectively.

With reference to the studies and investigations to be undertaken, each standing committee may only study subjects, areas and problems assigned to such committee by the respective house or by the rules committees of the respective house.

During the interim between sessions, proposed committee bills which may be developed as a result of the studies and investigations made by such standing committees may be proposed and filed by such committees, and such proposed committee bills shall bear the signature of a majority of the members of such standing committee. Proposed Senate bills shall be filed with the secretary of the Senate. Proposed House bills shall be filed with the chief clerk of the House.

During the interim between legislative sessions such committee bill proposals shall be printed and referred to the committee on rules.

Joint Legislative Committees

Rule 25. Joint legislative committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses. These committees shall be subject to the rules and procedures of the House and Senate. The resolution shall set forth all administrative matters including staffing, facilities, travel, budgets and grant applications, receipts and expenditures from non-legislative sources. All personnel matters and all expenditures from any fund source shall be subject to approval by the Senate Facilities and Operations Committee and the House Executive Rules Committee. The procedure for selecting joint committee chairs and vice chairs and their terms of office shall also be provided by the resolution. Staffing for joint legislative committees shall as much as possible be done through existing legislative staff. When existing staff are assigned to joint legislative committees they shall continue to be paid and reimbursed by the house from which they were assigned.

Joint legislative committees shall have a quorum present to take executive action.

Joint legislative committees may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint legislative committee may issue any process, the committee chairperson shall file with the committee on rules of both houses, a statement of purpose setting forth the name or names of those subject to process. The respective rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to approval by a majority of the membership of each rules committee. The process shall be limited to the named individuals.

Joint Committee Hearings

Rule 26. Whenever any standing, select, or special committee of either house shall desire to arrange for a public hearing upon any subject of legislative study pending before such committee, it shall be the duty of the chairperson of such committee to consult with the chairperson of the corresponding committee of the other house and endeavor to arrange a hearing by the committees of the two houses.

All joint public hearings held by the committees shall be scheduled at least five days in advance, shall be open to the public, and shall be given publicity. The notice and scheduling provision shall not apply to joint hearings held after the tenth day preceding adjournment sine die of any regular session or during any special session.)

Each House Judge of Its Own Membership

Rule ((27)) 34. Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art. 2, sec. 8.)

((Sessions of the Legislature

Rule 28. The sessions of the legislature shall be held annually, convening at 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with art. 2, section 12 of the state Constitution.)

Convening Special Legislative Sessions

Rule 35. The legislature may convene a special legislative session as follows:

(1) A resolution calling for convening a special legislative session shall set forth the date and time for convening the session, the duration of the session which shall not exceed thirty days, together with the purpose or purposes for which such session is called. Members of the house or senate may present a proposed resolution for the convening of a special legislative session to the committee on rules of their respective houses.

(2) The authority to place a resolution convening a special legislative session before the legislature is vested in the committee on rules of the house of representatives and the committee on rules of the senate.

(3) Upon a majority vote of both the committee on rules of the house and the committee on rules of the senate in favor of a resolution convening a special legislative session, a vote of the house and senate shall be taken on such resolution.

(4) The chief clerk of the house and the secretary of the senate shall conduct the vote on the resolution by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their house. The results of such vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the house and senate at the convening of the next legislative session.

(5) If two-thirds of the members elected or appointed to each house vote in favor of the resolution, then a special legislative session shall be convened in accordance with the resolution. (Const., art. 2, sec. 12.)

Amendments to Joint Rules

Rule ((29)) 36. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.

Joint Rules to Apply for Biennium

Rule ((30)) 37. The permanent joint rules adopted by the legislature shall govern any session called during the same legislative biennium.

((Open Standing Committee Meeting

Rule 31. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the legislature shall be open to the public in accordance with the rules of each house.

Standing Committees – Duties

Rule 32. (1) All standing, select, and special committees of both houses may take executive action on bills in Olympia only. Committee hearings of either house may be held while the legislature is convened and hearings of standing committees may be held during a recessed or interim period.

(2) The rules committee of either house may provide for schedules, locations, or additional meetings of any standing committee of the same house as may be determined necessary.

(3) Subject to the approval of the rules committee of the appropriate house, standing committees, interim subcommittees, and interim select committees may conduct hearings and scheduling without a quorum being present.

Standing Committees - Expenses - Subpoena Power

Rule 33. Regardless of whether the legislature is in session, and subject to the provisions of Rule 32 to the extent that it is applicable, members of the legislature and the president of the senate may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses and payments in lieu of subsistence and lodging for conducting official business of the legislature.

The legislative committees of the senate and of the house of representatives, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the committee on rules of the respective house for specific purposes and for specific subjects in accordance with the authorization of the committee on rules or pursuant to rules established by the respective house.

Committee Procedures

Rule 34. Any person whose reputation may be unfairly injured by testimony at a committee hearing shall be given a reasonable opportunity to rebut that testimony. Each committee chairperson shall conduct hearings so as to afford reasonable protection of that right. In addition, any person who believes their reputation may have been unfairly injured by such testimony shall be entitled, upon submitting a timely request, to (1) an accurate record of the pertinent testimony; (2) an opportunity to voluntarily appear before the committee and testify; and (3) an opportunity to file a sworn written statement of facts or other documents for incorporation into the hearing record.

Legislative Polling

Rule 35. The use of public funds by a legislator or legislative employee for legislative polling, including mailed questionnaires, is authorized only when the following criteria are met:

(1) Polling must be authorized by a legislator, and confined to soliciting opinions or facts relative to legislative issues or studies;

(2) The identity of the legislator, legislative committee, or party caucus conducting the poll must be disclosed to the person being polled;

(3) In any year in which a legislator is a candidate for public office, no poll may be conducted by or on behalf of such legislator during the period between June 1st and the general election day of that year or, in the event of a special election, no poll may be conducted by or on behalf of such legislator during the period between either sixty days prior to the election or the date of the filing of the legislator for the office subject to special election, whichever occurs last, and the special election. Such polling is not prohibited during any special legislative session or during the thirty days preceding such session. A legislative committee may authorize or conduct a poll at any time if the poll conforms to subsections (1), (2), and (4) of this rule; and

(4) The polling complies with all other pertinent laws and rules.

Bills to be Engrossed

Rule 36. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

Convening Special Legislative Sessions

Rule 37. The legislature may convene a special legislative session as follows:

(1) A resolution calling for convening a special legislative session shall set forth the date and time for convening the session, the duration of the session which shall not exceed 30 days, together with the purpose or purposes for which such session

is called. Members of the house or senate may present a proposed resolution for the convening of a special legislative session to the committee on rules of their respective houses.

~~(2) The authority to place a resolution convening a special legislative session before the legislature is vested in the committee on rules of the house of representatives and the committee on rules of the senate.~~

~~(3) Upon a majority vote of both the committee on rules of the house and the committee on rules of the senate in favor of a resolution convening a special legislative session, a vote of the house and senate shall be taken on such resolution.~~

~~(4) The chief clerk of the house and the secretary of the senate shall conduct the vote on the resolution by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their house. The results of such vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the house and senate at the convening of the next legislative session.~~

~~(5) If two-thirds of the members elected or appointed to each house vote in favor of the resolution, then a special legislative session shall be convened in accordance with the resolution. (Const., art. 2, sec. 12.))~~

MOTIONS

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4409 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4409 was advanced to third reading and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4409. House Concurrent Resolution No. 4409 was adopted by voice vote.

At 11:19 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:29 a.m. by President Pritchard.

The Sergeant at Arms announced that the Honorable Ralph Munro, Secretary of State; His Excellency Vladimir Lukin, the Ambassador of the Russian Federation; and the Honorable Georgi B. Vlaskin of the Russian Consulate in Seattle, were present in the Senate Chamber and escorted the honored guests to the Senate Rostrum.

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

MOTION

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

SENATE RESOLUTION 1993-8605

By Senators M. Rasmussen, Bluechel, Gaspard, Snyder, Skratek and Spanel

WHEREAS, There exists a long history of warm relations between the people of Washington and Russia, of personal friendships, and family ties; and

WHEREAS, Many Washingtonians and Russians have visited one another's countries, as individuals and delegations, and this citizen diplomacy has resulted in school, hospital, and cultural exchanges, business, trade, and numerous sister city relationships; and

WHEREAS, Ambassador Lukin was a pioneer in establishing direct relations between the Russian federation and the state of Washington as Chairman of the Russian Federation Committee on International Affairs and Foreign Economic Relations; and

WHEREAS, Washington is greatly honored that Russia chose to open a Consulate General in our state; and

WHEREAS, We recognize that the Consulate General in Seattle is the first diplomatic office opened in the United States by Independent Democratic Russia; and

WHEREAS, Governors from the Russian Far East and other elected officials have visited Washington to develop closer economic and business relations; and

WHEREAS, The Pacific Northwest and the Russian Far East are neighbors in the Pacific Rim with a shared economic future; and

WHEREAS, The people of Russia and Washington have much in common, wide open spaces, frontier spirit, diversity of people, and the desire to work together;

NOW, THEREFORE, BE IT RESOLVED, That Washington welcomes Ambassador Lukin, the members of his delegation and family, Consul General Vlaskin and the officers and staff of the Consulate General in Seattle; and

BE IT FURTHER RESOLVED, That we look forward to the months and years ahead as the people of Russia and Washington continue to build a firm foundation of business and personal ties to create a better future for our children; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Ambassador Lukin and Consul General Vlaskin.

Senators Jesernig and Marilyn Rasmussen spoke to Senate Resolution 1993-8605.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Secretary of State Ralph Munro, Vladimir Lukin, Ambassador of the Russian Federation, and Consul General Georgi B. Vlaskin of the Russian Consulate General in Seattle, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Ambassador Lukin to address the Senate. Senators Gaspard and Bluechel welcomed Ambassador Lukin and Consul General Vlaskin to the Washington State Senate.

The Sergeant at Arms escorted the honored guests from the Senate Chamber.

MOTION

At 11:59 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, January 29, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 28, 1993

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

NINETEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 29, 1993

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5180 Prime Sponsor, Senator Vognild: Revising provisions relating to the legislative transportation committee. Reported by
Committee on Transportation January 27, 1993

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

SB 5187 Prime Sponsor, Senator Moore: Eliminating insurance premium tax credits. Reported by Committee on Labor and
Commerce January 28, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Referred to Committee on Ways and Means.

SB 5205 Prime Sponsor, Senator Wojahn: Modifying review of infant and child mortality rates. Reported by Committee on Health
and Human Services January 27, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

SB 5245 Prime Sponsor, Senator A. Smith: Regulating the analysis of blood and breath alcohol. Reported by Committee on Law
and Justice January 27, 1993

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

January 27, 1993

SJM 8000 Prime Sponsor, Senator Cantu: Recognizing Homer M. Hadley as the father of the floating bridge. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5449 by Senator Hargrove

AN ACT Relating to judgments; and amending RCW 4.56.100, 4.64.030, 6.21.110, and 36.48.090.

Referred to Committee on Law and Justice.

SB 5450 by Senator Hargrove

AN ACT Relating to court fees; and amending RCW 26.09.175 and 36.18.020.

Referred to Committee on Law and Justice.

SB 5451 by Senator Hargrove

AN ACT Relating to persons convicted of felonies; amending RCW 9.95.0011, 9.96.050, and 72.09.110; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.380, 9.94A.440, and 9A.20.021; adding a new section to chapter 72.09 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5452 by Senators Hargrove, Deccio, Oke and Hochstatter

AN ACT Relating to payment for costs of incarceration; and adding a new section to chapter 10.64 RCW.

Referred to Committee on Law and Justice.

SB 5453 by Senators Haugen, Newhouse, Loveland, Niemi, Snyder, Gaspard, von Reichbauer and Quigley

AN ACT Relating to funding and planning of local criminal justice programs; amending RCW 82.14.310, 82.14.320, 82.44.110, and 72.09.300; reenacting and amending RCW 82.14.340; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Government Operations.

SB 5454 by Senators Fraser, Skratek, Barr, Haugen, Pelz, Prentice, Owen, Niemi, von Reichbauer, Quigley and M. Rasmussen

AN ACT Relating to investing in the creation of jobs to restore and enhance Washington's estuaries, waterways, and watersheds; amending RCW 82.16.020, 82.44.020, 82.44.110, 82.50.405, 70.94.015, 70.146.070, 43.131.369, and 43.131.370; adding a new section to chapter 82.36 RCW; adding a new section to chapter 70.118 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Trade, Technology and Economic Development.

SB 5455 by Senators Fraser, Deccio and Talmadge (by request of Law Revision Commission)

AN ACT Relating to correcting the codification of a section relating to chemical dependency treatment; adding a new section to chapter 70.96A RCW; and recodifying RCW 70.96.150.

Referred to Committee on Health and Human Services.

SB 5456 by Senators Wojahn, Sheldon and Deccio

AN ACT Relating to prescription medicine insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5457 by Senators Prentice, Moore, Pelz and Amondson

AN ACT Relating to confidentiality exceptions of credit union examination reports; and amending RCW 31.12.565.

Referred to Committee on Labor and Commerce.

SB 5458 by Senators Wojahn and Sheldon

AN ACT Relating to prescription claims insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5459 by Senators West, Wojahn, Sheldon and Sellar

AN ACT Relating to prescription claims insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new chapter to 48.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5460 by Senators Wojahn, West, Sheldon and Bauer

AN ACT Relating to cognitive services and the application of cognitive services to medicaid prescriptions; adding new sections to chapter 74.09 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5461 by Senators Vognild, Prentice and Sutherland

AN ACT Relating to disqualification from unemployment benefits; amending RCW 50.20.050 and 50.20.060; adding a new section to chapter 50.20 RCW; and creating new sections.

Referred to Committee on Labor and Commerce.

SB 5462 by Senators Vognild and Prentice

AN ACT Relating to disqualification for unemployment insurance; amending RCW 50.20.050; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5463 by Senators Moore, Prentice, Fraser and Pelz

AN ACT Relating to unemployment compensation maximum benefits; and amending RCW 50.20.120.

Referred to Committee on Labor and Commerce.

SB 5464 by Senators Prentice, Vognild, Moore, Fraser and Pelz

AN ACT Relating to limiting the unemployment insurance disqualification for misconduct; amending RCW 50.20.060; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Labor and Commerce.

SB 5465 by Senators Prentice, Vognild, Moore, Sutherland and Fraser

AN ACT Relating to unemployment insurance for persons reentering the work force; amending RCW 50.06.010, 50.06.020, and 50.06.030; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5466 by Senators Prentice, Moore, McAuliffe and Fraser

AN ACT Relating to unemployment insurance for persons reentering the work force; amending RCW 50.06.010, 50.06.020, and 50.06.030; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5467 by Senators Prentice, Pelz, Skratek, A. Smith, Moore, Fraser, Franklin and Quigley

AN ACT Relating to periodic adjustments of the state minimum wage; amending RCW 49.46.020; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5468 by Senators Fraser, Skratek, Pelz and Prentice

AN ACT Relating to private business entities receiving public assistance; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Trade, Technology and Economic Development.

SB 5469 by Senators Sutherland, Deccio, Bauer, McCaslin, Hargrove, Jesernig, Snyder, Oke and Hochstatter

AN ACT Relating to state environmental policy act threshold determinations; and amending RCW 43.21C.033.

Referred to Committee on Ecology and Parks.

SB 5470 by Senators Pelz, Bauer, Skratek, Drew and McAuliffe

AN ACT Relating to salary allocations for basic education certificated instructional staff; and amending RCW 28A.150.410.

Referred to Committee on Education.

SB 5471 by Senators A. Smith, Quigley, Nelson and Snyder (by request of Secretary of State)

AN ACT Relating to nonprofit corporations; amending RCW 24.03.005, 24.03.017, 24.03.045, 24.03.046, 24.03.047, 24.03.048, 24.03.055, 24.03.240, 24.03.302, 24.03.345, 24.03.370, 24.03.386, 24.03.388, 24.03.395, 24.03.400, 24.03.405, 24.03.410, 24.06.046, 24.06.047, 24.06.048, 24.06.050, 24.06.055, 24.06.275, 24.06.290, 24.06.380, 24.06.415, 24.06.440, 24.06.445, 24.06.450, 24.06.465, and 24.06.520; adding a new section to chapter 24.06 RCW; repealing RCW 24.03.490, 24.03.500, 24.03.510, 24.03.520, 24.03.530, and 24.03.540; repealing 1989 c 291 s 1 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5472 by Senators Prentice, Deccio, Rinehart, Sellar and von Reichbauer

AN ACT Relating to interim permits for applicants for physical therapist licenses; and adding a new section to chapter 18.74 RCW.

Referred to Committee on Health and Human Services.

SB 5473 by Senators Prentice, Deccio, Rinehart and Sellar

AN ACT Relating to licensure of physical therapist assistants who are supervised by physical therapists; amending RCW 18.74.010, 18.74.020, 18.74.027, 18.74.060, 18.74.070, and 18.74.090; reenacting and amending RCW 18.74.023; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health and Human Services.

SB 5474 by Senators A. Smith, Pelz, Niemi, Spanel, Drew, Prince, Roach and Franklin (by request of Human Rights Commission)

AN ACT Relating to discrimination; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.174, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.205, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.230, 49.60.240, 49.60.250, 49.44.090, and 70.124.060; and reenacting and amending RCW 49.60.040 and 49.60.215.

Referred to Committee on Law and Justice.

SB 5475 by Senators Amondson, Snyder, M. Rasmussen, Hargrove, Deccio, Moyer, Prince, L. Smith, Cantu, Anderson, Oke, Erwin, McCaslin, Bluechel, Roach, Barr, Sellar, Newhouse, Quigley and Hochstatter

AN ACT Relating to regulatory takings of private property; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new chapter to Title 8 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5476 by Senators Talmadge, A. Smith, Quigley, Moyer, M. Rasmussen and Oke

AN ACT Relating to HIV testing of sex offenders; and amending RCW 70.24.105 and 70.24.340.

Referred to Committee on Law and Justice.

SB 5477 by Senators Prentice, McDonald and Skratek

AN ACT Relating to school levies; amending RCW 28A.500.010; and repealing RCW 84.52.0531.

Referred to Committee on Education.

SB 5478 by Senators Fraser and Deccio

AN ACT Relating to procurement of recycled content supplies by local governments; and amending RCW 43.19A.030 and 70.95.090.

Referred to Committee on Ecology and Parks.

SB 5479 by Senators Fraser, Deccio, Talmadge, Moyer, Franklin, M. Rasmussen and Oke

AN ACT Relating to Washington state children's day; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5480 by Senators Roach and McAuliffe

AN ACT Relating to transitional bilingual instruction; and amending RCW 28A.180.030.

Referred to Committee on Education.

SB 5481 by Senators Roach, Quigley, Hargrove, Amondson, L. Smith, McCaslin and Oke

AN ACT Relating to cancellation of voter registration of persons convicted of infamous crimes; adding a new section to chapter 10.64 RCW; and adding a new section to chapter 29.10 RCW.

Referred to Committee on Government Operations.

SB 5482 by Senators Skratek, M. Rasmussen, Spanel, Prentice, Franklin, McAuliffe, A. Smith, Drew and von Reichbauer

AN ACT Relating to mobile home parks; amending RCW 59.22.020, 59.20.080, and 59.20.090; adding new sections to chapter 59.22 RCW; adding new sections to chapter 59.20 RCW; adding a new chapter to Title 59 RCW; and prescribing penalties.

Referred to Committee on Trade, Technology and Economic Development.

SB 5483 by Senators Prentice, Winsley, Vognild, Wojahn, Moore, Rinehart, McAuliffe, Sutherland, Pelz and Franklin

AN ACT Relating to providing for arbitration in public transportation labor negotiations; amending RCW 35.58.265, 36.57.090, and 36.57A.120; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Labor and Commerce.

SB 5484 by Senators Quigley, Roach, Vognild, Prince, Loveland, Moyer, McAuliffe and L. Smith

AN ACT Relating to preservation of rights under prior lien laws; adding a new section to chapter 60.04 RCW; and providing a retroactive effective date.

Referred to Committee on Labor and Commerce.

SB 5485 by Senator Williams

AN ACT Relating to firearms; amending RCW 9.41.090; reenacting and amending RCW 9.41.010 and 9.41.040; and prescribing penalties.

Referred to Committee on Law and Justice.

SJM 8007 by Senators Wojahn, West, Sheldon and Sellar

Petitioning Congress and the President to authorize the Federal Food and Drug Administration to study a transitional nonprescription drug category.

Referred to Committee on Health and Human Services.

SJM 8008 by Senators Spanel, Haugen, Oke, Erwin, Snyder, Sellar, Franklin, Jesernig, McAuliffe, Sheldon, Skratek, Owen, M. Rasmussen, A. Smith, Quigley, Williams, Prentice, Pelz and Talmadge

Requesting that Victoria, British Columbia adopt a plan for treating its sewage.

Referred to Committee on Ecology and Parks.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, February 1, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 29, 1993

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

TWENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 1, 1993

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Williams. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1993

SB 5035 Prime Sponsor, Senator Haugen: Authorizing cities to use the hotel-motel tax for public restroom facilities. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

January 29, 1993

SB 5044 Prime Sponsor, Senator Haugen: Revising incorporation procedures for cities and towns. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

January 29, 1993

SB 5049 Prime Sponsor, Senator Haugen: Revising the method for reducing city limits. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 29, 1993

SB 5054 Prime Sponsor, Senator A. Smith: Requiring the sellers of sports memorabilia to authenticate the merchandise. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5054 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

January 29, 1993

SB 5094 Prime Sponsor, Senator McCaslin: Changing provisions relating to incorporation elections. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 29, 1993

SB 5237 Prime Sponsor, Senator M. Rasmussen: Regulating charitable solicitations. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Roach, and Spanel.

Referred to Committee on Ways and Means.

January 29, 1993

SCR 8400 Prime Sponsor, Senator Talmadge: Declaring a sister state relationship with the Province of Taiwan. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8400 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5486 by Senators McCaslin and Roach

AN ACT Relating to the deferral of taxation where the deferred tax payments are for investments or costs that result in the creation of a specified number of jobs; amending RCW 82.60.050 and 82.61.040; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 5487 by Senators Bauer, Barr, M. Rasmussen, Snyder, Gaspard, Vognild, Newhouse, Drew, Sutherland, Quigley, Hochstatter and Loveland

AN ACT Relating to agister liens; amending RCW 60.56.010, 60.56.015, 60.56.035, and 60.56.050; adding new sections to chapter 60.56 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5488 by Senators Prentice, Vognild, Prince, Loveland and von Reichbauer

AN ACT Relating to pilots' quarterly reports; and amending RCW 88.16.110.

Referred to Committee on Transportation.

SB 5489 by Senators Vognild, Amondson, Prentice, Bluechel, Moore and Talmadge

AN ACT Relating to longshore and harbor workers' compensation act insurance; amending RCW 48.22.070 and 48.22.072; amending 1992 c 209 s 6 (uncodified); and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5490 by Senators Niemi, L. Smith, Talmadge, Wojahn, M. Rasmussen, McAuliffe and Erwin

AN ACT Relating to developmental disabilities; amending RCW 71A.10.015, 71A.10.020, 71A.10.050, 71A.10.060, 71A.10.070, 71A.12.010, 71A.12.020, 71A.12.030, 71A.12.060, 71A.12.070, 71A.12.080, 71A.12.100, 71A.12.120, 71.14A.020,

71A.14.030, 71A.14.040, 71A.14.050, 71A.14.060, 71A.14.070, 71A.14.080, 71A.14.090, 71A.14.110, 71A.16.020, 71A.16.040, 71A.16.050, 71A.18.010, 71A.18.020, 71A.18.040, and 71A.18.050; adding a new section to chapter 71A.12 RCW; adding new sections to chapter 71A.14 RCW; adding a new section to chapter 71A.16 RCW; adding new sections to chapter 71A.20 RCW; creating a new section; and repealing RCW 71A.10.010, 71A.10.800, 71A.10.901, 71A.10.902, 71A.12.040, 71A.12.050, and 71A.14.010.

Referred to Committee on Health and Human Services.

SB 5491 by Senators Niemi and A. Smith

AN ACT Relating to sentencing; creating new sections; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5492 by Senators Spanel, Snyder, Nelson and M. Rasmussen (by request of Secretary of State)

AN ACT Relating to fees paid to the secretary of state's office; amending RCW 23.86.070, 23B.01.220, 23B.01.530, 23B.01.560, 24.03.405, 24.03.410, 24.06.450, 24.06.520, 24.20.020, 24.24.010, 24.24.100, 31.12.085, 33.28.010, 43.07.120, 43.07.130, and 46.64.040; adding a new section to chapter 43.07 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5493 by Senators Talmadge and Deccio (by request of Department of Social and Health Services)

AN ACT Relating to aid to families with dependent children payment to children living in unsuitable homes; and amending RCW 74.12.330.

Referred to Committee on Health and Human Services.

SB 5494 by Senators Talmadge and Deccio (by request of Department of Social and Health Services)

AN ACT Relating to at-risk juvenile sex offenders; and amending RCW 74.13.075.

Referred to Committee on Health and Human Services.

SB 5495 by Senators Loveland, Barr, A. Smith, Anderson, Owen, Snyder, Deccio, M. Rasmussen and Roach

AN ACT Relating to environmental policy; and amending RCW 43.21C.060.

Referred to Committee on Ecology and Parks.

SB 5496 by Senators Hargrove, Nelson, Owen, Anderson, Loveland, Deccio and Hochstatter

AN ACT Relating to administrative searches; and adding a new section to Title 4 RCW.

Referred to Committee on Law and Justice.

SB 5497 by Senators Hargrove, Owen, Anderson, Loveland and Deccio

AN ACT Relating to administrative searches; and adding a new section to Title 4 RCW.

Referred to Committee on Law and Justice.

SB 5498 by Senators Niemi, Haugen, Wojahn and Winsley

AN ACT Relating to essential public facilities; and amending RCW 36.70A.200.

Referred to Committee on Government Operations.

SB 5499 by Senators L. Smith, Wojahn, Moyer, von Reichbauer, Erwin, Hargrove, Deccio and McAuliffe

AN ACT Relating to enhancement of employment transition programs for developmentally disabled high school students; adding a new section to chapter 71A.12 RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5500 by Senators Talmadge, Cantu, Fraser, Quigley and Deccio

AN ACT Relating to acquisition, development, and disposal of state parks land; amending RCW 43.51.210, 43.51.215, and 43.51.270; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Ecology and Parks.

SB 5501 by Senators Talmadge, Cantu, Quigley and von Reichbauer

AN ACT Relating to open government; amending RCW 42.18.221 and 42.18.290; and prescribing penalties.

Referred to Committee on Government Operations.

SB 5502 by Senators Sutherland and Prentice

AN ACT Relating to state and local government regulation of surface mining; amending RCW 78.44.010, 78.44.020, 78.44.040, 78.44.050, 78.44.060, 78.44.070, 78.44.150, 78.44.170, and 78.44.910; adding a new section to chapter 36.70A RCW; adding new sections to chapter 78.44 RCW; creating new sections; recodifying RCW 78.44.150, 78.44.170, 78.44.175, and 78.44.910; repealing RCW 78.44.030, 78.44.035, 78.44.080, 78.44.090, 78.44.100, 78.44.110, 78.44.120, 78.44.130, 78.44.140, 78.44.160, and 78.44.180; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5503 by Senators Vognild, Newhouse, Sutherland, Moore, Amondson, McAuliffe, Fraser, Pelz, Cantu, Snyder, Deccio and Hochstatter

AN ACT Relating to loss of earning power payments; amending RCW 51.32.090; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5504 by Senator Williams

AN ACT Relating to delinquent tax rates; and reenacting and amending RCW 84.56.020.

Referred to Committee on Government Operations.

SB 5505 by Senator Williams

AN ACT Relating to delinquent property taxes; adding a new section to chapter 84.56 RCW; and adding a new section to chapter 84.38 RCW.

Referred to Committee on Ways and Means.

SB 5506 by Senators Moore, Anderson, Jesernig, Amondson, Haugen, Barr, Snyder, Cantu, Owen, Vognild, Deccio and Hochstatter

AN ACT Relating to administrative rule making; amending RCW 34.05.380, 34.05.620, 34.05.630, 34.05.640, and 34.05.370; adding new sections to chapter 34.05 RCW; and repealing RCW 34.05.660, 34.05.670, and 34.05.680.

Referred to Committee on Labor and Commerce.

SB 5507 by Senators Gaspard, Roach, Vognild, Loveland, von Reichbauer, Prentice, Hargrove, Winsley, M. Rasmussen, Drew, Fraser, Bauer, Jesernig, Owen, Moore, Haugen, A. Smith, Williams, Sheldon, West, McAuliffe, Snyder, Skratek, Wojahn, Sutherland, Quigley and Erwin

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.430, 41.26.470, and 41.26.510.

Referred to Committee on Ways and Means.

SB 5508 by Senators Hargrove, Niemi, A. Smith, Nelson and Spanel

AN ACT Relating to child dependency cases; and amending RCW 13.34.160.

Referred to Committee on Law and Justice.

SB 5509 by Senators Hargrove, Owen, Hochstatter, L. Smith, Snyder, Oke, Amondson, Sellar, Jesernig, Nelson, Newhouse, Bauer, Erwin, Roach and McDonald

AN ACT Relating to prohibiting mandatory child support for postsecondary education of adult children; and amending RCW 26.09.225, 26.18.210, 26.19.035, 26.19.075, and 26.19.090.

Referred to Committee on Law and Justice.

SB 5510 by Senator Niemi

AN ACT Relating to the Washington public employees' retirement system; and amending RCW 41.32.762.

Referred to Committee on Ways and Means.

SB 5511 by Senators Loveland, Winsley, Quigley, Snyder and Pelz (by request of Secretary of State)

AN ACT Relating to voter registration by mail; amending RCW 29.10.180; adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; prescribing penalties; and providing an effective date.

Referred to Committee on Government Operations.

SB 5512 by Senators M. Rasmussen, Erwin, Bluechel, Skratek, Sheldon and Snyder

AN ACT Relating to study of international trade agreements; and creating new sections.

Referred to Committee on Trade, Technology and Economic Development.

SB 5513 by Senators Roach, Franklin, M. Rasmussen and McAuliffe

AN ACT Relating to residential care options for special needs children; amending RCW 74.15.010 and 74.15.020; adding a new section to chapter 74.15 RCW; and creating new sections.

Referred to Committee on Health and Human Services.

SB 5514 by Senators Sheldon, Bluechel, Williams, Erwin, Skratek, M. Rasmussen, Deccio and Snyder

AN ACT Relating to economic development grants; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 5515 by Senators Prentice and Sutherland

AN ACT Relating to employee rights regarding industrial insurance claims; amending RCW 51.52.130; adding a new section to chapter 51.52 RCW; adding new sections to chapter 51.14 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5516 by Senators Moyer, Hargrove and Prentice (by request of Department of Health)

AN ACT Relating to the implementation of the 1993-95 health personnel resource plan; amending RCW 18.92.030, 18.92.100, and 18.54.070; and adding a new section to chapter 70.185 RCW.

Referred to Committee on Health and Human Services.

SB 5517 by Senators Moyer, Fraser and Prentice (by request of Department of Health)

AN ACT Relating to licensure of physician assistants; and amending RCW 18.71A.020, 18.71A.040, and 18.71A.050.

Referred to Committee on Health and Human Services.

SB 5518 by Senators Wojahn, Moyer, Fraser, Deccio and Prentice (by request of Department of Health)

AN ACT Relating to eligibility requirements for podiatric physicians and surgeons; amending RCW 18.22.040; and adding a new section to chapter 18.22 RCW.

Referred to Committee on Health and Human Services.

SB 5519 by Senators Talmadge, Moyer, Wojahn, Deccio and Prentice (by request of Department of Health)

AN ACT Relating to the disciplining of health professionals; amending RCW 18.130.040, 18.130.160, 18.130.175, 18.130.185, 18.130.186, 18.130.300, 18.135.070, 18.64.160, 18.64A.050, 18.72.340, 18.72.380, 18.130.190, 18.130.165, and 18.130.050; adding a new section to chapter 18.135 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.64A RCW; repealing RCW 18.135.080, 18.64.260, and 18.71A.070; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 5520 by Senators Wojahn, Moyer, Hargrove and Prentice (by request of Department of Health)

AN ACT Relating to controlled substances definitions, standards, and schedules; amending RCW 69.50.201, 69.50.203, 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211, 69.50.212, 69.50.213, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.308, and 69.50.403; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5521 by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder

AN ACT Relating to criminal justice programs; amending RCW 82.14.310, 82.14.320, 82.14.330, 82.44.110, and 72.09.300; reenacting and amending RCW 82.14.340; adding a new section to chapter 82.14 RCW; and making appropriations.

Referred to Committee on Government Operations.

SB 5522 by Senators Wojahn, L. Smith, Moore, McDonald, Franklin, Deccio, Fraser, Snyder, West, Roach, Prentice, Pelz, M. Rasmussen and Erwin

AN ACT Relating to the use of alcohol and other drugs during pregnancy; adding new sections to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 5523 by Senators Barr, Snyder and Prince

AN ACT Relating to district court judges pro tempore; and amending RCW 3.34.060.

Referred to Committee on Law and Justice.

SB 5524 by Senators Barr, Snyder and Prince

AN ACT Relating to reporting requirements for candidates, elected officials, and agencies in political subdivisions; and amending RCW 42.17.405.

Referred to Committee on Law and Justice.

SB 5525 by Senators Barr, Deccio and Hochstatter

AN ACT Relating to eligibility for public assistance of persons who voluntarily leave employment; amend RCW 74.08.025; reenacting and amending RCW 74.04.005; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Health and Human Services.

SB 5526 by Senators Barr, Bauer, Prince and Sutherland

AN ACT Relating to the Columbia river resource task force; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5527 by Senators Barr and Moyer

AN ACT Relating to tobacco sales to minors; reenacting and amending RCW 26.28.080; and prescribing penalties.

Referred to Committee on Health and Human Services.

SJR 8210 by Senators Wojahn, Sellar, Fraser, Newhouse, A. Smith, L. Smith, Bauer, Franklin, Hochstatter, McDonald, Cantu, Barr, Sutherland, West, Roach, Bluechel, Prentice, Deccio, Pelz, Snyder, M. Rasmussen, Moyer, von Reichbauer and Erwin

Concerning the testimony of children in sex crime prosecutions.

Referred to Committee on Law and Justice.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Tuesday, February 2, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, FEBRUARY 1, 1993

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

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 2, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Leah Weatherford and Toby Tebo, presented the Colors. Reverend Jeffrey Lervik, pastoral intern of the Central Lutheran Church of Bellingham, and a guest of Senator Ann Anderson, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1993

SB 5308 Prime Sponsor, Senator Owen: Modifying the forest fire protection assessment. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5308 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Franklin, Haugen, Oke, Snyder, and Spanel.

Referred to Committee on Ways and Means.

February 1, 1993

SB 5309 Prime Sponsor, Senator Owen: Modifying provisions relating to exchange of urban land for land bank land. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Franklin, Haugen, Oke, and Snyder.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5528 by Senator Quigley

AN ACT Relating to court fees; and amending RCW 26.09.175 and 36.18.020.

Referred to Committee on Law and Justice.

SB 5529 by Senator Fraser (by request of Department of Ecology)

AN ACT Relating to fees for water rights and related approvals; and amending RCW 90.03.470.

Referred to Committee on Ecology and Parks.

SB 5530 by Senators Prentice, Pelz, Spanel, Moore, McAuliffe, Fraser and Franklin

AN ACT Relating to the definition of reasonable assurance for unemployment insurance; amending RCW 50.44.053; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5531 by Senators Pelz, Jesernig, M. Rasmussen, Winsley, Owen, Oke, Bauer and Sheldon

AN ACT Relating to distribution of local effort assistance funds; and amending RCW 28A.500.010.

Referred to Committee on Education.

SB 5532 by Senators M. Rasmussen, Roach, Amondson, Barr and Winsley

AN ACT Relating to animal cruelty; amending RCW 16.52.050, 16.52.060, 16.52.070, 16.52.080, 16.52.085, 16.52.140, and 16.52.185; adding new sections to chapter 16.52 RCW; repealing RCW 16.52.030, 16.52.040, and 16.52.095; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5533 by Senators M. Rasmussen, Roach, Amondson, Barr and Winsley

AN ACT Relating to dangerous animals; amending RCW 16.04.010, 16.08.010, 16.08.020, 16.08.040, 16.08.070, 16.08.090, and 16.10.040; adding new sections to chapter 16.08 RCW; creating a new section; repealing RCW 16.08.030; and prescribing penalties.

Referred to Committee on Agriculture.

SB 5534 by Senators Vognild and Prince

AN ACT Relating to terminal safety audits of private carriers; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SB 5535 by Senators Vognild, Prince and M. Rasmussen

AN ACT Relating to the excise tax on large trucks; and amending RCW 82.44.010 and 82.44.020.

Referred to Committee on Transportation.

SB 5536 by Senators A. Smith and Quigley

AN ACT Relating to exceptional sentences; and amending RCW 9.94A.390.

Referred to Committee on Law and Justice.

SB 5537 by Senators Sutherland, Hochstatter and A. Smith (by request of Utilities and Transportation Commission)

AN ACT Relating to alternate operator service companies; and amending RCW 80.36.522.

Referred to Committee on Energy and Utilities.

SB 5538 by Senators Pelz, Drew, Sellar, Prentice, Spanel, Williams, Prince, Fraser, Franklin and Winsley (by request of Human Rights Commission)

AN ACT Relating to meeting federal fair housing act requirements for housing equivalency; amending RCW 49.60.030, 49.60.120, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.227, 49.60.230, 49.60.240, 49.60.250, 49.60.260, and 49.60.330; reenacting and amending RCW 49.60.040; adding new sections to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5539 by Senator A. Smith

AN ACT Relating to the relationship between franchisors and franchisees; amending RCW 19.100.250 and 19.100.190; and adding a new section to chapter 19.100 RCW.

Referred to Committee on Law and Justice.

SB 5540 by Senator Talmadge

AN ACT Relating to open government; amending RCW 42.17.020 and 42.30.020; reenacting and amending RCW 49.60.040; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5541 by Senators Fraser, A. Smith, Sellar, McAuliffe, Quigley and Winsley

AN ACT Relating to statute of limitations for sexual offenses; amending RCW 9A.04.080; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5542 by Senators Oke and Haugen

AN ACT Relating to firearms; amending RCW 9.41.070 and 46.20.336; adding new sections to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5543 by Senators Sutherland, Barr, Deccio and Winsley

AN ACT Relating to extending the state preemption on regulating products and product packaging; amending RCW 70.95C.100 and 82.02.025; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5544 by Senators Hargrove, Owen and Snyder

AN ACT Relating to local government street utility charges; and amending RCW 82.80.050.

Referred to Committee on Transportation.

SB 5545 by Senators Williams, Bluechel and Moore

AN ACT Relating to registration of architects; and amending RCW 18.08.350.

Referred to Committee on Labor and Commerce.

SJM 8009 by Senators Bluechel, Snyder, Sellar, Skratek, M. Rasmussen, Erwin, Gaspard, Fraser, McDonald, Franklin, Winsley and Oke

Supporting Guam in its quest for commonwealth status.

Referred to Committee on Trade, Technology and Economic Development.

APPOINTMENT TO STANDING COMMITTEE

The President appointed Senator Owen to the Committee on Energy and Utilities.

MOTION

On motion of Senator Jesernig, the appointment was confirmed.

POINT OF INFORMATION

Senator Newhouse: "Mr. President, a point of information, does this require changing the numbers in the rules?"

REPLY BY THE PRESIDENT

President Pritchard: "I don't believe it does, Senator. He replaces Senator A. L. Rasmussen."

MOTION

At 10:09 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pro Tempore Wojahn.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5166, which was held on the desk January 29, 1993, was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE BILL NO. 5166, by Senators Vognild, Nelson and Sheldon (by request of State Treasurer and Department of Transportation)

Authorizing refunding revenue bonds.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5166.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5166 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Hargrove - 1.

Absent: Senators McAuliffe and Moore - 2.

SENATE BILL NO. 5166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTIONS

On motion of Senator Jesernig, the Committee on Labor and Commerce was relieved of further consideration of Senate Bill No. 5413.

On motion of Senator Jesernig, Senate Bill No. 5413 was referred to the Committee on Law and Justice.

MOTION

At 11:49 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Wednesday, February 3, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FEBRUARY 2, 1993

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TWENTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 3, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 1993
SB 5071 Prime Sponsor, Senator Haugen: Correcting unconstitutional provisions regarding the construction, sale, and conditions of revenue bonds for pollution control facilities. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1993
SB 5072 Prime Sponsor, Senator Haugen: Deleting obsolete provisions relating to the printing and duplicating center. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 2, 1993
SB 5112 Prime Sponsor, Senator Drew: Revising hiring procedures for cities and towns. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 4404,
HOUSE CONCURRENT RESOLUTION NO. 4409, and the same are herewith transmitted.

February 3, 1993
ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4404,

HOUSE CONCURRENT RESOLUTION NO. 4409.

INTRODUCTION AND FIRST READING

SB 5546 by Senators Prentice and Moore (by request of Employment Security Department)

AN ACT Relating to unemployment compensation; amending RCW 50.04.165, 50.20.098, and 50.22.020; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5547 by Senators Talmadge and Oke

AN ACT Relating to compulsive gambling; amending RCW 67.70.240 and 67.16.105; adding new sections to chapter 9.46 RCW; adding a new section to chapter 67.70 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5548 by Senators Sheldon, Sellar, Vognild, Haugen, Spanel, Anderson, McAuliffe, Moore, West, Franklin, Wojahn, von Reichbauer, Roach, Skratek, Pelz, Winsley, Oke, Talmadge, Prentice, Jesernig, Nelson, Erwin, Drew, Hargrove, Bauer, Owen and Quigley

AN ACT Relating to jumbo ferry purchases; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 5549 by Senators Prentice, Bauer and Franklin

AN ACT Relating to registration of contractors; amending RCW 18.27.010, 18.27.100, 18.27.102, and 18.27.110; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5550 by Senators Fraser, Moore, Prince and Prentice (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance death benefits; amending RCW 51.32.050; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5551 by Senators Prentice, Moore and Amondson (by request of Department of Labor and Industries)

AN ACT Relating to the definition of hospital in regard to self-insurers; and amending RCW 51.14.150.

Referred to Committee on Labor and Commerce.

SB 5552 by Senators Prentice, Moore and Franklin (by request of Department of Labor and Industries)

AN ACT Relating to fee schedules for industrial insurance medical aid; and amending RCW 51.04.030, 51.36.080, and 51.36.085.

Referred to Committee on Labor and Commerce.

SB 5553 by Senators Vognild, Moore, Prentice, Franklin and Amondson (by request of Department of Labor and Industries)

AN ACT Relating to asbestos disease benefits; amending RCW 51.12.102; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5554 by Senators Prentice, Moore and Amondson (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance assessments; and amending RCW 51.16.200, 51.48.120, and 51.48.150.

Referred to Committee on Labor and Commerce.

SB 5555 by Senators Williams and M. Rasmussen

AN ACT Relating to federal responsibility for water quality regulation; and amending RCW 43.21A.445 and 70.119A.080.

Referred to Committee on Ecology and Parks.

SB 5556 by Senators Bauer, Snyder, Deccio and Sutherland (by request of Washington State School for the Blind and Washington State School for the Deaf)

AN ACT Relating to state schools for the blind, deaf, and sensory impaired; amending RCW 72.40.022, 72.40.024, 72.40.040, 72.40.080, 72.40.090, 72.40.110, 72.41.020, 72.41.070, 72.42.020, and 72.42.070; and repealing RCW 72.41.080 and 72.42.080.

Referred to Committee on Education.

SB 5557 by Senators Prentice, Prince, Vognild, Amondson, Bauer and Franklin

AN ACT Relating to alcohol servers on-premises with class A, B, C, D, H, I, and L licenses; adding new sections to chapter 66.20 RCW; adding a new chapter to Title 66 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5558 by Senators Prentice, Amondson, Vognild and Bauer

AN ACT Relating to gambling; amending RCW 9.46.0217 and 9.46.0281; adding new sections to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5559 by Senators Prentice, Amondson, Vognild and Bauer

AN ACT Relating to gambling; and amending RCW 9.46.0217.

Referred to Committee on Labor and Commerce.

SB 5560 by Senators Prince, Vognild, Wojahn, Amondson and Roach

AN ACT Relating to consultants; amending RCW 43.09.230; and creating a new section.

Referred to Committee on Government Operations.

SB 5561 by Senators Prentice, Pelz, Fraser, McAuliffe and Amondson

AN ACT Relating to the insurance contract; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Labor and Commerce.

SB 5562 by Senators Pelz, Prentice, M. Rasmussen, Franklin and Bauer

AN ACT Relating to qualifications of teachers; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Higher Education.

SB 5563 by Senators Barr, Vognild, Prince, M. Rasmussen, Quigley, Deccio and Hochstatter

AN ACT Relating to vehicle trip permits for farm vehicles licensed on a monthly basis; and amending RCW 46.16.160.

Referred to Committee on Transportation.

SB 5564 by Senators Prentice, Winsley, Vognild, Franklin, Prince, Skratek and Roach

AN ACT Relating to a chiropractic pilot program for basic health plan enrollees; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health and Human Services.

SB 5565 by Senators Franklin, Prentice, Vognild, Prince and Oke

AN ACT Relating to review of chiropractic health care; adding new sections to chapter 18.26 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5566 by Senators Winsley, M. Rasmussen and Roach

AN ACT Relating to assaults on fire investigators, fire inspectors, and deputy state fire marshals; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5567 by Senators Barr, Owen and Erwin

AN ACT Relating to emergency medical service district volunteer benefits; amending RCW 41.24.010; and adding new sections to chapter 41.24 RCW.

Referred to Committee on Government Operations.

SB 5568 by Senators Jesernig, Amondson, Bauer, Roach, Moore, McDonald, Owen, Skratek, Snyder, Hargrove, M. Rasmussen, West, Hochstatter, Loveland, Vognild, Pelz, McAuliffe, Winsley, Deccio, Anderson, Erwin, Barr, Drew, Oke, Sheldon, Cantu, Bluechel, von Reichbauer and Quigley

AN ACT Relating to administrative rule making; and amending RCW 34.05.380.

Referred to Committee on Labor and Commerce.

SB 5569 by Senators M. Rasmussen, Roach and Franklin

AN ACT Relating to comprehensive prevention services for at-risk children and their families; and adding new sections to chapter 43.63A RCW.

Referred to Committee on Health and Human Services.

SB 5570 by Senators Roach, Hargrove, Deccio, Hochstatter and Barr

AN ACT Relating to workers' compensation insurance for small businesses; and amending RCW 51.16.035 and 51.16.060.

Referred to Committee on Labor and Commerce.

SB 5571 by Senators L. Smith, Owen and McDonald

AN ACT Relating to developmental disabilities; amending RCW 71A.10.015, and 71A.20.020; adding a new section to chapter 71A.20 RCW; adding new sections to Title 71A RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5572 by Senators Prentice, Vognild, Prince, Hargrove, Barr, McAuliffe, Haugen, Snyder, Pelz, Loveland, Sheldon, Moore, Erwin, Fraser, M. Rasmussen and Wojahn

AN ACT Relating to the identification of environmental costs for transportation projects; and creating a new section.

Referred to Committee on Transportation.

SB 5573 by Senators Deccio, Haugen, Snyder, Sellar, Moyer, Jesernig, M. Rasmussen, Loveland, Franklin, Hargrove, Oke, McAuliffe, von Reichbauer, Vognild, Bauer, Nelson, Niemi, Amondson, Fraser, West, Winsley, Bluechel, Erwin, Skratek, Roach, L. Smith, McDonald, Newhouse, Gaspard, McCaslin, Anderson, Barr, Cantu, Owen, A. Smith, Sheldon, Hochstatter, Drew and Quigley

AN ACT Relating to legislative review of administrative rules; and amending RCW 34.05.610, 34.05.620, and 34.05.630.

Referred to Committee on Labor and Commerce.

SB 5574 by Senators Williams, Moore, Pelz and Franklin

AN ACT Relating to consumer credit reporting agencies; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor and Commerce.

SJR 8211 by Senator Sutherland

Limiting real property tax increases.

Referred to Committee on Ways and Means.

SJR 8212 by Senators Sutherland and Hochstatter

Taxing based on actual use.

Referred to Committee on Labor and Commerce.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Thursday, February 4, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FEBRUARY 3, 1993

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TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 4, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 1993
SB 5079 Prime Sponsor, Senator Owen: Modifying conditions for the digging of razor clams for persons who have physical disability permits. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Oke, L. Smith, and Snyder.

Passed to Committee on Rules for second reading.

February 3, 1993
SB 5124 Prime Sponsor, Senator Owen: Revising laws relating to commercial fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Franklin, Haugen, Oke, Sellar, L. Smith, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 3, 1993
SB 5246 Prime Sponsor, Senator Snyder: Creating the public works administration account. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5246 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 3, 1993
SB 5426 Prime Sponsor, Senator Loveland: Consolidating gross weight permit authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 3, 1993

SB 5427 Prime Sponsor, Senator Loveland: Setting tire limits on vehicles weighing over ten thousand pounds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

January 29, 1993

SJM 8002 Prime Sponsor, Senator Talmadge: Requesting the national park service increase resource protection programs. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8002 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 3, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1019,
HOUSE BILL NO. 1024,
HOUSE BILL NO. 1053, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5575 by Senators Haugen, Prentice, Niemi, Spanel and von Reichbauer

AN ACT Relating to licensing and licensing fees for cosmetologists, barbers, hairstylists or hairdressers, and manicurists; amending RCW 18.16.020, 18.16.130, and 18.16.165; and adding a new section to chapter 18.16 RCW.

Referred to Committee on Labor and Commerce.

SB 5576 by Senators Haugen, Winsley, Drew and Fraser

AN ACT Relating to requiring disclosures in the sale of residential real property; and adding a new chapter to Title 64 RCW.

Referred to Committee on Government Operations.

SB 5577 by Senator A. Smith

AN ACT Relating to sex offenses; amending RCW 9A.44.010, 9A.44.050, and 9A.44.100; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5578 by Senators Fraser, Owen, Oke, Hargrove, Haugen and Winsley

AN ACT Relating to clarifying the areas where a personal use fishing license is not required; and amending RCW 75.25.090.

Referred to Committee on Natural Resources.

SB 5579 by Senators Skratek, Erwin, Bluechel, Deccio, M. Rasmussen, Bauer, Jesernig, Sellar, Pelz and Winsley

AN ACT Relating to science and technology programs and policies; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 5580 by Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer (by request of Department of Community Development)

AN ACT Relating to regulation of manufactured housing construction and safety; adding new sections to chapter 43.63A RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5581 by Senators Franklin, Nelson, Winsley, M. Rasmussen, Barr, McAuliffe, Skratek, Hargrove, Wojahn, Deccio, Niemi, Drew and Roach

AN ACT Relating to creation of state-wide affordable housing; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Government Operations.

SB 5582 by Senators Franklin, Winsley, McAuliffe, Prentice, M. Rasmussen, Fraser, Pelz and Niemi

AN ACT Relating to the possession of weapons in court facilities; amending RCW 9.41.300 and 9.41.290; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law and Justice.

SB 5583 by Senators Franklin, Winsley, Erwin, McAuliffe, Barr, M. Rasmussen, Hochstatter, Hargrove, Deccio and Drew

AN ACT Relating to public hospital districts; adding a new section to chapter 70.44 RCW; and providing a contingent effective date.

Referred to Committee on Health and Human Services.

SB 5584 by Senators Franklin, Winsley, McAuliffe, Skratek, M. Rasmussen, Hargrove, Wojahn, Niemi, Drew and Pelz

AN ACT Relating to housing; and adding a new chapter to Title 43 RCW.

Referred to Committee on Labor and Commerce.

SB 5585 by Senators Franklin, Nelson, Winsley, Prentice, McAuliffe, Skratek, Barr, M. Rasmussen, Moyer, Roach, Erwin, Deccio and Oke

AN ACT Relating to the senior citizen property tax exemption; and amending RCW 84.36.383.

Referred to Committee on Ways and Means.

SB 5586 by Senators Franklin, Winsley, Skratek, Prentice, McAuliffe, Fraser, Quigley, Niemi, Drew and Pelz

AN ACT Relating to payments for time lost from work while attending a medical examination for industrial insurance; and amending RCW 51.32.110.

Referred to Committee on Labor and Commerce.

SB 5587 by Senators Franklin, Wojahn, McAuliffe, Winsley, Prentice, Barr, Roach and Hochstatter

AN ACT Relating to property tax exemptions for nonprofit character- building, benevolent, protective, or rehabilitative social service agencies; amending RCW 84.36.030, 84.36.031, and 84.36.810; reenacting and amending RCW 84.36.805; and creating a new section.

Referred to Committee on Ways and Means.

SB 5588 by Senators Franklin, Winsley, McAuliffe, Skratek, Nelson, Barr, M. Rasmussen, Prentice, Niemi and Drew

AN ACT Relating to correction of double amendments relating to regulation of mobile and manufactured homes; reenacting and amending RCW 46.12.290; and reenacting RCW 46.04.302.

Referred to Committee on Labor and Commerce.

SB 5589 by Senator Haugen

AN ACT Relating to public hospital districts; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Government Operations.

SB 5590 by Senators Moore, Newhouse, Talmadge, Spanel, West, Roach, Prentice, Prince, Vognild and Bauer

AN ACT Relating to providing service credit for periods of paid leave; amending RCW 41.40.710, 41.26.520, and 41.32.810; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5591 by Senators Skratek and Erwin (by request of Office of Financial Management)

AN ACT Relating to community economic development; adding new sections to chapter 43.63A RCW; and repealing RCW 43.165.020, 43.165.030, 43.165.040, 43.165.050, 43.165.060, 43.165.070, 43.165.080, 43.165.090, 43.165.100, 43.165.900, 43.165.901, 43.31.097, 43.63A.075, 43.63A.078, 43.63A.230, 43.63A.440, 43.63A.450, and 43.63A.560.

Referred to Committee on Trade, Technology and Economic Development.

SB 5592 by Senators Drew, Fraser, Skratek, Niemi and Franklin

AN ACT Relating to child care; and making an appropriation.

Referred to Committee on Ways and Means.

SB 5593 by Senators Owen, Moyer, Moore, Prentice, McAuliffe, Prince, Pelz, Fraser, L. Smith, Winsley, Franklin and Sheldon

AN ACT Relating to nursing home assistance; adding new sections to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5594 by Senators Owen, Roach, Haugen, Moore and von Reichbauer

AN ACT Relating to crimes committed on or near premises licensed for consumption of liquor; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5595 by Senators Prentice, Amondson and Fraser (by request of Department of Licensing)

AN ACT Relating to engineers and professional land surveyors; amending RCW 18.43.020, 18.43.040, 18.43.050, and 18.43.070; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 5596 by Senator Loveland (by request of State Treasurer)

AN ACT Relating to warrants redeemed by the state treasurer; and amending RCW 43.08.061.

Referred to Committee on Government Operations.

SB 5597 by Senators A. Smith, Spanel and Rinehart (by request of Attorney General)

AN ACT Relating to documentary materials; amending RCW 19.86.110; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Law and Justice.

SB 5598 by Senators Moore, Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

AN ACT Relating to the definition of acting in the course of employment; and amending RCW 51.08.013.

Referred to Committee on Labor and Commerce.

SB 5599 by Senators Moore, Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

AN ACT Relating to self-insured employers; and amending RCW 51.32.055.

Referred to Committee on Labor and Commerce.

SB 5600 by Senators Moore, Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.100.

Referred to Committee on Labor and Commerce.

SB 5601 by Senators Newhouse, Anderson, Amondson and Prince

AN ACT Relating to filing claims for occupational disease; and amending RCW 51.28.055.

Referred to Committee on Labor and Commerce.

SB 5602 by Senators Newhouse, Anderson, Amondson, Prince and Oke

AN ACT Relating to industrial insurance benefits during confinement in an institution; and amending RCW 51.32.040.

Referred to Committee on Labor and Commerce.

SB 5603 by Senators Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

AN ACT Relating to the definition of "acting in the course of employment" for industrial insurance; and amending RCW 51.08.013.

Referred to Committee on Labor and Commerce.

SB 5604 by Senators Hargrove, Franklin, Oke and Vognild

AN ACT Relating to chiropractors; and repealing RCW 18.26.380.

Referred to Committee on Health and Human Services.

SB 5605 by Senators Fraser, Prentice and Prince

AN ACT Relating to roadside improvements; amending RCW 47.36.310 and 47.42.120; and adding a new section to chapter 47.40 RCW.

Referred to Committee on Ecology and Parks.

SB 5606 by Senators Prince, Vognild, Cantu, Fraser, Newhouse, Prentice, McAuliffe, Sutherland, Moore and Winsley

AN ACT Relating to auditing funds under the control of state agencies; and creating a new section.

Referred to Committee on Ways and Means.

SB 5607 by Senators Niemi, Newhouse and Fraser (by request of Department of Licensing)

AN ACT Relating to landscape architects; amending RCW 18.96.040, 18.96.080, 18.96.090, 18.96.100, and 18.96.150; and reenacting and amending RCW 18.96.110.

Referred to Committee on Labor and Commerce.

SB 5608 by Senators Skratek, Snyder, Bluechel, M. Rasmussen, Anderson, Moore, Winsley, Franklin and von Reichbauer (by request of Department of Trade and Economic Development)

AN ACT Relating to the community economic revitalization board; amending RCW 43.160.020, 43.160.060, 43.160.076, 43.160.077, 43.160.200, and 43.160.900; amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 34 (uncodified); and reenacting and amending RCW 42.17.310.

Referred to Committee on Trade, Technology and Economic Development.

SB 5609 by Senators Loveland, Fraser and Haugen

AN ACT Relating to levies; amending RCW 84.55.070; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Government Operations.

SB 5610 by Senators L. Smith, McDonald, Barr, Cantu, Anderson, Hochstatter, Moyer, Sellar, Oke, Roach and Amondson

AN ACT Relating to greater governmental fiscal responsibility through limitations on expenditures and taxation; amending RCW 43.135.010, 43.135.060, and 43.84.092; adding new sections to chapter 43.135 RCW; adding a new section to chapter 43.88 RCW; repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, 43.88.540, 43.135.020, 43.135.030, 43.135.040, 43.135.050, 43.135.070, 43.135.900, and 43.135.901; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5611 by Senators Erwin, M. Rasmussen, Amondson and Oke

AN ACT Relating to arson; amending RCW 48.48.065 and 48.48.140; reenacting and amending RCW 9.94A.320; creating a new section; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5612 by Senators Erwin, Skratek, Prentice, von Reichbauer, M. Rasmussen, Nelson, Sellar, Vognild, Winsley, Hochstatter, Barr and Oke

AN ACT Relating to the membership of the transportation improvement board; reenacting and amending RCW 47.26.121; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5613 by Senators Erwin, Vognild, Nelson, Prince, Prentice, Moyer, Winsley, Barr and Oke

AN ACT Relating to the Washington traffic safety commission; and amending RCW 43.59.060.

Referred to Committee on Transportation.

SB 5614 by Senators Snyder, Hargrove and Owen

AN ACT Relating to non-Puget Sound coastal commercial crab fishery; amending RCW 75.30.050; adding new sections to chapter 75.30 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5615 by Senators M. Rasmussen and Oke (by request of Superintendent of Public Instruction)

AN ACT Relating to teacher recruitment; and amending RCW 28A.300.260.

Referred to Committee on Education.

SB 5616 by Senators Pelz, Oke and A. Smith (by request of Superintendent of Public Instruction)

AN ACT Relating to election of regional committee members; and amending RCW 28A.315.060.

Referred to Committee on Education.

SB 5617 by Senators Pelz, Oke, A. Smith and von Reichbauer (by request of Superintendent of Public Instruction)

AN ACT Relating to skill centers; and adding a new chapter to Title 28C RCW.

Referred to Committee on Education.

SJM 8010 by Senators Franklin, Winsley, Skratek, Prentice, McAuliffe, Sheldon, Fraser, Pelz, Quigley, Wojahn, Talmadge, Hargrove and Niemi

Requesting Congress and the President to amend the Hatch Act to allow greater political participation by federal workers.

Referred to Committee on Law and Justice.

SJM 8011 by Senators Franklin, Erwin, Skratek, Nelson, Prentice, McAuliffe, Wojahn, M. Rasmussen, Fraser, Pelz, Quigley, Moyer, Deccio and Oke

Petitioning Congress to reach a consensus on health care issues.

Referred to Committee on Health and Human Services.

SJR 8213 by Senators Franklin, Winsley, Prentice, Hochstatter, McAuliffe, Barr, Erwin, Hargrove and Drew

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

Referred to Committee on Health and Human Services.

SCR 8403 by Senators Snyder, Prince, Gaspard, Sellar, Anderson, Wojahn and Winsley

Recognizing the "Old Timers" reunion.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1019 by Committee on Local Government (originally sponsored by Representatives Dunshee, H. Myers and Springer)

Changing provisions relating to the conduct of meetings in cities and towns.

Referred to Committee on Government Operations.

HB 1024 by Representatives Rayburn, Edmondson, Bray and Dunshee

Extending the maturity date for general obligation bonds issued by fire protection districts.

Referred to Committee on Government Operations.

HB 1053 by Representatives Heavey and Johanson

Making technical changes to the statute governing athlete agents.

Referred to Committee on Labor and Commerce.

MOTION

On motion of Senator Jesernig, Senate Concurrent Resolution No. 8403 was held on the desk.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, February 5, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 4, 1993

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TWENTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 5, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 1993
SB 5025 Prime Sponsor, Senator Owen: Clarifying forest fire fighting duties. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5025 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1993
SB 5060 Prime Sponsor, Senator A. Smith: Revising provisions relating to indeterminate sentencing. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1993
SB 5068 Prime Sponsor, Senator A. Smith: Changing the homestead exemption. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5068 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1993
SB 5069 Prime Sponsor, Senator A. Smith: Revising provisions relating to crimes. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Referred to Committee on Ways and Means.

February 4, 1993
SB 5082 Prime Sponsor, Senator M. Rasmussen: Including ratites in poultry farming regulations. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 4, 1993
SB 5233 Prime Sponsor, Senator A. Smith: Specifying the fees allowed to prevailing parties for costs related to service of process. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 4, 1993
SB 5367 Prime Sponsor, Senator Hargrove: Regulating veterinary medication clerks. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 4, 1993
SB 5378 Prime Sponsor, Senator M. Rasmussen: Modifying the regulation of horticultural plants and facilities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 13, 1992
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation.
Captain Roger Bruett, appointed January 13, 1993, for a term beginning immediately and continuing at the Governor's pleasure, as Chief of the Washington State Patrol.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

January 13, 1993
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.
Barbara Gooding, reappointed January 13, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Community Development.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

January 29, 1993
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation.
Dr. Peter J. Goldmark, appointed January 29, 1993, for a term beginning February 8, 1993, and continuing at the Governor's pleasure, as Director of the Department of Agriculture.

Sincerely,

MIKE LOWRY, Governor

Referred to the Committee on Agriculture.

February 1, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sheryl Wilson, appointed for a term beginning February 15, 1993, and continuing at the Governor's pleasure, as Director of the Department of Retirement Systems.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

February 4, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jean Soliz, appointed January 29, 1993, for a term ending at the Governor's pleasure, as Secretary of the Department of Social and Health Services.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Social and Health Services.

INTRODUCTION AND FIRST READING

SB 5618 by Senators Vognild, Winsley and Erwin

AN ACT Relating to high-speed ground transportation; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5619 by Senators Bauer, Haugen, Barr, Moore, Fraser, M. Rasmussen and Winsley

AN ACT Relating to public agency appeals of decisions by the department of ecology regarding investigations, site rankings, or remedial actions; and amending RCW 70.105D.030 and 70.105D.060;

Referred to Committee on Ecology and Parks.

SB 5620 by Senators Loveland and Jesernig

AN ACT Relating to a special excise tax on hotel, motel, roominghouse, and trailer camp charges; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

SB 5621 by Senators Prentice, Moyer, Fraser, Winsley and Oke (by request of Department of Health, Department of Social and Health Services and Board of Health)

AN ACT Relating to access to tobacco by minors; amending RCW 82.24.520, 82.24.530, 82.24.550, and 82.24.560; adding new sections to chapter 82.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 5622 by Senators Sutherland and Hochstatter (by request of Utilities and Transportation Commission)

AN ACT Relating to the recovery of costs for expanded calling areas for local exchange companies; adding a new section to chapter 80.36 RCW; creating a new section; and repealing RCW 80.36.850, 80.36.855, and 80.36.860.

Referred to Committee on Energy and Utilities.

SB 5623 by Senators Vognild, von Reichbauer, Prentice and Winsley (by request of Utilities and Transportation Commission)

AN ACT Relating to the registration and regulation of motor carriers and the collection of fees relating to motor carrier operations; amending RCW 81.80.318, 81.80.150, and 81.80.090; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.300 and 81.80.320; and providing an effective date.

Referred to Committee on Transportation.

SB 5624 by Senators West, Moyer and Winsley

AN ACT Relating to retail sales and use taxes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5625 by Senators Prentice, Hargrove, Rinehart, A. Smith, Williams, Moyer, Drew, Prince, Erwin, Skratek and McAuliffe

AN ACT Relating to imposing the death penalty upon the mentally retarded; and amending RCW 10.95.030, 10.95.070, 10.95.130, and 10.95.140.

Referred to Committee on Law and Justice.

SB 5626 by Senators A. Smith, West, Moyer, Talmadge and Winsley (by request of Administrator for the Courts)

AN ACT Relating to adding new judges to the court of appeals; amending RCW 2.06.020; adding a new section to chapter 2.06 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5627 by Senators Fraser and M. Rasmussen

AN ACT Relating to the tax relief for low-income residential renters; amending RCW 84.52.043 and 84.55.005; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 36 RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Labor and Commerce.

SB 5628 by Senators Prentice, Fraser, L. Smith, Skratek, A. Smith and von Reichbauer

AN ACT Relating to prohibiting discrimination against health care providers; amending RCW 48.01.030, 48.02.160, 48.05.140, 48.06.050, 48.11.070, 48.18.480, 48.20.412, 48.20.460, 48.21.142, 48.30.300, 48.34.070, 48.36A.160, 48.36A.370, 48.41.030, 48.42.080, 48.44.035, 48.44.310, and 48.66.041; adding new sections to chapter 48.46 RCW; adding new sections to chapter 48.62 RCW; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5629 by Senators A. Smith and Fraser

AN ACT Relating to emission control inspections; amending RCW 46.16.015; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Ecology and Parks.

SB 5630 by Senators Prentice, Pelz, Skratek, Hargrove, Sutherland, Fraser and Winsley

AN ACT Relating to state employees; amending RCW 41.56.020, 41.56.040, 41.56.122, 41.56.060, 41.56.430, 41.06.150, 49.74.030, 49.74.040, 28B.16.100, and 28B.16.101; reenacting and amending RCW 41.56.030 and 41.04.230; adding a new section to chapter 28B.16 RCW; adding new sections to chapter 41.56 RCW; adding new sections to chapter 41.06 RCW; adding new sections to chapter 41.58 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.230, 28B.16.255, 28B.16.265, 28B.16.275, 41.06.170, 41.06.176, 41.06.186, 41.06.196, 41.06.230, 41.06.300, 41.06.310, 41.06.320, 41.06.330, 41.06.340, 41.06.475, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, and 41.64.910; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5631 by Senators Fraser and Haugen

AN ACT Relating to retail sales and use taxation; amending RCW 82.08.010; and reenacting and amending RCW 82.12.010.

Referred to Committee on Government Operations.

SB 5632 by Senators Vognild, Prince, Skratek, Winsley, Loveland and Nelson

AN ACT Relating to a single license plate background design for all Washington-licensed vehicles; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5633 by Senators Owen, Amondson, Prentice, Barr, Haugen, Erwin, Hargrove and Winsley

AN ACT Relating to natural resource damage to land and water; adding a new section to chapter 90.48 RCW; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5634 by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew

AN ACT Relating to disputes between state agencies; amending RCW 43.10.040; adding a new section to chapter 43.17 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5635 by Senator Niemi

AN ACT Relating to health profession disciplinary authority written communications; reenacting and amending RCW 42.17.310; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health and Human Services.

SB 5636 by Senators Skratek, Pelz, Drew, McAuliffe, A. Smith, M. Rasmussen and Talmadge

AN ACT Relating to lifelong learning and community involvement in education; adding a new chapter to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

SB 5637 by Senators Skratek, McAuliffe and Drew

AN ACT Relating to community involvement in education; adding new sections to chapter 28A.240 RCW; creating new sections; repealing RCW 28A.240.010, 28A.240.020, and 28A.240.030; and making appropriations.

Referred to Committee on Education.

SB 5638 by Senators Skratek, Drew, Roach, Haugen, Quigley, M. Rasmussen and Oke

AN ACT Relating to taxation of property affected by growth management regulations; and amending RCW 84.40.030.

Referred to Committee on Government Operations.

SJM 8012 by Senators Hargrove, Owen and Oke

Petitioning Congress, BPA, and FERC to supply electricity at no cost to anadromous fish hatcheries.

Referred to Committee on Energy and Utilities.

SJR 8214 by Senators Fraser and M. Rasmussen

Providing low-income tax relief.

Referred to Committee on Labor and Commerce.

MOTION

At 12:05 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, February 8, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 5, 1993

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

TWENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 8, 1993

The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5111 Prime Sponsor, Senator Drew: Clarifying the authority of towns to manage property. Reported by Committee on Government Operations February 5, 1993

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and von Reichbauer.

Passed to Committee on Rules for second reading.

SB 5137 Prime Sponsor, Senator M. Rasmussen: Making the office of sheriff nonpartisan. Reported by Committee on Government Operations February 5, 1993

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, Owen, von Reichbauer, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

SB 5139 Prime Sponsor, Senator Fraser: Consolidating the state capital historical association and the state historical society. Reported by Committee on Government Operations February 5, 1993

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

SB 5157 Prime Sponsor, Senator Hargrove: Increasing statutory attorneys' fees. Reported by Committee on Law and Justice February 5, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5162 Prime Sponsor, Senator Niemi: Prohibiting interference with access to or from a health care facility. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5162 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 3, 1993

SB 5185 Prime Sponsor, Senator Moore: Regulating excessive securities transactions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5186 Prime Sponsor, Senator von Reichbauer: Prohibiting the luring of minors or incompetent persons into vehicles or structures. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5228 Prime Sponsor, Senator Skratek: Expanding eligibility for ongoing absentee voter status. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5242 Prime Sponsor, Senator Jesernig: Revising incest law. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5264 Prime Sponsor, Senator M. Rasmussen: Establishing a Washington state trade office in the Russian Far East. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5264 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 5, 1993

SB 5275 Prime Sponsor, Senator Oke: Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 4, 1993

SB 5290 Prime Sponsor, Senator Wojahn: Reducing the tax burden on free hospitals. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5315 Prime Sponsor, Senator Erwin: Regulating cellular communication use by state employees. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Referred to Committee on Ways and Means.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

On January 11, 1993, this office certified that we had begun the signature checking process on Initiative to the Legislature #141 which was originally filed with this office on June 11, 1992.

We have completed a canvass of 101,875 signatures out of 159,308 signatures submitted in support of this measure. Of the number canvassed, we have determined that 86,656 were signatures of legal voters, 15,219 were either not registered, illegible or were multiple signatures.

Article II, section 1A of the State Constitution establishes the minimum number of acceptable signatures in order to qualify an initiative measure for the ballot as eight percent of the total votes cast for the office of Governor, or 150,001 signatures. The total number of invalid signatures permissible on Initiative Measure #141, therefore is 9,307 (159,308 - 150,001).

Since the total number of invalid signatures discovered during the canvassing procedure was 15,219, which exceeds the permissible number, we have terminated the signature checking process and we are unable to certify the measure to you for your consideration.

(Seal) IN WITNESS WHEREOF, I have set my hand
and affixed the seal of the state of
Washington this 5th day of February, 1993.

RALPH MUNRO
Secretary of State

MESSAGE FROM THE HOUSE

February 5, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1062,
ENGROSSED HOUSE BILL NO. 1067,
SUBSTITUTE HOUSE BILL NO. 1082, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5639 by Senators Cantu, L. Smith, Oke and Winsley

AN ACT Relating to blood donors; and adding new sections to chapter 70.54 RCW.

Referred to Committee on Health and Human Services.

SB 5640 by Senators Cantu, Pelz and Moyer

AN ACT Relating to education; adding new sections to chapter 28A.600 RCW; and providing an expiration date.

Referred to Committee on Education.

SB 5641 by Senator Roach

AN ACT Relating to proof of insurance for vehicle registration; and amending RCW 46.16.040 and 46.16.210.

Referred to Committee on Transportation.

SB 5642 by Senators Moore and Amondson

AN ACT Relating to regulating the assignment of retail charge agreements; amending RCW 63.14.010; adding a new section to chapter 63.14 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5643 by Senators Cantu, Snyder and Winsley

AN ACT Relating to voting precinct boundaries; amending RCW 29.04.050; and adding a new section to chapter 29.04 RCW.

Referred to Committee on Government Operations.

SB 5644 by Senators Cantu and Snyder

AN ACT Relating to the redistricting commission; and amending RCW 44.05.100, 44.05.080, and 42.30.110.

Referred to Committee on Government Operations.

SB 5645 by Senators Spanel and Fraser

AN ACT Relating to property divisions; and amending RCW 58.17.040.

Referred to Committee on Government Operations.

SB 5646 by Senators Winsley and M. Rasmussen

AN ACT Relating to reckless endangerment in the first degree; amending RCW 9A.36.045; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5647 by Senators Vognild, Winsley and Fraser

AN ACT Relating to parking fees; and reenacting and amending RCW 46.08.172.

Referred to Committee on Government Operations.

SB 5648 by Senators A. Smith, Rinehart, Hargrove, Nelson, Niemi and Winsley (by request of Department of Corrections)

AN ACT Relating to alien offenders; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law and Justice.

SB 5649 by Senators Quigley, Roach and A. Smith (by request of Department of Social and Health Services)

AN ACT Relating to employer reporting to the Washington state support registry; amending RCW 26.23.040; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5650 by Senator Moore

AN ACT Relating to retaliatory evictions by landlords; and amending RCW 59.20.070.

Referred to Committee on Labor and Commerce.

SB 5651 by Senator Moore

AN ACT Relating to transfer of rental agreements; and amending RCW 59.20.073.

Referred to Committee on Labor and Commerce.

SB 5652 by Senators Hargrove, A. Smith and Nelson (by request of Department of Corrections)

AN ACT Relating to the clarification of responsibility to monitor criminally insane offenders, track sentences, clarify tolling provisions, and charge offenders for special services; amending RCW 10.98.110, 9.94A.170, 10.77.010, 10.77.020, 10.77.150, 10.77.160, 10.77.165, 10.77.180, 10.77.190, 10.77.200, and 10.77.210; reenacting and amending RCW 9.94A.120; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5653 by Senators Vognild, Winsley and Moore

AN ACT Relating to the definition of public work; and amending RCW 39.04.010.

Referred to Committee on Labor and Commerce.

SB 5654 by Senators Prentice, Gaspard, Sutherland, Sheldon, Vognild, Pelz, Prince, Fraser and Winsley

AN ACT Relating to continuing education requirements for electricians; and amending RCW 19.28.550.

Referred to Committee on Labor and Commerce.

SB 5655 by Senators Prentice, Roach, Sutherland, Fraser, Prince, Erwin and Winsley

AN ACT Relating to electrical inspection fees; and amending RCW 19.28.360.

Referred to Committee on Labor and Commerce.

SB 5656 by Senators Pelz, Sutherland and Fraser

AN ACT Relating to electrical inspections; and amending RCW 19.28.070.

Referred to Committee on Labor and Commerce.

SB 5657 by Senators Vognild, Amondson, Sutherland, Pelz, Erwin and Winsley

AN ACT Relating to prompt pay for works of improvement; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 5658 by Senators Moore, Vognild, Prince, Owen, Erwin, Deccio, Bauer, A. Smith, Moyer and Niemi

AN ACT Relating to charitable gaming; amending RCW 9.46.070 and 9.46.285; adding a new section to chapter 9.46 RCW; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5659 by Senators Prentice, Owen, Sellar, Bauer, Franklin, Moyer, Moore, Prince, Snyder, Sutherland, Fraser, Winsley, M. Rasmussen and von Reichbauer (by request of Employment Security Department)

AN ACT Relating to the Washington service corps; amending RCW 50.65.040; repealing RCW 50.65.900; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5660 by Senators M. Rasmussen, Barr, Deccio, Loveland, Snyder, Fraser, Skratek, Sheldon, Drew, Prince, Winsley, Erwin, Bluechel, Amondson and Franklin

AN ACT Relating to the citizens' exchange program; adding a new section to chapter 43.07 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 5661 by Senators Skratek, Bluechel, Erwin, A. Smith, Sheldon, Winsley and M. Rasmussen

AN ACT Relating to the establishment of an advanced technology network; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 5662 by Senators Owen, Erwin, Spanel, Franklin, Haugen, Fraser, Sutherland and Williams

AN ACT Relating to metals mining; amending RCW 77.08.010, 78.44.030, 78.44.080, 90.03.260, and 90.48.020; adding a new section to chapter 90.48 RCW; adding a new section to chapter 77.12 RCW; adding a new chapter to Title 78 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5663 by Senators Drew, Loveland, Vognild, Sellar and Haugen

AN ACT Relating to creating the department of licensing vehicle field system services account; and amending RCW 46.68.220.

Referred to Committee on Transportation.

SB 5664 by Senators McAuliffe, Erwin, Franklin, Moyer, Hargrove, Prentice, Amondson, Fraser, McDonald and Wojahn

AN ACT Relating to the instruction in Braille reading and writing to blind students; and adding new sections to chapter 28A.155 RCW.

Referred to Committee on Education.

SB 5665 by Senators Talmadge, Prentice and Moore

AN ACT Relating to false claims against the government; reenacting and amending RCW 42.17.310; adding a new chapter to Title 4 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5666 by Senators Talmadge and Fraser

AN ACT Relating to public notice of significant releases of hazardous substances; and adding a new section to chapter 70.105D RCW.

Referred to Committee on Ecology and Parks.

SB 5667 by Senators Talmadge, Fraser, Moore, Sutherland, Bluechel, A. Smith and Haugen

AN ACT Relating to the water trail recreation program; adding new sections to chapter 43.51 RCW; and prescribing penalties.

Referred to Committee on Ecology and Parks.

SB 5668 by Senators Williams, Skratek and Sheldon

AN ACT Relating to state assistance to businesses; and adding a new section to chapter 43.31 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5669 by Senators Barr, M. Rasmussen, Prince, Loveland, Snyder, Newhouse and Hochstatter

AN ACT Relating to levies; and amending RCW 28A.500.010 and 84.52.0531.

Referred to Committee on Education.

SB 5670 by Senators Barr, Moyer and Hochstatter

AN ACT Relating to library services for students in the common schools; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SB 5671 by Senators Owen, Sutherland, Amondson, Erwin, Hargrove, Oke, L. Smith and Fraser

AN ACT Relating to the definition of a substantial development; and amending RCW 90.58.030.

Referred to Committee on Natural Resources.

SB 5672 by Senators Wojahn, Sellar, Franklin, Moyer and Hargrove

AN ACT Relating to the vision care consumer assistance act; amending RCW 18.53.140; adding a new section to chapter 34.05 RCW; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5673 by Senators Erwin, M. Rasmussen and Skratek

AN ACT Relating to telecommuting; adding new sections to chapter 70.94 RCW; creating a new section; and making appropriations.

Referred to Committee on Energy and Utilities.

SB 5674 by Senators Erwin, Talmadge, Moyer, L. Smith, Winsley, Deccio, Hargrove, Franklin and Prentice

AN ACT Relating to fetal alcohol syndrome; amending RCW 28A.170.060, 74.50.010, 74.50.055, 71A.10.020, and 66.08.180; adding new sections to chapter 43.70 RCW; adding a new section to chapter 70.05 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 66.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 5675 by Senators Drew, Loveland, Skratek and Haugen

AN ACT Relating to financing debt for storm water control facilities; and amending RCW 36.89.100.

Referred to Committee on Government Operations.

SCR 8404 by Senators Haugen, Owen, von Reichbauer, Roach, McCaslin, Oke, Drew, Winsley and M. Rasmussen

Creating the Joint Select Committee on Veterans and Military Personnel Affairs.

Referred to Committee on Government Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1062 by Representatives Rayburn, Chandler, Schoesler, Kremen, Grant, Roland, Sheahan, Lemmon, Morton and Lisk

Repealing the sunset provisions for the IMPACT center.

Referred to Committee on Agriculture.

EHB 1067 by Representatives Orr, Mielke, Dellwo, King, Franklin, Ludwig, Riley, Brown, Jones, Holm, Chappell, Pruitt and J. Kohl

Providing for correctional employees collective bargaining.

Referred to Committee on Labor and Commerce.

SHB 1082 by Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Veloria, G. Cole, Springer, Padden, Valle, Scott, Brough, Jacobsen, Wineberry, Lemmon, Karahalios, Pruitt and Roland)

Combating student alcohol abuse in colleges and universities.

Referred to Committee on Higher Education.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Tuesday, February 9, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 8, 1993

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

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 9, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Jessica Campbell and Bruce Eklund, presented the Colors. Chaplain Richard G. Quinn, United States Army, 80th Ordinance Battalion, Fort Lewis, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 8, 1993

SB 5070 Prime Sponsor, Senator Prentice: Using labor relations consultants. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5217 Prime Sponsor, Senator Pelz: Requiring compliance with chapter 39.12 RCW of public works. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Referred to Committee on Ways and Means.

February 4, 1993

SB 5239 Prime Sponsor, Senator Wojahn: Centralizing poison information services. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5239 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

February 4, 1993

SB 5261 Prime Sponsor, Senator Fraser: Modifying the background check requirement on persons providing services for physically disabled or mentally impaired persons. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5261 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 5, 1993

SB 5386 Prime Sponsor, Senator Wojahn: Modifying licensure of home health, hospice, and home care agencies. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, and Sheldon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 5, 1993

GA 9117 MARGARET T. STANLEY, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Administrator of the Health Care Authority.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, and Sheldon.

Passed to Committee on Rules.

February 5, 1993

GA 9123 BRUCE MIYAHARA, appointed January 21, 1993, for a term ending at the Governor's pleasure, as Secretary of the Department of Health.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, and Sheldon.

Passed to Committee on Rules.

February 5, 1993

GA 9129 JEAN SOLIZ, appointed January 29, 1993, for a term ending at the Governor's pleasure, as Secretary of the Department of Social and Health Services.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, and Sheldon.

Passed to Committee on Rules.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Denise Ueltschi, the Washington State Dairy Princess, and the state's Dairy Ambassador, who was seated on the rostrum.

With permission of the Senate, business was suspended, to permit Princess Denise to address the Senate.

The President introduced Mr. Steve Matzen, General Manager of the Washington Dairy Products Commission, and Ms. Karen Holten, the event coordinator of the Washington State Dairy Women, who were accompanying the Dairy Ambassador.

MESSAGE FROM THE HOUSE

February 8, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1003,
HOUSE BILL NO. 1020,

ENGROSSED HOUSE BILL NO. 1033,
HOUSE BILL NO. 1036,
HOUSE BILL NO. 1037,
HOUSE BILL NO. 1058,
HOUSE BILL NO. 1290,

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5676 by Senators Drew, McDonald, Fraser, Deccio and Erwin

AN ACT Relating to the coordinated planning and development of greenways; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5677 by Senators Bauer, von Reichbauer and Winsley

AN ACT Relating to college and university fees; and amending RCW 28B.15.535.

Referred to Committee on Higher Education.

SB 5678 by Senators Loveland, Newhouse, Deccio and Winsley

AN ACT Relating to exempting domestic wineries from chapter 20.01 RCW; and reenacting and amending RCW 20.01.030.

Referred to Committee on Agriculture.

SB 5679 by Senators Sutherland and Williams (by request of Department of Social and Health Services)

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.36.450; repealing 1990 c 170 s 8 (uncodified) and 1987 c 229 s 12 (uncodified); and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5680 by Senators Winsley, Prentice, Franklin and von Reichbauer (by request of Office of Minority and Women's Business Enterprises)

AN ACT Relating to the funding of the office of minority and women's business enterprises; and adding new sections to chapter 39.19 RCW.

Referred to Committee on Government Operations.

SB 5681 by Senators Skratek, McDonald and Deccio (by request of Department of Community Development)

AN ACT Relating to appropriations for projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5682 by Senators Sutherland, Oke, Prentice and Erwin

AN ACT Relating to an exemption from Title 48 RCW; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Labor and Commerce.

SB 5683 by Senators Williams and Pelz

AN ACT Relating to automobile insurance; adding a new section to chapter 48.30 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5684 by Senators Williams and Pelz

AN ACT Relating to property insurance; adding a new section to chapter 48.27 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5685 by Senators Williams and Pelz

AN ACT Relating to renter's insurance; adding a new section to chapter 48.27 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5686 by Senators Williams and Pelz

AN ACT Relating to delinquent payment charges on credit cards; and amending RCW 63.14.090.

Referred to Committee on Labor and Commerce.

SB 5687 by Senators Owen, Pelz and Bauer

AN ACT Relating to authorization of the pooling of trust management accounts; and amending RCW 79.64.020 and 79.64.030.

Referred to Committee on Natural Resources.

SB 5688 by Senators Owen, A. Smith and Oke

AN ACT Relating to civil enforcement of forest practices violations; amending RCW 76.09.140 and 76.09.170; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5689 by Senators Moore, West, Vognild and McCaslin

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor and Commerce.

SB 5690 by Senators Hochstatter and Vognild

AN ACT Relating to classification of telecommunications companies; and amending RCW 80.36.330.

Referred to Committee on Energy and Utilities.

SB 5691 by Senators Drew, Gaspard, Snyder, Amondson, West, Skratek and M. Rasmussen

AN ACT Relating to horse racing purses; amending RCW 67.16.105; creating a new section; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5692 by Senators Sutherland, Moore, Prentice, Jesernig, Williams, A. Smith, Amondson, Hochstatter, Roach, West and Oke

AN ACT Relating to financing conservation investment by electrical, gas, and water companies; amending RCW 80.08.010; and adding new sections to chapter 80.08 RCW.

Referred to Committee on Energy and Utilities.

SB 5693 by Senators Vognild, Drew and Quigley

AN ACT Relating to county vehicle license fees; and amending RCW 82.80.020.

Referred to Committee on Transportation.

SB 5694 by Senators Snyder, Sutherland and Vognild

AN ACT Relating to driving with an instruction permit; and amending RCW 46.20.025.

Referred to Committee on Transportation.

SJM 8013 by Senators Winsley, M. Rasmussen and Oke

Petitioning the president on behalf of disabled veterans.

Referred to Committee on Government Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1003 by Committee on Local Government (originally sponsored by Representatives Riley and Wineberry)

Concerning judicial proceedings for involuntary commitment or detention.

Referred to Committee on Health and Human Services.

HB 1020 by Representatives Springer, H. Myers, Morris and Basich

Clarifying the authority of towns to manage property.

Referred to Committee on Government Operations.

HEB 1033 by Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden

Establishing a procedure for developing local jail industries programs.

Referred to Committee on Law and Justice.

HB 1036 by Representatives H. Myers, Bray, Edmondson and Springer (by request of Law Revision Commission)

Correcting a double amendment relating to funding bonds.

Referred to Committee on Government Operations.

HB 1037 by Representatives Bray, H. Myers and Edmondson (by request of Law Revision Commission)

Correcting a double amendment relating to auction sales of county property.

Referred to Committee on Government Operations.

HB 1058 by Representatives Franklin, Zellinsky, Campbell, Kremen, Padden and L. Johnson

Providing for public hospital district chaplains.

Referred to Committee on Health and Human Services.

HB 1290 by Representatives Rust, Horn and Linville

Correcting a double amendment relating to appeals of orders of an air pollution control authority.

Referred to Committee on Ecology and Parks.

EHCR 4403 by Representatives Heavey, Veloria, Long, Shin, Forner, Schmidt, R. Meyers, Johanson, Leonard, Chandler, Lisk, Pruitt, Ballasiotes and Morris

Advocating the creation of a task force to study issues on gambling.

Referred to Committee on Labor and Commerce.

MOTION

At 10:18 a.m., on motion of Senator Jesernig, the Senate recessed until 11:30 a.m.

The Senate was called to order at 11:49 a.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8403, which was held on the desk February 4, 1993, was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Snyder, Prince, Gaspard, Sellar, Anderson, Wojahn and Winsley

Recognizing the "Old Timers" reunion.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8403 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8403. Senate Concurrent Resolution No. 8403 was adopted by voice vote.

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

MESSAGE FROM THE GOVERNOR
WITHDRAWAL OF GUBERNATORIAL APPOINTMENTS

January 29, 1993

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

My predecessor, the Honorable Booth Gardner, submitted to you a number of appointments for your confirmation. I respectfully request that the appointments now before the Senate be returned to me. I will expeditiously submit nominations to you to insure continuous operation of the boards and commissions.

I request the following appointments be returned:

OFFICE OF ADMINISTRATIVE HEARINGS

David R. LaRose

APPRENTICESHIP COUNCIL

Bruce F. Brennan

CLEMENCY AND PARDONS BOARD

Anita M. Peterson

B. J. McLean

Samuel R. Johnston

Reginald T. Roberts

Trudy Sutherland

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

May Gerstle

Antonio Santoy

Beverly Freeman

EASTERN STATE HOSPITAL ADVISORY COMMITTEE

Thomas Roe

Timothy J. Adams

Dennis Twigg

Pam Lucas
Michael Moseley
SMALL BUSINESS EXPORT FINANCIAL ASSISTANCE CENTER BOARD OF DIRECTORS
Claude A. Soudah
Kathryne Cobb
Larry Killeen
Bernard Korth
James R. Walesby
Don Miller
Burrill Hatch
David Thornton
Willem Maas
Paul L. Campbell
John Lewis
PACIFIC MARINE FISHERIES COMMISSION
Dean Sutherland
Correy Spooner
FOREST PRACTICES APPEALS BOARD
Robert Quoidbach
GAMBLING COMMISSION
Ardith Divine
Wanda Mosbarger
HEALTH CARE FACILITIES AUTHORITY
Ludwig Lobe
HIGHER EDUCATION COORDINATING BOARD
Steven T. Seward
Judith Wiseman
Ralph DiSibio
David Tang
Vickie McNeill
Gay V. Selby
HIGHER EDUCATION PERSONNEL BOARD
Patricia Stell
HOUSING FINANCE COMMISSION
Larry Kowbel
Reverend Leo C. Brown
Josephine V. Tamayo Murray
Harlan Douglass
John A. Steffens
Kevin M. Hughes
Donna E. Dilger
HUMAN RIGHTS COMMISSION
Jan Kumasaka
Dr. Helen Donigan
Lucio Rodriguez
Phyllis Pulfer
INDETERMINATE SENTENCE REVIEW BOARD
Robert E. Trimble
Kathryn S. Bail
INVESTMENT BOARD
Jimmy Cason
JUVENILE DISPOSITION STANDARDS COMMISSION
Daniel A. DiGuilio
Marilee Roloff
Patricia Tobis
William S. Pine
Rufus McKee
Richard Hicks
John Turner
LOTTERY COMMISSION
Phil Boguch
James S. Hattori
MARINE EMPLOYEES' COMMISSION
Louis O. Stewart
OIL AND GAS CONSERVATION COMMITTEE
Miland Walling
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Eliot W. Scull
James R. Fox
PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

William T. Trulove
PARKS AND RECREATION COMMISSION
Melvin D. Wortman
John L. Schreve
PERSONNEL APPEALS BOARD
Walter E. White
Doug Sayan
PERSONNEL BOARD
Bernadene Dochnahl
Thomas M. Burns
BOARD OF PHARMACY
Joyce Gillie
Karen Kiessler
SuAnn M. Stone
BOARD OF PILOTAGE COMMISSIONERS
Doug Ward
Benjamin L. Watson
Joseph A. Macri
Peter Badame
POLLUTION CONTROL/SHORELINES HEARINGS BOARD
Robert V. Jensen
PUBLIC DISCLOSURE COMMISSION
Betty G. Shreve
PUGET SOUND WATER QUALITY AUTHORITY
Lois M. Curtis
Terry Williams
Sheri Tonn
Michael R. Thorp
Larry Phillips
UNIVERSITY OF WASHINGTON BOARD OF REGENTS
H. Jon Runstad
Joseph Jerome Farris
Samuel Stroum
SENTENCING GUIDELINES COMMISSION
L. Daniel Fessler
Pleas Green
Susan Hahn
Margaret Laidlaw
Seth Dawson
Marcus M. Kelly
Sally Storm
Robert Lasnik
Ricardo Martinez
Napoleon Caldwell
Michael Spearman
SPOKANE JOINT CENTER FOR HIGHER EDUCATION
Roberta J. Greene
BOARD OF TAX APPEALS
Lucille Carlson
TRANSPORTATION COMMISSION
Alice B. Tawresey
Robert M. Higgins
Aubrey Davis
Barbara Shipoch
Leo B. Sweeney
CENTRAL WASHINGTON UNIVERSITY, BOARD OF TRUSTEES
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Ronald Dotzauer
EASTERN WASHINGTON UNIVERSITY, BOARD OF TRUSTEES
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Al Brisbois
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Lila Girvin
Edward Kelly
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Wayne H. Ehlers

Warren J. Gilbert, Jr.
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Carl R. Brown

BELLINGHAM TECHNICAL COLLEGE DISTRICT NO. 25, BOARD OF TRUSTEES
Mary Nichols
Murray Haskell
James H. Freeman
Art Runestrand
Melanie Prinsen

CLOVER PARK TECHNICAL COLLEGE DISTRICT NO. 29, BOARD OF TRUSTEES
Arnold Wright
Tom Ryan

PENINSULA COMMUNITY COLLEGE DISTRICT NO. 1, BOARD OF TRUSTEES
Frank Ducceschi
Nora Porter
Julie Johnson

GRAYS HARBOR COMMUNITY COLLEGE DISTRICT NO. 2, BOARD OF TRUSTEES
Ann H. Scroggs
Lynn Kessler
Jack Durney

OLYMPIC COMMUNITY COLLEGE DISTRICT NO. 3, BOARD OF TRUSTEES
Clint Shinkle
Gina Vicente

SKAGIT VALLEY COMMUNITY COLLEGE DISTRICT NO. 4, BOARD OF TRUSTEES
Mary Ann Funk
Arlene Miller
Jose G. Ruiz

EVERETT COMMUNITY COLLEGE DISTRICT NO. 5, BOARD OF TRUSTEES
Donald J. Hale

SEATTLE, SOUTH SEATTLE AND NORTH SEATTLE COMMUNITY COLLEGE DISTRICT NO. 6, BOARD OF TRUSTEES
Paul J. Wysocki
Lowell E. Knutson
Cynthia K. Rekdal

SHORELINE COMMUNITY COLLEGE DISTRICT NO. 7, BOARD OF TRUSTEES
Karen Steeb

BELLEVUE COMMUNITY COLLEGE DISTRICT NO. 8, BOARD OF TRUSTEES
Charles T. Collins
R. C. Strauss
Sally Jarvis
Dennis Uyemura

HIGHLINE COMMUNITY COLLEGE DISTRICT NO. 9, BOARD OF TRUSTEES
Thomas H. Nixon
John P. Kniskern

PIERCE COMMUNITY COLLEGE DISTRICT NO. 11, BOARD OF TRUSTEES
Betty Hogan

CENTRALIA COMMUNITY COLLEGE DISTRICT NO. 12, BOARD OF TRUSTEES
Kathy Simonis
Jim Sherrill

LOWER COLUMBIA COMMUNITY COLLEGE DISTRICT NO. 13, BOARD OF TRUSTEES
Bruce L. Cardwell
Gary Healea

CLARK COMMUNITY COLLEGE DISTRICT NO. 14, BOARD OF TRUSTEES
William G. Morris
Victor H. Clausen
Holly Echo-Hawk Middleton

WENATCHEE VALLEY COMMUNITY COLLEGE DISTRICT NO. 15, BOARD OF TRUSTEES
Wendell George
Dale Brighton
Scott Brundage
Alicia Nakata

SPOKANE AND SPOKANE FALLS COMMUNITY COLLEGE DISTRICT NO. 17, BOARD OF TRUSTEES
James G. Walton

BIG BEND COMMUNITY COLLEGE DISTRICT NO. 18, BOARD OF TRUSTEES
Bonnie J. Polhamus
Patricia Schrom

COLUMBIA BASIN COMMUNITY COLLEGE DISTRICT NO. 19, BOARD OF TRUSTEES
Erik Pearson
Frank Armijo

WALLA WALLA COMMUNITY COLLEGE DISTRICT NO. 20, BOARD OF TRUSTEES

Alexander Swantz
Jean H. Adams
WHATCOM COMMUNITY COLLEGE DISTRICT NO. 21, BOARD OF TRUSTEES
Bernie Thomas
Inez Johnson
TACOMA COMMUNITY COLLEGE DISTRICT NO. 22, BOARD OF TRUSTEES
John Lantz
Karyn Clarke
John M. Nettleton
EDMONDS COMMUNITY COLLEGE DISTRICT NO. 23, BOARD OF TRUSTEES
Victor S. Hirakawa
Charles D. Kee
Karen Miller
M. J. Hrdlicka
SOUTH PUGET SOUND COMMUNITY COLLEGE DISTRICT NO. 24, BOARD OF TRUSTEES
Julie Grant
Dan C. O'Neill
Carolyn Keck
LAKE WASHINGTON TECHNICAL COLLEGE DISTRICT NO. 26, BOARD OF TRUSTEES
Carol Bender
RENTON TECHNICAL COLLEGE DISTRICT NO. 27, BOARD OF TRUSTEES
Rod Kawakami
Donald Jacobson
Susan Ringwood
A. M. Jorgensen
STATE SCHOOL FOR THE BLIND, BOARD OF TRUSTEES
Cynthia L. Roney
Joseph Fram
John F. Naddy, III
Ruby N. Ryles
Bonnie Roth
STATE SCHOOL FOR THE DEAF, BOARD OF TRUSTEES
Glen Bocock
Ronald LaFayette
Katherine Steiner
Kay Adamson
WASHINGTON PUBLIC POWER SUPPLY SYSTEM EXECUTIVE BOARD OF DIRECTORS
John F. Cockburn
Sam Farmer
Stephen J. Williams
WESTERN STATE HOSPITAL ADVISORY COMMITTEE
Nancy J. Donigan
Elizabeth Muktarian
Mark E. Soelling
Wilford Collins, Jr.
WILDLIFE COMMISSION
Norman F. Richardson
James Walton
Mitchell S. Johnson
Terry Karro
WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD
Betty Jane Narver
Dale Boose
Roberta J. Greene
Marian Svinth
John Carter
Al Brisbois
Karen Carter

Sincerely,
MIKE LOWRY, Governor

MOTION

Senator Jesernig moved that the Senate comply with Governor Lowry's request and return the Gubernatorial Appointments made by Governor Gardner to the Governor's Office.

MOTION

Senator West moved that the Senate retain the Gubernatorial Appointment of Vickie McNeill as a member of the Higher Education Coordinating Board.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate retain the Gubernatorial Appointment of Vickie McNeill as a member of the Higher Education Coordinating Board.

The motion by Senator West failed and the Gubernatorial Appointment of Vickie McNeill will remain on the list of appointments requested by the Governor to be returned to his office.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of inquiry, Mr. President. Even though the Governor withdraws these names, that does not preclude these folks from continuing serving. Isn't that correct? It's not correct?"

REPLY THE PRESIDENT

President Pritchard: "My understanding is and I am advised that they are no longer appointed."

Senator McCaslin: "They are out?"

President Pritchard: "They are out."

Senator McCaslin: "Thank you, Mr. President."

MOTION

Senator McDonald moved that the Senate retain the Gubernatorial Appointment of Ralph DiSibio as a member of the Higher Education Coordinating Board.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald that the Senate retain the Gubernatorial Appointment of Ralph DiSibio as a member of the Higher Education Coordinating Board.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

The President declared the question before the Senate to be the motion by Senator Jesernig to comply with the request of Governor Lowry and return the listed Gubernatorial Appointments to his office.

The motion by Senator Jesernig carried and the listed Gubernatorial Appointments made by Governor Gardner will be returned to Governor Lowry.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. Is it proper for a Senator to read on the floor? I know Senator Snyder is right in the middle of everybody--twenty-four up and twenty-four down. Is it permissible is all I want to know?"

REPLY THE PRESIDENT

President Pritchard: "Are you talking about Senator--"

Senator McCaslin: "Senator Snyder over there."

President Pritchard: "He asked for permission."

Senator McCaslin: "Did you give it to him?"

President Pritchard: "Yes."

Senator McCaslin: "That's good enough for me, Mr. President."

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jean H. Adams, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank Armijo, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathryn S. Bail, reappointed January 29, 1993, for a term ending April 15, 1996, as a Chair of the Indeterminate Sentence Review Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Bender, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phil Boguch, reappointed January 29, 1993, for a term ending August 2, 1997, as a member of the Lottery Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dale Boose, reappointed January 29, 1993, for a term ending June 30, 1993, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce F. Brennan, reappointed January 29, 1993, for a term ending February 21, 1995, as a member of the Apprenticeship Council.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Dale Brighton, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Al Brisbois, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Al Brisbois, reappointed January 29, 1993, for a term ending June 30, 1995, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Carl R. Brown, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Scott Brundage, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Bruce L. Cardwell, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Lucille Carlson, reappointed January 29, 1993, for a term ending March 1, 1997, as a member of the Board of Tax Appeals.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Carter, reappointed January 29, 1993, for a term ending June 30, 1994, as a member of the Work Force Training and Education Coordinating Board.

Referred to Committee on Higher Education.

Sincerely,
MIKE LOWRY, Governor

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Carter, reappointed January 29, 1993, for a term ending June 30, 1993, as a member of the Work Force Training and Education Coordinating Board.

Referred to Committee on Higher Education.

Sincerely,
MIKE LOWRY, Governor

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charlotte Chalker, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Western Washington University.

Referred to Committee on Higher Education.

Sincerely,
MIKE LOWRY, Governor

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karyn Clarke, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Referred to Committee on Higher Education.

Sincerely,
MIKE LOWRY, Governor

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Victor H. Clausen, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for Clark Community College District No. 14.

Referred to Committee on Higher Education.

Sincerely,
MIKE LOWRY, Governor

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Helen Donigan, reappointed January 29, 1993, for a term ending June 17, 1993, as a member of the Human Rights Commission.

Referred to Committee on Law and Justice.

Sincerely,
MIKE LOWRY, Governor

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank Ducceschi, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Referred to Committee on Higher Education.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Jack Durney, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of
Trustees for Grays Harbor Community College District No. 2.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Wayne H. Ehlers, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of
Trustees for Western Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Beverly Freeman, reappointed January 29, 1993, for a term ending April 3, 1995, as a member of the State Board for
Community and Technical Colleges.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
James H. Freeman, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of
Trustees for Bellingham Technical College District No. 25.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Mary Ann Funk, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of
Trustees for Skagit Valley Community College District No. 4.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Wendell George, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of
Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
John V. Geraghty, Jr., reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of
Trustees for Eastern Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
May Gerstle, reappointed January 29, 1993, for a term ending April 3, 1996, as a member of the State Board for
Community and Technical Colleges.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Warren J. Gilbert, reappointed January 29, 1993, for a term ending September 30, 1998, as a member of the Board of
Trustees for Western Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Lila Girvin, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees
for The Evergreen State College.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Julie Grant, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees
for South Puget Sound Community College District No. 24.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Roberta J. Greene, reappointed January 29, 1993, for a term ending June 30, 1994, as a member of the Work Force
Training and Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Donald J. Hale, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of
Trustees for Everett Community College District No. 5.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

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

Frederick T. Haley, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

F. Murray Haskell, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James S. Hattori, reappointed January 29, 1993, for a term ending August 2, 1993, as Chair of the Lottery Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Healea, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Victor S. Hirakawa, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Hogan, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

M. J. Hrdlicka, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Donald Jacobson, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Sally Jarvis, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Inez Johnson, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Julie Johnson, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
A.M. Jorgenson, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Rod Kawakami, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Carolyn Keck, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles D. Kee, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edward Kelly, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lynn Kessler, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John P. Kniskern, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lowell E. Knutson, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jan Kumasaka, reappointed January 29, 1993, for a term ending June 17, 1997, as Chair of the Human Rights Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge David R. LaRose, reappointed January 29, 1993, for a term ending June 30, 1996, as Chief Administrative Law Judge, Office of Administrative Hearings.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Lantz, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Christina Meserve, reappointed January 29, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Holly Echo-Hawk Middleton, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arlene Miller, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Miller, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William G. Morris, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alicia Nakata, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
John M. Nettleton, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Mary Nichols, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Thomas H. Nixon, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Dr. Erik Pearson, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Bonnie J. Polhamus, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Nora Porter, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Melanie Prinsen, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Phyllis Pulfer, reappointed January 29, 1993, for a term ending June 17, 1996, as a member of the Human Rights
Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Cynthia K. Rekdal, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of
Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Susan Ringwood, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of
Trustees for Renton Technical College District No. 27.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Lucio Rodriguez, reappointed January 29, 1993, for a term ending June 17, 1995, as a member of the Human Rights
Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Jose G. Ruiz, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of
Trustees for Skagit Valley Community College District No. 4.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Art Runestrand, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of
Trustees for Bellingham Technical College District No. 25.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

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

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

Antonio Santoy, reappointed January 29, 1993, for a term ending April 3, 1996, as a member of the State Board for Community and Technical Colleges.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patricia Schrom, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann H. Scroggs, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jim Sherrill, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clint Shinkle, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathy Simonis, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Steeb, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Louis O. Stewart, reappointed January 29, 1993, for a term ending June 15, 1996, as a member of the Marine Employees' Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
R. C. Strauss, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Marian Svinth, reappointed January 29, 1993, for a term ending June 30, 1995, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Alexander Swantz, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Bernie Thomas, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Julian Torres, Jr., reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Dennis Uyemura, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gina Vicente, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James G. Walton, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arnold Wright, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul J. Wysocki, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 4, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kay Adamson, reappointed February 1, 1993, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

February 4, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Glen Bocock, reappointed February 1, 1993, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

February 4, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald LaFayette, reappointed February 1, 1993, for a term ending July 1, 1995, as Chair of the Board of Trustees for the State School for the Deaf.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

February 4, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Katherine Steiner, reappointed February 1, 1993, for a term ending July 1, 1995, as a member of the Board of Trustees
for the State School for the Deaf.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

February 5, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Joseph Fram, reappointed February 5, 1993, for a term ending July 1, 1997, as a member of the Board of Trustees for the
State School for the Blind.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

February 5, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Bonnie Roth, reappointed February 5, 1993, for a term ending July 1, 1997, as a member of the Board of Trustees for the
State School for the Blind.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

February 5, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Ruby N. Ryles, reappointed February 5, 1993, for a term ending July 1, 1996, as a member of the Board of Trustees for
the State School for the Blind.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Education.

February 5, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Doug Sayan, reappointed February 5, 1993, for a term ending July 26, 1997, as a member of the Personnel Appeals
Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

February 5, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Patricia Stell, reappointed February 5, 1993, for a term ending July 1, 1997, as a member of the Higher Education
Personnel Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Lois M. Curtis, reappointed February 1, 1993, for a term ending July 5, 1995, as a member of the Puget Sound Water
Quality Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
James R. Fox, reappointed February 1, 1993, for a term ending December 31, 1995, as a member of the Interagency
Committee for Outdoor Recreation.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Larry Phillips, reappointed February 1, 1993, for a term ending July 5, 1993, as a member of the Puget Sound Water
Quality Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Dr. Eliot W. Scull, reappointed February 1, 1993, for a term ending December 31, 1995, as Chair of the Interagency
Committee for Outdoor Recreation.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Michael R. Thorp, reappointed February 1, 1993, for a term ending July 5, 1995, as a member of the Puget Sound Water
Quality Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Sheri Tonn, reappointed February 1, 1993, for a term ending July 5, 1996, as a member of the Puget Sound Water Quality
Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 8, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Terry Williams, reappointed February 1, 1993, for a term ending July 5, 1996, as a member of the Puget Sound Water
Quality Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 9, 1993

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

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

Timothy J. Adams, reappointed February 9, 1993, for a term ending December 5, 1993, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Peter Badame, reappointed February 9, 1993, for a term ending December 26, 1994, as a member of the Board of Pilotage Commissioners.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jimmy Cason, reappointed February 9, 1993, for a term ending December 31, 1994, as a member of the Investment Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wilford Collins, Jr., reappointed February 9, 1993, for a term ending December 5, 1995, as a member of the Western State Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy J. Donigan, reappointed February 9, 1993, for a term ending December 5, 1995, as a member of the Western State Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joyce Gillie, reappointed February 9, 1993, for a term ending January 19, 1996, as a member of the Board of Pharmacy.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roberta J. Greene, reappointed February 9, 1993, for a term ending September 30, 1994, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Kiessling, reappointed February 9, 1993, for a term ending January 19, 1994, as a member of the Board of Pharmacy.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ludwig Lobe, reappointed February 9, 1993, for a term ending June 19, 1995, as a member of the Health Care Facilities Authority.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pam Lucas, reappointed February 9, 1993, for a term ending December 5, 1994, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain Joseph A. Macri, reappointed February 9, 1993, for a term ending December 26, 1993, as a member of the Board of Pilotage Commissioners.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Moore, reappointed February 9, 1993, for a term ending December 31, 1993, as a member of the Investment Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Moseley, reappointed February 9, 1993, for a term ending December 5, 1994, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth Muktarian, reappointed February 6, 1993, for a term ending December 5, 1995, as a member of the Western State Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John F. Naddy, III, reappointed February 5, 1993, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Blind.

Referred to Committee on Education.

Sincerely,
MIKE LOWRY, Governor

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas Roe, reappointed February 9, 1993, for a term ending December 5, 1994, as Chair of the Eastern State Hospital Advisory Board.

Referred to Committee on Health and Human Services.

Sincerely,
MIKE LOWRY, Governor

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cynthia L. Roney, reappointed February 6, 1993, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.

Referred to Committee on Education.

Sincerely,
MIKE LOWRY, Governor

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Mark E. Soelling, reappointed February 9, 1993, for a term ending December 5, 1995, as a member of the Western State Hospital Advisory Board.

Referred to Committee on Health and Human Services.

Sincerely,
MIKE LOWRY, Governor

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SuAnn M. Stone, reappointed February 9, 1993, for a term ending January 19, 1995, as a member of the Board of Pharmacy.

Referred to Committee on Health and Human Services.

Sincerely,
MIKE LOWRY, Governor

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Dennis Twigg, reappointed February 9, 1993, for a term ending December 5, 1994, as a member of the Eastern State Hospital Advisory Board.

Referred to Committee on Health and Human Services.

Sincerely,
MIKE LOWRY, Governor

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Doug Ward, reappointed February 9, 1993, for a term ending December 26, 1995, as a member of the Board of Pilotage Commissioners.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Benjamin L. Watson, reappointed February 9, 1993, for a term ending December 26, 1995, as a member of the Board of Pilotage Commissioners.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cindy Zehnder, appointed February 9, 1993, for a term ending January 4, 1999, as a member of the Personnel Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

MOTION

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

SECOND READING

SENATE BILL NO. 5026, by Senator A. Rasmussen

Revising provisions regulating funeral directors, embalmers, and crematories.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5026 was substituted for Senate Bill No. 5026 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Spanel, Senator Rinehart was excused.

On motion of Senator Oke, Senator Prince was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5026.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Prince and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5126, by Senators Snyder, Owen, Haugen, Spanel, Sellar, Oke, Bauer, Amondson and Erwin (by request of Department of Fisheries)

Correcting references to the geographical landmark on Cape Shoalwater.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5126.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Prince - 1.

SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Skratek: "A point of personal privilege, Mr. President. I would like to take a moment to introduce to the body a special guest that we have here today. When you hear his name, you will know why I am so excited to have Senator Kathleen Drew with us now. We now have a Polish caucus in the Senate. Her father is with us today, Wayne Kurlinski."

MOTION

At 12:14 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Wednesday, February 10, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 9, 1993

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

THIRTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 10, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 9, 1993
SB 5003 Prime Sponsor, Senator Nelson: Regulating adult entertainment. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5003 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Roach.

Referred to Committee on Ways and Means.

February 9, 1993
SB 5020 Prime Sponsor, Senator Nelson: Providing for a ten-day period to repair a vehicle before a traffic infraction may be issued for defective equipment. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5028 Prime Sponsor, Senator Haugen: Prohibiting additives for on-site sewage disposal systems. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

February 8, 1993
SB 5036 Prime Sponsor, Senator Haugen: Transferring the noise pollution responsibilities of the department of ecology to the department of health. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5062 Prime Sponsor, Senator Nelson: Determining exempt fuel use by power take-off units. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1993
SB 5088 Prime Sponsor, Senator McCaslin: Authorizing flexible approaches to developing administrative rules. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5088 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1993
SB 5118 Prime Sponsor, Senator Drew: Changing provisions relating to municipal ordinances. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1993
SB 5131 Prime Sponsor, Senator Wojahn: Authorizing destruction of confiscated firearms. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Referred to Committee on Ways and Means.

February 9, 1993
SB 5135 Prime Sponsor, Senator Talmadge: Establishing requirements for ballot titles for referenda. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5148 Prime Sponsor, Senator Winsley: Adjusting penalties for improper use of disabled parking spaces. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5149 Prime Sponsor, Senator Winsley: Prescribing monetary penalties for littering. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5179 Prime Sponsor, Senator Owen: Promoting vessel safety. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5236 Prime Sponsor, Senator Fraser: Modifying certification of public water supply system operators. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

February 8, 1993
SB 5255 Prime Sponsor, Senator Fraser: Providing for evaluation and transfer to the parks and recreation commission of land acquired by the state by escheat. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5255 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 9, 1993
SB 5284 Prime Sponsor, Senator Haugen: Authorizing city councilmembers to serve as reserve police officers. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5284 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5301 Prime Sponsor, Senator Fraser: Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5320 Prime Sponsor, Senator Fraser: Adopting limits on phosphorus contents in certain detergents. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5320 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1993
SB 5334 Prime Sponsor, Senator West: Requiring bicycle helmets. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, and Sheldon.

Passed to Committee on Rules for second reading.

February 8, 1993
SB 5337 Prime Sponsor, Senator Sutherland: Regulating aeronautics. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5337 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 8, 1993

SB 5355 Prime Sponsor, Senator Vognild: Extending the prohibition on mandatory local measured service. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Hochstatter, McCaslin, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

February 8, 1993

SB 5387 Prime Sponsor, Senator Fraser: Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 5695 by Senators Bauer, Gaspard, Sellar, Pelz, Drew, Prince and M. Rasmussen (by request of State Board for Community and Technical Colleges)

AN ACT Relating to the certificate of educational competence; amending RCW 28A.305.190 and 28A.205.030; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 5696 by Senators Haugen, Newhouse and Spanel (by request of Department of Retirement Systems)

AN ACT Relating to divisions of the department of retirement systems; and amending RCW 41.50.050.

Referred to Committee on Government Operations.

SB 5697 by Senator Bluechel

AN ACT Relating to radio communication; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5698 by Senators Bluechel, Skratek, Sheldon, Williams and Erwin

AN ACT Relating to assisting companies to adopt ISO-9000 standards; adding a new section to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Trade, Technology and Economic Development.

SB 5699 by Senators Bluechel, Snyder, Cantu, Gaspard, Jesernig, Skratek, Erwin and M. Rasmussen (by request of Governor Lowry)

AN ACT Relating to The Pacific Northwest Economic Region; and amending RCW 43.147.010.

Referred to Committee on Trade, Technology and Economic Development.

SB 5700 by Senators West and Moyer

AN ACT Relating to childhood immunizations; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health and Human Services.

SB 5701 by Senators Prentice and Franklin (by request of Employment Security Department)

AN ACT Relating to unemployment insurance; amending RCW 50.20.050, 50.20.060, and 50.20.080; creating new sections; repealing RCW 50.04.165; providing effective dates; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5702 by Senators Prentice, Wojahn and Franklin (by request of Employment Security Department)

AN ACT Relating to unemployment insurance; amending RCW 50.13.040, 50.16.010, 50.20.190, 50.29.020, and 50.29.025; adding a new section to chapter 50.20 RCW; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5703 by Senators Prentice, Prince, Moore, Amondson and Franklin (by request of Employment Security Department)

AN ACT Relating to codifying the labor market information and economic analysis responsibilities of the employment security department; amending RCW 50.38.010, 50.38.030, and 50.16.050; adding new sections to chapter 50.38 RCW; creating a new section; repealing RCW 50.12.260; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5704 by Senators Prentice, Moore and Amondson

AN ACT Relating to the unlawful factoring of credit card transactions; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5705 by Senators Hargrove, Vognild, Amondson, Snyder, L. Smith, Roach, Erwin, Owen, Anderson, Prentice, Loveland, Quigley and M. Rasmussen

AN ACT Relating to weight and safety enforcement regarding unladen log trucks; amending RCW 46.44.100 and 46.44.105; and adding a new section to chapter 46.32 RCW.

Referred to Committee on Transportation.

SB 5706 by Senators Hargrove and Erwin

AN ACT Relating to unattended children; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5707 by Senators Pelz and Williams

AN ACT Relating to operating agency executive board per diem; and amending RCW 43.52.374.

Referred to Committee on Energy and Utilities.

SB 5708 by Senators Moore, Prince and Prentice (by request of Insurance Commissioner)

AN ACT Relating to investments of domestic insurers; amending RCW 48.13.030, 48.13.050, 48.13.060, and 48.13.270; and adding a new section to chapter 48.13 RCW.

Referred to Committee on Labor and Commerce.

SB 5709 by Senators Moore, Prince and Prentice (by request of Insurance Commissioner)

AN ACT Relating to credit for reinsurance; and amending RCW 48.05.300 and 48.12.160.

Referred to Committee on Labor and Commerce.

SB 5710 by Senators Prentice, Prince and Moore (by request of Insurance Commissioner)

AN ACT Relating to minimum standards for benefits in medicare supplement insurance; and amending RCW 48.66.041.

Referred to Committee on Labor and Commerce.

SB 5711 by Senators Moore, Prince and Prentice (by request of Insurance Commissioner)

AN ACT Relating to the financial supervision and solvency oversight of insurance companies; amending RCW 48.03.010, 48.03.040, 48.03.050, 48.03.060, 48.05.340, 48.08.030, 48.11.140, 48.12.180, 48.12.190, 48.12.200, 48.14.010, 48.31.030, 48.31.040, 48.31.110, 48.31.160, 48.31.180, 48.31.190, 48.31.280, 48.31.300, 48.74.030, 48.74.040, 48.74.050, 48.74.060, 48.92.010, 48.92.020, 48.92.030, 48.92.040, 48.92.050, 48.92.070, 48.92.080, 48.92.090, 48.92.100, 48.92.120, 48.92.130, and 48.92.140; adding new sections to chapter 48.03 RCW; adding new sections to chapter 48.31 RCW; adding new sections to chapter 48.74 RCW; adding a new section to chapter 48.92 RCW; adding new chapters to Title 48 RCW; recodifying RCW 48.31.110, 48.31.120, 48.31.130, 48.31.140, 48.31.150, 48.31.160, 48.31.170, and 48.31.180; creating a new section; repealing RCW 48.07.090, 48.31A.005, 48.31A.010, 48.31A.020, 48.31A.030, 48.31A.040, 48.31A.050, 48.31A.055, 48.31A.060, 48.31A.070, 48.31A.080, 48.31A.090, 48.31A.100, 48.31A.110, 48.31A.120, 48.31A.130, and 48.31A.900; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5712 by Senator Bauer

AN ACT Relating to pharmaceutical services; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5713 by Senators Wojahn and West

AN ACT Relating to drug dispensing outlets; adding new sections to chapter 18.64 RCW; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 5714 by Senators Fraser, Moore and Barr

AN ACT Relating to vendor single interest insurance coverage; adding new sections to chapter 48.22 RCW; and providing an effective date.

Referred to Committee on Labor and Commerce.

SB 5715 by Senators Bluechel, Skratek, Erwin, Sheldon, Deccio, M. Rasmussen and Williams

AN ACT Relating to networks for assisting businesses; amending RCW 43.31.440; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 5716 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to fiscal matters; amending 1991 sp.s. c 16 ss 126, 201, 221, 225, 317, and 802 (uncodified); amending 1992 c 232 ss 112, 117, 118, 129, 136, 141, 152, 201, 202, 203, 205, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 222, 224, 228, 229, 230, 303, 306, 307, 311, 312, 313, 314, 402, 502, 503, 504, 508, 517, 518, 520, 613, 706, 707, 708, and 802 (uncodified);

Referred to Committee on Ways and Means.

SB 5717 by Senators Rinehart, Bluechel and Snyder (by request of Office of Financial Management)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for the capital improvements; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5718 by Senators Rinehart, Bluechel and Snyder (by request of Office of Financial Management)

AN ACT Relating to the capital budget; adding a new section to chapter 233, Laws of 1992 (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5719 by Senators Rinehart, Bluechel and Snyder (by request of Office of Financial Management)

AN ACT Relating to general obligation bonds; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SB 5720 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to natural resources conservation areas; and repealing 1991 c 352 s 10 (uncodified).

Referred to Committee on Ways and Means.

SB 5721 by Senators Rinehart and McDonald (by request of Office of Financial Management)

AN ACT Relating to cash management; amending RCW 43.41.040, 43.79A.040, 43.84.092, 43.88.160, 43.88.195, and 67.40.020; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.08 RCW; creating a new section; repealing RCW 41.04.240, 43.08.085, and 28B.10.290; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5722 by Senator Rinehart

AN ACT Relating to the department of social and health services' jobs training program; and amending RCW 74.25.020.

Referred to Committee on Ways and Means.

SB 5723 by Senator Rinehart

AN ACT Relating to revenue collection by the department of social and health services; amending RCW 43.20B.140; adding a new section to chapter 43.20B RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to 48.46 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5724 by Senator Rinehart (by request of Department of Social and Health Services)

AN ACT Relating to nursing home auditing and reimbursement; amending RCW 74.46.020, 74.46.050, 74.46.230, 74.46.420, 74.46.430, 74.46.460, 74.46.470, 74.46.475, 74.46.481, 74.46.490, 74.46.500, and 74.46.530; reenacting and amending RCW 74.46.180; adding a new section to chapter 74.46 RCW; repealing RCW 74.46.495; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5725 by Senators Rinehart, McDonald and Moyer (by request of Department of Social and Health Services)

AN ACT Relating to computerized medical insurance eligibility and beneficiary coverage information available to the department of social and health services from medical insurance payers; and adding a new chapter to Title 74 RCW.

Referred to Committee on Ways and Means.

SB 5726 by Senator Rinehart (by request of Department of Social and Health Services)

AN ACT Relating to nursing home reimbursement overpayments; amending RCW 74.46.640 and 74.46.690; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5727 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to health services provided by school districts; amending RCW 28A.150.390 and 74.09.520; adding a new section to chapter 28A.155 RCW; adding new sections to chapter 74.09 RCW; creating new sections; repealing RCW 74.09.524; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5728 by Senator Rinehart

AN ACT Relating to family planning services; and amending RCW 74.09.790 and 74.09.800.

Referred to Committee on Health and Human Services.

SB 5729 by Senator Rinehart

AN ACT Relating to the family emergency assistance program; amending RCW 74.04.660; and repealing RCW 74.14C.065.

Referred to Committee on Health and Human Services.

SB 5730 by Senators Talmadge and Fraser

AN ACT Relating to fire risk affecting both residential and forest land areas; amending RCW 36.70.330 and 36.70A.070; adding a new section to chapter 58.17 RCW; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Government Operations.

SB 5731 by Senators Fraser, Moore, Amondson and Prince

AN ACT Relating to unemployment compensation deductions for social security pensions; amending RCW 50.04.323; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5732 by Senators Moore and Newhouse

AN ACT Relating to liquor licenses; amending RCW 66.24.380 and 66.28.010; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5733 by Senators Fraser and Spanel

AN ACT Relating to forest practice applications for activities within urban growth management areas; and amending RCW 76.09.050.

Referred to Committee on Natural Resources.

SB 5734 by Senators Haugen, Fraser, Hargrove, Owen and Oke

AN ACT Relating to fees for water access facilities; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Ecology and Parks.

SB 5735 by Senators Moore and A. Smith

AN ACT Relating to cruelty to animals when the animals are not otherwise exempt from chapter 16.52 RCW; amending RCW 16.52.030, 16.52.050, 16.52.060, 16.52.085, 16.52.090, 16.52.095, 16.52.110, 16.52.180, 16.52.200, 9.08.070, 81.56.120, and 13.40.150; adding new sections to chapter 16.52 RCW; adding a new section to chapter 69.38 RCW; repealing

RCW 16.52.010, 16.52.040, 16.52.055, 16.52.065, 16.52.113, 16.52.117, 16.52.120, 16.52.130, 16.52.140, 16.52.160, 16.52.165, 16.52.190, 16.52.193, and 16.52.195; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5736 by Senators Moore, Pelz and Fraser

AN ACT Relating to chiropractic care for industrial insurance; amending RCW 51.04.030 and 51.36.110; and adding a new chapter to Title 51 RCW.

Referred to Committee on Labor and Commerce.

SB 5737 by Senators Wojahn, Moyer, Fraser and Franklin

AN ACT Relating to health care benefits for retired and disabled state, local government, and common school employees; adding a new section to chapter 41.05 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Human Services.

SJM 8014 by Senator Vognild

Expressing opposition to sanctions on federal highway funds.

Referred to Committee on Transportation.

SJM 8015 by Senators Prentice, Wojahn and Franklin (by request of Employment Security Department)

Memorializing Congress for more money to fund employment security funds.

Referred to Committee on Labor and Commerce.

MOTION

At 12:03 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, February 11, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 10, 1993

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

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 11, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Erwin, Moore and Snyder. On motion of Senator Spanel, Senator Snyder was excused. On motion of Senator Oke, Senators Amondson and Erwin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Heath Harper and Heather Huyette, presented the Colors. Reverend Dr. Sam Hochstatter, pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1993
SB 5065 Prime Sponsor, Senator A. Smith: Enforcing judgments by garnishment. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 10, 1993
SB 5104 Prime Sponsor, Senator Snyder: Designating salmon production as the primary mission of the department of fisheries. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Oke, and Snyder.

Passed to Committee on Rules for second reading.

February 10, 1993
SB 5106 Prime Sponsor, Senator Owen: Providing moneys for the fish and wildlife enhancement program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Oke, and Snyder.

Referred to Committee on Ways and Means.

February 10, 1993
SB 5110 Prime Sponsor, Senator Haugen: Acquiring property by eminent domain. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5172 Prime Sponsor, Senator Wojahn: Requiring notifications from impaired insurers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 8, 1993

SB 5188 Prime Sponsor, Senator Moore: Allowing specified valuation of items covered by a homeowner's policy. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 8, 1993

SB 5208 Prime Sponsor, Senator Prentice: Strengthening securities enforcement powers of the director of licensing. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, McAuliffe, Sutherland, and Vognild.

Referred to Committee on Ways and Means.

February 10, 1993

SB 5210 Prime Sponsor, Senator Haugen: Providing for acquiring and maintaining conservation areas. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Oke, Owen, and von Reichbauer.

Referred to Committee on Ways and Means.

February 10, 1993

SB 5224 Prime Sponsor, Senator Skratek: Establishing the office of international capital projects. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5224 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 10, 1993

SB 5234 Prime Sponsor, Senator Snyder: Revising provisions relating to vacancies. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5260 Prime Sponsor, Senator Spanel: Requiring salmon food fish to be labeled by its source and common name. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5270 Prime Sponsor, Senator Moore: Creating a department of financial institutions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5299 Prime Sponsor, Senator Skratek: Including certain department of community development accounts that are governed by federal law in the class of accounts to which interest is credited. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 10, 1993

SB 5302 Prime Sponsor, Senator Owen: Concerning food fish and shellfish rules. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, and Snyder.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5313 Prime Sponsor, Senator Loveland: Deleting the expiration date for a portion of the surcharge on recording documents. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5313 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5360 Prime Sponsor, Senator A. Smith: Creating new procedures for reporting domestic violence. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5362 Prime Sponsor, Senator A. Smith: Requiring full disclosure of civil court proceedings relating to public hazards. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5452 Prime Sponsor, Senator Hargrove: Requiring misdemeanants to pay jail costs. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5484 Prime Sponsor, Senator Quigley: Preserving rights under prior lien laws. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 10, 1993

SJM 8005 Prime Sponsor, Senator Oke: Requesting the federal government to allow the state of Washington to permanently remove certain predatory seals and sea lions. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8005 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, L. Smith, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 10, 1993

SJR 8208 Prime Sponsor, Senator Snyder: Changing procedures for filling vacancies in certain elective offices. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 5, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark Brown, appointed for a term beginning February 15, 1993, and ending at the Governor's pleasure, as Director of the Department of Labor and Industries.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 5, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Plut, appointed February 5, 1993, for a term ending January 17, 1999, as a member of the Horse Racing Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald Dotzauer, reappointed February 9, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert V. Jensen, reappointed February 9, 1993, for a term ending June 30, 1998, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lawrence Kenney, appointed for a term beginning March 15, 1993, and ending March 1, 1999, as a member of the Board of Tax Appeals.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

February 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rossalind Y. Woodhouse, reappointed February 9, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William T. Trulove, reappointed February 10, 1993, for a term ending January 15, 1995, as a member of the Pacific Northwest Power and Conservation Planning Council.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Energy and Utilities.

MESSAGE FROM THE HOUSE

February 10, 1993

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1081,

ENGROSSED HOUSE JOINT MEMORIAL NO. 4001,

HOUSE JOINT RESOLUTION NO. 4200, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5738 by Senators Skratek, Prentice, Drew, Bluechel and Quigley

AN ACT Relating to school district annexation; amending RCW 28A.315.320; and providing an effective date.

Referred to Committee on Education.

SB 5739 by Senators Moore, Anderson, Oke and Winsley

AN ACT Relating to small businesses; amending RCW 19.85.020, 19.85.010, 19.85.070, and 34.05.310; reenacting and amending RCW 19.85.030 and 19.85.040; adding new sections to chapter 34.05 RCW; adding a new section to chapter 43.31 RCW; and repealing RCW 19.85.060.

Referred to Committee on Labor and Commerce.

SB 5740 by Senators Vognild, Oke, Fraser, Hochstatter, Prince, Skratek, Prentice, Drew, Sellar, Bauer and Owen

AN ACT Relating to the early retirement of motor vehicles with high air contaminant emissions; adding a new section to chapter 70.120 RCW; and making an appropriation.

Referred to Committee on Ecology and Parks.

SB 5741 by Senators Vognild, Haugen, Drew, Bauer, Moore, Gaspard, Owen and Winsley

AN ACT Relating to creating the department of emergency services; amending RCW 43.17.010, 43.17.020, 38.52.010, 38.52.040, 38.52.050, 38.54.010, 38.54.020, 38.54.030, 38.54.050, 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, and 43.63A.350; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377 and 43.63A.380; and repealing RCW 43.63A.330.

Referred to Committee on Government Operations.

SB 5742 by Senators Vognild, Newhouse, Snyder, Bauer, Barr, Owen, Sellar, Loveland, Jesernig, Anderson, Winsley, Hochstatter, West, Sutherland, Sheldon, M. Rasmussen, Haugen, Hargrove, Moore, Bluechel and Oke

AN ACT Relating to transportation facilities crossing boundaries of multiple jurisdictions; adding a new section to chapter 44.40 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5743 by Senators Quigley, Loveland, Hargrove, Sheldon, Vognild, Skratek, Oke and Nelson

AN ACT Relating to state route number 92; and amending RCW 47.17.145.

Referred to Committee on Transportation.

SB 5744 by Senators Haugen, Loveland, Vognild, Winsley and M. Rasmussen

AN ACT Relating to streets that are part of the state highway system; and amending RCW 47.24.020.

Referred to Committee on Transportation.

SB 5745 by Senators Bluechel, Bauer, Skratek, Cantu, Erwin, M. Rasmussen and Sheldon

AN ACT Relating to interlibrary sharing; and adding new sections to chapter 43.147 RCW.

Referred to Committee on Higher Education.

SB 5746 by Senators Winsley, Moyer, Prentice, Talmadge and Wojahn

AN ACT Relating to family planning services; and amending RCW 74.09.770, 74.09.790, and 74.09.800.

Referred to Committee on Health and Human Services.

SB 5747 by Senators Talmadge, Moore, Owen, McCaslin and Oke

AN ACT Relating to open government; and amending RCW 43.06.092 and 43.88.080.

Referred to Committee on Government Operations.

SB 5748 by Senators Hochstatter, Haugen, Moyer, Oke, West and M. Rasmussen

AN ACT Relating to administrative rule making; amending RCW 34.05.335 and 34.05.355; and creating a new section.

Referred to Committee on Government Operations.

SB 5749 by Senators Haugen and von Reichbauer

AN ACT Relating to the compensation of the forest practices board; and amending RCW 76.09.030.

Referred to Committee on Natural Resources.

SB 5750 by Senators M. Rasmussen, McAuliffe, Sellar and Winsley (by request of Superintendent of Public Instruction)

AN ACT Relating to education technology; adding new sections to chapter 28A.300 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5751 by Senators Haugen and Spanel

AN ACT Relating to rural partial-county library districts; amending RCW 27.12.010 and 84.52.052; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Government Operations.

SB 5752 by Senators Prentice, Moyer, Sutherland, McDonald, Pelz, A. Smith, Haugen, Skratek, Nelson, McAuliffe, M. Rasmussen, Winsley and Snyder

AN ACT Relating to citizen participation in the discussion of public issues; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on Government Operations.

SB 5753 by Senators Snyder and L. Smith

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

Referred to Committee on Law and Justice.

SB 5754 by Senators Fraser, Barr and Haugen

AN ACT Relating to cleanup of sites contaminated by storm water discharges; and amending RCW 70.105D.020, 70.105D.030, 70.105D.040, and 70.105D.070.

Referred to Committee on Ecology and Parks.

SB 5755 by Senators Snyder, Prince, Haugen and M. Rasmussen (by request of Secretary of State)

AN ACT Relating to state remembrances; and amending RCW 1.20.010.

Referred to Committee on Government Operations.

SB 5756 by Senators Snyder, Prince and Haugen (by request of Secretary of State)

AN ACT Relating to maritime historic restoration and preservation; adding a new section to chapter 82.49 RCW; and adding a new chapter to Title 27 RCW.

Referred to Committee on Government Operations.

SB 5757 by Senators Snyder, Owen and Hargrove

AN ACT Relating to the control of burrowing shrimp on registered aquatic farms by the Washington state department of agriculture; adding a new section to chapter 43.23 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5758 by Senators Prentice and Bauer

AN ACT Relating to the department of labor and industries; amending RCW 18.27.010, 18.27.040, and 18.27.060; adding a new section to chapter 43.22 RCW; adding new sections to chapter 18.27 RCW; repealing RCW 18.27.030; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1081 by Representatives Heavey and Eide

Redefining uniformed personnel for public employee collective bargaining.

Referred to Committee on Labor and Commerce.

EHJM 4001 by Representatives Kessler, Jones, Riley, Basich, Kremen, R. Meyers, Sheldon, Holm, Johanson, Finkbeiner, Campbell, Linville, Jacobsen, Quall, Chappell, Rayburn, Leonard, Fuhrman, Cothorn, Long, Brumsickle, Thibaudeau, Springer, Miller, Morton, Wood, Ogden, Morris and Locke

Requesting a Northwest forest summit.

HOLD.

HJR 4200 by Representatives Franklin, Zellinsky, Campbell and Kremen

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

Referred to Committee on Health and Human Services.

MOTION

On motion of Senator Jesernig, the rules were suspended, Engrossed House Joint Memorial No. 4001 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SENATE RESOLUTION 1993-8608

By Senators Anderson, Spanel and Gaspard

WHEREAS, Dr. Kenneth P. Mortimer has served with distinction as the eleventh President of Western Washington University since September 1988; and

WHEREAS, During his tenure as President of Western Washington University, Dr. Mortimer has led the successful effort to increase private support for the university's academic initiatives; and

WHEREAS, During his tenure as President of Western Washington University, Dr. Mortimer has led the effort to increase racial, ethnic and gender diversity on the university campus; and

WHEREAS, The assets of The Western Foundation have doubled and the annual gift income has more than tripled under the leadership of Dr. Mortimer; and

WHEREAS, The implementation of a competitive admissions plan has led to increasingly well-qualified freshman students at Western Washington University, and the number of minority students has doubled over the last five years under the leadership of Dr. Mortimer; and

WHEREAS, Under Dr. Mortimer's leadership the university has adopted a strategic plan and has nearly completed a master plan for the physical development of the campus; and

WHEREAS, Dr. Mortimer received the 1990 Leadership Award from the Association for the Study of Higher Education, and in 1987 was the recipient of the Association for Institutional Research Distinguished Member Award; and

WHEREAS, Dr. Mortimer is president of the Board of the National Center for Higher Education Management Systems and past president of the Association for the Study of Higher Education; and

WHEREAS, Dr. Mortimer has served as consultant to more than thirty universities and state systems of education; many educational councils and associations, the Danforth Foundation, the Lilly Endowment; and

WHEREAS, Dr. Mortimer is a nationally respected scholar and leader in higher education governance, management, and policy; and

WHEREAS, Dr. Mortimer has accepted the position as President of the University of Hawaii's ten campus system and Chancellor of the University of Hawaii at Manoa, effective March 15, 1993;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby expresses to Dr. Mortimer great admiration and respect for his stature in the higher education community, and great appreciation for his meritorious service to our state and Western Washington University; and

BE IT FURTHER RESOLVED, That we extend to Dr. Kenneth P. Mortimer and Mrs. Lorraine M. Mortimer our best wishes for success and happiness in their future endeavors as well as our heartfelt Aloha; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Dr. and Mrs. Mortimer.

Senators Anderson, Spanel and Rinehart spoke to Senate Resolution 1993-8608.

INTRODUCTION OF SPECIAL GUEST

The President introduced Dr. Kenneth P. Mortimer who was seated on the rostrum. In recognition of his many achievements at Western Washington University, the President presented Dr. Mortimer with a Washington Distinguished Citizen Certificate.

With permission of the Senate, business was suspended to permit Dr. Mortimer to address the Senate.

MOTION

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

SENATE RESOLUTION 1993-8609

By Senators Moyer and Haugen

WHEREAS, Shriner Children's Hospital has served the children of the Spokane area since November 15, 1924; and
WHEREAS, Since the date of the hospital's opening, they have never charged for their services; and
WHEREAS, This hospital is a unique facility in Washington State, being the only one to provide exclusively free services;
and

WHEREAS, They have shown constant dedication to the welfare and health of the children in this state; and
WHEREAS, Through the provision of Shriner Children's Hospital's services, this state has been spared of an enormous burden in costs and administration; and

WHEREAS, Shriner Children's Hospital provides Washington State with a model of charity and service;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby commends the Shriner Children's Hospital for it's excellent work and services.

Senators Moyer and Wojahn spoke to Senate Resolution 1993-8609.

MOTION

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

SENATE RESOLUTION 1993-8612

By Senators Snyder, Bauer and Sutherland

WHEREAS, Frank W. Foley faithfully served the people of Vancouver, Southwest Washington, and the state of Washington for sixteen years as a State Senator; and

WHEREAS, Senator Foley's public service career started with his military service in the United States Army after graduating from Gonzaga Law School in 1941; and

WHEREAS, Senator Foley maintained an active law practice in Vancouver, as well as his commitment to continued public service through his positions as special assistant Attorney General to Washington State University and counsel for the Public Housing Authority; and

WHEREAS, Senator Foley concluded his public service career as a Commissioner of the Washington Utilities and Transportation Commission for six years, where he achieved the position of President of the Western Conference of Public Service Commissioners; and

WHEREAS, Senator Foley was well known for his ability to quickly perceive the major issues, with little patience for those who tried to confuse things with excessive description and detail; and

WHEREAS, Senator Foley demonstrated his Senate leadership ability as chairman of the Ways and Means Committee; NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its sympathy and condolences to the family of Frank W. Foley; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate hereby recognize the many memories and achievements which are the legacy of Frank Foley's years of service to the people of the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Phyllis Foley and the other members of Senator Foley's family.

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

SECOND READING

SENATE BILL NO. 5427, by Senator Loveland (by request of Department of Transportation)

Setting tire limits on vehicles weighing over ten thousand pounds.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 1, line 13, after "four" insert "or more"

On page 1, line 16, after "four" insert "or more"

On page 1, line 17, after "four" insert "or more"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5427.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5427 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Barr and Haugen - 3.

Absent: Senator Moore - 1.

Excused: Senators Amondson, Erwin and Snyder - 3.

ENGROSSED SENATE BILL NO. 5427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Cantu, Winsley, Rinehart, Vognild, Bluechel, Newhouse and McDonald

Recognizing Homer M. Hadley as the father of the floating bridge.

The joint memorial was read the second time.

MOTION

On motion of Senator Cantu, the rules were suspended, Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8000.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8000 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Erwin and Snyder - 2.

SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5125, by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin (by request of Department of Fisheries)

Regulating issuance of commercial salmon fishing licenses.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5125.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 46.

Voting nay: Senator West - 1.

Excused: Senators Erwin and Snyder - 2.

SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4001, by Representatives Kessler, Jones, Riley, Basich, Kremen, R. Meyers, Sheldon, Holm, Johanson, Finkbeiner, Campbell, Linville, Jacobsen, Quall, Chappell, Rayburn, Leonard, Fuhrman, Cothern, Long, Brumsickle, Thibaudeau, Springer, Miller, Morton, Wood, Ogden, Morris and Locke

Requesting a Northwest forest summit.

The joint memorial was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed House Joint Memorial No. 4001 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial No. 4001.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4001 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Snyder - 1.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4001, having received the constitutional majority, was declared passed.

MOTION

At 10:53 a.m., on motion of Senator Jesernig, the Senate adjourned until 11:30 a.m., Friday, February 12, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 11, 1993

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

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 12, 1993
The Senate was called to order at 11:30 a.m. by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5195 Prime Sponsor, Senator Moore: Regulating excessive securities transactions. Reported by Committee on Labor and Commerce February 11, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

SB 5340 Prime Sponsor, Senator A. Smith: Increasing penalties for persons under the influence of intoxicating liquor or drugs. Reported by Committee on Law and Justice February 10, 1993

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

SB 5341 Prime Sponsor, Senator A. Smith: Providing for confiscation of registration and license plates and forfeiture of the vehicle upon conviction for driving while under the influence of intoxicating liquor or drugs. Reported by Committee on Law and Justice February 10, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5341 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

SB 5411 Prime Sponsor, Senator Vognild: Modifying provisions regarding fuel taxes. Reported by Committee on Transportation February 10, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1993

SB 5441 Prime Sponsor, Senator McAuliffe: Updating statutes for rehabilitation services for handicapped persons. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5442 Prime Sponsor, Senator Vognild: Clarifying authority of tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1993

SB 5444 Prime Sponsor, Senator Talmadge: Eliminating the termination of hospice care and service coverage as medical assistance. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1993

SB 5455 Prime Sponsor, Senator Fraser: Correcting the codification of a section relating to chemical dependency. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 9, 1993

SB 5479 Prime Sponsor, Senator Fraser: Declaring Washington state children's day. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
WITHDRAWAL OF GUBERNATORIAL APPOINTMENTS

February 11, 1993

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

Please withdraw the following appointment:

Mary Riveland, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Licensing.

Sincerely,
MIKE LOWRY, Governor

February 11, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Please withdraw the following appointment:

Kathy Baros Friedt, appointed January 21, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Energy.

Sincerely,
MIKE LOWRY, Governor

MOTION

On motion of Senator Jesernig, the Senate approved the withdrawal of the Gubernatorial Appointments, Mary Riveland as Director of the Department of Licensing, and Kathy Baros Friedt as Director of the Department of Energy.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 11, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Aubrey Davis, reappointed February 11, 1993, for a term ending June 30, 1995, as a member of the Transportation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 11, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathy Baros Friedt, appointed February 8, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Licensing.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 11, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Connie Niva, appointed February 11, 1993, for a term ending June 30, 1995, as a member of the Transportation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 11, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Riveland, appointed February 8, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Ecology.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 11, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lawrence N. Weldon, appointed February 11, 1993, for a term ending June 30, 1995, as a member of the Transportation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

MESSAGE FROM THE HOUSE

February 12, 1993

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8403, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8403.

INTRODUCTION AND FIRST READING

SB 5759 by Senators McAuliffe, Prentice, Skratek, Loveland, von Reichbauer, Haugen, Prince, McDonald, Drew, Owen, Moyer, Erwin, Winsley, Anderson and M. Rasmussen

AN ACT Relating to persons incapacitated by alcohol and other drugs; amending RCW 70.96A.140; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5760 by Senators Moore, McCaslin and Winsley

AN ACT Relating to bail bond agents; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor and Commerce.

SB 5761 by Senators Prentice, Prince and Niemi

AN ACT Relating to legislator health care coverage under the basic health plan; and amending RCW 41.05.011 and 70.47.020.

Referred to Committee on Health and Human Services.

SB 5762 by Senators Prentice and Franklin

AN ACT Relating to the termination of the pesticide incident reporting and tracking review panel; amending RCW 15.58.070, 15.58.415, 15.92.070, 17.21.100, 17.21.360, and 49.70.119; and repealing RCW 70.104.070, 70.104.080, 70.104.090, and 70.104.100.

Referred to Committee on Agriculture.

SB 5763 by Senator Prentice

AN ACT Relating to the integration of state and local permit requirements at the department of transportation; and adding new sections to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5764 by Senator Pelz

AN ACT Relating to termination of an insurance agent's contract; and amending RCW 48.17.591.

Referred to Committee on Labor and Commerce.

SB 5765 by Senators Owen and A. Smith

AN ACT Relating to deregulation of education finance; amending RCW 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.290, 28A.195.010, 28A.195.010, 28A.225.250, 28A.330.100, and 28A.335.160; creating a new section; repealing RCW 28A.300.060 and 28A.510.260; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Education.

SB 5766 by Senator Niemi

AN ACT Relating to judicial review standards; amending RCW 7.16.120, 34.05.010, and 34.05.570; and creating a new section.

Referred to Committee on Law and Justice.

SB 5767 by Senators Talmadge, Winsley, Prentice, Snyder, Pelz, Moore and Moyer

AN ACT Relating to the establishment and operation of short-term emergency shelter services for runaway and homeless youth; adding new sections to chapter 74.13 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5768 by Senators Haugen, Oke, Loveland, Nelson, Owen, Cantu and Moyer

AN ACT Relating to architectural and engineering inspection services at an emergency scene; adding a new section to chapter 4.24 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5769 by Senators Niemi, Prentice, Moore, Erwin and Fraser

AN ACT Relating to licensed dental hygienists; adding new sections to chapter 18.29 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 5770 by Senators Fraser and Winsley

AN ACT Relating to granting conservation futures rights to metropolitan park districts; and amending RCW 84.34.210 and 84.34.220.

Referred to Committee on Ecology and Parks.

SB 5771 by Senators Haugen, Winsley and M. Rasmussen (by request of Secretary of State)

AN ACT Relating to public records preservation, maintenance, and disposition by agencies of local government and the secretary of state; adding new sections to chapter 40.14 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5772 by Senators Fraser, Barr, Sutherland, Newhouse and Williams (by request of Joint Select Committee on Water Resource Policy)

AN ACT Relating to water resource issues; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5773 by Senators Fraser and Barr

AN ACT Relating to coordinated water resources programs; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.50A RCW; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Energy and Utilities.

SB 5774 by Senators Fraser and Barr

AN ACT Relating to transfers of fuel taxes attributable to nonhighway uses; and amending RCW 46.09.170 and 46.10.170.

Referred to Committee on Ecology and Parks.

SB 5775 by Senators Fraser, Barr and M. Rasmussen

AN ACT Relating to tax status of privately owned property included on the natural heritage information system; amending RCW 84.34.055 and 84.34.060; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5776 by Senators McDonald, West, Moyer, Hochstatter and Oke

AN ACT Relating to enforcement of cigarette and tobacco statutes; amending RCW 66.28.090, 66.44.010, 66.44.370, 82.24.010, 82.24.027, 82.24.030, 82.24.040, 82.24.050, 82.24.070, 82.24.090, 82.24.110, 82.24.120, 82.24.130, 82.24.135, 82.24.145, 82.24.180, 82.24.190, 82.24.210, 82.24.230, 82.24.250, 82.24.510, 82.24.520, 82.24.530, 82.24.550, 82.24.560, 82.26.010, 82.26.050, 82.26.060, 82.26.080, 82.26.090, 82.26.110, and 82.26.120; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 66 RCW; creating new sections; repealing RCW 82.24.260; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5777 by Senators McDonald, M. Rasmussen, Barr, Sellar, Jesernig, Hochstatter and Anderson

AN ACT Relating to incentives for trickle irrigation systems; adding a new chapter to Title 90 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5778 by Senators Prentice, Hargrove, Jesernig, Prince, Wojahn, Haugen, Franklin, Spanel, Fraser, Barr, Amondson, McAuliffe, Moore, Moyer, Hochstatter and Pelz

AN ACT Relating to a joint underwriting association for midwives and birthing centers; and adding a new chapter to Title 48 RCW.

Referred to Committee on Labor and Commerce.

SB 5779 by Senators Haugen, Drew, Owen, Deccio and Oke (by request of Productivity Board)

AN ACT Relating to productivity awards programs; amending RCW 41.60.010, 41.60.015, 41.60.100, 41.60.110, 41.60.120, and 41.60.160; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5780 by Senators Sutherland, Hochstatter, Snyder, Sellar, Amondson, Vognild and Bauer

AN ACT Relating to authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers; and amending RCW 70.79.240, 70.79.250, and 70.79.260.

Referred to Committee on Energy and Utilities.

SB 5781 by Senators Jesernig, Bauer, Moyer, Pelz, Bluechel, Spanel, Hargrove, Drew, von Reichbauer, Snyder, Sheldon, Loveland, McDonald, Erwin, M. Rasmussen, Barr, Prentice, Sutherland, McAuliffe, West, Oke, Amondson, Haugen, Franklin, Sellar, Hochstatter, Fraser, Deccio, A. Smith and Winsley

AN ACT Relating to higher education; adding new sections to chapter 28B.10 RCW; creating a new section; repealing RCW 28B.15.515; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SJM 8016 by Senators M. Rasmussen, Spanel, Haugen, Prince, Loveland, Barr, Erwin, McDonald, Roach, Bauer, Drew, Gaspard, Skratek, McAuliffe, Sheldon, Prentice, Fraser, Rinehart, Deccio, Jesernig, Winsley, Pelz, McCaslin, Sellar, von Reichbauer, Vognild, Moyer, A. Smith, West, Franklin, Wojahn, Hochstatter, Quigley, Anderson, Amondson and Oke

Requesting investigation and reporting on the E. Coli outbreak.

Referred to Committee on Agriculture.

MOTION

At 11:39 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, February 15, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 12, 1993

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THIRTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 15, 1993
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5042 Prime Sponsor, Senator Haugen: Expanding the uses of the excise tax on the sale of real property. Reported by
Committee on Government Operations February 12, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5042 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

SB 5050 Prime Sponsor, Senator Haugen: Revising reimbursement provisions for local government officials. Reported by
Committee on Government Operations February 12, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5050 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Owen, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Oke and von Reichbauer.

Passed to Committee on Rules for second reading.

SB 5103 Prime Sponsor, Senator Loveland: Authorizing emergency service communication districts to issue general obligation
bonds. Reported by Committee on Government Operations February 12, 1993

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

SB 5170 Prime Sponsor, Senator Snyder: Reauthorizing timber recovery programs. Reported by Committee on Trade, Technology
and Economic Development February 12, 1993

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 11, 1993

SB 5177 Prime Sponsor, Senator Pelz: Concerning automobile liability insurance policies. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1993

SB 5183 Prime Sponsor, Senator Moore: Forbidding the breach of fiduciary duty in securities advising. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1993

SB 5184 Prime Sponsor, Senator Moore: Creating a securities brokers recovery account program. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Prince, Sutherland, and Vognild.

Referred to Committee on Ways and Means.

February 11, 1993

SB 5191 Prime Sponsor, Senator Moore: Regulating impaired or insolvent life and disability insurers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1993

SB 5209 Prime Sponsor, Senator A. Smith: Requiring insurers to provide written notice concerning potential future rate changes. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1993

SB 5217 Prime Sponsor, Senator Pelz: Requiring compliance with chapter 39.12 RCW of public works. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Labor and Commerce. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Hochstatter, McDonald, and Roach.

Passed to Committee on Rules for second reading.

February 12, 1993

SB 5247 Prime Sponsor, Senator Skratek: Allowing the creation of a less than county-wide port district not bordering on saltwater. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 11, 1993

SB 5251 Prime Sponsor, Senator Bauer: Requiring identification for the nonresident sales tax exemption. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Niemi, Quigley, Roach, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

February 12, 1993

SB 5300 Prime Sponsor, Senator Skratek: Promoting economic development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 12, 1993

SB 5404 Prime Sponsor, Senator Fraser: Allowing a private right of action under the model toxic control act. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 12, 1993

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1008, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 12, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1025,
HOUSE BILL NO. 1027,
HOUSE BILL NO. 1041,
SUBSTITUTE HOUSE BILL NO. 1047,
SUBSTITUTE HOUSE BILL NO. 1051,
HOUSE BILL NO. 1066,
HOUSE BILL NO. 1068,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,
HOUSE BILL NO. 1151, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 15, 1993

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8403, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5782 by Senators Quigley, Pelz, McDonald, Spanel, A. Smith, Drew, Winsley, Talmadge and Bauer

AN ACT Relating to architectural plans for school construction; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Education.

SB 5783 by Senator L. Smith

AN ACT Relating to organ donations; and amending RCW 68.50.500.

Referred to Committee on Health and Human Services.

SB 5784 by Senators A. Smith and Oke

AN ACT Relating to communicating with a minor for immoral purposes; amending RCW 9.68A.090; and creating a new section.

Referred to Committee on Law and Justice.

SB 5785 by Senators Hochstatter, Snyder, Sellar, Oke, L. Smith, Hargrove, Deccio, M. Rasmussen, Erwin, Bauer, McDonald, Haugen, Cantu, McCaslin, Bluechel, Barr, Roach, Owen, Newhouse, West, Anderson, Moyer and Jesernig

AN ACT Relating to employment of minors; adding new sections to chapter 49.12 RCW; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5786 by Senators Sheldon, Winsley, Bauer, Skratek and Snyder

AN ACT Relating to public housing authorities; and amending RCW 35.82.070, 35.82.130, 35.82.210, and 82.04.190.

Referred to Committee on Trade, Technology and Economic Development.

SB 5787 by Senators Gaspard, von Reichbauer and Franklin (by request of Professional Athletic Commission)

AN ACT Relating to the state professional athletic commission; amending RCW 67.08.002, 67.08.030, 67.08.100, 67.08.120, and 67.08.180; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5788 by Senators Skratek and Bauer

AN ACT Relating to tenure; reenacting and amending RCW 28B.50.851; creating a new section; repealing RCW 28B.50.858; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5789 by Senators Niemi and Moore

AN ACT Relating to registration of architects; and amending RCW 18.08.350.

Referred to Committee on Labor and Commerce.

SB 5790 by Senator Prentice

AN ACT Relating to the establishment of state-wide prevailing wage rates for shipbuilding and ship repair on public works only; and amending RCW 39.12.010.

Referred to Committee on Labor and Commerce.

SB 5791 by Senators A. Smith and Rinehart (by request of Attorney General)

AN ACT Relating to mandatory provisions in child support orders; and amending RCW 26.23.050.

Referred to Committee on Law and Justice.

SB 5792 by Senator Prentice

AN ACT Relating to delivery of trustee's deeds on the date of sale; and amending RCW 61.24.050.

Referred to Committee on Law and Justice.

SB 5793 by Senator Rinehart (by request of Department of Social and Health Services)

AN ACT Relating to juvenile structured transition services; amending RCW 13.40.040; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Law and Justice.

SB 5794 by Senators Moore, Amondson and Jesernig

AN ACT Relating to administrative law; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Labor and Commerce.

SB 5795 by Senators Moore, Amondson and Jesernig

AN ACT Relating to regulatory reform; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Labor and Commerce.

SB 5796 by Senators Moore and Pelz

AN ACT Relating to securities; adding a new section to chapter 21.20 RCW; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5797 by Senator Moore

AN ACT Relating to the fiduciary duty of certain agents or brokers; amending RCW 48.17.480; and adding a new section to chapter 48.17 RCW.

Referred to Committee on Labor and Commerce.

SB 5798 by Senators Snyder, Bauer and Winsley

AN ACT Relating to the building code council; amending RCW 19.27.040, 19.27.042, 19.27.113, 19.27.120, 19.27.170, 19.27.180, 19.27.190, 19.27.192, 19.27.470, 19.27.480, 19.27A.020, 19.27A.025, 19.27A.045, 29.57.030, 35.68.076, 43.22.480, 70.92.130, 70.92.140, 70.92.150, 70.94.455, 70.94.457, and 90.76.020; reenacting and amending RCW 19.27.031 and 19.27.060; and repealing RCW 19.27.035, 19.27.070, 19.27.074, 19.27.078, 19.27.085, 19.27.160, 19.27.175, 19.27A.050, and 70.162.030.

Referred to Committee on Energy and Utilities.

SB 5799 by Senators Nelson and Sutherland

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

Referred to Committee on Energy and Utilities.

SB 5800 by Senators Nelson, A. Smith and Winsley

AN ACT Relating to violation of human remains; amending RCW 68.50.150; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5801 by Senators Fraser and Barr

AN ACT Relating to the water resources policy commission; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5802 by Senators Fraser, Barr and Drew

AN ACT Relating to state environmental policy act documents; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Ecology and Parks.

SB 5803 by Senators Moore, Prince, Wojahn, Sutherland, Vognild, Sellar, Prentice, McAuliffe, McCaslin, A. Smith, Cantu, Drew, Moyer, Hargrove, Loveland, Deccio, West, Bauer and Franklin

AN ACT Relating to regulation of bank branching; amending RCW 30.40.020; adding a new chapter to Title 30 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5804 by Senators Williams, Owen and Haugen

AN ACT Relating to local government proportional representation; and amending RCW 29.15.130, 29.18.010, 29.21.010, 29.21.015, 35A.12.040, and 35A.29.105.

Referred to Committee on Government Operations.

SB 5805 by Senators Pelz, Haugen and Owen

AN ACT Relating to presidential electors; and adding a new section to chapter 29.71 RCW.

Referred to Committee on Government Operations.

SB 5806 by Senators Bauer, McDonald, Snyder, Vognild, Deccio, Haugen, Moyer, Franklin, Prentice, Moore, Quigley, M. Rasmussen and Oke

AN ACT Relating to enforcement of cigarette and tobacco statutes; amending RCW 66.28.090, 66.44.010, 66.44.370, 82.24.010, 82.24.027, 82.24.030, 82.24.040, 82.24.050, 82.24.070, 82.24.090, 82.24.110, 82.24.120, 82.24.130, 82.24.135, 82.24.145, 82.24.180, 82.24.190, 82.24.210, 82.24.230, 82.24.250, 82.24.510, 82.24.520, 82.24.550, 82.24.560, 82.26.010, 82.26.050, 82.26.060, 82.26.080, 82.26.090, 82.26.110, and 82.26.120; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.24.260; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5807 by Senator Erwin

AN ACT Relating to state employee compensation; amending RCW 41.06.150 and 43.03.030; and adding a new section to chapter 43.03 RCW.

Referred to Committee on Government Operations.

SB 5808 by Senators Erwin and M. Rasmussen

AN ACT Relating to volunteers serving the needs of at-risk children; and adding a new section to chapter 43.150 RCW.

Referred to Committee on Government Operations.

SB 5809 by Senators Erwin and M. Rasmussen

AN ACT Relating to special education; adding a new section to chapter 28A.155 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5810 by Senators Erwin and M. Rasmussen

AN ACT Relating to flood damage reduction; amending RCW 43.21C.020, 86.12.200, 86.16.025, 86.16.041, 86.26.105, 75.20.100, 75.20.103, 75.20.130, 79.90.300, 90.58.030, 90.58.180, 47.28.140, 86.26.080, 86.26.090, 86.26.007, 86.15.030, 86.15.050, 86.15.160, 58.19.055, and 86.16.031; adding new sections to chapter 86.16 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding

Referred to Committee on Natural Resources.

SB 5811 by Senators Moore, A. Smith, von Reichbauer, Fraser, Snyder, Bauer, Roach, Quigley, Owen, Williams, Sutherland, Pelz, Erwin, Rinehart, Winsley, Gaspard, Moyer, Prentice, Spanel, West, Wojahn, Franklin, M. Rasmussen and McAuliffe

AN ACT Relating to employment relations for state employees; amending RCW 34.05.030, 41.06.070, 41.06.110, 41.06.150, 41.06.170, 4.24.490, 28B.10.824, 28B.10.650, 28B.12.060, 28B.15.558, 28B.50.060, 28B.80.350, 28B.80.430, 34.12.020, 41.04.340, 41.04.670, 41.06.079, 41.06.155, 41.06.160, 41.06.163, 41.48.140, 41.60.015, 42.17.2401, 41.60.160, 42.40.020, 43.06.410, 43.06.425, 43.23.010, 43.88.280, 43.105.052, 49.46.010, 49.74.020, 49.74.030, 49.74.040, 50.13.060, 51.32.300, and 70.24.300; reenacting and amending RCW 41.06.020; adding new sections to chapter 41.06 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.05 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, 41.64.910, 41.06.230, 41.06.310, and 41.06.340; and providing effective dates.

Referred to Committee on Labor and Commerce.

SJM 8017 by Senators Jesernig and Loveland

Requesting the United States Department of Energy to support the Fast Flux Test Facility at Hanford.

Referred to Committee on Energy and Utilities.

SCR 8405 by Senators Bauer, Prince, Drew, Sheldon, West and Jesernig

Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1008 by Representatives Romero, H. Myers and Springer

Revising hiring procedures for cities and towns.

Referred to Committee on Government Operations.

HB 1025 by Representatives Ludwig, Padden, Riley, Kremen, Appelwick, Mielke, Romero, Dyer, Jones, Kessler, Orr, Karahalios, R. Meyers, Brough, Carlson, Ballasiotes, Jacobsen, Forner, Silver, Dorn and Chappell

Regarding the limitation of actions brought by prisoners.

Referred to Committee on Law and Justice.

HB 1027 by Representatives Bray, H. Myers, Edmondson and Rayburn

Revising bidding practices of municipalities.

Referred to Committee on Government Operations.

HB 1041 by Representatives Zellinsky and Mielke

Altering a limit on family member group life insurance coverage.

Referred to Committee on Labor and Commerce.

SHB 1047 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Long, Springer, Brough, Forner, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl)

Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state.

Referred to Committee on Ecology and Parks.

SHB 1051 by House Committee on Judiciary (originally sponsored by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Forner, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland)

Providing for restitution for certain emergency responses.

Referred to Committee on Law and Justice.

HB 1066 by Representatives Bray, Edmondson and H. Myers

Contracting by water and sewer districts.

Referred to Committee on Government Operations.

HB 1068 by Representatives Padden, Appelwick, Ludwig, Riley, Chappell, Campbell, Schmidt, Long, Tate, Ballasiotes, Dyer, Johanson and Thomas

Providing for registration of transfer on death securities.

Referred to Committee on Law and Justice.

ESHB 1086 by House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Edmondson, Rust and Kremen)

Modifying littering penalties.

Referred to Committee on Ecology and Parks.

HB 1151 by Representatives G. Cole, Lisk, Heavey and Springer

Changing the definition of keg for purpose of the state liquor code.

Referred to Committee on Labor and Commerce.

MOTION

At 12:08 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Tuesday, February 16, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 15, 1993

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

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 16, 1993

The Senate was called to order at 10:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Erwin, Fraser and Sutherland. On motion of Senator Spanel, Senator Sutherland was excused. On motion of Senator Oke, Senators Amondson and Erwin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sarah Fish and Matthew Cooper, presented the Colors. Reverend Roger Balsley, pastor of the Cathedral of Praise Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5439 Prime Sponsor, Senator McCaslin: Adding two members to the utilities and transportation commission. Reported by
Committee on Energy and Utilities February 15, 1993

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Hochstatter, McCaslin, Owen, A. Smith, Vognild, West, and Williams.

Referred to Committee on Ways and Means.

SJM 8001 Prime Sponsor, Senator Sutherland: Requesting amending the Copyright Act to address current situations. Reported by
Committee on Energy and Utilities February 15, 1993

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1075,
HOUSE BILL NO. 1097, and the same are herewith transmitted.

February 15, 1993

MARILYN SHOWALTER, Deputy Chief Clerk

INTRODUCTION AND FIRST READING

SB 5812 by Senators Hargrove and Winsley

AN ACT Relating to student records for school use; and amending RCW 28A.600.475.

Referred to Committee on Education.

SB 5813 by Senators Loveland and Drew

AN ACT Relating to alcoholic beverage control; and amending RCW 66.08.180.

Referred to Committee on Law and Justice.

SB 5814 by Senators Winsley and Fraser

AN ACT Relating to a conservation permit program for use of state park facilities; amending RCW 4.24.210; adding new sections to chapter 43.51 RCW; and prescribing penalties.

Referred to Committee on Ecology and Parks.

SB 5815 by Senators West and Moyer

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

Referred to Committee on Law and Justice.

SB 5816 by Senators Niemi and Pelz

AN ACT Relating to automobile insurance territorial rating; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Labor and Commerce.

SB 5817 by Senators Haugen and Vognild

AN ACT Relating to elections; amending RCW 29.07.095, 29.07.160, 29.10.020, 29.13.010, 29.13.020, 29.36.120, and 29.36.160; adding a new section to chapter 29.10 RCW; and prescribing penalties.

Referred to Committee on Government Operations.

SB 5818 by Senator Vognild

AN ACT Relating to the dates for holding elections; and amending RCW 29.13.010 and 29.13.020.

Referred to Committee on Government Operations.

SB 5819 by Senators Haugen, Vognild and Quigley

AN ACT Relating to voting by mail; amending RCW 29.36.120 and 29.36.160; and prescribing penalties.

Referred to Committee on Government Operations.

SB 5820 by Senators Fraser, Deccio, Skratek and M. Rasmussen

AN ACT Relating to the water resources policy commission; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5821 by Senator Loveland (by request of Department of Community Development)

AN ACT Relating to the public works board; amending RCW 43.155.070; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5822 by Senator Fraser (by request of Office of Financial Management)

AN ACT Relating to mines; adding new sections to chapter 78.44 RCW; repealing RCW 78.44.110; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5823 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to funding for the state auditor's office; amending RCW 43.09.230 and 43.09.270; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5824 by Senators Moore and Quigley (by request of Office of Financial Management)

AN ACT Relating to abolition of the state professional athletic commission; amending RCW 67.08.002, 67.08.007, 67.08.010, 67.08.015, 67.08.030, 67.08.040, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.130, 67.08.140, and 67.08.170; adding a new section to chapter 67.08 RCW; creating new sections; repealing RCW 67.08.001, 67.08.003, 67.08.005, and 67.08.009; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5825 by Senators Owen and Winsley

AN ACT Relating to wild mushroom sales; amending RCW 15.90.010, 15.90.020, 15.90.030, 15.90.040, and 15.90.060; adding new sections to chapter 15.90 RCW; decodifying RCW 15.90.901; repealing RCW 15.90.900; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 5826 by Senators Skratek and Erwin

AN ACT Relating to the membership of the transportation improvement board; reenacting and amending RCW 47.26.121; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5827 by Senators Moore, Franklin and M. Rasmussen

AN ACT Relating to the sale of mobile homes and mobile home parks; and adding a new chapter to Title 64 RCW.

Referred to Committee on Labor and Commerce.

SB 5828 by Senators Bauer, Prince, Sheldon and Wojahn

AN ACT Relating to vocational education; amending RCW 28C.10.020, 28C.10.084, 28C.10.120, and 43.84.092; and repealing RCW 28C.10.910.

Referred to Committee on Higher Education.

SB 5829 by Senators Moore and Prince

AN ACT Relating to mortgage brokers, associate mortgage brokers, and loan originators; amending RCW 19.146.005, 19.146.010, 19.146.020, 19.146.030, 19.146.070, and 19.146.110; adding new sections to chapter 19.146 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Labor and Commerce.

SB 5830 by Senators Talmadge and Niemi

AN ACT Relating to chronically disabled, chemically dependent persons; amending RCW 70.96A.020 and 66.08.120; adding new sections to chapter 70.96A RCW; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Human Services.

SB 5831 by Senators Barr, Sutherland and McCaslin

AN ACT Relating to specifying that payments to building owners authorized under RCW 19.27A.035 are available only if the primary heat source of a structure is electricity; amending RCW 19.27A.035; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5832 by Senator Barr

AN ACT Relating to disposition of animals; and adding new sections to chapter 16.52 RCW.

Referred to Committee on Agriculture.

SB 5833 by Senator Hargrove

AN ACT Relating to sea urchin fishery endorsements; amending RCW 75.30.210; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1075 by Representatives Padden, Appelwick, Ludwig and Johanson

Updating references in probate and trust law to the Internal Revenue Code.

Referred to Committee on Law and Justice.

HB 1097 by Representatives Jacobsen, Brumsickle, R. Fisher, Anderson, Ogden, Basich, Sheldon, Romero, Vance, Wang, Leonard, Shin, Edmondson, Foreman, Wood, Ballard, Brough, Long, Kessler, Miller, Talcott, Wolfe, Sommers, Tate, Cooke, Springer and Forner (by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association)

Consolidating the state capital historical association and the state historical society.

Referred to Committee on Government Operations.

MOTIONS

On motion of Senator Jesernig, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 5687.

On motion of Senator Jesernig, Senate Bill No. 5687 was referred to the Committee on Ways and Means.

On motion of Senator Jesernig, the Committee on Health and Human Services was relieved of further consideration of Senate Bill No. 5776 and Senate Bill No. 5806.

On motion of Senator Jesernig, Senate Bill No. 5776 and Senate Bill No. 5806 were referred to the Committee on Ways and Means.

On motion of Senator Jesernig, the Committee on Labor and Commerce was relieved of further consideration of Senate Bill No. 5704.

On motion of Senator Jesernig, Senate Bill No. 5704 was referred to the Committee on Law and Justice.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

STATEMENT FOR THE JOURNAL

As previously notified, I was absent during the Tuesday, February 16, 1993, Senate Session. The following bills were voted on and I would like my vote of 'aye' to be put on the record for these bills: Substitute Senate Bill No. 5048, Senate Bill No. 5094, Engrossed Senate Bill No. 5018, Senate Bill No. 5309, Senate Bill No. 5426 and Senate Bill No. 5128.

Sincerely,
SENATOR DEAN SUTHERLAND, 17th District

SECOND READING

SENATE BILL NO. 5048, by Senator Haugen

Revising bidding practices of municipalities.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5048 was substituted for Senate Bill No. 5048 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Fraser - 1.

Excused: Senators Amondson, Erwin and Sutherland - 3.

SUBSTITUTE SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5094, by Senator McCaslin

Changing provisions relating to incorporation elections.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5094.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Sutherland - 1.

SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5018, by Senator Nelson

Allowing service of process on a marital community by serving either spouse.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:
On page 2, line 34, after "one" strike "spouse" and insert "or both spouses"

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5018.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Sutherland - 1.

ENGROSSED SENATE BILL NO. 5018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5309, by Senator Owen

Modifying provisions relating to exchange of urban land for land bank land.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5309.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5309 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 45.

Voting nay: Senators Barr and Cantu - 2.

Absent: Senator Winsley - 1.

Excused: Senator Sutherland - 1.

SENATE BILL NO. 5309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5426, by Senators Loveland, Newhouse, Vognild and Prince (by request of Department of Transportation)

Consolidating gross weight permit authority.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5426.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5426 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Sutherland - 1.

SENATE BILL NO. 5426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5128, by Senators Moore, Newhouse, Snyder and Amondson

Raising keg registration container size requirements from four to five and one-half gallons.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5128.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Cantu, Erwin, Hargrove, Hochstatter, Nelson, Oke, Roach and von Reichbauer - 9.

Excused: Senator Sutherland - 1.

SENATE BILL NO. 5128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Jesernig, Senate Bill No. 5812, which was referred to the Committee on Education on today's Introduction and First Reading Calendar, was referred to Committee on Law and Justice.

MOTION

At 10:40 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:58 a.m. by President Pro Tempore Wojahn.

MOTION

At 11:58 a.m., on motion of Senator Jesernig, the Senate adjourned until 1:30 p.m., Wednesday, February 17, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 16, 1993

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

THIRTY-EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, February 17, 1993

The Senate was called to order at 1:30 p.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, Linda Smith and Talmadge. On motion of Senator Oke, Senators Barr and Linda Smith were excused. On motion of Senator Spanel, Senator Talmadge was excused.

The Sergeant at Arms Color Guard, consisting of Pages Anna Rourke and Matthew A. Cooper, presented the Colors. Reverend Roger Balsley, pastor of the Cathedral of Praise Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1993

SB 5075 Prime Sponsor, Senator Winsley: Prohibiting hazing at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, and West.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5107 Prime Sponsor, Senator Sutherland: Concerning arrest without warrant. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5155 Prime Sponsor, Senator Skratek: Changing requirements for the establishment of community councils. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Oke and von Reichbauer.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5182 Prime Sponsor, Senator Moore: Providing for the resolution of disputes arising from securities dealings. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5248 Prime Sponsor, Senator M. Rasmussen: Excluding pollination agents from "sale at retail" and "retail sale" definition for business and occupation tax. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5283 Prime Sponsor, Senator Haugen: Revising publication requirements for notice of actions by counties, cities, and towns. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5283 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5305 Prime Sponsor, Senator Gaspard: Providing for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Moyer, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Referred to Committee on Ways and Means.

February 15, 1993

SB 5324 Prime Sponsor, Senator Pelz: Correcting a double amendment related to reimbursement of school transportation costs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5330 Prime Sponsor, Senator Haugen: Exempting auction sold property from a statutory holding period. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5349 Prime Sponsor, Senator Pelz: Renaming educational clinics. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5350 Prime Sponsor, Senator A. Smith: Regulating motor fuel price fixing. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5353 Prime Sponsor, Senator A. Smith: Allowing the court to award attorney fees and other court costs to an individual or small business that successfully appeals a state agency directive in court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Referred to Committee on Ways and Means.

February 15, 1993

SB 5384 Prime Sponsor, Senator Moore: Regulating investment advisory contracts. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5385 Prime Sponsor, Senator Moore: Creating the uniform commercial code fund. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5397 Prime Sponsor, Senator Sheldon: Granting resident status at institutions of higher education for active duty personnel stationed in Washington and their spouses and dependents. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5397 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Referred to Committee on Ways and Means.

February 15, 1993

SB 5402 Prime Sponsor, Senator Jesernig: Authorizing a study of the feasibility of expanding literacy in mathematics, science, and technology. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5435 Prime Sponsor, Senator Fraser: Extending time for limitation of actions for unlawful securities transactions to five years. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

February 15, 1993

SB 5470 Prime Sponsor, Senator Pelz: Eliminating certain limitations on credit hours that may be used to determine compensation allocations for basic education certificated instructional staff. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5487 Prime Sponsor, Senator Bauer: Changing provisions regarding agister liens. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5487 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Bauer, and Snyder.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5509 Prime Sponsor, Senator Hargrove: Prohibiting mandatory child support for postsecondary education of adult children. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5511 Prime Sponsor, Senator Loveland: Enabling voter registration by mail. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Referred to Committee on Ways and Means.

February 15, 1993

SB 5531 Prime Sponsor, Senator Pelz: Changing local effort assistance distribution. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Referred to Committee on Ways and Means.

February 16, 1993

SB 5534 Prime Sponsor, Senator Vognild: Authorizing terminal safety audits of private carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5563 Prime Sponsor, Senator Barr: Permitting monthly licensed farm vehicles to buy trip permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5623 Prime Sponsor, Senator Vognild: Regulating motor carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Drew, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5678 Prime Sponsor, Senator Loveland: Exempting licensed domestic wineries from commission merchant requirements. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5678 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 15, 1993

SJR 8209 Prime Sponsor, Senator Gaspard: Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8209 be substituted therefor, and the substitute joint resolution do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, Moyer, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Referred to Committee on Ways and Means

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

February 16, 1993

GA 9115 CHASE RIVELAND, reappointed January 13, 1993, for a term ending at the Governor's pleasure, as Secretary of the Department of Corrections. Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules.

MESSAGE FROM HOUSE

February 15, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1043,
SUBSTITUTE HOUSE BILL NO. 1122, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5834 by Senators Erwin, Skratek, Sellar, Prentice, Newhouse, Bauer, McCaslin, Roach, Moore and Hargrove

AN ACT Relating to traffic infractions; amending RCW 46.63.060, 46.63.070, and 46.63.100; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Law and Justice.

SB 5835 by Senators McAuliffe, Bluechel and McDonald

AN ACT Relating to the taxation of public authorities; and amending RCW 35.21.755.

Referred to Committee on Ways and Means.

SB 5836 by Senators Bauer, Prince, West, Drew, Jesernig, Sheldon, Snyder and Gaspard

AN ACT Relating to higher education; amending RCW 28B.80.330; adding new sections to chapter 28B.80 RCW; adding a new section to chapter 28B.120 RCW; adding a new section to chapter 28B.10 RCW: creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5837 by Senators Quigley, Moore, Pelz, A. Smith, Prentice, Bauer, Hargrove, Sheldon, Erwin, Niemi, Jesernig and Talmadge

AN ACT Relating to state and local government finance; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Government Operations.

SB 5838 by Senators Sutherland, Williams and Roach

AN ACT Relating to energy siting review; creating new sections; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SB 5839 by Senators Cantu, Drew, Haugen and Winsley

AN ACT Relating to mail functions of state government; adding new sections to chapter 43.19 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5840 by Senators Anderson, Vognild, Barr, Owen, Erwin, M. Rasmussen and Haugen

AN ACT Relating to flood damage reduction; amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 86.15.030, 86.15.050, 86.15.160, 86.26.105, and 90.58.180; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; creating a new section; repealing RCW 79.90.325; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5841 by Senators Moyer, Prentice, Talmadge, Quigley, Prince, Hochstatter, McAuliffe, Erwin, West, Sheldon and Winsley

AN ACT Relating to shaken baby syndrome; adding a new section to chapter 43.121 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5842 by Senators Moyer, Prentice, Prince, Hochstatter, Quigley, McAuliffe, Erwin, Pelz, Winsley and M. Rasmussen

AN ACT Relating to long-term care insurance policies; and adding a new section to chapter 48.84 RCW.

Referred to Committee on Health and Human Services.

SB 5843 by Senators Moyer, Talmadge, Hochstatter, Deccio, Prentice, Quigley, McAuliffe, Erwin, Pelz, Winsley and M. Rasmussen

AN ACT Relating to the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households; amending RCW 84.52.043 and 84.52.010; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5844 by Senators McAuliffe, Erwin, M. Rasmussen, Amondson, Drew, Prentice, Pelz, Niemi, Winsley, Sheldon, McDonald, Talmadge, Owen, Snyder, Haugen, Hargrove, Moyer, Quigley, Roach, Jesernig, Oke, Hochstatter and Spaniel

AN ACT Relating to volunteers serving the needs of at-risk children; and adding a new section to chapter 43.150 RCW.

Referred to Committee on Government Operations.

SB 5845 by Senators West, Pelz, Bauer, Anderson, Prince, Amondson, McCaslin, Snyder, Hargrove, Barr, Roach and Hochstatter

AN ACT Relating to exempting recreational vehicles from vehicle emissions testing; and amending RCW 70.120.010 and 70.120.190.

Referred to Committee on Ecology and Parks.

SB 5846 by Senators Niemi, Pelz and Franklin

AN ACT Relating to reemployment support centers administered by the department of community development; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5847 by Senators Owen, Hargrove and Snyder

AN ACT Relating to unemployment; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5848 by Senators M. Rasmussen, Loveland and Barr

AN ACT Relating to the consignment rights of orchard crops; and amending RCW 62A.2-326.

Referred to Committee on Agriculture.

SB 5849 by Senators M. Rasmussen, Erwin, McAuliffe, Roach, Anderson, Bauer, Barr, Amondson and Loveland

AN ACT Relating to the regulation of dairy animal feeding operations; and adding a new chapter to Title 89 RCW.

Referred to Committee on Agriculture.

SB 5850 by Senators M. Rasmussen, Loveland and Barr

AN ACT Relating to clarifying definitions relating to farmers; and amending RCW 15.04.010 and 82.04.330.

Referred to Committee on Agriculture.

SB 5851 by Senators Gaspard and Sellar

AN ACT Relating to the joint legislative systems committee; and amending RCW 44.68.020.

HOLD.

SB 5852 by Senators Skratek, M. Rasmussen, McAuliffe, Franklin, Owen, Snyder, Gaspard, Prentice, Moore, Drew and Sheldon

AN ACT Relating to crime victims' compensation; and amending RCW 7.68.020.

Referred to Committee on Law and Justice.

SB 5853 by Senators Hochstatter, L. Smith, Barr, Anderson, Oke, Nelson, McCaslin, McDonald, Moyer and West

AN ACT Relating to public assistance; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.04 RCW; adding a new section to chapter 74.12 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5854 by Senators Quigley, Drew, Hargrove, Owen and Haugen

AN ACT Relating to tax credits for eligible business projects; amending RCW 82.62.010; and repealing RCW 82.62.040.

Referred to Committee on Trade, Technology and Economic Development.

SB 5855 by Senators Wojahn and Talmadge

AN ACT Relating to child support enforcement; amending RCW 26.09.160 and 67.70.255; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 49.52 RCW; adding new sections to chapter 26.18 RCW; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SCR 8406 by Senators M. Rasmussen, Loveland, Barr, Haugen, Winsley, Anderson, Moyer, Prentice, Deccio, Bauer, Spanel, Skratek, Snyder, Franklin and Hochstatter

Creating a committee for agricultural housing and benefits.

Referred to Committee on Agriculture.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1043 by Representatives Schmidt, Appelwick, Morris, Long, Ballasiotes, Riley, Springer, Shin, Brough, Eide, Johanson, Fuhrman, Silver and J. Kohl

Specifying the method of execution.

Referred to Committee on Law and Justice.

SHB 1122 by House Committee on Local Government (originally sponsored by Representatives Pruitt, Schmidt, Zellinsky, H. Myers, Thomas, Dunshee, Valle, R. Meyers, Basich, Brough and Quall)

Changing provisions relating to excess levies in park and recreation districts and service areas.

Referred to Committee on Ecology and Parks.

MOTION

On motion of Senator Jesernig, Senate Bill No. 5851 was held on the desk.

MOTION

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

SENATE RESOLUTION 1993-8613

By Senators M. Rasmussen, Barr, Loveland and Spanel

WHEREAS, Washington State farmers produce \$4.4 billion worth of agricultural products; and
WHEREAS, Food processing is a \$6.2 billion industry and is the state's second largest manufacturing industry in value and number of employees; and

WHEREAS, More than one hundred thousand Washington residents are employed in direct, agriculture-related jobs; and
WHEREAS, Almost eighty-six percent of the value of agricultural products sold are produced by eighteen percent of the state's farms; and

WHEREAS, About twenty-five percent of the state's agricultural commodities are sold in Washington, about fifty percent are sold in United States domestic markets, and about twenty-five percent in international markets; and

WHEREAS, There are an estimated thirty-eight thousand farms in Washington, covering sixteen million acres and producing up to one hundred different commodities; and

WHEREAS, Washington State ranks first in the production of ten major commodities and seventeenth among all states in total agricultural output; and

WHEREAS, Governor Mike Lowry has proclaimed February 17th as Agriculture Business Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and honors the men and women who have made agriculture the number one industry in this state and we applaud the agri-business community for their efforts to ensure that agriculture maintains its leading role in our state and nation's economy.

Senators Rasmussen and Newhouse spoke to Senate Resolution 1993-8613.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

STATEMENT FOR THE JOURNAL

Due to an argument in the Washington Supreme Court, I missed the votes on Senate Bill No. 5067, Senate Bill No. 5112, Substitute Senate Bill No. 5052 and Engrossed Senate Bill No. 5205. I would have voted 'aye' on each measure.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 5067, by Senators A. Smith, McCaslin and Nelson

Altering the provisions concerning joint tenancy.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5067.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vogndild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Barr, Smith, L. and Talmadge - 3.

SENATE BILL NO. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5112, by Senators Drew and von Reichbauer

Revising hiring procedures for cities and towns.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Barr, Smith, L. and Talmadge - 3.

SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5052, by Senators A. Smith, Haugen and Quigley

Removing the requirement that town council meetings be held within the town limits.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5052 was substituted for Senate Bill No. 5052 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Moore - 1.

Excused: Senators Barr, Smith, L. and Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Williams assumed the Chair.

SECOND READING

SENATE BILL NO. 5205, by Senators Wojahn, Moyer, Sheldon, Erwin, Fraser, Winsley, Prentice, Niemi, and Talmadge

Modifying review of infant and child mortality rates.

The bill was read the second time.

MOTIONS

On motion of Senator Wojahn, the following Committee on Health and Human Services amendment was adopted:
On page 2, line 4, after "children" strike "eighteen years old or younger" and insert "less than eighteen years of age"

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 5205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Roach: "Senator Wojahn, I am curious, what was the fiscal note on this particular bill?"

Senator Wojahn: "There was no fiscal note. It's handled by local health departments and they have indicated that there would be no cost factor at all."

Senator Roach: "There is a yearly publication that the state of Washington puts out on mortality rates. I'm wondering was that considered while the committee reviewed this bill?"

Senator Wojahn: "The committee reviewed the whole aspect of the bill. We had the word of the various health departments. There would be no cost factor at all, it would be handled by local jurisdictions."

Senator Roach: "They don't have the authority to do that right now?"

Senator Wojahn: "Beg pardon?"

Senator Roach: "They don't have the authority to do that right now?"

Senator Wojahn: "Not to do death investigations for children over twelve months of age."

Senator Roach: "Thank you."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5205.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5205 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Moore and Roach - 2.

Excused: Senators Smith, L. and Talmadge - 2.

ENGROSSED SENATE BILL NO. 5205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate rules were suspended, Senate Bill No. 5851, which was held on the Introduction and First Reading Calendar earlier today, was advanced to second reading and placed on the second reading calendar.

MOTION

At 2:07 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 3:34 p.m. by President Pro Tempore Wojahn.

MOTION

At 3:34 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, February 18, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 17, 1993

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

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 18, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Owen, Roach and Linda Smith. On motion of Senator Oke, Senators Roach and Linda Smith were excused. On motion of Senator Spanel, Senators Bauer and Owen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jessica Wright and Erik Scairpon, presented the Colors. Reverend Roger Balsley, pastor of the Cathedral of Praise Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 17, 1993

SB 5122 Prime Sponsor, Senator A. Smith: Changing provisions relating to motor vehicle dealers. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

February 17, 1993

SB 5329 Prime Sponsor, Senator Haugen: Changing provisions relating to port districts. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator von Reichbauer.

Passed to Committee on Rules for second reading.

February 17, 1993

SB 5356 Prime Sponsor, Senator Haugen: Authorizing city and town legislative authorities to review and approve checks and warrants up to one month after issuance. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 17, 1993

SB 5447 Prime Sponsor, Senator Fraser: Modifying review of solid waste collection company tariff filings. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 17, 1993

SB 5631 Prime Sponsor, Senator Fraser: Exempting certain impact fees from sales and use taxation. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 17, 1993

GA 9135 FRANK ARMIJO, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9138 CAROL BENDER, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9141 DALE BOOSE, reappointed January 29, 1993, for a term ending June 30, 1993, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9143 AL BRISOBIS, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9144 AL BRISBOIS, reappointed January 29, 1993, for a term ending June 30, 1995, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9145 CARL R. BROWN, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Bates Technical College District No. 28.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9149 JOHN CARTER, reappointed January 29, 1993, for a term ending June 30, 1994, as a member of the Work Force Training and Education Coordinating Board.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9150 KAREN CARTER, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Work Force Training and Education Coordinating Board.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9160 JACK DURNEY, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9164 BEVERLY FREEMAN, reappointed January 29, 1993, for a term ending April 3, 1995, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9165 JAMES H. FREEMAN, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9166 MARY ANN FUNK, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9169 DENNIS UYEMURA, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9175 ROBERTA J. GREENE, reappointed January 29, 1993, for a term ending June 30, 1994, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9176 ROBERTA J. GREENE, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Spokane Joint Center for Higher Education.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9182 VICTOR S. HIRAKAWA, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9186 SALLY JARVIS, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9187 INEZ JOHNSON, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Whatcom Community College District No. 21.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

February 17, 1993

GA 9264 ROSSALIND Y. WOODHOUSE, reappointed February 9, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, and Sheldon.

Passed to Committee on Rules.

February 17, 1993

GA 9266 RONALD DOTZAUER, reappointed February 9, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, and Sheldon.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 12, 1993

Mr. Marty Brown
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Marty:

Enclosed is our Report to the Legislature on the GAU Work Experience Pilot Project, required by Chapter 165, Laws of 1992.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
JEAN T. SOLIZ, Secretary

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

MESSAGES FROM THE HOUSE

February 17, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157,
SUBSTITUTE HOUSE BILL NO. 1226,
HOUSE BILL NO. 1227,
ENGROSSED HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1266, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1132,
HOUSE BILL NO. 1184,
HOUSE BILL NO. 1225, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5856 by Senators Vognild, Nelson and Skratek

AN ACT Relating to the acquisition and disposition of real property by the Washington state patrol and the department of licensing; adding new sections to chapter 43.43 RCW; and adding new sections to chapter 46.01 RCW.

Referred to Committee on Transportation.

SB 5857 by Senators Cantu, Roach, Moyer and Winsley

AN ACT Relating to food service public health standards; amending RCW 43.20.050; adding new sections to chapter 43.20 RCW; and adding a new section to chapter 69.06 RCW.

Referred to Committee on Health and Human Services.

SB 5858 by Senator Cantu

AN ACT Relating to permits for local government units' building construction projects; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Government Operations.

SB 5859 by Senators Talmadge, Deccio, Wojahn and Moyer

AN ACT Relating to the regulation of health professions; amending RCW 18.120.010, 18.120.020, 18.120.040, 18.130.010, 18.130.020, 18.130.040, 18.130.050, 18.130.060, 18.130.090, 18.130.160, 18.130.165, 18.130.175, 18.130.185, 18.130.186, 18.130.190, 18.130.270, 18.130.300, 18.22.005, 18.25.005, 18.25.019, 18.25.180, 18.26.030, 18.26.330, 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.390, 18.32.195, 18.32.640, 18.32.655, 18.35.110, 18.35.161, 18.57.035, 18.64.160, 18.64A.050, 18.71.019, 18.71.095, 18.71.230, 18.72.165, 18.72.265, 18.72.340, 18.72.345, 18.74.090, 18.83.050, 18.83.121, 18.88.280, 18.135.070, 43.70.220, 43.70.240, and 43.70.300; reenacting and amending RCW 18.64.245 and 18.71.030; adding a new section to chapter 18.06 RCW; adding a new section to chapter 18.19 RCW; adding a new section to chapter 18.22 RCW; adding new sections to chapter 18.25 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW

Referred to Committee on Health and Human Services.

SB 5860 by Senators Moore, Newhouse and Vognild

AN ACT Relating to the financing of unemployment insurance; amending RCW 50.29.025 and 50.24.014; and creating a new section.

Referred to Committee on Labor and Commerce.

SB 5861 by Senators Haugen, McDonald, Owen, Erwin, Amondson, Deccio, Cantu, L. Smith, McCaslin, Hochstatter, Oke and Moyer

AN ACT Relating to competitive strategies in the delivery of government services; amending RCW 41.06.380, 28B.16.040, and 28B.16.240; adding a new section to chapter 28A.400 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5862 by Senators Haugen, McDonald, Owen, Sellar, Erwin, Anderson, Amondson, Deccio, L. Smith, McCaslin, Hochstatter, Oke and Moyer

AN ACT Relating to purchase and delivery of government services; and creating a new section.

Referred to Committee on Government Operations.

SB 5863 by Senator West

AN ACT Relating to employment agencies; and amending RCW 19.31.020, 19.31.030, 19.31.040, 19.31.150, 19.31.170, 19.31.190, and 19.31.245.

Referred to Committee on Labor and Commerce.

SB 5864 by Senator Fraser

AN ACT Relating to parks; amending RCW 36.69.140 and 36.69.145; and creating a new section.

Referred to Committee on Ecology and Parks.

SB 5865 by Senator Fraser

AN ACT Relating to conservation futures; and amending RCW 84.34.230, 36.70A.160, 84.34.240, and 84.34.250.

Referred to Committee on Ecology and Parks.

SB 5866 by Senators Moore and Vognild

AN ACT Relating to the gambling commission; and amending RCW 9.46.040 and 9.46.085.

Referred to Committee on Labor and Commerce.

SB 5867 by Senator Moore

AN ACT Relating to executive branch review of administrative rules; and creating a new chapter in Title 34 RCW.

Referred to Committee on Government Operations.

SB 5868 by Senators Skratek, Bluechel, Sheldon, Erwin, Deccio, M. Rasmussen, Snyder, Gaspard and Winsley

AN ACT Relating to consolidation of state agencies; amending RCW 28C.18.060, 43.17.010, 43.17.020, 19.85.020, 42.17.319, 43.17.065, 43.20A.750, 43.31.057, 43.31.085, 43.31.205, 43.31.409, 43.31.411, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.526, 43.31.641, 43.31.830, 43.31.840, 43.31.850, 43.160.020, 43.168.020, 43.210.110, 43.63A.066, 43.63A.075, 43.63A.115, 43.63A.155, 43.63A.220, 43.63A.230, 43.63A.245, 43.63A.247, 43.63A.260, 43.63A.275, 43.63A.300, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.450, 43.63A.460, 43.63A.600, and 43.105.020; reenacting and amending RCW 42.17.310; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 43.31.005, 43.31.015, 43.31.025, 43.31.035, 43.31.045, 43.31.055, 43.31.065, 43.31.075, 43.31.095, 43.31.097, 43.31.105, 43.31.115, 43.31.130, 43.31.135, 43.31.373, 43.31.375, 43.31.377, 43.31.379, 43.31.381, 43.31.383, 43.31.387, 43.31.430, 43.31.432, 43.31.434, 43.31.436, 43.31.438, 43.31.440, 43.31.442, 43.31.651, 43.31.790, 43.31.800, 43.31.810, 43.31.820, 43.63A.020, 43.63A.030, 43.63A.040, 43.63A.050, 43.63A.060, 43.63A.065, 43.63A.078, 43.63A.095, 43.63A.100, 43.63A.130, 43.63A.140, 43.63A.210, and 43.63A.560.

Referred to Committee on Trade, Technology and Economic Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1132 by Representatives Kremen, Linville and Zellinsky

Requiring certification of electric spa equipment.

Referred to Committee on Labor and Commerce.

ESHB 1157 by House Committee on Human Services (originally sponsored by Representatives Ludwig, Riley, Chappell, Johanson, Foreman, Appelwick, H. Myers, Scott, Jones, Leonard, Franklin, Springer and Karahalios)

Specifying a procedure for emancipation of minors.

Referred to Committee on Law and Justice.

HB 1184 by Representatives Edmondson, Mastin, Sehlín, Bray, Ludwig and Grant

Modifying the requirements for the formation of a less than county-wide port district.

Referred to Committee on Government Operations.

HB 1225 by Representatives Zellinsky, Dellwo, Anderson and Mielke

Concerning the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures.

Referred to Committee on Labor and Commerce.

SHB 1226 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Dellwo, Anderson and Mielke)

Concerning amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans.

Referred to Committee on Labor and Commerce.

HB 1227 by Representatives R. Johnson, Chandler and Rayburn

Changing misbranding and adulteration provisions for meat and poultry products.

Referred to Committee on Agriculture.

EHB 1264 by Representatives Heavey and R. Meyers

Regulating third party recoveries in workers' compensation cases.

Referred to Committee on Labor and Commerce.

SHB 1266 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Campbell, Dyer, R. Johnson, Cooke, Riley, Lisk, Morris, Dellwo and Ballasiotes)

Regulating veterinary medication clerks.

Referred to Committee on Agriculture.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, Gubernatorial No. 9123, Bruce Miyahara, as Secretary of the Department of Health, was confirmed.

Senators Talmadge and Moyer spoke to the confirmation of Bruce Miyahara as Secretary of the Department of Health.

APPOINTMENT OF BRUCE MIYAHARA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Bauer, Owen, Roach and Smith, L. - 4.

SECOND READING

SENATE BILL NO. 5229, by Senators Vognild, Sellar, Skratek, Winsley and Oke

Permitting the department of transportation and state patrol to adopt rules to govern state rest areas.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5229.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Roach and Smith, L. - 3.

SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5245, by Senators A. Smith, Quigley, Roach and Winsley (by request of Washington State Patrol)

Regulating the analysis of blood and breath alcohol.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5245.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5245 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Smith, L. - 2.

SENATE BILL NO. 5245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5056, by Senator Haugen

Regulating seaweed harvesting.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5056 was substituted for Senate Bill No. 5056 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate No. 5056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5056.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5056 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi,

Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Anderson - 1.

Excused: Senators Owen and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 5056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:29 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:16 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5851, by Senators Gaspard and Sellar

Changing the membership of the joint legislative systems committee.

The bill was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5851.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5851 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Rasmussen, M. - 1.

Excused: Senators Owen and Smith, L. - 2.

SENATE BILL NO. 5851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5104, by Senators Snyder, Anderson, Roach, Erwin and Barr

Designating salmon production as the primary mission of the department of fisheries.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Haugen, McCaslin, Niemi, Skratek and Spanel - 5.
Excused: Senators Owen and Smith, L. - 2.
SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5242, by Senators Jesernig, A. Smith, Loveland, Prentice, Bauer, Williams, Hargrove, Drew, M. Rasmussen, Snyder, McAuliffe, Wojahn, Quigley, Oke, Fraser, Winsley and Spanel

Revising incest law.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Smith, in meeting with some of my prosecutors this week, they have told me that in the past that virtually the incest laws are not used in prosecution because of the weakness. Do you feel that this correction will make them stronger in the prosecutor's view?"

Senator Adam Smith: "It makes it somewhat stronger, but it is not really addressing that problem. That problem was not brought before us. It was more in addressing a definitional problem."

Senator Anderson: "Did the prosecutors testify on behalf of this?"

Senator Adam Smith: "I really don't recall. I know they didn't oppose the bill. I don't think this was a big issue with them one way or the other."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5242.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Smith, L. - 2.

SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5148, by Senator Winsley

Adjusting penalties for improper use of disabled parking spaces.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5148 was substituted for Senate Bill No. 5148 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5148.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5355, by Senators Vognild and McCaslin

Extending the prohibition on mandatory local measured service.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:
On page 3, line 4, after "approve" strike "~~((, prior to June 1, 1993))~~" and insert ", prior to June 1, ((1993)) 1998,"

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Smith, L. - 2.

ENGROSSED SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5070, by Senators Prentice and Roach

Using labor relations consultants.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, McDonald, Newhouse, Oke, Sellar and West - 9.

Excused: Senators Owen and Smith, L. - 2.

SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 5180, by Senators Vognild, Nelson, Skratek, Winsley, Loveland, Drew, Prince, Sellar, Sheldon, Prentice, von Reichbauer, Barr, Erwin and Roach

Revising provisions relating to the legislative transportation committee.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting ye: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Moore, Owen and Smith, L. - 3.

SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:57 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, February 19, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 18, 1993

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FORTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 19, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 18, 1993
SB 5077 Prime Sponsor, Senator Vognild: Specifying when damages for pain and suffering of a deceased person may be recovered by survivors. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1993
SB 5220 Prime Sponsor, Senator Skratek: Linking state deposits to business loans. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5220 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Erwin, M. Rasmussen, and Williams.

MINORITY recommendation: Do not pass. Signed by Senator Deccio.

Passed to Committee on Rules for second reading.

February 18, 1993
SB 5222 Prime Sponsor, Senator Skratek: Establishing a project to assist urban/rural economic partnerships. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5222 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 18, 1993
SB 5262 Prime Sponsor, Senator M. Rasmussen: Modifying composition of the beef commission. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5379 Prime Sponsor, Senator M. Rasmussen: Making major changes to milk and milk products regulations. Reported by
Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5379 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5418 Prime Sponsor, Senator M. Rasmussen: Regulating alternative livestock. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5425 Prime Sponsor, Senator Fraser: Adjusting routes and methodology of scenic and recreational highways. Reported by
Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5425 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Oke, Prince, M. Rasmussen, and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5430 Prime Sponsor, Senator Fraser: Commemorating the thirtieth anniversary of Washington's sister-state relationship with Hyogo prefecture. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5443 Prime Sponsor, Senator M. Rasmussen: Modifying the regulation of livestock. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5471 Prime Sponsor, Senator A. Smith: Changing provisions relating to nonprofit corporations. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5471 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5481 Prime Sponsor, Senator Roach: Cancelling voter registration of felons. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5491 Prime Sponsor, Senator Niemi: Creating a task force on sentencing disparities. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5512 Prime Sponsor, Senator M. Rasmussen: Studying the impact on state businesses of international trade agreements. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5512 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5514 Prime Sponsor, Senator Sheldon: Creating the economic development grants program. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5514 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 18, 1993

SB 5567 Prime Sponsor, Senator Barr: Allowing benefits for emergency medical service district volunteers. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5567 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5596 Prime Sponsor, Senator Loveland: Destroying redeemed warrants. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5596 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5608 Prime Sponsor, Senator Skratek: Reauthorizing the community economic revitalization board. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5608 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 18, 1993

GA 9120 A.J. BERGERON, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Director of Veterans Affairs.

Reported by Committee on Government Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules.

February 18, 1993

GA 9122 GEORGE A. LINDAMOOD, appointed January 18, 1993, for a term beginning February 8, 1993, and ending at the Governor's pleasure, as Director of the Department of Information Services.

Reported by Committee on Government Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 15, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. Ted Bottiger, appointed January 15, 1993, for a term ending January 15, 1996, as a member of the Pacific Northwest Power and Conservation Planning Council.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Energy and Utilities.

January 29, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Jane Narver, reappointed January 29, 1993, for a term ending at the Governor's pleasure, as Chair of the Work Force Training and Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 16, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kelso Gillenwater, appointed February 16, 1993, for a term ending at the Governor's pleasure, as Chair of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 16, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alice Tawresey, reappointed February 16, 1993, for a term ending June 30, 1998, as a member of the Transportation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

MESSAGE FROM THE HOUSE

February 19, 1993

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE JOINT MEMORIAL NO. 4001, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE JOINT MEMORIAL NO. 4001.

INTRODUCTION AND FIRST READING

SB 5869 by Senators Moore, Newhouse, McCaslin, Owen and Oke

AN ACT Relating to gubernatorial appointments; and amending RCW 43.06.030 and 43.06.092.

Referred to Committee on Government Operations.

SB 5870 by Senators Haugen and McCaslin

AN ACT Relating to valuation of new construction; amending RCW 36.21.070; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5871 by Senators Roach, A. Smith, Hochstatter, Owen, McDonald, Pelz, Erwin, M. Rasmussen, Snyder, Loveland, Drew, Sellar, von Reichbauer, McCaslin and Oke

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5872 by Senators Wojahn, Prentice, Skratek, Gaspard, Prince, Franklin and von Reichbauer

AN ACT Relating to athletic trainers; amending RCW 18.130.040 and 7.70.020; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health and Human Services.

SB 5873 by Senators Bluechel, Skratek and Winsley

AN ACT Relating to work force training; and adding a new chapter to Title 82 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5874 by Senators Owen, Oke, Haugen, Hargrove, Erwin, Snyder, Franklin, Spanel, Sutherland, Sellar, McDonald, Bauer and Winsley

AN ACT Relating to improving recreational fishing; adding a new chapter to Title 75 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5875 by Senators Gaspard, von Reichbauer, A. Smith, Winsley and M. Rasmussen (by request of Military Department)

AN ACT Relating to the powers and duties of the governor as commander-in-chief of the Washington national guard; amending RCW 38.08.040; and adding a new section to chapter 38.08 RCW.

Referred to Committee on Law and Justice.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, February 22, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 19, 1993

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FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 22, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1993
SB 5123 Prime Sponsor, Senator A. Smith: Concerning automobile adjustment programs. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 18, 1993
SB 5142 Prime Sponsor, Senator Owen: Authorizing special license plates to support threatened or endangered food fish. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5142 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 19, 1993
SB 5152 Prime Sponsor, Senator Winsley: Providing procedures for the classification and valuation of property devoted primarily to low-income housing. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Fraser, McAuliffe, Pelz, Prince, and Sutherland.

Referred to Committee on Ways and Means.

February 17, 1993
SB 5159 Prime Sponsor, Senator Talmadge: Encouraging landscaping for energy conservation. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5159 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5181 Prime Sponsor, Senator Moore: Requiring securities advisers to provide a copy of new account forms. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5221 Prime Sponsor, Senator Skratek: Establishing the Washington rural development council. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5221 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5223 Prime Sponsor, Senator Skratek: Establishing the Washington state self-employment loan program. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5223 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 19, 1993

SB 5227 Prime Sponsor, Senator Skratek: Taxing property based on actual use. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Prince, and Sutherland.

Referred to Committee on Ways and Means.

February 19, 1993

SB 5235 Prime Sponsor, Senator Fraser: Modifying penalties and compliance for public water systems. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

February 19, 1993

SB 5278 Prime Sponsor, Senator Hargrove: Exempting from the shoreline management act certain projects that have been granted hydraulic permits. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5297 Prime Sponsor, Senator Fraser: Allowing state employees to donate sick leave and their personal holiday as shared leave. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5297 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Referred to Committee on Ways and Means.

February 19, 1993

SB 5332 Prime Sponsor, Senator West: Requiring the establishment of an underwater parks system. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 18, 1993

SB 5342 Prime Sponsor, Senator Vognild: Repealing the tax credit and exemption for alcohol used as fuel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Prentice, M. Rasmussen, and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Barr, Nelson, Oke, Prince, Sellar, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5372 Prime Sponsor, Senator Loveland: Changing multiple tax provisions. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5399 Prime Sponsor, Senator Quigley: Authorizing voluntary campaign spending limits. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5399 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

MINORITY recommendation: Do not pass substitute. Signed by Senators McCaslin, Nelson, and Roach.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5400 Prime Sponsor, Senator Quigley: Regulating campaign contributions and spending. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

MINORITY recommendation: Do not pass substitute. Signed by Senators McCaslin, Nelson, and Roach.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5401 Prime Sponsor, Senator Quigley: Regulating political telemarketing. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5424 Prime Sponsor, Senator Loveland: Exempting site exploration from shorelines management regulation. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5432 Prime Sponsor, Senator Pelz: Studying discrimination based on race and national origin in home mortgage lending. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5432 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

February 16, 1993

SB 5463 Prime Sponsor, Senator Moore: Prescribing unemployment compensation maximum benefits. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5474 Prime Sponsor, Senator A. Smith: Revising laws relating to discrimination. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5545 Prime Sponsor, Senator Williams: Modifying qualifications for registered architects. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5578 Prime Sponsor, Senator Fraser: Clarifying the areas where a personal use fishing license is not required. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5597 Prime Sponsor, Senator A. Smith: Limiting the use of documentary materials. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5609 Prime Sponsor, Senator Loveland: Changing provisions relating to levies. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5609 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5629 Prime Sponsor, Senator A. Smith: Modifying the conditions for change of motor vehicle registration relating to emission inspections. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, and Sutherland.

Referred to Committee on Ways and Means.

February 19, 1993

SB 5652 Prime Sponsor, Senator Hargrove: Revising provisions relating to offenders under the jurisdiction of the department of corrections. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5667 Prime Sponsor, Senator Talmadge: Creating a water trail recreation program. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5675 Prime Sponsor, Senator Drew: Concerning the financing of bonds for storm water facilities. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5800 Prime Sponsor, Senator Nelson: Increasing the penalty for violating human remains. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 19, 1993

GA 9192 CHARLES D. KEE, reappointed January 29, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9194 REPRESENTATIVE LYNN KESSLER, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9197 LOWELL E. KNUTSON, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Seattle Community College District No. 6.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9207 ARLENE MILLER, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9208 KAREN MILLER, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9214 ALICIA NAKATA, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9216 MARY NICHOLS, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9222 MELANIE PRINSEN, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9231 ART RUNESTRAND, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9236 ANN H. SCROGGS, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9238 JIM SHERRILL, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9246 R. C. STRAUSS, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9247 MARIAN SVINTH, reappointed January 29, 1993, for a term ending June 30, 1995, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9249 BERNIE THOMAS, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Whatcom Community College District No. 21.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9259 ARNOLD WRIGHT, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Clover Park Technical College District No. 29.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9260 PAUL J. WYSOCKI, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Seattle Community College District No. 6.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

February 19, 1993

GA 9263 DALE BRIGHTON, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 16, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Judge Jerome Farris, reappointed February 16, 1993, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 16, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
H. Jon Runstad, reappointed February 16, 1993, for a term ending September 30, 1998, as a member of the Board of Regents for the University of Washington.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 16, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Samuel Stroum, reappointed February 16, 1993, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

February 19, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1126,
SUBSTITUTE HOUSE BILL NO. 1159,
SUBSTITUTE HOUSE BILL NO. 1267,
ENGROSSED HOUSE BILL NO. 1303,
HOUSE BILL NO. 1344, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5876 by Senators Prentice, Skratek, Sellar, M. Rasmussen and Winsley

AN ACT Relating to ride sharing, vanpools, and public transportation facilities and vehicles; amending RCW 82.08.0287 and 82.44.015; creating a new section; repealing 1987 c 175 s 1 (uncodified); and making an appropriation.

Referred to Committee on Transportation.

SB 5877 by Senators Drew, West, Bauer, Prince and Winsley

AN ACT Relating to educational assistance to prospective teachers and health professionals; and amending RCW 28B.102.060 and 28B.115.120.

Referred to Committee on Higher Education.

SB 5878 by Senator Bauer

AN ACT Relating to higher education faculty tenure; amending RCW 28B.50.869; and repealing RCW 28B.50.858.

Referred to Committee on Higher Education.

SB 5879 by Senators A. Smith, Spanel, Deccio and Winsley

AN ACT Relating to child passenger restraint systems; amending RCW 46.61.687; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5880 by Senator McCaslin

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

Referred to Committee on Labor and Commerce.

SB 5881 by Senators Skratek, Erwin, Bluechel, Sheldon and M. Rasmussen

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

Referred to Committee on Trade, Technology and Economic Development.

SB 5882 by Senators Skratek, Erwin, Bluechel, Sheldon, M. Rasmussen and Winsley

AN ACT Relating to a Washington council for the future; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 5883 by Senators Bauer, Erwin, M. Rasmussen and Roach (by request of Superintendent of Public Instruction)

AN ACT Relating to high school students enrolled in community or technical colleges; and amending RCW 28A.600.310.

Referred to Committee on Higher Education.

SB 5884 by Senators Bauer, Erwin and M. Rasmussen (by request of Superintendent of Public Instruction)

AN ACT Relating to social security numbers used as student identification; adding a new section to chapter 28A.600 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5885 by Senator Gaspard (by request of Superintendent of Public Instruction)

AN ACT Relating to school bus replacement for public school districts; amending RCW 28A.160.200; adding new sections to chapter 28A.160 RCW; and providing an effective date.

Referred to Committee on Education.

SB 5886 by Senators Vognild, Prince, Prentice and Winsley (by request of Department of Licensing)

AN ACT Relating to driver licensing and related fees; amending RCW 46.20.117, 46.20.161, 46.20.181, 46.68.041, 46.20.120, 46.20.130, 46.20.505, and 46.20.515; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 5887 by Senators Owen, Oke, Hargrove, Spanel, Haugen, Sellar, Snyder, Franklin, Erwin and Winsley

AN ACT Relating to fish and wildlife; amending RCW 43.17.010, 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.055, 77.04.020, 77.04.030, 77.04.055, 77.08.010, 77.12.103, and 77.12.710; reenacting and amending RCW 75.08.011; adding a new section to chapter 75.08 RCW; adding a new section to chapter 77.04 RCW; adding a new section to chapter 77.12 RCW; creating new sections; repealing RCW 75.08.014, 77.04.020, and 77.04.080; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5888 by Senators Gaspard, Rinehart, Bauer, Snyder and Anderson

AN ACT Relating to improvement of retirement systems benefits.

Referred to Committee on Ways and Means.

SB 5889 by Senators Bauer, Prince, Loveland, Jesernig, Drew, Sheldon, Snyder and Spanel

AN ACT Relating to teacher training; and creating new sections.

Referred to Committee on Higher Education.

SB 5890 by Senators Vognild, Nelson and Skratek (by request of Office of Financial Management)

AN ACT Relating to transportation appropriations; adding a new section to Title 47 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SJM 8018 by Senators M. Rasmussen, Loveland, Barr, Jesernig, Newhouse and Winsley

Requesting amendment of the Delaney Clause of the federal food, drug, and cosmetic act.

Referred to Committee on Agriculture.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1126 by Representatives Dunshee, H. Myers, Springer and Veloria

Collecting certain water district fines.

Referred to Committee on Government Operations.

SHB 1159 by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Ludwig, Scott, Campbell, Kremen, Rayburn and Johanson)

Disclosing improper governmental action.

Referred to Committee on Government Operations.

SHB 1267 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Dorn, Scott, Reams, R. Meyers, Dellwo, Sheldon, Eide, King, Franklin, L. Johnson and Springer)

Requiring liability insurance for motorcycles.

Referred to Committee on Labor and Commerce.

EHB 1303 by Representatives R. Fisher and Johanson (by request of Department of Transportation)

Authorizing state highway bonds.

Referred to Committee on Transportation.

HB 1344 by Representative Jones

Altering vehicle axle restrictions.

Referred to Committee on Transportation.

MOTION

At 12:08 p.m., on motion of Senator Jesernig, the Senate recessed until 12:55 p.m. to meet at the door of the House Chamber for the purpose of a joint session.

JOINT SESSION

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

The Speaker (Representative Ron Meyers presiding) instructed the Sergeant at Arms of the House and the Senate to escort President of the Senate Joel Pritchard to his seat on the rostrum and to escort President Pro Tempore of the Senate R. Lorraine Wojahn, Vice President Pro Tempore of the Senate Al Williams, Majority Leader Marcus S. Gaspard and Republican Leader George L. Sellar to seats within the House Chamber.

The Speaker (Representative Ron Meyers presiding) invited the Senators to seats within the House Chamber.

The Speaker (Representative Ron Meyers presiding) instructed the Sergeant at Arms of the Senate and House to escort the Memorialists to seats within the House Chamber.

The Speaker (Representative Ron Meyers presiding) presented the gavel to President Pritchard.

The Flag was escorted to the rostrum by the All Service Color Guard.

The Secretary of the Senate called the roll of the Senate.

The Clerk of the House called the roll of the House.

The President of the Senate introduced The Honorable James A. Anderson, Chief Justice of the Supreme Court, and the Honorable John L. O'Brien, former Speaker of the House, who were seated on the rostrum.

President Pritchard: "Honored members of the Legislature, ladies and gentlemen. The purpose of this joint session is to conduct a memorial service in memory of the departed former members of the Legislature. The President, at this time, would like to respectfully present the Honorable Ron Meyers, Speaker Pro Tempore, of the House of Representatives."

The President of the Senate presented the gavel to Speaker Pro Tempore Meyers.

MEMORIAL PROGRAM

Presiding: President of the Senate Joel Pritchard
Chair: Speaker Pro Tempore Ron Meyers

INVOCATION

by

The Reverend Michael J. Ryan, St. Michael's
Catholic Church of Olympia

Lords Prayer and I Believe/Ave Maria Medley

RAZZMATAZZ

Peninsula High School
Connie Fenton, Director
Andrea Crowell, Accompanist

Exsultate, Jubilate "Alleluia" (Mozart)

Nancy Grist
Lynn Lewis, Accompanist

MEMORIAL TRIBUTE

by

Speaker Pro Tempore Ron Meyers
Representative Todd Mielke

Speaker Pro Tempore Meyers: "We are assembled today to pay tribute to the lives and services of distinguished former members of the Senate and House of Representatives of the state of Washington who have passed from among us.

"On behalf of the people of our state, the Fifty-Third Legislative Session of the state of Washington conveys its respect to these deceased legislators who once sat in the hallowed Chambers of the House and Senate, voted often on important and complicated bills, attended committee meetings, and above all else, served to the best of their abilities in order to make our state a better and more enjoyable place to live. Their achievements, records and valued services have been recorded in the Journals of the Senate and House, and are now and forever more a permanent part of the history of the state of Washington.

"We express our sympathies to their families and friends and share with them on this memorable occasion the fond and happy memories of these legislators who served with distinction and who truly loved the state of Washington. They have left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our legislative records."

CANDLE SERVICE

IN MEMORIUM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us, the Fifty-Third Legislative Session of the state of Washington conveys its respect on behalf of the people of our State. May the memory of their dedicated service remain in our hearts.

IN MEMORY OF: TRIBUTE BY:
Richard O. Barnes Senator Dan McDonald
Noel Bickham Senator Alex Deccio
Damon Canfield Representative Betty Edmondson
John A. Cherberg Senator Sid Snyder
John T. Day Representative Bill Grant
Frank Foley Senator Sid Snyder

Art Gallagher Representative Wes Pruitt
P. J."Jim" Gallagher Representative Brian Ebersole
Herbert M. Hamblen Representative Mike Padden
Frank "Tub" Hansen Senator Ray Moore
Bruce Holland Representative Jean Silver
Francis E. Holman Representative Grace Cole
Jack C. Hood Representative Pete Kremen
Elmer Jastad Representative Richard King
Asa Jones Representative Louise Miller
Walter A. Johnson Representative Barbara Lisk
Hugh Kalich Representative David J. Chappell
Reuben A. Knoblauch Senator Marcus S. Gaspard
Ray Olsen Representative Georgette Valle
Blanche Pennick Representative Bob Basich
Robert Perry Representative Velma Veloria
William O. E. Radcliffe Representative Bill Brumsickle
A.L."Slim" Rasmussen Senator Rosa Franklin
John N. Ryder Representative Jean Marie Brough
Corwin Philip Shank Representative Mick Hansen
John Stender Representative Ken Jacobsen
Corbin Sullivan Representative Val Ogden
John Sylvester Representative June Leonard
Ren Taylor Senator Shirley Winsley
Theodore Turner Representative Tracey Eide
Zachary A. Vane Representative Steve Conway
Bruce A. Wilson Senator Scott Barr
Harold Wolf Senator Eugene Prince

FLOWER TRIBUTE

by

Members of the Senate and House of Representatives

How Great Thou Art

Kathy Ward

Lynn Lewis, Accompanist

Amazing Grace

Peter Rolstad, Piper

Moonlight Sonata

Lynn Lewis

America the Beautiful

Calvin Bethea

Lois Bradford, Accompanist

BENEDICTION

The Reverend Leo Brown

True Vine Community Church of God of Tacoma

Echo Taps 9th Infantry Division (M) Band

Fife, SSGT. Paul Dorwin

Drummer, Michael Holbrook

Bugler, SGT. Bennett

Bugler, SGT. Haag

All Service Color Guard

Army SGT. Hawkins, NCOIC I CORPS Command

Army SGT. Puentes

Army SPC. Mason

Army SPC. David

Army PFC. Terrill

Marines SGT. Graak

Marines CPL. Rowland

Navy NC-2 Hopwood

Air Force A1C Weber

Coast Guard SK3 Hard

Speaker Pro Tempore Meyers presented the gavel to the President of the Senate.

President Pritchard: "Thank you, Speaker Pro Tempore Meyers, Representatives Mielke and other members of our Memorial Committee, Senators Deccio, Franklin, Prince and Snyder, and Representatives Leonard, Padden and Veloria. Our warmest gratitude to those of you who have participated in the program today.

"The President hopes that the loved ones of the dearly departed gained considerable solace and comfort from this very impressive and sincere ceremony."

The Colors were retired by the All Service Color Guard.

The President of the Senate announced the conclusion of the Memorial Service.

The President of the Senate returned the gavel to Speaker Pro Tempore Meyers.

MOTION

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

Speaker Pro Tempore Meyers: "Thank you President Pritchard. We appreciate the excellent job you have done in presiding over this fine Memorial Service and on behalf of the House of Representatives we extend to you our deep appreciation."

The Speaker (Representative Ron Meyers presiding) instructed the Sergeant at Arms of the House and the Senate to escort the President of the Senate Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard, Republican Leader George L. Sellar and members of the Senate from the House Chamber.

The Senate was called to order at 2:01 p.m. by President Pritchard.

MOTION

At 2:01 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Tuesday, February 23, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 22, 1993

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

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 23, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McDonald, Moore, Prentice and Sutherland. On motion of Senator Oke, Senator McDonald was excused. On motion of Senator Spanel, Senators Moore and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Merrilee Feller and Michael Deccio, presented the Colors. Reverend Bob Schiefer, pastor of the Seventh Day Adventist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1993
SB 5310 Prime Sponsor, Senator Owen: Modifying prosecutions for trespass or waste of public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5310 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 22, 1993
SB 5407 Prime Sponsor, Senator Loveland: Regarding county administration of agricultural burning permits. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5407 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 12, 1993

Mr. Marty Brown
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Marty:

Enclosed is our annual Report to the Legislature on the Washington State Child Care Coordinating Committee, as required by Chapter 213, Laws of 1988.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
JEAN T. SOLIZ, Secretary

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 16, 1993

Mr. Marty Brown
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Marty:

Enclosed is our Report to the Legislature on An Implementation Framework for Providing More Integrated Service Delivery to Specific Target Populations, as required by Chapter 230, Laws of 1992.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
JEAN T. SOLIZ, Secretary

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

February 16, 1993

Mr. Marty Brown
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Marty:

Enclosed is our Report to the Legislature on the Status Report of the Telecommunications Access Service as required by Chapter 89, Laws of 1990 and RCW 43.20A.720.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
JEAN T. SOLIZ, Secretary

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

MESSAGES FROM THE HOUSE

February 22, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1005,
SUBSTITUTE HOUSE BILL NO. 1017,
SUBSTITUTE HOUSE BILL NO. 1026,
SUBSTITUTE HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1064,
SUBSTITUTE HOUSE BILL NO. 1103,
ENGROSSED HOUSE BILL NO. 1115,

SUBSTITUTE HOUSE BILL NO. 1129,
HOUSE BILL NO. 1216,
HOUSE BILL NO. 1263,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4000, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 22, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1035,
HOUSE BILL NO. 1078,
HOUSE BILL NO. 1079, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5891 by Senator Haugen

AN ACT Relating to compensation of local government officials; adding a new section to chapter 42.16 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5892 by Senator Fraser (by request of Law Revision Commission)

AN ACT Relating to correcting a double amendment relating to periodic case review for children in substitute care; and reenacting RCW 13.70.005.

Referred to Committee on Health and Human Services.

SB 5893 by Senators Quigley and Hochstatter

AN ACT Relating to expanding access to higher education; amending RCW 28B.10.808; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 5894 by Senator Quigley

AN ACT Relating to higher education; amending RCW 28B.15.202 and 28B.15.402; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5895 by Senators Fraser, Deccio, Moore, Talmadge and Sutherland

AN ACT Relating to the environmental science advisory board; amending RCW 70.105D.030 and 70.94.039; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ecology and Parks.

SB 5896 by Senators M. Rasmussen, Amondson, Haugen, Winsley, Sheldon, Gaspard and Snyder

AN ACT Relating to public restroom facilities; and amending RCW 67.28.210.

Referred to Committee on Government Operations.

SB 5897 by Senator Pelz

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.44.240, 43.43.310, 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.08.020, 84.52.043, and 43.135.020; reenacting and amending RCW 41.24.240, 41.26.180, 41.32.052, 41.40.052, and 76.12.120; adding a new section

to chapter 84.52 RCW; adding a new title to the Revised Code of Washington to be numbered Title 82A RCW; creating a new section; repealing RCW 82.04.2901, 82.04.2904, 6.15.025, 84.52.065, and 84.52.067; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways and Means.

SB 5898 by Senators Haugen, Oke, Winsley and Hochstatter

AN ACT Relating to impact fees; amending RCW 82.02.050; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Government Operations.

SB 5899 by Senators Pelz, A. Smith, Moore, Wojahn, von Reichbauer, Skratek, Quigley, Talmadge, Niemi, Erwin, Prentice and Winsley

AN ACT Relating to compensation systems for educational employees; and creating a new section.

Referred to Committee on Education.

SB 5900 by Senator Sutherland

AN ACT Relating to fenestration rating standards; and amending RCW 19.27A.020.

Referred to Committee on Energy and Utilities.

SJM 8019 by Senators Spanel, Prentice, M. Rasmussen, Williams, Pelz, Franklin, Rinehart and Quigley

Requesting Congress not approve certain international trade agreements.

Referred to Committee on Trade, Technology and Economic Development.

SJR 8215 by Senator Pelz

Providing an income tax.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1005 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Wood, Ogden, Schmidt, Dellwo, Miller, Sheldon, Basich, Franklin, Mielke, Ludwig, Morris, J. Kohl, Wineberry, Anderson, Orr, Brumsickle, Kremen, H. Myers, Pruitt, Romero, Van Luven, Long, King, Springer, Dyer, Brown, Quall, Veloria, Chappell, Leonard, Edmondson, Sehlin, Rayburn, Flemming, Roland, Karahalios, Shin and Hansen)

Adding student members to the governing boards of institutions of higher education.

Referred to Committee on Higher Education.

SHB 1017 by House Committee on Education (originally sponsored by Representatives Forner, Dorn, Brough, Chandler, Brumsickle, Vance, Cooke, Thomas, Long, Reams, Van Luven, Kremen, Tate, Mielke, Miller, Ballard, Basich, Dyer, Sheldon, Wood, Foreman, Ballasiotes, Schoesler, Morton, Stevens, Carlson, Edmondson, Sehlin, Rayburn and Horn)

Concerning the employment of persons with a history of sexual exploitation of children.

Referred to Committee on Education.

SHB 1026 by House Committee on Local Government (originally sponsored by Representatives Ludwig, H. Myers, Chandler, Bray, Edmondson and Springer)

Excepting public defender services from county competitive bid requirements.

Referred to Committee on Government Operations.

HB 1035 by Representatives Appelwick, Padden and Ludwig (by request of Law Revision Commission)

Correcting double amendments relating to support obligations.

Referred to Committee on Law and Justice.

SHB 1057 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Franklin, Zellinsky, Campbell and Springer)

Correcting double amendments relating to regulation of mobile and manufactured homes.

Referred to Committee on Labor and Commerce.

SHB 1064 by House Committee on Education (originally sponsored by Representatives G. Cole, Van Luven, G. Fisher, Cothorn, Dorn, Holm, Leonard, Jones, Rust, R. Fisher, Jacobsen, King, Dellwo, Scott, Morris, Wang, Thibaudeau, Romero, Valle, Pruitt, Appelwick, Basich, J. Kohl, Anderson, Ogden, H. Myers, Wineberry, Riley, Brown, Long, Orr, Shin, Horn, Forner, Eide, Wolfe, Johanson, Kessler and Veloria)

Requiring the adoption of a policy prohibiting corporal punishment in schools.

Referred to Committee on Education.

HB 1078 by Representatives Appelwick, Padden, Ludwig, Orr and Johanson

Regulating the passing of interests at death.

Referred to Committee on Law and Justice.

HB 1079 by Representatives Appelwick, Padden, Ludwig, Orr, Basich and Johanson (by request of Law Revision Commission)

Correcting an error in procedure for review of eminent domain judgments.

Referred to Committee on Law and Justice.

SHB 1103 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brown, Schmidt, Wood, Jones, Franklin and Johanson)

Changing the model traffic ordinance from statute to rule.

Referred to Committee on Transportation.

EHB 1115 by Representatives Riley, Mielke, R. Johnson, Jones, Brough, Van Luven and Karahalios

Allowing law enforcement agencies to have access to children's records in cases of reported child abuse and neglect.

Referred to Committee on Health and Human Services.

SHB 1129 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brown, Schmidt, Brough and Mielke) (by request of Washington State Patrol)

Limiting commercial motor vehicle inspections.

Referred to Committee on Transportation.

HB 1216 by Representatives Veloria, Heavey, Horn and King (by request of Liquor Control Board)

Regulating acceptance and disbursement of funds and grants by the liquor control board.

Referred to Committee on Labor and Commerce.

HB 1263 by Representatives R. Fisher, Schmidt, R. Meyers and Zellinsky

Specifying testing for state patrol promotion.

Referred to Committee on Transportation.

EHJM 4000 by Representatives Locke, R. Fisher, Horn, Anderson, Wineberry, Ballasiotes, Thibaudeau, Eide, Flemming, Jacobsen and Ogden

Honoring Homer M. Hadley.

Referred to Committee on Transportation.

MOTION

Senator Jesernig moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 5418 and that Senate Bill No. 5418 be referred to the Committee on Natural Resources.

POINT OF INQUIRY

Senator Anderson: "Senator Jesernig, this is a bill that I did pull in Rules from the white sheet to the green sheet the other day. Now, it is being referred back to committee and I would like some assurance that this is not a measure to delay this action but just for further review by Senator Owen's committee."

Senator Jesernig: "Thank you, Senator Anderson. I am hopeful that Senator Owen will be reviewing this. This was an agreement between the chairs when this bill came up that both committees would be reviewing this measure. It affects both agriculture and the Department of Wildlife and this shouldn't have gone to Rules in the first place. It should have gone straight to Natural Resources and so we are simply sending it there, where it should have gone in the first place."

The President declared the question before the Senate to be the motion by Senator Jesernig that the Committee on Rules be relieved of Senate Bill No. 5418 and that Senate Bill No. 5418 be referred to the Committee on Natural Resources.

The motion by Senator Jesernig carried and Senate Bill No. 5418 was referred to the Committee on Natural Resources.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9115, Chase Riveland, as Secretary of the Department of Corrections, was confirmed.

APPOINTMENT OF CHASE RIVELAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Roach and West - 2.

Absent: Senator Sutherland - 1.

Excused: Senators McDonald, Moore and Prentice - 3.

SECOND READING

SENATE BILL NO. 5179, by Senators Owen, Barr, Fraser, Rinehart and Sutherland

Promoting vessel safety.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Prentice - 2.

SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Owen: "A point of personal privilege. Ladies and gentlemen of the Senate, this bill that you just voted on was a bill that my Mother asked me to introduce this year. On behalf of her and the rest of my family, I would like to say 'thank you' for helping me get this out."

SECOND READING

SENATE JOINT MEMORIAL NO. 8005, by Senators Oke, Owen, Hargrove, Amondson, Erwin, Haugen, Snyder, Hochstatter, Deccio, M. Rasmussen and Roach

Requesting the federal government to allow the state of Washington to permanently remove certain predatory seals and sea lions.

MOTIONS

On motion of Senator Owen, Substitute Senate Joint Memorial No. 8005 was substituted for Senate Joint Memorial No. 8005 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Owen, Substitute Senate Joint Memorial No. 8005 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8005.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8005 and the joint memorial passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West and Winsley - 41.

Voting nay: Senators Moore, Pelz, Rinehart, Talmadge, Williams and Wojahn - 6.

Excused: Senators McDonald and Prentice - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8005, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5313, by Senators Loveland, Winsley, Oke, Haugen, Sheldon, Owen, Quigley and Erwin

Deleting the expiration date for a portion of the surcharge on recording documents.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5313 was substituted for Senate Bill No. 5313 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, Substitute Senate Bill No. 5313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5313.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Roach and Smith, L. - 6.

Excused: Senators McDonald, Prentice and Vognild - 3.

SUBSTITUTE SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:33 a.m., on motion of Senator Jesernig, the Senate recessed until 11:15 a.m.

The Senate was called to order at 11:45 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5260, by Senators Spanel, Owen, Oke, Haugen, Hargrove and Snyder

Requiring salmon food fish to be labeled by its source and common name.

The bill was read the second time.

MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Owen and Oke be adopted:

On page 2, line 23, after "-grown." insert "Identification of salmon being sold does not require individual labeling of each piece or package. Clear signage posted near the product shall be sufficient for purposes of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Owen and Oke on page 2, line 23, to Senate Bill No. 5260.

The motion by Senator Spanel carried and the amendment was adopted.

MOTION

On motion of Senator Hargrove, Engrossed Senate Bill No. 5260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senator Sutherland requested that Senator Spanel yield to a question, but Senator Spanel refused to yield.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5260.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5260 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prince,

Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator McCaslin - 1.

Absent: Senators Niemi and Owen - 2.

Excused: Senators McDonald and Prentice - 2.

ENGROSSED SENATE BILL NO. 5260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senators Owen and Niemi were excused.

SECOND READING

SENATE BILL NO. 5320, by Senators Fraser, Talmadge, Winsley, Deccio, Moore and Sutherland

Adopting limits on phosphorus contents in certain detergents.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5320 was substituted for Senate Bill No. 5320 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendments by Senators Fraser and Barr were considered simultaneously and were adopted:

On page 2, line 17, after "After" strike "October 1, 1993" and insert "July 1, 1994"

On page 2, line 20, after "After" strike "October 1, 1993" and insert "July 1, 1994"

MOTION

Senator Fraser moved that the following amendments by Senators Fraser, Barr, Talmadge and Hargrove be considered simultaneously and be adopted:

On page 2, after line 27, insert the following:

"NEW SECTION. Sec. 5. The attorney general or appropriate city or county prosecuting attorney is authorized to bring an appropriate action to enjoin any violation of the provisions of section 3 of this act."

Renumber the remaining sections consecutively.

On page 2, line 28, after "through" strike "4" and insert "5"

POINT OF INQUIRY

Senator Anderson: "Senator Fraser, before I vote on these amendments, which is an enforcement, I think we should maybe talk about the underlying substitute bill that is in our books. This is putting into effect, in the state of Washington, a percent limit of phosphorus on dishwasher and laundry soaps sold. Not having been in on the committee discussion, I really wanted to have a discussion if things like the commercial Tide laundry detergent and Bold laundry detergent and Cascade dishwasher liquid that we buy now would meet these limits, because if things that are on the shelf now would be outlawed, then I am hesitant to vote for an enforcement of that, not understanding how this is going to change our current system as a purchaser."

Senator Fraser: "Thank you for your question. I am pleased to clarify that these limitations do not preclude the sale of any current dishwasher soap in the state. In fact, the limit is slightly above soaps that I know of that are being sold. The main effect is on laundry soap. Those are sold interchangeable and so the main effect of the entire bill is on laundry soap."

Senator Anderson: "So, in following through with that, the laundry soap that you are talking about, the commercial brands like Tide laundry soap, that's what I use--I don't know what everyone else uses--Bold and those types of things, they would have to change in this state from the current on-the-shelf that the consumers can go buy right now?"

Senator Fraser: "Both types are sold now in the state and they are sold interchangeable. You have to look very, very carefully on the box to determine which kind you are buying. With the passage of this bill, the distributors and purchasers who sell at retail would need to be sure that they order only the very low phosphate soap for laundry. In terms of your use of the word commercial, commercial and industrial uses are specifically exempted from the bill."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fraser, Barr, Talmadge and Hargrove on page 2, after line 27 and line 28 to Substitute Senate Bill No. 5320.

The motion by Senator Fraser carried and the amendments were adopted.

MOTION

On motion of Senator Fraser, Engrossed Substitute Senate Bill No. 5320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5320.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5320 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Newhouse and Smith, L. - 3.

Excused: Senators McDonald, Niemi, Owen and Prentice - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:05 p.m., on motion of Senator Jesernig, the Senate adjourned until 1:30 p.m., Wednesday, February 24, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 23, 1993

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FORTY-FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, February 24, 1993

The Senate was called to order at 1:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Moore, Owen, Prentice and Linda Smith. On motion of Senator Oke, Senator Linda Smith was excused. On motion of Senator Spanel, Senators Moore, Owen and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Madison Moores and Kelly Pitt, presented the Colors. Reverend Bob Schiefer, pastor of the Seventh Day Adventist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1993

SB 5219 Prime Sponsor, Senator M. Rasmussen: Modifying provisions regarding the Washington wine commission. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Spanel, Vice Chairman; Bluechel, Cantu, Hargrove, Hochstatter, McDonald, Moyer, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

February 19, 1993

SB 5304 Prime Sponsor, Senator Talmadge: Reforming health care cost control and access. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5304 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Referred to Committee on Ways and Means.

February 22, 1993

SB 5307 Prime Sponsor, Senator Pelz: Prohibiting firearms and dangerous weapons on school premises, with limited exceptions. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, McDonald, Moyer, M. Rasmussen, Rinehart, and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5375 Prime Sponsor, Senator Bauer: Regulating personal service contracts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 22, 1993

SB 5387 Prime Sponsor, Senator Fraser: Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Spanel, Vice Chairman; Bluechel, Cantu, Hargrove, Hochstatter, McDonald, Moyer, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5476 Prime Sponsor, Senator Talmadge: Providing for HIV testing of juvenile sex offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Spanel.

Referred to Committee on Ways and Means.

February 23, 1993

SB 5508 Prime Sponsor, Senator Hargrove: Modifying child support orders in dependency cases. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Rinehart, Roach, and Spanel.

Referred to Committee on Ways and Means.

February 23, 1993

SB 5523 Prime Sponsor, Senator Barr: Expanding authority for appointment of district court judges pro tem. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5528 Prime Sponsor, Senator Quigley: Altering court fees. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5638 Prime Sponsor, Senator Skratek: Modifying property tax valuation of property affected by growth management regulations. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5715 Prime Sponsor, Senator Bluechel: Assisting businesses to form flexible networks. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5715 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 23, 1993

SJM 8003 Prime Sponsor, Senator Skratek: Petitioning Congress to establish the Rural Development Council on a permanent basis. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8003 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 23, 1993

SJM 8013 Prime Sponsor, Senator Winsley: Petitioning the president on behalf of disabled veterans. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1993

SJR 8203 Prime Sponsor, Senator Haugen: Amending the Constitution to revise the method of altering county boundaries. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Owen, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

February 19, 1993

SJR 8207 Prime Sponsor, Senator Skratek: Taxing based on actual use. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 8207 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Prince, and Sutherland.

Referred to Committee on Ways and Means.

February 23, 1993

SCR 8404 Prime Sponsor, Senator Haugen: Creating the Joint Select Committee on Veterans and Military Personnel Affairs. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 23, 1993

GA 9128 DR. PETER J. GOLDMARK, appointed January 29, 1993, for a term beginning February 8, 1993, and ending at the Governor's pleasure, as Director of the Department of Agriculture.
Reported by Committee on Agriculture

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules.

February 23, 1993

GA 9137 KATHRYN S. BAIL, reappointed January 29, 1993, for a term ending April 15, 1996, as Chair of the Indeterminate Sentence Review Board.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules.

February 23, 1993

GA 9200 JUDGE DAVID R. LaROSE, reappointed January 29, 1993, for a term ending June 30, 1996, as Chief Administrative Law Judge for the Office of Administrative Hearings.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5901 by Senators Rinehart, Snyder, Gaspard, Moore, McDonald and Winsley (by request of Governor Lowry and State Treasurer)

AN ACT Relating to consolidation of revenue bond-issuing authorities; amending RCW 4.92.040, 28B.07.020, 39.84.200, 42.17.2401, 43.160.050, 43.163.005, 43.163.010, 43.180.010, 43.180.020, 43.180.030, 43.180.050, 43.180.060, 43.180.070, 43.180.080, 43.180.090, 43.180.100, 43.180.110, 43.180.130, 43.180.140, 43.180.150, 43.180.170, 43.180.180, 43.180.200, 43.180.310, 43.180.320, 43.180.330, 43.180.340, 82.04.408, 84.36.135, 70.37.020, and 70.170.070; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 28B.07.030, 43.163.020, 43.180.040, 43.180.160, and 70.37.030; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5902 by Senators Cantu, Drew, Haugen, Deccio, Loveland and Winsley

AN ACT Relating to a geographic information council; adding new sections to chapter 43.30 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Government Operations.

SB 5903 by Senators Bauer, Winsley and von Reichbauer (by request of State Board for Community and Technical Colleges)

AN ACT Relating to the allocation of funds for high school students enrolled in community and technical college programs; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Higher Education.

SB 5904 by Senators Anderson and Oke

AN ACT Relating to the higher education options program; amending RCW 28B.15.515, 41.06.380, 28B.16.040, and 28B.16.240; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.35 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5905 by Senators Vognild, Fraser and Deccio (by request of County Road Administration Board)

AN ACT Relating to the county road administration board; and amending RCW 36.78.020, 36.78.050, and 36.78.070.

Referred to Committee on Transportation.

SB 5906 by Senators Moore, Newhouse, Wojahn, Amondson and Hochstatter

AN ACT Relating to electrical inspection standards; and amending RCW 19.28.005, 19.28.010, and 19.28.060.

Referred to Committee on Labor and Commerce.

SB 5907 by Senator Amondson

AN ACT Relating to government; and adding a new section to chapter 42.30 RCW.

Referred to Committee on Government Operations.

SB 5908 by Senators Wojahn, Niemi, Snyder, Rinehart and Moore

AN ACT Relating to the patient self-determination act; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health and Human Services.

SB 5909 by Senators Sheldon, Oke and Owen

AN ACT Relating to the diversification of the economy of Kitsap county; creating a new section; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 5910 by Senator Sutherland

AN ACT Relating to public drinking water systems; adding a new chapter to Title 70 RCW; and making appropriations.

Referred to Committee on Energy and Utilities.

SB 5911 by Senators Cantu, Skratek, Bluechel and Winsley

AN ACT Relating to economic development; and amending RCW 43.210.110.

Referred to Committee on Trade, Technology and Economic Development.

SB 5912 by Senator Sellar

AN ACT Relating to drawings for prizes; amending RCW 9.46.0257; adding a new section to chapter 9.46 RCW; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Labor and Commerce.

SB 5913 by Senator Sellar

AN ACT Relating to annexation procedures for public hospital districts; and amending RCW 70.44.200.

Referred to Committee on Government Operations.

SB 5914 by Senators Wojahn, Franklin and Williams

AN ACT Relating to the payment of taxes; and amending RCW 82.32.045.

Referred to Committee on Ways and Means.

SB 5915 by Senators Bluechel and Vognild

AN ACT Relating to accelerant detection dogs; amending RCW 4.24.410 and 9A.76.200; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5916 by Senators Haugen and Erwin

AN ACT Relating to tax levies for emergency medical care and services; and amending RCW 84.52.069.

Referred to Committee on Government Operations.

MOTION

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

SENATE RESOLUTION 1993-8611

By Senators Spanel and Anderson

WHEREAS, One hundred years ago, under the provisions of the Federal Statehood Enabling Act, the Washington State Legislature designated property overlooking Bellingham Bay and the San Juan Islands as the site of a proposed normal school; and

WHEREAS, In 1895, the Legislature appropriated funds for New Whatcom Normal School to construct a single structure, now the central portion of Old Main; and

WHEREAS, In 1899, the Legislature voted thirty-three thousand five hundred dollars to equip and operate the school and on September 6, 1899, Principal Edward T. Mathes welcomed the first class of eighty-eight students, a number which doubled by week's end and rose to over two hundred within one month; and

WHEREAS, In 1933, the Legislature granted to the institution the right to confer degrees, following which a continuing expansion and elaboration in academic and degree programs, including graduate, interdisciplinary, and international studies, transformed the institution's educational role from one limited to the training of teachers to its status today as a multipurpose, comprehensive, regional university; and

WHEREAS, Commensurate with its increasing academic diversity, the school's name was changed by legislative action from New Whatcom Normal School to Western Washington College of Education in 1937, to Western Washington State College in 1961, and to Western Washington University in 1977; and

WHEREAS, Distinguished faculty, staff, and administrators have successfully acted in concert to fulfill the call for traditional educational values, to transmit new academic knowledge, technologies, and methods, and to prepare for the imminent educational challenges inherent in a new century; and

WHEREAS, Over the past century, Western Washington University has provided outstanding, nationally recognized liberal arts and business programs to more than one hundred thousand Washington citizens; and

WHEREAS, The graduates of Western Washington University have distinguished themselves in many fields including teaching, government service, business, the arts, the professions, and the sciences; and

WHEREAS, Ceremonies scheduled by Western Washington University to take place during the week of February 22 to 26, 1993, will formally observe and commemorate the one hundred year anniversary of the founding of the institution;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor and proclaim the one hundredth anniversary of the founding of Western Washington University and the celebratory events as the University enters into its second century of service to the state of Washington reaffirming its dedication to educational excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to Mary Kay Becker, Chair of the Board of Trustees, and Dr. Larry Marrs, Chair of the Founders Celebration Committee, all of Western Washington University.

Senators Anderson and Spanel spoke to Senate Resolution 1993-8611.

MOTION

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

SENATE RESOLUTION 1993-8610

By Senators Snyder and M. Rasmussen

WHEREAS, Robert V. Graham has faithfully served the people of the state of Washington for over fifty years; and

WHEREAS, Robert V. Graham has served forty-seven of those years in the employ of the State Auditor's Office; and
WHEREAS, Robert V. Graham has served as the elected State Auditor of the state of Washington for seven consecutive terms (twenty-eight years) from 1965 to 1993; and

WHEREAS, During all of the above service, Robert V. Graham, has served with a level of honor, dignity, honesty, and integrity seldom rivaled by a public servant in this state; and

WHEREAS, Robert V. Graham has been recognized by many national, state and local organizations for his accomplishments, character and dedication to the principles of public service;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes and expresses its appreciation to Robert V. Graham for his honorable service to the people of the state of Washington; and

BE IT FURTHER RESOLVED, That the honorary title of State Auditor Emeritus is bestowed on Robert V. Graham; and
BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Robert V. Graham.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Robert V. Graham and Mrs. Graham who were seated on the rostrum.
With permission of the Senate, business was suspended to permit the former state auditor to address the Senate.

MOTION

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

SENATE RESOLUTION 1993-8614

By Senator Cantu

WHEREAS, The retail baking industry is vital to the state of Washington, greatly contributing to local economic prosperity and the health and well-being of our citizens; and

WHEREAS, The retail baking industry, across the nation, includes more than forty-five thousand independent retail and in-store units generating over fifteen billion dollars in annual sales; and

WHEREAS, Retail bakers play active business and community service roles in communities throughout this state, providing delicious fresh baked foods and serving as a valuable community resource on baking, food preparation, and food presentation; and

WHEREAS, Retail bakers are excellent role models as successful entrepreneurs and provide quality training for our young people considering careers in the baking profession; and

WHEREAS, February 21 through 27, 1993, has been designated "National Retail Bakers Week" by the Retail Bakers of America;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, to express appreciation to the retail bakers of Washington, hereby designates the week of February 21 through 27, 1993, as "Retail Bakers Week."

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5441, by Senators McAuliffe, Erwin, Talmadge, M. Rasmussen, Drew, Spanel, Loveland, von Reichbauer and Winsley (by request of Department of Social and Health Services)

Updating statutes for rehabilitation services for handicapped persons.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5441.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Moore, Owen, Prentice and Smith, L. - 4.

SENATE BILL NO. 5441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5035, by Senator Haugen

Authorizing cities to use the hotel-motel tax for public restroom facilities.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5035.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Prentice and Smith, L. - 3.

SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5386, by Senators Wojahn, Moyer, Gaspard, Deccio, Hochstatter and Winsley

Modifying licensure of home health, hospice, and home care agencies.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5386 was substituted for Senate Bill No. 5386 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5386.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5386 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Prentice and Smith, L. - 3.

SUBSTITUTE SENATE BILL NO. 5386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:02 p.m., on motion of Senator Jesernig, the Senate recessed until 3:00 p.m.

The Senate was called to order at 3:22 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5251, by Senators Bauer, Snyder, Sheldon, Moore, Prentice, Sutherland, Jesernig, Rinehart and Winsley

Requiring identification for the nonresident sales tax exemption.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Moyer - 1.

Excused: Senators Owen, Prentice and Smith, L. - 3.

SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Moyer was excused.

On motion of Senator Loveland, Senator Rinehart was excused.

SECOND READING

SENATE BILL NO. 5088, by Senators McCaslin and Barr

Authorizing flexible approaches to developing administrative rules.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5088 was substituted for Senate Bill No. 5088 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Moyer, Owen, Prentice, Rinehart and Smith, L. - 5.

SUBSTITUTE SENATE BILL NO. 5088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:33 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, February 25, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 24, 1993

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

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 25, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, McCaslin, Moore, Moyer, Owen, Prentice and Linda Smith. On motion of Senator Oke, Senators Barr, McCaslin, Moyer, and Linda Smith were excused. On motion of Senator Spanel, Senators Moore, Owen and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy O'Connell and Anne Peterson, presented the Colors. Reverend Paul Pierce, pastor of the First Baptist Church of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1993

SB 5282 Prime Sponsor, Senator Moore: Enhancing penalties for animal cruelty. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Bauer, and Snyder.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5287 Prime Sponsor, Senator Barr: Prescribing additional penalties for failure to make restitution for theft of livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, and Snyder.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5288 Prime Sponsor, Senator Fraser: Extending the expiration date of the solid waste collection tax. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

February 22, 1993

SB 5291 Prime Sponsor, Senator Fraser: Changing boating safety provisions. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5291 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Barr, Deccio, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

February 23, 1993

SB 5391 Prime Sponsor, Senator L. Smith: Providing a program to assess and monitor infants exposed to drugs. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5526 Prime Sponsor, Senator Barr: Providing for the Columbia river resource task force. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, and West.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5532 Prime Sponsor, Senator M. Rasmussen: Changing cruelty to animals provisions. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5532 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Bauer, and Snyder.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5541 Prime Sponsor, Senator Fraser: Revising the statute of limitations for certain sex offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Roach.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5577 Prime Sponsor, Senator A. Smith: Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, and Roach.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5671 Prime Sponsor, Senator Owen: Modifying the definition of a substantial development for the purposes of the shoreline management act. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5671 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5772 Prime Sponsor, Senator Fraser: Designating regional water resource planning areas. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, West, and Williams.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 24, 1993

GA 9198 JAN KUMASAKA, reappointed January 29, 1993, for a term ending June 17, 1997, as Chair of the Human Rights Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Niemi.

Passed to Committee on Rules.

February 24, 1993

GA 9223 PHYLLIS PULFER, reappointed January 29, 1993, for a term ending June 17, 1996, as a member of the Human Rights Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, and Niemi.

Passed to Committee on Rules.

February 24, 1993

GA 9226 LUCIO RODRIGUEZ, reappointed January 29, 1993, for a term ending June 17, 1995, as a member of the Human Rights Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, and Niemi.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 17, 1993

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

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

Linda Tompkins, appointed February 17, 1993, for a term ending June 30, 1996, as a member of the Transportation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Transportation.

February 19, 1993

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

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

Thomas M. Burns, reappointed February 19, 1993, for a term ending January 4, 1997, as a member of the Personnel Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

MESSAGE FROM THE HOUSE

February 24, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1100,
SUBSTITUTE HOUSE BILL NO. 1119,
HOUSE BILL NO. 1150,
HOUSE BILL NO. 1317, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5917 by Senators Drew, Vognild, McAuliffe and M. Rasmussen

AN ACT Relating to rail freight service; amending RCW 47.76.010, 47.76.020, 47.76.130, 47.76.030, 47.76.140, 47.76.160, 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, 47.76.090, and 47.76.170; adding new sections to chapter 47.76 RCW; recodifying RCW 47.76.010, 47.76.110, 47.76.020, 47.76.120, 47.76.130, 47.76.030, 47.76.140, 47.76.160, 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, 47.76.090, 47.76.170, and 47.76.190; and repealing RCW 47.76.100 and 47.76.150.

Referred to Committee on Transportation.

SB 5918 by Senators Drew, Sellar, Vognild, Bluechel and Winsley

AN ACT Relating to ride-sharing vehicles; amending RCW 82.08.0287, 82.12.0282, and 82.44.015; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5919 by Senator Talmadge

AN ACT Relating to the technical correction of an erroneous internal reference in RCW 7.70.065; amending RCW 7.70.065; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5920 by Senator Vognild

AN ACT Relating to unemployment insurance deductions; amending RCW 50.04.310 and 50.20.130; and creating new sections.

Referred to Committee on Labor and Commerce.

SB 5921 by Senators McAuliffe, West, Haugen, Moyer and Winsley

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

SB 5922 by Senators Snyder, Deccio, Vognild and Newhouse

AN ACT Relating to the use of controlled substances by advanced registered nurse practitioners, certified nurse anesthetists; amending RCW 18.88.280; and declaring an emergency.

Referred to Committee on Health and Human Services.

SB 5923 by Senators Roach, von Reichbauer, Owen and Oke

AN ACT Relating to hunter education; and amending RCW 77.32.155.

Referred to Committee on Natural Resources.

SB 5924 by Senator Winsley

AN ACT Relating to the renewal of judgments; amending RCW 4.56.210; and reenacting and amending RCW 4.56.190.

Referred to Committee on Law and Justice.

SB 5925 by Senator Snyder

AN ACT Relating to excise taxation of lodging; amending RCW 67.28.200; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1100 by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, J. Kohl, Rust and Leonard)

Imposing a fee on waste transported without a cover.

Referred to Committee on Ecology and Parks.

SHB 1119 by House Committee on State Government (originally sponsored by Representatives Fuhrman, G. Fisher, King, Van Luven, Anderson, Foreman, Reams, G. Cole, Lisk, Jones, Sheldon, Wang, Sheahan, Kremen, Quall, Riley, Appelwick, Leonard, Valle, Chandler, Ballard, Schmidt, Chappell, Basich, Morton, Heavey, Rust, Silver, Carlson, Padden, Vance, Mielke, Wood, Brumsickle, Tate, Forner, Cooke, Long, Rayburn, Zellinsky, Brown, Brough, Franklin, J. Kohl, Edmondson, Springer, Holm, R. Fisher, Horn, Talcott, Shin, Romero, Karahalios, Kessler, Johanson and Miller)

Prohibiting state agencies from accepting advertising from unregistered sellers.

Referred to Committee on Government Operations.

HB 1150 by Representatives Anderson, Veloria, Pruitt, King, Brough, Vance, Forner, Valle, Eide and Jacobsen

Repealing the sunset provisions of the counselor registration statute.

Referred to Committee on Government Operations.

HB 1317 by Representatives Pruitt, Ballard, Morton, Sheldon, Jones, Wolfe, Schoesler, R. Johnson, Kessler, Johanson and Chandler

Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities.

Referred to Committee on Ecology and Parks.

MOTION

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

SENATE RESOLUTION 1993-8616

By Senators Spanel, M. Rasmussen, Haugen, Newhouse, Anderson, Deccio, Loveland, Drew, Sellar, Gaspard, Bauer, Prince, Jesernig, Barr, Sutherland and Snyder

WHEREAS, The agricultural education of the Future Farmers of America provides a strong foundation for Washington State's agriculture; and

WHEREAS, The Future Farmers of America and agricultural education provide exceptional training for the constantly changing careers in agriculture; and

WHEREAS, The eight thousand members of the Future Farmers of America in Washington State are playing an outstanding role in assuring the future progress and prosperity of the state of Washington and our nation; and

WHEREAS, The Future Farmers of America motto, "Learning to do, doing to learn, earning to live, living to serve," gives direction and purpose to the students who are providing leadership for a growing planet; and

WHEREAS, The Future Farmers of America performs the valuable service of developing leadership, encouraging cooperation, promoting good citizenship, and inspiring patriotism among its members;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the one hundred eighty-five Future Farmers of America chapters in the high schools of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the state president of the Future Farmers of America.

Senators Spanel and Rasmussen spoke to Senate Resolution 1993-8616.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the state officers of the Future Farmers of America who were seated in the gallery.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9120, A. J. Bergeron, as Director of the Department of Veterans Affairs, was confirmed.

Senators Haugen, Roach and Oke spoke to the confirmation of A. J. Bergeron as Director of the Department of Veterans Affairs.

APPOINTMENT OF A.J. BERGERON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Barr, McCaslin, Moore, Moyer, Owen, Prentice and Smith, L. - 7.

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9122, George E. Lindamood, as Director of the Department of Information Services, was confirmed.

APPOINTMENT OF GEORGE E. LINDAMOOD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators McCaslin, Moyer, Owen, Prentice and Smith, L. - 5.

SECOND READING

SENATE BILL NO. 5367, by Senators Hargrove, L. Smith, M. Rasmussen, Bauer, Newhouse, Loveland and Anderson

Regulating veterinary medication clerks.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture amendments were considered simultaneously and were adopted:

On page 2, line 2, delete "(except class I, II, III, IV, and V controlled substances)" and on page 2, line 4, after "medicine" insert "except controlled substances as provided in or under chapter 69.50 RCW"

On page 2, line 11, delete "(except class I, II, III, IV, and V controlled substances)" and on page 2, line 13, after "medicine" insert "except controlled substances as provided in or under chapter 69.50 RCW"

On page 2, line 21, delete "60.04" and insert "69.04"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators McCaslin, Moyer, Owen, Prentice and Smith, L. - 5.

ENGROSSED SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5186, by Senators von Reichbauer, A. Smith, McCaslin, Prentice, Gaspard, Hargrove, Quigley, Winsley and Erwin

Prohibiting the luring of minors or incompetent persons into vehicles or structures.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5186 was substituted for Senate Bill No. 5186 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following amendments by Senators Adam Smith and von Reichbauer were considered simultaneously and were adopted:

On page 1, line 6, after "who" and before "performs" insert "unreasonably"

On page 1, line 7, after "or" strike "an" and insert "a medically or judicially determined"

On page 1, line 16, strike all material beginning with "In" down through and including the period on page 2, line 2.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5186.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators McCaslin, Moyer, Owen, Prentice and Smith, L. - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:33 a.m., on motion of Senator Jesernig, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:32 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5444, by Senator Talmadge (by request of Department of Social and Health Services)

Eliminating the termination of hospice care and service coverage as medical assistance.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5444.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5444 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Hargrove - 1.

Excused: Senators Moyer, Owen, Prentice and Smith, L. - 4.

SENATE BILL NO. 5444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5246, by Senators Snyder, Winsley, Rinehart, Gaspard, Prentice, Moore, Hargrove, Roach, Loveland, Jesernig, Vognild, Sutherland, von Reichbauer, Bauer, Quigley and Erwin

Creating the public works administration account.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5246 was substituted for Senate Bill No. 5246 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Moore, reading the fiscal note, is now this money going not to the general fund that has been, but rather going to a dedicated account?"

Senator Moore: "I can't answer that, but this is an agreed-to arrangement--the new arrangement--so I am not sure about what happened previously."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, von Reichbauer and West - 17.

Excused: Senators Moyer, Owen, Prentice and Smith, L. - 4.

SUBSTITUTE SENATE BILL NO. 5246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced former Senators Pat Sutherland, Elmer Huntley, Jonathan Whetzel, John Jones, Ruthe Ridder, Bob Ridder and Paul Conner, who were present in the Senate Chamber, in honor of 'Old Timer's Day.'

MOTION

On motion of Senator Oke, Senator Sellar was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9266, Ronald Dotzauer, as a member of the Board of Trustees for Central Washington University, was confirmed.

Senators Bauer, Prince, Erwin and von Reichbauer spoke to the confirmation of Ronald Dotzauer as a member of the Board of Trustees for Central Washington University.

APPOINTMENT OF RONALD DOTZAUER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Nelson and Roach - 2.

Excused: Senators Moyer, Owen, Prentice, Sellar and Smith, L. - 5.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9264, Rossalind Y. Woodhouse, as a member of the Board of Trustees for Central Washington University, was confirmed.

Senators Bauer, Pelz, Franklin and Skratek spoke to the confirmation of Rossalind Y. Woodhouse as a member of the Board of Trustees for Central Washington University.

Senators Deccio, von Reichbauer, Hochstatter and Anderson spoke against the confirmation of Rossalind Y. Woodhouse as a member of the Board of Trustees for Central Washington University.

APPOINTMENT OF ROSSALIND Y. WOODHOUSE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 26; Nays, 18; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Niemi, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Roach, von Reichbauer, West and Winsley - 18.

Excused: Senators Moyer, Owen, Prentice, Sellar and Smith, L. - 5.

MOTION

At 12:20 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, February 26, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 25, 1993

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

FORTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 26, 1993
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 1993
SB 5028 Prime Sponsor, Senator Haugen: Prohibiting additives for on-site sewage disposal systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Hargrove, Hochstatter, Jesernig, Moyer, Quigley, Snyder, Sutherland, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

February 25, 1993
SB 5120 Prime Sponsor, Senator A. Smith: Changing provisions relating to consumer protection. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1993
SB 5121 Prime Sponsor, Senator A. Smith: Requiring disclosure to consumers of relative costs of leasing and purchasing automobiles. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 24, 1993
SB 5236 Prime Sponsor, Senator Fraser: Modifying certification of public water supply system operators. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Hargrove, Hochstatter, Jesernig, Moyer, Quigley, Snyder, Sutherland, Talmadge, and West.

Passed to Committee on Rules for second reading.

February 23, 1993
SB 5241 Prime Sponsor, Senator Vognild: Making certain powers and duties of the gambling commission permissive. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, and Vognild.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5256 Prime Sponsor, Senator Sutherland: Restricting the use of city or town facilities to advocate for or against an annexation. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5263 Prime Sponsor, Senator M. Rasmussen: Regulating the marketing of milk. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5316 Prime Sponsor, Senator Moore: Regulating private moorage facilities. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5316 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5358 Prime Sponsor, Senator Pelz: Creating an appropriated real estate education account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Hargrove, Hochstatter, Jesernig, Moyer, Quigley, Snyder, Sutherland, Talmadge, and West.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5405 Prime Sponsor, Senator Pelz: Raising the minimum dollar amount requiring competitive bidding by school districts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5535 Prime Sponsor, Senator Vognild: Taxing large trucks. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5535 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Nelson, Oke, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5613 Prime Sponsor, Senator Erwin: Making appointment of the director of the Washington traffic safety commission subject to the consent of the senate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Nelson, Oke, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5625 Prime Sponsor, Senator Prentice: Prohibiting the death penalty for the mentally retarded. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5625 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5632 Prime Sponsor, Senator Vognild: Establishing a license plate design. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, M. Rasmussen, Sheldon, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Oke.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5634 Prime Sponsor, Senator Bauer: Requiring state agencies to submit interagency disputes to arbitration before filing lawsuits. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5645 Prime Sponsor, Senator Spanel: Restricting property divisions. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Oke.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5649 Prime Sponsor, Senator Quigley: Removing the expiration date for Washington state support registry employer reporting. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5693 Prime Sponsor, Senator Vognild: Authorizing exemptions from county vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Nelson, Oke, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1993

SB 5694 Prime Sponsor, Senator Snyder: Lowering the age for use of an out-of-state license or learner's permit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Nelson, Oke, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5696 Prime Sponsor, Senator Haugen: Authorizing the department of retirement systems to be divided into three divisions. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5720 Prime Sponsor, Senator Rinehart: Repealing the natural resources conservation areas stewardship account endowment. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Hargrove, Hochstatter, Jesernig, Moyer, Quigley, Snyder, Sutherland, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5744 Prime Sponsor, Senator Haugen: Changing provisions concerning streets that are part of the state highway system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5744 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Haugen, Nelson, Oke, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5751 Prime Sponsor, Senator Haugen: Authorizing rural partial-county library districts. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5751 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5752 Prime Sponsor, Senator Prentice: Creating the citizen councilor program. Reported by Committee on Government Operations

MAJORITY recommendation: Be referred to Committee on Education without recommendation. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator von Reichbauer.

Referred to Committee on Education.

February 25, 1993

SB 5753 Prime Sponsor, Senator Snyder: Creating a new judgeship for Cowlitz County. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Referred to Committee on Ways and Means.

February 25, 1993

SB 5755 Prime Sponsor, Senator Snyder: Providing state flags and mementos for certain official purposes. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5780 Prime Sponsor, Senator Sutherland: Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5784 Prime Sponsor, Senator A. Smith: Communicating with a minor for immoral purposes. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5784 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5791 Prime Sponsor, Senator A. Smith: Changing child support provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5821 Prime Sponsor, Senator Loveland: Modifying public works board loan restrictions. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5821 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5831 Prime Sponsor, Senator Barr: Limiting certain payments by electrical utilities to owners of residences in which the primary heat source is electric resistance space heat. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Amondson, Hochstatter, McCaslin, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5838 Prime Sponsor, Senator Sutherland: Creating an energy siting process review committee. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5841 Prime Sponsor, Senator Moyer: Requiring an outreach campaign on shaken baby syndrome. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5850 Prime Sponsor, Senator M. Rasmussen: Clarifying definitions relating to farmers. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5850 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Referred to Committee on Ways and Means.

February 25, 1993

SJM 8016 Prime Sponsor, Senator M. Rasmussen: Requesting investigation and reporting on the E. Coli outbreak. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 8016 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 25, 1993

SJM 8017 Prime Sponsor, Senator Jesernig: Requesting the United States Department of Energy to support the Fast Flux Test Facility at Hanford. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Roach, A. Smith, Vognild, and West.

Passed to Committee on Rules for second reading.

February 25, 1993

SCR 8406 Prime Sponsor, Senator M. Rasmussen: Creating a committee for agricultural housing and benefits. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

February 25, 1993

GA 9127 CAPTAIN ROGER BRUETT, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Chief of the Washington State Patrol.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Nelson, Oke, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HIGHER EDUCATION COORDINATING BOARD

917 Lakeridge Way - PO Box 43430
Olympia, Washington 98504-3430

February 12, 1993

Marty Brown
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504-0482

Dear Mr. Brown:

The 52nd Legislature passed Substitute House Bill No. 1196 which directed Washington State University to prepare a proposal to establish a Center for Environmental and Molecular Sciences at the Tri-Cities branch campus. The bill also directed the Higher Education Coordinating Board to review the proposal and make a recommendation to the Governor and Legislature regarding a) whether to establish the Center, and, if so, b) what the long-term development of the Center should be.

On January 22, 1992, the Higher Education Coordinating Board adopted Resolution 92-7 which found that the Center required a strategic plan. The Board encouraged WSU to submit a revised proposal including a strategic plan in conjunction with its biennial budget request.

On January 28, 1993, the Board adopted the enclosed report reviewing the WSU revised proposal, which incorporated additional information but did not include a strategic plan. Therefore, the Board has requested that WSU convene a Policy Council, prepare a strategic plan for the Center by Fall 1994, and pursue opportunities for federal funding of hazardous waste research.

The Board supports the establishment of a Center for Environmental and Molecular Sciences at WSU Tri-Cities. If you have any questions about the report, please contact Katrina Meyer, HECB staff, at 586-2520, SCAN 321-2520.

Sincerely,
JAMES C. SAINSBURY, Acting Executive Director

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

INTRODUCTION AND FIRST READING

SB 5926 by Senators Deccio, McCaslin, Amondson, Sellar and Hochstatter

AN ACT Relating to certificates of competency for electricians; and amending RCW 19.28.530.

Referred to Committee on Labor and Commerce.

SB 5927 by Senators Snyder, Talmadge, Niemi, Moore, Williams, Spanel, Hargrove and A. Smith (by request of Employment Security Department)

AN ACT Relating to extended benefits for unemployment compensation; and amending RCW 50.22.010, 50.22.020, 50.22.030, and 50.22.050.

Referred to Committee on Labor and Commerce.

SB 5928 by Senators Anderson and M. Rasmussen

AN ACT Relating to protection of agricultural lands from flood damage; amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 86.15.030, 86.15.050, 86.15.160, 86.26.105, and 90.58.180; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; creating a new section; repealing RCW 79.90.325; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 5929 by Senators Snyder, Skratek, Hargrove and Roach

AN ACT Relating to salmon enhancement; amending RCW 75.50.100; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

SB 5930 by Senators Snyder, Skratek and Hargrove

AN ACT Relating to providing for the construction of transportation-related tourism and outdoor recreation facilities; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 5931 by Senators Snyder, Skratek and Hargrove

AN ACT Relating to the coastal economic recovery account; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Technology and Economic Development.

SB 5932 by Senators Snyder, Skratek and Hargrove

AN ACT Relating to coastal economic recovery; creating new sections; and making appropriations.

Referred to Committee on Trade, Technology and Economic Development.

SB 5933 by Senators Snyder, Skratek and Hargrove

AN ACT Relating to razor clam hatcheries; adding a new section to chapter 75.24 RCW; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources.

SB 5934 by Senators Snyder, Skratek and Hargrove

AN ACT Relating to coastal economic recovery; creating new sections; and making an appropriation.

Referred to Committee on Trade, Technology and Economic Development.

SB 5935 by Senators Bluechel, Skratek and Cantu

AN ACT Relating to patent policy at the Washington technology center; adding a new section to chapter 28B.20 RCW; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

SB 5936 by Senators Deccio and Talmadge

AN ACT Relating to conversion of residential habilitation centers; amending RCW 71A.20.020; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5937 by Senators Quigley, Snyder, Gaspard, von Reichbauer, Vognild, A. Smith, Rinehart, McAuliffe, Drew, Hargrove, Sheldon, Loveland, Haugen, Erwin, Sutherland, Jesernig, Skratek, Spanel, Niemi, Roach, Hochstatter and Deccio

AN ACT Relating to inclusion in the statutory seven percent debt limitation of indebtedness for which the state treasury is reimbursed for the principal and interest payments on the indebtedness; reenacting and amending RCW 39.42.060; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SJM 8020 by Senators Snyder, Skratek and Hargrove

Petitioning the federal government for coastal economic recovery investment.

Referred to Committee on Trade, Technology and Economic Development.

SJM 8021 by Senators Williams, McCaslin, Fraser, Talmadge, M. Rasmussen, Moore, Deccio, Sutherland, Barr and Franklin

Requesting federal assistance with implementing the safe drinking water act.

Referred to Committee on Ecology and Parks.

POINT OF INQUIRY

Senator Anderson: "Senator Jesernig, Senate Bill No. 5928 signed by Senator Anderson and then Senator Rasmussen, the chair of the Agriculture Committee--Protecting agricultural lands from flood damage--is going to the Committee on Natural Resources?"

Senator Jesernig: "Yes, Senator Anderson, this is exactly the same bill that was introduced earlier and went to Natural Resources with about three words changed, to take out relative lands to agricultural lands. It is essentially the same bill that is already in Natural Resources."

Senator Anderson: "Senator Jesernig, the intent section focused in on agriculture and at the request of the chairman, we had hoped that this would go to Agriculture."

Senator Jesernig: "This is the decision of the caucus, the decision of leadership, that this bill would go to Natural Resources as the other bill is, and that is where it is going to be going."

Senator Anderson: "Thank you for that clarification, Senator Jesernig."

MOTION

At 12:04 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, March 1, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 26, 1993

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

FIFTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 1, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 1993
SB 5085 Prime Sponsor, Senator McCaslin: Modifying the hydraulic project approval authority of the department of fisheries and the department of wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Oke, L. Smith, and Snyder.

MINORITY recommendation: Do not pass. Signed by Senators Franklin, Haugen, and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1993
SB 5131 Prime Sponsor, Senator Wojahn: Authorizing destruction of confiscated firearms. Reported by Committee on Ways and Means

MAJORITY recommendation: Report to Rules without recommendation. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules without recommendation.

February 25, 1993
SB 5237 Prime Sponsor, Senator M. Rasmussen: Regulating charitable solicitations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5237 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993
SB 5267 Prime Sponsor, Senator Niemi: Expanding alternative sentencing options for nonviolent offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Niemi, and Spanel.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5281 Prime Sponsor, Senator Hargrove: Attempting to increase the amount of habitat available for fish and wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Oke, and Snyder.

Referred to Committee on Ways and Means.

February 25, 1993

SB 5305 Prime Sponsor, Senator Gaspard: Providing for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: That substitute Senate Bill No. 5305 as recommended by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5398 Prime Sponsor, Senator Quigley: Implementing a primary voters' pamphlet. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5398 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, and Winsley.

Referred to Committee on Ways and Means.

February 25, 1993

SB 5448 Prime Sponsor, Senator Sheldon: Exempting federal small business innovation research program distributions from business and occupation tax. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5453 Prime Sponsor, Senator Haugen: Changing provisions relating to funding and planning criminal justice programs. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5453 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5492 Prime Sponsor, Senator Spanel: Authorizing the secretary of state to set fees by rule. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5494 Prime Sponsor, Senator Talmadge: Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders". Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5521 Prime Sponsor, Senator Loveland: Funding criminal justice programs. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5521 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Referred to Committee on Ways and Means.

February 25, 1993

SB 5522 Prime Sponsor, Senator Wojahn: Providing a program to reduce alcohol and drug use during pregnancy. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Niemi, Quigley, Sheldon, and Winsley.

Referred to Committee on Ways and Means.

February 25, 1993

SB 5537 Prime Sponsor, Senator Sutherland: Concerning alternate operator service companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Owen, A. Smith, Vognild, and Williams.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5542 Prime Sponsor, Senator Oke: Regarding concealed weapon permits and driver's licenses. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Spanel.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5579 Prime Sponsor, Senator Skratek: Creating the office of science and technology. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5579 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

February 25, 1993

SB 5612 Prime Sponsor, Senator Erwin: Adding a public member to the transportation improvement board. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5612 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Nelson, Oke, M. Rasmussen, Sellar, and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 1993
SB 5660 Prime Sponsor, Senator M. Rasmussen: Developing the Washington state citizens' exchange program. Reported by
Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel,
Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 26, 1993
SB 5665 Prime Sponsor, Senator Talmadge: Enacting the Washington state false claims act. Reported by Committee on Law and
Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do
pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 25, 1993
SB 5668 Prime Sponsor, Senator Williams: Imposing requirements for giving assistance to businesses. Reported by Committee on
Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do
pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Erwin, M. Rasmussen, and Williams.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel and Deccio.

Passed to Committee on Rules for second reading.

February 26, 1993
SB 5680 Prime Sponsor, Senator Winsley: Funding the office of minority and women's business enterprises. Reported by
Committee on Government Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen,
Chairman; Drew, Vice Chairman; von Reichbauer, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Oke.

Referred to Committee on Ways and Means.

February 26, 1993
SB 5695 Prime Sponsor, Senator Bauer: Changing provisions relating to GED tests. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig,
Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

February 25, 1993
SB 5698 Prime Sponsor, Senator Bluechel: Assisting companies to adopt ISO-9000 quality standards. Reported by Committee on
Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5698 be substituted therefor, and the substitute bill do
pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 25, 1993
SB 5699 Prime Sponsor, Senator Bluechel: Changing the organizational structure of the Pacific Northwest Economic region.
Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5699 be substituted therefor, and the substitute bill do
pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5704 Prime Sponsor, Senator Prentice: Penalizing unlawful factoring of credit card transactions. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5749 Prime Sponsor, Senator Haugen: Modifying compensation of forest practices board members. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5779 Prime Sponsor, Senator Haugen: Clarifying productivity awards programs. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5781 Prime Sponsor, Senator Jesernig: Improving access to public institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5781 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Sheldon, von Reichbauer, and West.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5812 Prime Sponsor, Senator Hargrove: Allowing a school district to review a student's diversion, police contact, and arrest record under certain circumstances. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Spanel.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5828 Prime Sponsor, Senator Bauer: Changing provisions relating to vocational education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5836 Prime Sponsor, Senator Bauer: Redefining the relationship between the state and its postsecondary institutions. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5836 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

HOLD.

February 26, 1993

SB 5844 Prime Sponsor, Senator McAuliffe: Allowing volunteers to assist agencies to serve at-risk children's needs. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 25, 1993

SB 5846 Prime Sponsor, Senator Niemi: Assisting in the creation of local reemployment support centers. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5846 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Ways and Means.

February 26, 1993

SB 5874 Prime Sponsor, Senator Owen: Improving recreational fishing. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5874 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Oke, Snyder, and Spanel.

Referred to Committee on Ways and Means.

February 26, 1993

SJM 8009 Prime Sponsor, Senator Bluechel: Supporting Guam in its quest for commonwealth status. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8009 be substituted therefor, and the substitute memorial do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

February 26, 1993

SJM 8012 Prime Sponsor, Senator Hargrove: Petitioning Congress, BPA, and FERC to supply electricity at no cost to anadromous fish hatcheries. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8012 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

February 25, 1993

SJR 8209 Prime Sponsor, Senator Gaspard: Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: That substitute Senate Joint Resolution No. 8209 as recommended by Committee on Education be substituted therefor and the substitute joint resolution do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SCR 8405 Prime Sponsor, Senator Bauer: Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 26, 1993

GA 9157 DR. HELEN DONIGAN, reappointed January 29, 1993, for a term ending June 17, 1993, a member of the Human Rights Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Niemi, and Spanel.

Passed to Committee on Rules.

February 26, 1993

GA 9234 DOUG SAYAN, reappointed February 5, 1993, for a term ending July 26, 1997, a member of the Personnel Appeals Board.
Reported by Committee on Government Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules.

MOTION

On motion of Senator Jesernig, Senate Bill No 5836 was held on the desk.

MESSAGE FROM THE HOUSE

February 26, 1993

MR. PRESIDENT:
The House has passed:
ENGROSSED HOUSE BILL NO. 1083,
HOUSE BILL NO. 1188,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
HOUSE BILL NO. 1295, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

INTRODUCTION AND FIRST READING

SB 5938 by Senators Loveland and Winsley

AN ACT Relating to commercial motor vehicles; adding new sections to chapter 46.44 RCW; adding new sections to chapter 46.32 RCW; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5939 by Senators Drew, Gaspard, Haugen, Quigley and Winsley (by request of State Treasurer)

AN ACT Relating to accountability in state government; amending RCW 43.17.260; amending 1991 c 53 s 1 (uncodified); adding a new chapter to Title 43 RCW; and recodifying RCW 43.17.260.

Referred to Committee on Ways and Means.

SB 5940 by Senators Owen, Haugen, Spanel, Snyder, Oke, McAuliffe, Sutherland and Franklin (by request of Governor Lowry)

AN ACT Relating to the creation of the department of fish and wildlife; amending RCW 41.06.070, 43.17.010, 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.035, 75.08.055, 75.08.400, 75.10.010, 75.10.200, 75.12.040, 75.20.005, 75.20.050, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.110, 75.20.130, 75.20.300, 75.20.310, 75.24.065, 75.25.005, 75.25.080, 75.25.170, 75.25.180, 75.50.010, 75.50.070, 75.50.080, 75.50.130, 75.52.010, 75.52.020, 75.52.035, 75.52.100, 75.52.110, 75.52.160, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 77.04.100, 77.04.111, 77.08.010, 77.12.010, 77.12.020, 77.12.040, 77.12.055, 77.12.103, 77.12.325, 77.12.440, 77.12.530, 77.12.560, 77.12.570, 77.12.710, 77.12.730, 77.12.750, 77.16.060, 77.16.135, 77.16.150, 77.16.170, 77.18.010, and 77.32.380; reenacting and amending RCW 75.08.011; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.060, 77.04.080, and 77.04.090; and providing an effective date.

Referred to Committee on Natural Resources.

SB 5941 by Senators Moore, Gaspard, Sellar, Jesernig, Wojahn, Williams and Rinehart (by request of Governor Lowry)

AN ACT Relating to state government; amending RCW 41.06.030, 41.06.070, 41.06.080, 41.06.140, 41.06.150, 41.06.160, 41.06.167, 41.06.169, 41.06.170, 41.06.186, 41.06.196, 41.06.220, 41.06.260, 41.06.270, 41.06.280, 41.06.350, 41.06.380, 41.06.400, 41.06.410, 41.06.420, 41.06.430, 41.06.450, 41.06.475, 41.06.490, 43.17.010, 43.17.020, and 41.56.100; amending 1982 c 208 s 9 (uncodified); reenacting and amending RCW 41.06.020, 41.56.030, and 41.04.230; adding new sections to chapter 41.06 RCW; adding new sections to chapter 41.56 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.06.010, 41.06.110, 41.06.120, 41.06.130, 41.06.163, 41.06.165, 41.06.230, 41.06.240, 41.06.310, and 41.06.340; providing effective dates; and declaring an emergency.

Referred to Committee on Labor and Commerce.

SB 5942 by Senators Haugen, Erwin, Skratek and M. Rasmussen

AN ACT Relating to the diversification of the economy of Whidbey Island; creating a new section; and declaring an emergency.

Referred to Committee on Trade, Technology and Economic Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1083 by Representatives Scott and G. Cole

Using electrical contractors' licenses.

Referred to Committee on Labor and Commerce.

HB 1188 by Representatives Morton, Appelwick, Padden, Ballasiotes, Ludwig, Sheahan, Tate, Fuhrman, Silver, Johanson, Long, Flemming, Mielke and Springer

Requiring delivery of a copy of a lien document to the owner of the property subject to the lien.

Referred to Committee on Law and Justice.

ESHB 1233 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Zellinsky, Dellwo, R. Johnson, Scott, Riley, Kessler, Dunshee, Dorn, Foreman, Grant, Kremen and Johanson)

Regulating the mandatory offering of personal injury protection insurance.

Referred to Committee on Labor and Commerce.

HB 1295 by Representatives Orr, Mielke, Heavey, Scott, Quall, Chappell, R. Meyers, R. Fisher, Zellinsky, Ludwig, R. Johnson, Wood, Grant, Riley, Mastin, Johanson, Franklin, Locke, Flemming, Jacobsen, H. Myers, Romero, King, Morris, Forner, Leonard, Brown, Wang, Finkbeiner, Holm, Eide, Karahalios, G. Cole, Ogden, Jones, Sheldon, Bray, G.

Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, Cothorn, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, Vance, Brough, Schmidt, Cooke and Brumsickle

Recodifying RCW 41.26.281.

Referred to Committee on Labor and Commerce.

MOTION

At 12:03 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Tuesday, March 2, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, MARCH 1, 1993

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

FIFTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 2, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 1, 1993
SB 5133 Prime Sponsor, Senator Talmadge: Enhancing youth recreation opportunities. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

February 23, 1993
SB 5176 Prime Sponsor, Senator Vognild: Concerning the cashing of government issued checks or warrants. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1993
SB 5225 Prime Sponsor, Senator Skratek: Adopting the work-based learning for youth act. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 1, 1993
SB 5265 Prime Sponsor, Senator Snyder: Modifying funeral expenses of a deceased person. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hochstatter, McDonald, Moyer, Owen, Pelz, Quigley, Roach, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5286 Prime Sponsor, Senator Niemi: Deleting provisions relating to gain on sale of nursing homes. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 1, 1993

SB 5319 Prime Sponsor, Senator Fraser: Freeing the base for transfers of marine and nonhighway fuel taxes. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5319 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Referred to Committee on Transportation.

March 1, 1993

SB 5361 Prime Sponsor, Senator A. Smith: Changing provisions relating to civil liability of joint tortfeasors. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, McCaslin, Nelson, and Roach.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5363 Prime Sponsor, Senator Newhouse: Modifying water rights claims provision. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Vognild, and West.

MINORITY recommendation: Do not pass. Signed by Senator Williams.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5368 Prime Sponsor, Senator Owen: Creating a sales tax exemption for certain vessels. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hochstatter, McDonald, Moyer, Owen, Pelz, Quigley, Roach, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5381 Prime Sponsor, Senator Vognild: Extending periods for overweight load permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5392 Prime Sponsor, Senator Talmadge: Revising provisions relating to abuse of children and incompetent persons. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5392 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5393 Prime Sponsor, Senator Talmadge: Providing for increased local coordination of programs for children and families. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5393 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 1, 1993

SB 5451 Prime Sponsor, Senator Hargrove: Revising sentencing and corrections for felons. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5451 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Rinehart, and Spanel.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5568 Prime Sponsor, Senator Jesernig: Restricting the duration of agency rules. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, McAuliffe, Newhouse, Pelz, and Vognild.

Passed to Committee on Rules for second reading.

February 24, 1993

SB 5573 Prime Sponsor, Senator Deccio: Changing legislative rules review provisions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5573 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Vognild, and Wojahn.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5580 Prime Sponsor, Senator Moore: Modifying the regulation of manufactured housing. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5590 Prime Sponsor, Senator Moore: Providing service credit for periods of paid leave. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5590 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5648 Prime Sponsor, Senator A. Smith: Providing a procedure for releasing alien offenders for the purpose of deportation. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5648 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Rinehart, and Spanel.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5703 Prime Sponsor, Senator Prentice: Codifying the labor market information and economic analysis responsibilities of the employment security department. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5714 Prime Sponsor, Senator Fraser: Regulating vendor single interest insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5725 Prime Sponsor, Senator Rinehart: Requiring computerized collection of health insurance coverage provided by certain state entities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hochstatter, McDonald, Moyer, Owen, Pelz, Quigley, Roach, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5734 Prime Sponsor, Senator Haugen: Changing provisions relating to fees for water access facilities. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; McCaslin, Moore, and Sutherland.

Referred to Committee on Ways and Means.

February 24, 1993

SB 5739 Prime Sponsor, Senator Moore: Concerning the regulation of small businesses. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5739 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5759 Prime Sponsor, Senator McAuliffe: Extending the involuntary treatment act to cover the commitment of chemically dependent adults. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5770 Prime Sponsor, Senator Fraser: Allowing metropolitan park districts to purchase land for the purpose of creating conservation futures. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5794 Prime Sponsor, Senator Moore: Forbidding an agency from adopting a rule that will infringe on a business right unless specific guidelines are met. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5794 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5796 Prime Sponsor, Senator Moore: Prohibiting sellers of securities from charging customers due to a low number of transactions in an account or for transferring an account. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5796 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5799 Prime Sponsor, Senator Nelson: Providing address designations on subdivision approvals for improved utility placements. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Vognild, and Williams.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5848 Prime Sponsor, Senator M. Rasmussen: Regulating consignment rights of orchard crops. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5848 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, and Snyder.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5856 Prime Sponsor, Senator Vognild: Authorizing certain real property transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5881 Prime Sponsor, Senator Skratek: Establishing the institute for entrepreneurial development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5881 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 1, 1993

SJM 8021 Prime Sponsor, Senator Williams: Requesting federal assistance with implementing the safe drinking water act. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 1, 1993

EHB 1303 Prime Sponsor, Representative R. Fisher: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman, Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Jesernig, Senate Bill No. 5836, which was held on the desk, March 1, 1993, was referred to the Committee on Ways and Means.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 26, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John L. Shreve, reappointed February 26, 1993, for a term ending December 31, 1998, as a member of the Parks and Recreation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

February 26, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Melvin D. Wortman, reappointed February 26, 1993, for a term ending December 31, 1998, as a member of the Parks and Recreation Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ecology and Parks.

MESSAGE FROM THE HOUSE

March 1, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1077,
HOUSE BILL NO. 1112,
HOUSE BILL NO. 1133,
HOUSE BILL NO. 1142,
HOUSE BILL NO. 1143,

HOUSE BILL NO. 1174,
HOUSE BILL NO. 1206,
ENGROSSED HOUSE BILL NO. 1708,
HOUSE JOINT MEMORIAL NO. 4005,
HOUSE JOINT MEMORIAL NO. 4010, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5943 by Senators Loveland and M. Rasmussen

AN ACT Relating to the pesticide incident reporting and tracking review panel; and amending RCW 70.104.090.

Referred to Committee on Agriculture.

SB 5944 by Senator Nelson

AN ACT Relating to immunity for donating medical equipment and supplies; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law and Justice.

SB 5945 by Senator Nelson

AN ACT Relating to forfeiture of property illegally exchanged for controlled substances; and amending RCW 69.50.505.

Referred to Committee on Law and Justice.

SB 5946 by Senator Moore

AN ACT Relating to the housing finance assistance program; and amending RCW 43.185.050.

Referred to Committee on Labor and Commerce.

SB 5947 by Senators Moore and Moyer

AN ACT Relating to health care coverage for the immunization and vaccination of children; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SB 5948 by Senators Deccio, Talmadge, Franklin, Prentice and McCaslin

AN ACT Relating to procedures for responding to violations of the uniform disciplinary act; amending RCW 18.130.090 and 18.130.175; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health and Human Services.

SJM 8022 by Senators M. Rasmussen, Winsley, McDonald and Roach

Saluting the members of I Corps.

Referred to Committee on Government Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1007 by Representatives R. Fisher, Zellinsky, Brumsickle, R. Meyers, Miller, G. Cole, Scott, Basich, Dunshee, Wood, Schmidt, Forner, Jacobsen, Franklin, Eide, Flemming, Horn and J. Kohl

Enhancing state-wide transportation planning.

Referred to Committee on Transportation.

SHB 1021 by House Committee on Local Government (originally sponsored by Representatives Springer, H. Myers and Morris)

Changing provisions relating to municipal ordinances.

Referred to Committee on Government Operations.

SHB 1077 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, Appelwick, Orr, Johanson and Karahalios)

Providing for the revocation of nonprobate asset arrangements for divorce or invalidation of marriage.

Referred to Committee on Law and Justice.

HB 1112 by Representatives Van Luven, Scott, Fuhrman, Dellwo, Reams, Mielke, Schmidt, Zellinsky, Franklin, Foreman, Wood, Brough and Miller

Restricting the cancellation of certain health insurance policies.

Referred to Committee on Health and Human Services.

HB 1133 by Representatives Kremen, Ballasiotes, Ludwig, Long, Riley, H. Myers, Zellinsky, Schmidt, Padden, Fuhrman and Johanson

Allowing the assignment of claims for unlawful conversion of goods and unlawful leaving without paying.

Referred to Committee on Law and Justice.

HB 1142 by Representatives Zellinsky, Mielke, R. Meyers and Tate (by request of Department of General Administration, Division of Banking)

Requiring a bond for a license to sell checks, drafts, or money orders.

Referred to Committee on Labor and Commerce.

HB 1143 by Representatives Van Luven, G. Fisher, Reams, Bray, Edmondson, Brough and Springer

Providing a procedure for consolidating cities or towns.

Referred to Committee on Government Operations.

HB 1174 by Representatives Jacobsen, Dellwo, Brumsickle, Ogden, J. Kohl, G. Cole, R. Fisher, Dunshee, Pruitt, Van Luven, Johanson, Wood, Leonard and Basich

Regarding the study of American Indian languages and cultures.

Referred to Committee on Higher Education.

HB 1206 by Representatives Leonard, Cooke, Riley, Chappell, Brough, Horn and Wood (by request of Department of Social and Health Services)

Updating statutes for rehabilitation services for handicapped persons.

Referred to Committee on Health and Human Services.

EHB 1708 by Representatives Peery, Ballard, Dorn, Brough, Jones, Pruitt, Cothorn, Basich, Hansen, Roland, Fuhrman, Jacobsen, Ogden, Karahalios, J. Kohl, H. Myers and Johanson

Increasing the membership of the commission on student learning.

Referred to Committee on Education.

HJM 4005 by Representatives Basich, Linville, Kessler, Riley, Romero, Orr, Brumsickle, Chappell, Leonard, Quall, Jacobsen, Ballard, Dunshee, Miller, Heavey, Sheldon, Anderson, Eide, Bray, Lemmon, G. Cole, Kremen, Vance, Wineberry, Pruitt, Sheahan, Campbell, King, Cothorn, Flemming, Johanson, Padden, Schoesler, J. Kohl and Lisk

Asking the White House to condemn rape and ethnic cleansing in Bosnia and create a war crimes tribunal.

Referred to Committee on Government Operations.

HJM 4010 by Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen

Expressing opposition to sanctions on federal highway funds.

Referred to Committee on Transportation.

MOTION

At 12:05 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Wednesday, March 3, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, MARCH 2, 1993

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

FIFTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, March 3, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 1, 1993
SB 5129 Prime Sponsor, Senator Bauer: Granting additional powers to boards of directors of educational service districts.
Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5129 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1993
SB 5145 Prime Sponsor, Senator Winsley: Regulating bungee jumping. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1993
SB 5156 Prime Sponsor, Senator Snyder: Allowing eighteen to twenty year old students to be included in AFDC. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5156 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 2, 1993
SB 5190 Prime Sponsor, Senator Loveland: Requiring timely credit of payments on a credit card account. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5285 Prime Sponsor, Senator Gaspard: Enlarging the state investment board. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, and Vognild.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5306 Prime Sponsor, Senator Pelz: Reforming education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5306 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5326 Prime Sponsor, Senator Pelz: Establishing penalties for breaking food product delivery guarantees. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5357 Prime Sponsor, Senator Pelz: Requiring contractors for school employment service contracts to provide health care and retirement benefits commensurate with those provided for classified employees performing similar services. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Rinehart, Skratek, and A. Smith.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5438 Prime Sponsor, Senator McAuliffe: Promoting before-and-after- school child care. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Referred to Committee on Ways and Means.

February 24, 1993

SB 5506 Prime Sponsor, Senator Moore: Revising administrative rule making. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Amondson, Barr, Cantu, McAuliffe, Newhouse, Pelz, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5544 Prime Sponsor, Senator Hargrove: Financing street utilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5546 Prime Sponsor, Senator Prentice: Regulating unemployment compensation. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5557 Prime Sponsor, Senator Prentice: Regulating alcohol servers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5561 Prime Sponsor, Senator Prentice: Restricting insurance companies. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Amondson, Cantu, Fraser, McAuliffe, Pelz, and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5574 Prime Sponsor, Senator Williams: Regulating credit information use. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Fraser, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5584 Prime Sponsor, Senator Franklin: Creating the Washington housing policy act. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Amondson, Fraser, McAuliffe, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5615 Prime Sponsor, Senator M. Rasmussen: Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5615 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5622 Prime Sponsor, Senator Sutherland: Establishing a state-wide community calling fund. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Owen, Vognild, and Williams.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5635 Prime Sponsor, Senator Niemi: Modifying procedures regarding disclosure of address of a health professional subject to a disciplinary complaint. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5659 Prime Sponsor, Senator Prentice: Regulating the Washington service corps. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5673 Prime Sponsor, Senator Erwin: Providing for the creation of telecommuting work centers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chairman; Amondson, Hochstatter, McCaslin, Owen, Vognild, West, and Williams.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5674 Prime Sponsor, Senator Erwin: Creating programs for persons with fetal alcohol syndrome. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5674 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5682 Prime Sponsor, Senator Sutherland: Exempting certain religious publications and subscribers from insurance provisions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5682 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, Newhouse, Prince, and Vognild.

MINORITY recommendation: Do not pass. Signed by Senator Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5686 Prime Sponsor, Senator Williams: Limiting the penalty charge for late payment of a credit card balance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5702 Prime Sponsor, Senator Prentice: Regulating unemployment insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5729 Prime Sponsor, Senator Rinehart: Changing the family emergency assistance program. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5743 Prime Sponsor, Senator Quigley: Revising State Route No. 92. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognil, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5746 Prime Sponsor, Senator Winsley: Revising family planning service provisions. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

February 26, 1993

SB 5778 Prime Sponsor, Senator Prentice: Creating a joint underwriting association for midwives. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5778 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Cantu, Fraser, McAuliffe, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5782 Prime Sponsor, Senator Quigley: Making school construction and remodeling plans public property. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Skratek, A. Smith, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Hochstatter, Moyer, and Nelson.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5801 Prime Sponsor, Senator Fraser: Creating the water resources policy commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5801 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Owen, A. Smith, Vognil, West, and Williams.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5829 Prime Sponsor, Senator Moore: Licensing mortgage brokers, associate mortgage brokers, and loan originators. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5829 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, Newhouse, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5849 Prime Sponsor, Senator M. Rasmussen: Revising dairy management. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5849 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5866 Prime Sponsor, Senator Moore: Changing provisions regarding the gambling commission. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; McAuliffe, Newhouse, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5892 Prime Sponsor, Senator Fraser: Correcting a double amendment relating to periodic case review for children in substitute care. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5899 Prime Sponsor, Senator Pelz: Requiring a model compensation system for school employees. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5899 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5919 Prime Sponsor, Senator Talmadge: Correcting an internal reference error in RCW 7.70.065, informed consent. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5943 Prime Sponsor, Senator Loveland: Changing the responsibilities of the pesticide incident reporting and tracking review panel. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

February 26, 1993

SJM 8015 Prime Sponsor, Senator Prentice: Memorializing Congress for more money to fund employment security funds. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Cantu, Fraser, McAuliffe, Newhouse, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 2, 1993

SJM 8018 Prime Sponsor, Senator M. Rasmussen: Requesting amendment of the Delaney Clause of the federal food, drug, and cosmetic act. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 2, 1993

GA 9244 LOUIS O. STEWART, reappointed January 29, 1993, for a term ending June 15, 1996, as a member of the Marine Employees' Commission.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules.

March 2, 1993

GA 9271 KATHY BAROS FRIEDT, appointed February 8, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Licensing.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5949 by Senators Prentice, Franklin, Wojahn, Erwin and Hargrove

AN ACT Relating to acupuncture; and amending RCW 4.24.240, 4.24.290, 7.70.020, 18.06.010, 18.06.020, 18.06.045, 18.06.080, 18.06.090, 18.06.110, 18.06.120, 18.06.130, 18.06.140, 18.06.170, 18.06.190, 18.06.200, 18.120.020, and 18.130.040.

Referred to Committee on Health and Human Services.

SB 5950 by Senators Wojahn, Winsley, M. Rasmussen and Owen

AN ACT Relating to permit exemptions for certain remedial action; and adding a new section to chapter 70.105D RCW.

Referred to Committee on Ecology and Parks.

SB 5951 by Senators Anderson and Spanel

AN ACT Relating to retirement eligibility for plan I members of the teachers' and public employees' retirement systems who submitted late applications for early retirement; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5952 by Senator Quigley

AN ACT Relating to reducing the number of state executive branch elected officials; creating new sections; and providing a contingent effective date.

Referred to Committee on Government Operations.

SB 5953 by Senators Hochstatter, McCaslin, Moyer and Oke

AN ACT Relating to aid to families with dependent children eligibility conditions; adding a new section to chapter 74.04 RCW; and declaring an emergency.

Referred to Committee on Health and Human Services.

SJR 8216 by Senator Quigley

Reducing the number of state executive branch elected officials.

Referred to Committee on Government Operations.

MOTION

At 12:03 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 6:33 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5034 Prime Sponsor, Senator Haugen: Authorizing rents from leased beds of navigable waters in a code city not within a port district to be paid to the municipal authority. Reported by Committee on Natural Resources March 2, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

SB 5061 Prime Sponsor, Senator Fraser: Limiting residential time in parenting plans and visitation orders for abusive parents. Reported by Committee on Law and Justice March 3, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

SB 5101 Prime Sponsor, Senator Vognild: Adjusting certain motorcycle-related fees. Reported by Committee on Transportation March 2, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Oke, Prentice, Prince, M. Rasmussen, and Winsley.

Passed to Committee on Rules for second reading.

SB 5151 Prime Sponsor, Senator Winsley: Outlawing studded snow tires. Reported by Committee on Transportation March 3, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Loveland, Vice Chairman.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5200 Prime Sponsor, Senator Skratek: Adopting the private whistleblowers' protection act. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5200 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5203 Prime Sponsor, Senator Skratek: Providing for employment and training services. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; M. Rasmussen, and Williams.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Deccio, and Erwin.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5212 Prime Sponsor, Senator Haugen: Removing the ten-mile ferry and toll bridge restriction. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5212 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5215 Prime Sponsor, Senator Talmadge: Strengthening the regulation of Puget Sound water quality. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5215 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Barr, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5230 Prime Sponsor, Senator Hargrove: Extending growth management deadlines. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and von Reichbauer.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5244 Prime Sponsor, Senator Prentice: Enforcing the payment of prevailing wages. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5274 Prime Sponsor, Senator Oke: Adding certain miniature models to boiler regulation exemptions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5274 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5280 Prime Sponsor, Senator Hargrove: Creating a certification program for contractors. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, Newhouse, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5322 Prime Sponsor, Senator Talmadge: Requiring funding of programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5323 Prime Sponsor, Senator Talmadge: Creating a misdemeanor of interfering with school activities. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5323 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5347 Prime Sponsor, Senator Prentice: Regulating agricultural labor relations. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5347 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5380 Prime Sponsor, Senator Prentice: Concerning collective bargaining for members of the Washington state patrol. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5380 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5390 Prime Sponsor, Senator Sutherland: Allowing the transfer of payment for conservation measures to successive property owners. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5390 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Owen, Roach, A. Smith, Vognild, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5394 Prime Sponsor, Senator Skratek: Funding improvements to regional transportation systems and facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5394 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Oke, Prentice, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5395 Prime Sponsor, Senator Skratek: Involving the public in transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5395 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5403 Prime Sponsor, Senator Haugen: Authorizing public utility districts to fluoridate water supplies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Owen, A. Smith, Vognild, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5412 Prime Sponsor, Senator Prentice: Training and educating workers who handle paint and other coatings. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, Pelz, Sutherland, Vognild, and Wojahn.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5416 Prime Sponsor, Senator Prentice: Clarifying what constitutes retaliation for filing a workers' compensation claim. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5418 Prime Sponsor, Senator M. Rasmussen: Regulating alternative livestock. Reported by Committee on Natural Resources

MAJORITY recommendation: That substitute Senate Bill No. 5418 as recommended by Committee on Agriculture be substituted therefor and the substitute bill do pass. Signed by Senators Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5422 Prime Sponsor, Senator Skratek: Articulating desirable land use patterns in transit plans. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5422 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5423 Prime Sponsor, Senator Skratek: Developing a public transportation policy plan. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5431 Prime Sponsor, Senator Snyder: Restricting regulatory takings of private property. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Oke, Sellar, L. Smith, and Snyder.

MINORITY recommendation: Do not substitute. Signed by Senators Haugen and Spanel.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5445 Prime Sponsor, Senator Williams: Removing nuclear construction authority from joint operating agencies created under RCW 43.52.360. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5445 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chairman; Amondson, Hochstatter, McCaslin, Owen, Vognild, and Williams.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5454 Prime Sponsor, Senator Fraser: Creating jobs to restore and enhance Washington's estuaries, waterways, and watersheds. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5454 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5459 Prime Sponsor, Senator West: Regulating prescription claims for insurance coverage that were initially approved over the telephone or by other means. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5461 Prime Sponsor, Senator Vognild: Relating discharge for disqualification from unemployment benefits to recent work. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, and Cantu.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5462 Prime Sponsor, Senator Vognild: Affecting disqualification for unemployment insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5462 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5464 Prime Sponsor, Senator Prentice: Limiting the unemployment insurance disqualification for misconduct. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5465 Prime Sponsor, Senator Prentice: Providing unemployment insurance for persons reentering the work force. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5466 Prime Sponsor, Senator Prentice: Regulating unemployment insurance for people reentering the work force. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5466 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5468 Prime Sponsor, Senator Fraser: Imposing requirements for businesses that receive public assistance. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5468 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; M. Rasmussen, and Williams.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Deccio, and Erwin.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5477 Prime Sponsor, Senator Prentice: Eliminating school levy lids. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5477 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5482 Prime Sponsor, Senator Skratek: Defining rights of tenants in mobile home parks. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5482 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5483 Prime Sponsor, Senator Prentice: Providing for arbitration in public transportation labor negotiations. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5483 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5490 Prime Sponsor, Senator Niemi: Reforming the provisions and delivery of services for individuals with developmental disabilities. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5490 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and L. Smith.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5502 Prime Sponsor, Senator Sutherland: Revising mining reclamation laws. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Oke, Sellar, L. Smith, and Snyder.

MINORITY recommendation: Do not pass substitute. Signed by Senators Franklin, Haugen, and Spanel.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5503 Prime Sponsor, Senator Vognild: Providing injured workers with an increased incentive to return to work. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, Newhouse, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5515 Prime Sponsor, Senator Prentice: Changing provisions relating to industrial insurance claims. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5515 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5520 Prime Sponsor, Senator Wojahn: Modifying controlled substances definitions, standards, and schedules. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5530 Prime Sponsor, Senator Prentice: Revising the definition of reasonable assurance for unemployment insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5533 Prime Sponsor, Senator M. Rasmussen: Changing provisions relating to dangerous animals. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Bauer, and Snyder.

Passed to Committee on Rules for second reading.

March 1, 1993

SB 5556 Prime Sponsor, Senator Bauer: Changing provisions relating to state schools for the blind, deaf, and sensory impaired. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5556 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5572 Prime Sponsor, Senator Prentice: Assessing environmental costs of transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5605 Prime Sponsor, Senator Fraser: Funding roadside improvements. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5605 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Referred to Committee on Transportation.

March 2, 1993

SB 5614 Prime Sponsor, Senator Snyder: Regulating the non-Puget Sound coastal commercial crab fishery. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5621 Prime Sponsor, Senator Prentice: Modifying minors' access to tobacco. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5621 be substituted therefor, and the substitute bill do pass and the bill be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5636 Prime Sponsor, Senator Skratek: Creating the Washington state council for lifelong learning and community involvement in education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5636 be substituted therefor, and the substitute bill do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5655 Prime Sponsor, Senator Prentice: Limiting electrical inspection fees. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, Newhouse, Pelz, Prince, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5656 Prime Sponsor, Senator Pelz: Requiring electrical inspections. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5657 Prime Sponsor, Senator Vognild: Providing prompt pay for works of improvement. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5657 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5661 Prime Sponsor, Senator Skratek: Creating the state technology coordinating council. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5661 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5662 Prime Sponsor, Senator Owen: Regulating metals mining. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5662 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5688 Prime Sponsor, Senator Owen: Modifying enforcement of forest practices guidelines. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5689 Prime Sponsor, Senator Moore: Establishing a license to sell liquor in motels. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5731 Prime Sponsor, Senator Fraser: Revising provisions for unemployment compensation deductions for pensions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5731 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5736 Prime Sponsor, Senator Moore: Regulating chiropractic care for industrial insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5736 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5742 Prime Sponsor, Senator Vognild: Relieving select transportation facilities from local permit requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5742 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5745 Prime Sponsor, Senator Bluechel: Creating the PNWER-Net working group. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5757 Prime Sponsor, Senator Snyder: Controlling burrowing shrimp. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5760 Prime Sponsor, Senator Moore: Licensing bail bond agents. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5768 Prime Sponsor, Senator Haugen: Providing for inspection services at an emergency scene upon the request of a public official. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5773 Prime Sponsor, Senator Fraser: Allowing counties to establish coordinated water resources programs. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5773 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Owen, A. Smith, Vognild, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5777 Prime Sponsor, Senator McDonald: Providing incentives for trickle irrigation systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, and West.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5786 Prime Sponsor, Senator Sheldon: Regulating public housing authorities. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5787 Prime Sponsor, Senator Gaspard: Regulating professional athletics. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1993

SB 5795 Prime Sponsor, Senator Moore: Forbidding cities, towns, or counties from passing laws that will infringe on a business right unless specific guidelines are followed. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5795 be substituted therefor, and the substitute bill do pass and be referred to Committee on Government Operations. Signed by Senators Moore, Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Vognild.

Referred to Committee on Government Operations.

March 2, 1993

SB 5797 Prime Sponsor, Senator Moore: Regulating bail bond insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5802 Prime Sponsor, Senator Fraser: Regarding state environmental policy act documents. Reported by Committee on Ecology and Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5815 Prime Sponsor, Senator West: Concerning seizure and forfeiture. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5815 be substituted therefor, and the substitute bill do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5816 Prime Sponsor, Senator Niemi: Concerning automobile insurance territorial rating. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5816 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5819 Prime Sponsor, Senator Haugen: Authorizing voting by mail for any primary or election for a two-year period. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5823 Prime Sponsor, Senator Rinehart: Funding the state auditor municipal corporation division. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5823 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, von Reichbauer, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Loveland.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5832 Prime Sponsor, Senator Barr: Requiring humane societies and animal control agencies to offer animals to homes, research facilities, or commercial establishments before euthanasia. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5832 be substituted therefor, and the substitute bill do pass. Signed by Senators M. Rasmussen, Chairman; Anderson, Barr, Bauer, and Snyder.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5837 Prime Sponsor, Senator Quigley: Financing state and local government. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5837 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5839 Prime Sponsor, Senator Cantu: Providing consolidated mail service for state agencies. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5843 Prime Sponsor, Senator Moyer: Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5847 Prime Sponsor, Senator Owen: Creating a state-wide business and job retention program. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5847 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5854 Prime Sponsor, Senator Quigley: Redefining eligible areas for business projects qualifying for tax credits. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5858 Prime Sponsor, Senator Cantu: Forbidding requiring financial security devices for permits for local government units' construction projects. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5858 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5859 Prime Sponsor, Senator Talmadge: Modifying regulation of health professions. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5859 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 3, 1993

SB 5860 Prime Sponsor, Senator Moore: Adjusting the financing of unemployment insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5860 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5862 Prime Sponsor, Senator Haugen: Creating the competitive strategies task force. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5862 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5865 Prime Sponsor, Senator Fraser: Allowing counties to levy an additional one and three-fourths cent for maintenance and operation of lands acquired as conservation futures. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5868 Prime Sponsor, Senator Skratek: Creating the department of economic and community development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5870 Prime Sponsor, Senator Haugen: Concerning the tax value of new construction. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5875 Prime Sponsor, Senator Gaspard: Enacting the national guard mutual assistance counter-drug activities compact. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Roach.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5876 Prime Sponsor, Senator Prentice: Extending incentives for ride sharing and vanpools. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5876 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5877 Prime Sponsor, Senator Drew: Making technical amendments to the future teachers and the health professionals conditional scholarship programs to continue existing repayment regulations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5878 Prime Sponsor, Senator Bauer: Eliminating mandatory posttenure review for community college faculty. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5878 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5879 Prime Sponsor, Senator A. Smith: Conforming state law on child passenger restraint systems to the Uniform Vehicle Code. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, and Spanel.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5882 Prime Sponsor, Senator Skratek: Creating a Washington council for the future. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means

March 3, 1993

SB 5883 Prime Sponsor, Senator Bauer: Changing funding procedures for high school students enrolled in the running start program in community or technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5889 Prime Sponsor, Senator Bauer: Awarding grants for pilot regional collaborative professional development school projects. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute bill do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5896 Prime Sponsor, Senator M. Rasmussen: Authorizing counties to use the hotel-motel tax for public restroom facilities. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5896 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5903 Prime Sponsor, Senator Bauer: Allocating basic education funding to community and technical colleges for students enrolled in community or technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5905 Prime Sponsor, Senator Vognild: Changing provisions regarding the county road administration board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5906 Prime Sponsor, Senator Moore: Modifying electrical inspection standards. Reported by Committee on Labor and Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5906 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Vognild, and Wojahn.

Referred to Committee on Ways and Means.

March 2, 1993

SB 5909 Prime Sponsor, Senator Sheldon: Requiring a study of the economic diversification of Kitsap county. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5909 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5910 Prime Sponsor, Senator Sutherland: Assisting public drinking water systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5911 Prime Sponsor, Senator Cantu: Promoting economic development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5913 Prime Sponsor, Senator Sellar: Modifying annexation procedures for public hospital districts. Reported by Committee on Government Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5913 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5916 Prime Sponsor, Senator Haugen: Changing provisions relating to emergency medical services tax levies. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5917 Prime Sponsor, Senator Drew: Restructuring statutes on state participation in rail freight service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5918 Prime Sponsor, Senator Drew: Allowing ride-sharing incentives to include cars. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5918 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5922 Prime Sponsor, Senator Snyder: Regarding the use of controlled substances by advanced registered nurse practitioners, certified nurse anesthetists. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5922 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5940 Prime Sponsor, Senator Owen: Creating the department of fish and wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5940 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 3, 1993

SB 5948 Prime Sponsor, Deccio: Modifying process and procedures for disciplining of health care professionals. Reported by Committee on Health and Human Services

MAJORITY recommendation: That Substitute Senate Bill No. 5948 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1993

SJM 8019 Prime Sponsor, Senator Spanel: Requesting Congress not approve certain international trade agreements. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; M. Rasmussen, and Williams.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Deccio, and Erwin.

Passed to Committee on Rules for second reading.

March 3, 1993

SJR 8201 Prime Sponsor, Senator Haugen: Amending the Constitution to provide an alternative method of framing a county charter. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, von Reichbauer, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Loveland and Owen.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1150 Prime Sponsor, Representative Anderson: Repealing the sunset provisions of the counselor registration statute. Reported by Committee on Government Operations

MAJORITY recommendation: Refer to Committee on Health and Human Services without recommendation. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Referred to Committee on Health and Human Services without recommendation.

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

March 3, 1993

GA 9261 CINDY ZEHNDER, appointed February 9, 1993, for a term ending January 4, 1999, a member of the Personnel Board. Reported by Committee on Government Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules.

MOTION

At 6:34 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Thursday, March 4, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, MARCH 3, 1993

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

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 4, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Drew, Erwin, Gaspard, Owen and Sellar. On motion of Senator Spanel, Senators Drew, Gaspard, and Owen were excused. On motion of Senator Oke, Senators Amondson, Erwin and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer McKibbin and Stephanie Doellefeld, presented the Colors. Reverend Robert H. Cassis, Jr., pastor of the South Sound Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5308 Prime Sponsor, Senator Owen: Modifying the forest fire protection assessment. Reported by Committee on Ways and Means March 3, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5308 as recommended by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, Pelz, Quigley, Snyder, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

SB 5351 Prime Sponsor, Senator Newhouse: Regarding death benefits for disabled teacher retirees under plan I. Reported by Committee on Ways and Means March 2, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

SB 5352 Prime Sponsor, Senator Newhouse: Specifying how payments based on retirement agreements shall affect calculation of pension benefits. Reported by Committee on Ways and Means March 2, 1993

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5510 Prime Sponsor, Senator Niemi: Notifying reentering state employees of their ability to restore previously withdrawn contributions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5510 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1993

SB 5721 Prime Sponsor, Senator Rinehart: Modifying the state's cash management system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5721 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5954 by Senators Gaspard, Franklin, M. Rasmussen and von Reichbauer

AN ACT Relating to valuation for property tax purposes; adding new sections to chapter 84.36 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SJM 8023 by Senators Loveland and Hochstatter

Petitioning Congress to not designate the Hanford Reach as wild and scenic or as a wildlife refuge.

Referred to Committee on Natural Resources.

SJR 8217 by Senators Gaspard, Franklin, M. Rasmussen and von Reichbauer

Amending the constitution to authorize property tax relief.

Referred to Committee on Ways and Means.

STATEMENT FOR THE JOURNAL

March 4, 1993

This morning I missed votes on Gubernatorial Appointment No. 9127, Gubernatorial Appointment No. 9128, Substitute Senate Bill No. 5261 and Senate Bill No. 5062 on the floor of the Senate because I was participating in a joint press conference with Governor Lowry, Attorney General Christine Gregoire, Speaker Brian Ebersole, Senate Minority Leader George Sellar and House Minority Leader Clyde Ballard.

SENATOR MARCUS S. GASPARD, 25th District

SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9127, Captain Roger Bruett, as Chief of the Washington State Patrol, was confirmed.

APPOINTMENT OF CAPTAIN ROGER BRUETT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Amondson, Drew, Erwin, Gaspard, Owen and Sellar - 6.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9128, Dr. Peter J. Goldmark, as Director of the Department of Agriculture, was confirmed.

APPOINTMENT OF DR. PETER J. GOLDMARK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Amondson, Erwin, Gaspard, Owen and Sellar - 5.

SECOND READING

SENATE BILL NO. 5261, by Senators Fraser, Deccio and Talmadge

Modifying the background check requirement on persons providing services for physically disabled or mentally impaired persons.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5261 was substituted for Senate Bill No. 5261 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

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

ROLL CALL

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

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Erwin, Gaspard, Owen and Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5062, by Senators Nelson and Vognild

Determining exempt fuel use by power take-off units.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5062.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5062 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Erwin, Gaspard, Owen and Sellar - 4.

SENATE BILL NO. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5024, by Senators A. Rasmussen, McDonald and McCaslin

Increasing the homestead exemption.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5024.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Erwin and Owen - 2.

SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5124, by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin (by request of Department of Fisheries)

Revising laws relating to commercial fishing licenses.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5124.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Erwin and Owen - 2.
SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the 1993 Washington State Apple Blossom Royalty who were seated on the rostrum: Apple Blossom Queen, Kristie Marie Adamson; Princesses, Maria Louise Davis, Anna L. Shaw, Shawnee Elizabeth Effinger, Jennifer Anne Netz and Candida Melinda Sherrill.

With permission of the Senate, the group sang a song inviting the Senators to attend the Apple Blossom Festival. Senator Sellar gave a special welcome to the members of the Apple Blossom Royalty.

MOTION

At 9:40 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 10:38 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5301, by Senators Fraser, Oke, Barr, Haugen and Winsley

Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5301.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator McCaslin - 1.

Absent: Senators Barr and Prince - 2.

SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Barr and Prince were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1303, by Representatives R. Fisher and Johanson (by request of Department of Transportation)

Authorizing state highway bonds.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1303.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1303 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Barr and Prince - 2.

ENGROSSED HOUSE BILL NO. 1303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5020, by Senators Nelson and Winsley

Providing for a ten-day period to repair a vehicle before a traffic infraction may be issued for defective equipment.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Transportation amendment be adopted:

On page 1, beginning on line 17, strike all material through "equipment." on page 2, line 2, and insert:

"For lesser degrees of equipment violations, law enforcement officers shall issue a mandatory repair notice. The repair notice shall provide a motorist with at least ten days to repair the deficient equipment. If at the end of the ten day period, or greater period of time if designated on the repair notice, the motorist has not contacted the law enforcement agency that issued the mandatory repair notice and produced satisfactory evidence that the equipment deficiency has been corrected, the law enforcement agency shall issue a traffic infraction."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Transportation amendment on page 1, beginning on line 17, to Senate Bill No. 5020.

The motion by Senator Nelson carried and the committee amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 46.

Voting nay: Senator West - 1.

Excused: Senators Barr and Prince - 2.

ENGROSSED SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5479, by Senators Fraser, Deccio, Talmadge, Moyer, Franklin, M. Rasmussen and Oke

Declaring Washington state children's day.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5479 was substituted for Senate Bill No. 5479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5479.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5479 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5378, by Senators M. Rasmussen, Barr, Loveland and Winsley (by request of Department of Agriculture)

Modifying the regulation of horticultural plants and facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture amendment was adopted:

On page 3, line 3, after "landscapes." insert the following new sub-section:

"(13) "Collected horticultural plant" means a noncultivated native plant, collected in its native habitat and sold for horticultural purposes. For purposes of this chapter, such plants shall be regarded as collected horticultural plants for the first calendar year after collection."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5138, by Senators M. Rasmussen, Roach, Erwin, Moyer, A. Smith, Wojahn, Haugen, Spanel, McCaslin, Nelson, Quigley, Winsley and Oke

Making under-aged persons in a public place under the influence of alcohol guilty of a misdemeanor.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following amendment was adopted:

On page 2, after line 26, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 3 of the title, after "66.44.270;" strike "and prescribing penalties" and insert "prescribing penalties; and declaring an emergency"

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5138.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 36.

Voting nay: Senators Franklin, Hochstatter, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Rinehart, Roach, Skratek, Vognild and Williams - 13.

ENGROSSED SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5455, by Senators Fraser, Deccio and Talmadge (by request of Law Revision Commission)

Correcting the codification of a section relating to chemical dependency.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5455.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5455 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5284, by Senators Haugen and McAuliffe

Authorizing city councilmembers to serve as reserve police officers.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5284 was substituted for Senate Bill No. 5284 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5060, by Senators A. Smith, Nelson, McCaslin and Hargrove (by request of Indeterminate Sentence Review Board)

Revising provisions relating to indeterminate sentencing.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5060.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5290, by Senators Wojahn, Snyder, Moyer, Sellar, Bauer, McCaslin, Deccio, Vognild and Winsley

Reducing the tax burden on free hospitals.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5247, by Senators Skratek, Deccio, Erwin, Sheldon, M. Rasmussen, Moyer and Sellar

Allowing the creation of a less than county-wide port district not bordering on saltwater.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5247.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5149, by Senators Winsley and Roach

Prescribing monetary penalties for littering.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Bauer moved that the following Gubernatorial Appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

- GA 9145, CARL R. BROWN, Member, Board of Trustees, Bates Technical College District No. 28;
- GA 9164, BEVERLY FREEMAN, Member, State Board for Community and Technical Colleges;
- GA 9166, MARY ANN FUNK, Member, Board of Trustees for Skagit Valley Community College District No. 4;
- GA 9176, ROBERTA J. GREENE, Member, Spokane Joint Center for Higher Education;
- GA 9182, VICTOR S. HIRAKAWA, Member, Board of Trustees for Edmonds Community College District No. 23;
- GA 9192, CHARLES D. KEE, Member, Board of Trustees for Edmonds Community College District No. 23;
- GA 9207, ARLENE MILLER, Member, Board of Trustees for Skagit Valley Community College District No. 4;
- GA 9208, KAREN MILLER, Member, Board of Trustees for Edmonds Community College District No. 23;
- GA 9222, MELANIE PRINSEN, Member, Board of Trustees for Bellingham Community College District No. 25;
- GA 9236, ANN H. SCROGGS, Member, Board of Trustees for Grays Harbor Community College District No. 2;
- GA 9238, JIM SHERRILL, Member, Board of Trustees for Centralia Community College District No. 12;
- GA 9260, PAUL J. WYSOCKI, Member, Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6;
- GA 9263, DALE BRIGHTON, Member, Board of Trustees for Wenatchee Valley Community College District No. 15.

POINT OF INQUIRY

Senator Newhouse: "Senator Bauer, this is a new procedure and rather unusual. If a member wished to record a negative vote for anyone of these, could they notify the desk of that?"

Senator Bauer: "Senator Newhouse, I think that would be a decision of the President."

REPLY BY THE PRESIDENT

President Pritchard: "The Chair believes that if someone wants to vote a negative vote, we will take that name off the list."

Senator Newhouse: "Thank you."

POINT OF INQUIRY

Senator McCaslin: "Senator Bauer, this is a good idea, I think. I recommended it years ago, but my question is if a member is absent, is he absent for thirteen votes or for one vote?"

Senator Bauer: "That's another decision of the Chair."

Senator McCaslin: "Well then I'll ask the President. Mr. President, could you rule on that?"

REPLY BY THE PRESIDENT

President Pritchard: "They are all recorded separately, so it would be thirteen votes."

Senator McCaslin: "Then, I think that is unfair."

President Pritchard: "But everybody is here, Senator McCaslin."

Senator McCaslin: "Thank you very much. I am not talking about today. There is a future, I hope, for all of us and if this comes up again, then I don't think it would be fair that if an individual member was inadvertently absent, that he would have thirteen absent votes counted against him. As you and I both know, occasionally this gets into the political arena. I think that would be totally unfair."

President Pritchard: "Senator McCaslin, let the President assure you that I will only allow this to go on when all the members are here."

Senator McCaslin: "Thank you, could you spread that on the Journal?"

President Pritchard: "I think it is in the Journal, right here."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the listed gubernatorial appointments be confirmed by a single vote and each name recorded as if voting on each appointment separately.

The motion by Senator Bauer carried and the following gubernatorial appointments were confirmed:

SECOND READING GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9145, Carl R. Brown, as member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

APPOINTMENT OF CARL R. BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9164, Beverly Freeman, as member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF BEVERLY FREEMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9166, Mary Ann Funk, as member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF MARY ANN FUNK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9176, Roberta J. Greene, as member of the Spokane Joint Center for Higher Education, was confirmed.

APPOINTMENT OF ROBERTA J. GREENE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9182, Victor S. Hirakawa, as member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF VICTOR S. HIRAKAWA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9192, Charles D. Kee, as member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF CHARLES D. KEE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9207, Arlene Miller, as member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF ARLENE MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9208, Karen Miller, as member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF KAREN MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9222, Melanie Prinsen, as member of the Board of Trustees for Bellingham Community College District No. 25, was confirmed.

APPOINTMENT OF MELANIE PRINSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9236, Ann H. Scroggs, as member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF ANN H. SCROGGS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9238, Jim Sherrill, as member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF JIM SHERRILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9260, Paul J. Wysocki, as member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6, was confirmed.

APPOINTMENT OF PAUL J. WYSOCKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9263, Dale Brighton, as member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF DALE BRIGHTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

At 11:49 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:06 p.m. by President Pritchard.

MOTIONS

On motion of Senator Spanel, Senators Owen and Rinehart were excused.

On motion of Senator Oke, Senator Deccio was excused.

SECOND READING

GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9137, Kathryn S. Bail, as Chair of the Indeterminate Sentence Review Board, was confirmed.

APPOINTMENT OF KATHRYN S. BAIL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, Owen and Rinehart - 3.

MOTIONS

On motion of Senator Oke, Senator Amondson was excused.

On motion of Senator Spanel, Senator Vognild was excused.

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9157, Dr. Helen Donigan, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF DR. HELEN DONIGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Nelson - 1.

Excused: Senators Amondson, Owen, Rinehart and Vognild - 4.

SECOND READING

SENATE BILL NO. 5079, by Senators Owen, Snyder, Hargrove and Erwin

Modifying conditions for the digging of razor clams for persons who have physical disability permits.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5079.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5079 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Haugen - 1.

Excused: Senators Amondson, Owen, Rinehart and Vognild - 4.

SENATE BILL NO. 5079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5302, by Senators Owen, Hargrove and Oke

Concerning food fish and shellfish rules.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5302.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5302 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Rinehart and Vognild - 3.

SENATE BILL NO. 5302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5139, by Senators Fraser, Wojahn, Prentice, Haugen, von Reichbauer, Williams, Winsley, Roach and McAuliffe (by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association)

Consolidating the state capital historical association and the state historical society.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5139.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5340, by Senators A. Smith, Quigley, McCaslin, Winsley, Talmadge, Fraser, von Reichbauer, M. Rasmussen, Roach and Oke

Increasing penalties for persons under the influence of intoxicating liquor or drugs.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 1, line 6, strike all of sections 1, 2 and 3 down through and including the period on page 3, line 35.

Beginning on page 8, line 1, strike all of sections 5 and 6 down through and including the period on page 11, line 4.

Renumber the remaining section accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Vognild on page 1, line 6, and page 8, line 1, to Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 15; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Drew, Loveland, McAuliffe, Moore, Newhouse, Niemi, Owen, Prentice, Sellar, Skratek, Vognild and Williams - 15.

Voting nay: Senators Amondson, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McCaslin, McDonald, Moyer, Nelson, Oke, Pelz, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 33.

Excused: Senator Rinehart - 1.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Loveland and Vognild - 2.

SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5233, by Senators A. Smith, McCaslin, Spanel, Nelson and Hargrove

Specifying the fees allowed to prevailing parties for costs related to service of process.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5233.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5275, by Senators Oke, Haugen and Winsley

Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5157, by Senators Hargrove and Nelson

Increasing statutory attorneys' fees.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the following amendment was adopted:

On page 1, beginning on line 11, after "of" strike all material through "more" on line 15 and insert "~~((fifty dollars as part of the costs: PROVIDED, HOWEVER, That the plaintiff shall not be entitled to such attorney fee unless he obtains, exclusive of costs, a judgment in the sum of twenty-five dollars or more))~~ one hundred dollars or the amount of the judgment obtained, exclusive of costs, whichever is less."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5157.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:58 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Friday, March 5, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, MARCH 4, 1993

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

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 5, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Rinehart, Skratek, Linda Smith, von Reichbauer, West and Wojahn. On motion of Senator Oke, Senators Erwin, Linda Smith, von Reichbauer and West were excused. On motion of Senator Spanel, Senators Rinehart, Skratek and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Maria Srein and Peter Rogers, presented the Colors. Reverend Robert H. Cassis, Jr., pastor of the South Sound Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Contact: Phil Ness
(206) 464-7143
Release Date: March 2, 1993

Washington State Biotechnology Committee

Releases Annual Report

Seattle (March 2) -- George Rathmann, co-chair of the state's Biotechnology Targeted Sector Advisory Committee, today released the committee's annual report on biotechnology in Washington. The committee is an advisory body to the Washington State Department of Trade and Economic Development.

The committee's top priorities are strengthening math, science and technology education at the K-12 levels, the creation of a biotechnology job training program and supporting biotechnology curricula development at our state's institutions of higher education. Citing the need for legislative support for biotechnology, Rathmann, who is also President and CEO of Bothell's ICOS Corp., said biotechnology will continue to be one of the most dynamic and rapidly growing sectors of the state's economy into the next decade.

The state currently has more than 60 biotechnology companies. The state's biotechnology workforce grew 26 percent from 1990-1992 to nearly 5,000 employees, according to the latest survey of the state's biotech firms by the Department of Trade and Economic Development. This growth rate is more than twelve times the state's total employment growth rate for the same period. Biotechnology revenue totalled more than \$200 million, an increase of more than 30 percent from 1990-1992. Using conservative growth rates the biotechnology industry will have more than 90 companies, employ nearly 10,000 people and bring in revenue of more than \$1 billion by the end of the decade.

These numbers exclude biotechnology employment at Batelle's Pacific Northwest Laboratory, Weyerhaeuser and at the state's universities, which are the source of most of the state's biotechnology firms. Biotechnology employees at these organizations are excluded from sector employment totals because of the difficulty in collecting and separating biotech employment from the organizations' total employment.

The average base salary on the West Coast for a starting level research associate with a 4-year college degree and no experience ranges from \$19,800 to \$29,100; starting scientists with a Ph.D. degree and no experience receive \$35,500 to \$55,000.

Washington State, without any strategic planning or targeted investment, has become a focus of biotechnology research and development. This is due in large part to the high quality of research being done at the University of Washington, Washington State University, Eastern Washington University, and the Fred Hutchinson Cancer Research Center.

The University of Washington, which has one of the premier health sciences centers on the West Coast, receives more federal research and training money than any other public university in the country--\$385 million. The Fred Hutchinson Cancer Research Center performs more bone marrow transplants than any other institution in the world and has the nations' largest research program on causes and prevention of cancer.

Biotechnology, as defined by the state's study, is any modern technology that uses living organisms--or parts of organisms--to produce or modify products, to improve plants or animals, or to develop microorganisms for specific uses. Some experts predict biotechnology will be worth tens of billions by the turn of the century.

There are six main biotechnology centers in the United States: the San Francisco Bay area, the New York/Tri-State area, the Boston area, the Washington D.C. area, the San Diego/Los Angeles area. The Seattle area contains the sixth largest biotech center in total number of companies.

The state's report, prepared by the Washington State Department of Trade and Economic Development's Advisory Committee under authority of a law passed by the 1989 Legislature, was assigned three objectives:

- 1) Assess the status of biotechnology in Washington.
- 2) Develop a program to increase biotechnology employment, capital investment and product sales.
- 3) Develop an evaluation process to measure the program's effectiveness.

The Advisory Committee members appointed by Governor Gardner conducted numerous surveys of the state's biotech firms. Additionally, subcommittees studied labor availability, employment training, regulation and legislation, tax structure, capital availability, technology transfer and industrial recruitment.

The committee, and the Washington State Biotechnology Association (WSBA), are taking a number of steps to support education during the current year, including:

1. Supporting the Washington Systemic Initiative for Mathematics, Science and Technology Education. This is a statewide, private-public sector effort for reform of elementary mathematics, science and technology education. A \$10 million, five-year grant proposal was submitted to the National Science Foundation in October 1992. Notification of the award is expected in May 1993.
2. Complete an annual survey (follow-up to the 1990 advisory committee survey) focusing on human resource issues, education (curricula development), job training needs, financing requirements, facility needs, in-state technology transfer relationships and current product development stage, all based on 10-year projections.
3. Establish an informational biotechnology clearinghouse of "existing and proposed" higher education student internship programs, higher education, private biotech firm and other K-12 teacher education programs, like the Fred Hutchinson Cancer Research Center/Immunex Corporation "Education Partnership Program" to train junior high school teachers. This information will be used to strengthen and improve existing biotechnology education and to develop a long-term plan to further enhance science education in the state.
4. Develop and implement a higher education curricula development plan and expand existing internship programs.
5. Organize a consortium of biotechnology firms and community colleges to develop a state funded biotechnology training program.

Rathmann explained that the state of Washington was fortunate during the 1970s' to have farsighted individuals who seized opportunities to capitalize on the state's education and economic base, which resulted in increased federal research, and training funds to our research universities, and the creation of the Fred Hutchinson Cancer Research Center. We now have similar opportunities which strengthen the state's economic foundation, in particular the newly established Department of Molecular Biotechnology at the University of Washington, the Environmental and Molecular Science Laboratory in the Tri-Cities, the state's systemic initiative for math, science and technology education and the proposed federal shifting of funds from defense to industrial research and development. The question is--will our state's business, educational, state and federal leaders act upon these opportunities? Supporting biotechnology development can strengthen Washington's traditional forest products, agricultural and fishing industries. Perhaps of greater importance is the impact supporting biotechnology will have in enhancing the chances of success for the state's emerging biotechnology industry. This encompasses the human therapeutic, diagnostic, medical device and environmental waste cleanup and management companies, which will ultimately improve and reduce the cost of healthcare and improve the quality of life for our citizens.

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

MESSAGE FROM THE HOUSE

March 3, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
HOUSE BILL NO. 1212,
SUBSTITUTE HOUSE BILL NO. 1260, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5955 by Senator Owen

AN ACT Relating to wells; amending RCW 18.104.010, 18.104.020, 18.104.030, 18.104.040, 18.104.043, 18.104.048, 18.104.050, 18.104.060, 18.104.070, 18.104.080, 18.104.100, 18.104.110, 18.104.120, 18.104.150, 18.104.155, 18.104.180, 18.104.900, and 89.16.055; adding new sections to chapter 18.104 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Ecology and Parks.

SB 5956 by Senators Gaspard, Sellar, Sutherland, Bauer, Spanel, M. Rasmussen, McAuliffe and von Reichbauer (by request of Governor Lowry and Attorney General Gregorie)

AN ACT Relating to establishing a commission on ethics in government and campaign practices; creating a new section; making an appropriation; and declaring an emergency.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1127 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brumsickle, Brown, Horn, Long, Quall, Carlson and Johanson) (by request of Washington State Patrol)

Controlling vehicle tax or license fee evasion.

Referred to Committee on Transportation.

HB 1212 by Representatives Dorn, Brumsickle, Hansen, Chappell, Lisk, Grant, Riley, Rayburn, Rust and Kremen

Changing the approval authority for state allocations for youth shows and fairs.

Referred to Committee on Agriculture.

SHB 1260 by House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn and Rust) (by request of Utilities and Transportation Commission)

Modifying review of solid waste collection company tariff filings.

Referred to Committee on Ecology and Parks.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5956 was advanced to second reading and placed on the second reading calendar.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9198, Jan Kumasaka, as Chair of the Human Rights Commission, was confirmed.

APPOINTMENT OF JAN KUMASAKA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Winsley - 42.

Excused: Senators Erwin, Rinehart, Skratek, Smith, L., von Reichbauer, West and Wojahn - 7.

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9200, Judge David LaRose, as Chief Administrative Law Judge, Office of Administrative Hearings, was confirmed.

APPOINTMENT OF JUDGE DAVID LaROSE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 44.

Excused: Senators Rinehart, Skratek, Smith, L., von Reichbauer and Wojahn - 5.

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9223, Phyllis Pulfer, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF PHYLLIS PULFER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 43.

Voting nay: Senator Roach - 1.

Excused: Senators Rinehart, Skratek, Smith, L., von Reichbauer and Wojahn - 5.

MOTION

On motion of Senator Adam Smith, Gubernatorial Appointment No. 9226, Lucio Rodriguez, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF LUCIO RODRIGUEZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 43.

Voting nay: Senator Nelson - 1.

Excused: Senators Rinehart, Skratek, Smith, L., von Reichbauer and Wojahn - 5.

SECOND READING

SENATE BILL NO. 5956, by Senators Gaspard, Sellar, Sutherland, Bauer, Spanel, M. Rasmussen, McAuliffe and von Reichbauer (by request of Governor Lowry and Attorney General Gregorie)

Establishing a commission on ethics in government and campaign practices.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 5956 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, I haven't read the document. Would this apply to all facets of government, not just the Legislature--the Supreme Court, the Governor's Office, the AG's office, all the departments of government?"

Senator Gaspard: "Yes, Senator Deccio, this will include all three branches of government. It will not only include the elective officers, but all public employees. As you well know, the standards that we set will have to be standards that will apply to all of those who are employees of the state, whether it is what we generally consider state employees or higher education for example, the same type of issues that involve elected offices, also involve employees of the state of Washington."

Senator Deccio: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5956.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5956 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Winsley - 47.

Excused: Senators von Reichbauer and Wojahn - 2.

SENATE BILL NO. 5956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, Senate Bill No. 5956 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Spanel, Senators Rinehart and Skratek were excused.

SECOND READING

SENATE BILL NO. 5082, by Senators M. Rasmussen, Barr, Erwin and Bauer

Including ratites in poultry farming regulations.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5082.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 46.

Excused: Senators Rinehart, Skratek and Wojahn - 3.

SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5484, by Senators Quigley, Roach, Vognild, Prince, Loveland, Moyer, McAuliffe and L. Smith

Preserving rights under prior lien laws.

The bill was read the second time.

MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5484.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 46.

Excused: Senators Rinehart, Skratek and Wojahn - 3.

SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Talmadge, Skratek, Haugen, Owen, A. Smith, Pelz, Bluechel, Winsley and Erwin

Declaring a sister state relationship with the Province of Taiwan.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Concurrent Resolution No. 8400 was substituted for Senate Concurrent Resolution No. 8400 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Substitute Senate Concurrent Resolution No. 8400.

Substitute Senate Concurrent Resolution No. 8400 was adopted by voice vote.

SECOND READING

SENATE BILL NO. 5053, by Senators A. Smith, Haugen, Loveland and McAuliffe

Requiring the department of licensing to collect the local vessel excise tax on behalf of the counties.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 47.

Voting nay: Senator Nelson - 1.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5452, by Senators Hargrove, Deccio, Oke and Hochstatter

Requiring misdemeanants to pay jail costs.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Adam Smith was adopted:

On page 1, beginning on line 6, strike all material through "incarceration" on line 8, and insert "Once a defendant has been convicted of a misdemeanor or gross misdemeanor, unless the defendant has been found by the court, pursuant to RCW 10.101.020, to be indigent"

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 48.

Excused: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:57 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:10 a.m. by President Pritchard.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9234, Doug Sayan, as a member of the Personnel Appeals Board, was confirmed.

APPOINTMENT OF DOUG SAYAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Winsley - 47.

Voting nay: Senator West - 1.

Excused: Senator Wojahn - 1.

SECOND READING

SENATE BILL NO. 5470, by Senators Pelz, Bauer, Skratek, Drew and McAuliffe

Eliminating certain limitations on credit hours that may be used to determine compensation allocations for basic education certificated instructional staff.

The bill was read the second time.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 1, line 10, after "28A.150.260." insert "Recognizing that the state is shifting to a performance-based education system for its students, the state-wide salary allocation schedule for certificated instructional staff shall, beginning July 1, 1995, be based on a performance-based salary schedule."

Debate ensued.

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

Further debate ensued.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L. and West - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Winsley - 29.

Excused: Senator Wojahn - 1.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Roach, Senator Oke was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5470.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Prince, Sellar and West - 14.

Excused: Senator Oke - 1.

SENATE BILL NO. 5470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5442, by Senators Vognild, Sellar, Skratek and von Reichbauer

Clarifying authority of tow truck operators.

The bill was read the second time.

MOTION

Senator Franklin moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 3, insert the following:

"**Sec. 1.** RCW 46.55.085 and 1987 c 311 s 6 are each amended to read as follows:

(1) A law enforcement officer discovering an ((apparently abandoned)) unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator."

Renumber the sections following consecutively and correct internal references accordingly.

On page 6, after line 16, insert the following:

"NEW SECTION. Sec. 4. RCW 46.90.103 and 1975 1st ex.s. c 54 s 4 are each repealed."

POINT OF INQUIRY

Senator Anderson: "Senator Franklin, this bill dealing with tow trucks has been in front of the Senate, I think, for the last four years. Every year there have been several groups that have had a particular point of view to be brought into this bill. It is my understanding that the bill, as it came out of committee, is finally, after four years, an agreed-to bill that everyone can live with. I'm hesitant not having studied these amendments, to know if these amendments potentially will tip that agreement that is on the original bill and wanted to know if you had worked with them in some of the other groups in bringing these amendments forward?"

Senator Franklin: "Senator Anderson, I had not heard any objection to these amendments and I don't think that it will interfere with the bill at all."

The President declared the question before the Senate to be the adoption of the amendments by Senator Franklin on page 1, line 3, and page 6, after line 16, to Senate Bill No. 5442.

The motion by Senator Franklin carried and the amendments were adopted.

MOTION

On motion of Senator Vognild, the following amendments were considered simultaneously and were adopted:

On page 5, line 33, after "vehicles" strike "or" and insert "((or))1."

On page 5, line 33, after "wrecking" insert ", or exchanging an operable vehicle for a disabled vehicle"

MOTIONS

On motion of Senator Franklin, the following title amendments were considered simultaneously and were adopted:

On line 1 of the title, after "trucks;" strike "and"

On line 1 of the title, after "RCW" insert "46.55.085,"

On line 2 of the title, after "81.80.040" insert "; and repealing RCW 46.90.103"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5442.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi,

Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Bluechel - 1.

ENGROSSED SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5228, by Senators Skratek, Haugen, A. Smith, Winsley and Quigley

Expanding eligibility for ongoing absentee voter status.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Hochstatter, McCaslin, Nelson, Newhouse, Roach and Smith, L. - 11.

Excused: Senator Bluechel - 1.

SENATE BILL NO. 5228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5075, by Senators Winsley, Fraser and Erwin

Prohibiting hazing at institutions of higher education.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5075 was substituted for Senate Bill No. 5075 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Winsley, under New Section 3, where it describes that a person who participates in hazing can lose entitlement to public funds, etc., would that be following a criminal conviction under New Section 2 or would that be an administrative determination by the university?"

Senator Winsley: "I believe it is after they have been found guilty. If they were on a state scholarship or some type of scholarship where we were paying, out of state funds, for that scholarship, they would lose that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5075.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Amondson and Bluechel - 2.

SUBSTITUTE SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Sheldon: "I would like to rise to a point of personal privilege, Mr. President. I just wanted to explain our little gift today from Kitsap County and the twenty-third district. This is very special business in our district, the Thomas Kemper Brewery, and what you have on your desk is a lovely root beer, which I am sure you will all enjoy very much. I did want to point out that it is from the Twenty-third District and it is a wonderful small business."

MOTION

At 11:57 a.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Monday, March 8, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 5, 1993

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

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 8, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Erwin, Moyer, Prince and Sellar. On motion of Senator Oke, Senators Barr, Erwin, Moyer, Prince and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Julianne Davis and Christian Cox, presented the Colors. Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 5, 1993

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1271, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 5, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5956, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5956.

INTRODUCTION AND FIRST READING

SB 5957 by Senator Rinehart (by request of Department of Social and Health Services)

AN ACT Relating to the tax on intermediate care facilities for the mentally retarded; amending RCW 82.65A.030; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5958 by Senators Rinehart and McDonald (by request of Department of Social and Health Services)

AN ACT Relating to financial responsibility for juvenile offenders; and amending RCW 13.40.220.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1271 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood (by request of Department of Transportation)

Prescribing allowed vehicle lengths.

Referred to Committee on Transportation.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9129, Jean Soliz, as Secretary of the Department of Social and Health Services, was confirmed.

Senators Talmadge and Deccio spoke to the confirmation of Jean Soliz as Secretary of the Department of Social and Health Services.

APPOINTMENT OF JEAN SOLIZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Vognild - 1.

Excused: Senators Barr, Erwin, Moyer, Prince and Sellar - 5.

SECOND READING

SENATE BILL NO. 5172, by Senators Wojahn, Moore, Fraser, Prentice and Pelz

Requiring notifications from impaired insurers.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 5172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5172.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Prince - 2.

SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5608, by Senators Skratek, Snyder, Bluechel, M. Rasmussen, Anderson, Moore, Winsley, Franklin and von Reichbauer (by request of Department of Trade and Economic Development)

Reauthorizing the community economic revitalization board.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5608 was substituted for Senate Bill No. 5608 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5608.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5608 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Niemi - 1.

Excused: Senators Moyer and Prince - 2.

SUBSTITUTE SENATE BILL NO. 5608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5360, by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer

Creating new procedures for reporting domestic violence.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Prince - 2.

SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senator Sutherland

Requesting amending the Copyright Act to address current situations.

The joint memorial was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi,

Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Prince - 2.

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5262, by Senators M. Rasmussen and Barr

Modifying composition of the beef commission.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5262 was substituted for Senate Bill No. 5262 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5379, by Senators M. Rasmussen, Barr, Loveland, Hochstatter and Winsley (by request of Department of Agriculture)

Making major changes to milk and milk products regulations.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5379 was substituted for Senate Bill No. 5379 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 15.36.115 and 1989 c 354 s 18 and 1989 s 175 s 48 are each reenacted and amended to read as follows:

(1) If the results of an antibiotic, pesticide, or other drug residue test under RCW 15.36.110 are above the actionable level established in the pasteurized milk ordinance published by the United States public health service and determined using procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products," a producer holding a grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the permit on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other drug residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic, pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic, pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic, pesticide, or other drug residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues.

Sec. 2. RCW 69.07.040 and 1992 c 160 s 3 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by the license fee. The license fee is determined by computing the gross annual sales for the accounting year immediately preceding the license year. If the license is for a new operator, the license fee shall be based on an estimated gross annual sales for the initial license period.

If gross annual sales are: The license fee is:

\$0 to \$50,000	\$50.00
\$50,001 to \$500,000	\$100.00
\$500,001 to \$1,000,000	\$200.00
\$1,000,001 to \$5,000,000	\$350.00
\$5,000,001 to \$10,000,000	\$500.00
Greater than \$10,000,000	\$750.00

Such application shall include the full name of the applicant for the license and the location of the food processing plant he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Whenever a license holder wishes to engage in processing a type of food product that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter. An entity licensed under chapter 15.32 or 15.36 RCW is not required to obtain a license under this chapter."

POINT OF INQUIRY

Senator Talmadge: "Senator Rasmussen, I didn't have an idea from your explanation what this amendment is designed to do. The original bill that you substituted, as I understood it at least, was in some respects an implementation of last year's effort to set prices for milk products and that was disturbing to a number of members of the Senate. The amendment that is before us exempts somebody from licensure; I don't know who it is. Could you explain precisely who it is we are exempting from licensure and what this first section does relating to antibiotics, pesticides and other drug testing--what that is designed to do?"

Senator Rasmussen: "Senator Talmadge, what the amendment does, and I am not sure who we are talking about exempting unless it is the one grade B dairy that produces the cheese products. That may be the one that is exempted in this bill. However, the Department of Ag and the milk industry wants to fix this whole issue and they wanted some time in order to do that, so the amendment just takes care of the technical things that need to be done in the meantime. It is an agreed-upon amendment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rasmussen to Substitute Senate Bill No. 5379.

The motion by Senator Rasmussen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 69.07.040; and reenacting and amending RCW 15.36.115."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5379.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5379 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5481, by Senators Roach, Quigley, Hargrove, Amondson, L. Smith, McCaslin and Oke

Canceling voter registration of felons.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5481.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

SENATE BILL NO. 5678, by Senators Loveland, Newhouse, Deccio and Winsley

Exempting licensed domestic wineries from commission merchant requirements.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5678 was substituted for Senate Bill No. 5678 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5678.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5678 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced United States Congressman Mike Kreidler who was seated on the rostrum.

SECOND READING

SENATE BILL NO. 5404, by Senators Fraser and Barr

Allowing a private right of action under the model toxic control act.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5404 was substituted for Senate Bill No. 5404 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Amondson: "Senator Fraser, with respect to this bill, do you see this as being an expansion of liability or do you see it as an expansion of the Model Toxic Control Act, as it currently stands?"

Senator Fraser: "I view this as a clarification of original intent."

Senator Amondson: "Not necessarily an expansion of the original act?"

Senator Fraser: "Well, it does expand, under the State Supreme Court's decision, the right of a current owner to sue any prior party who is either an owner or not an owner who might have contributed to the toxic materials on the property--to help them pay their fair share of the cleanup."

Further debate ensued.

MOTION

On motion of Senator Oke, Senator Prince was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5404 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Bauer, Bluechel, Hochstatter and Moyer - 4.

Excused: Senators Prince and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:16 a.m., on motion of Senator Jesernig, the Senate recessed until 11:15 a.m.

The Senate was called to order at 11:30 a.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 5, 1993

SB 5288 Prime Sponsor, Senator Fraser: Extending the expiration date of the solid waste collection tax. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5288 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5291 Prime Sponsor, Senator Fraser: Changing boating safety provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5291 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5347 Prime Sponsor, Senator Prentice: Regulating agricultural labor relations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5347 as recommended by Committee on Labor and Commerce be substituted therefor and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Gaspard, Hargrove, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, McDonald, and West.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5397 Prime Sponsor, Senator Sheldon: Granting resident status at institutions of higher education for active duty personnel stationed in Washington and their spouses and dependents. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5397 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, West, and Williams.

Passed to Committee on Rules for second reading.

March 4, 1993

SB 5476 Prime Sponsor, Senator Talmadge: Providing for HIV testing of juvenile sex offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5476 as recommended by Committee on Law and Justice be substituted therefor and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Snyder, Sutherland, Talmadge, and West.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5587 Prime Sponsor, Senator Franklin: Providing a tax exemption for property leased or rented by nonprofit character-building, benevolent, protective, or rehabilitative social service agencies. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5587 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, McDonald, Moyer, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, and West.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5648 Prime Sponsor, Senator A. Smith: Providing a procedure for releasing alien offenders for the purpose of deportation.
Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5648 as recommended by Committee on Law and Justice be substituted therefor and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5687 Prime Sponsor, Senator Owen: Permitting the pooling of department of natural resources trust management accounts.
Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, McDonald, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5753 Prime Sponsor, Senator Snyder: Creating a new judgeship for Cowlitz County. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5753 be substituted therefor, and the substitute bill do pass. Signed by Senators Bluechel, Cantu, Gaspard, Hargrove, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5874 Prime Sponsor, Senator Owen: Improving recreational fishing. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5874 as recommended by Committee on Natural Resources be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, McDonald, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1993

SB 5937 Prime Sponsor, Senator Quigley: Including certain indebtedness in the calculation of the seven percent debt limitation.
Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5937 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Cantu, Gaspard, Hargrove, Jesernig, Owen, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

March 8, 1993

MR. PRESIDENT:

The Speaker has signed SENATE BILL NO. 5956, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

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

MOTION

On motion of Senator Oke, Senators Anderson and Winsley were excused.

SECOND READING

SENATE BILL NO. 5337, by Senators Sutherland and Vognild

Regulating aeronautics.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5337 was substituted for Senate Bill No. 5337 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 5337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5337.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5337 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 47.

Excused: Senators Anderson and Winsley - 2.

SUBSTITUTE SENATE BILL NO. 5337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5443, by Senators M. Rasmussen, Barr and Loveland (by request of Department of Agriculture)

Modifying the regulation of livestock.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5443 was substituted for Senate Bill No. 5443 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5443.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Wojahn - 43.

Voting nay: Senators Cantu, McCaslin and McDonald - 3.

Absent: Senator Williams - 1.

Excused: Senators Anderson and Winsley - 2.

SUBSTITUTE SENATE BILL NO. 5443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5509, by Senators Hargrove, Owen, Hochstatter, L. Smith, Snyder, Oke, Amondson, Sellar, Jesernig, Nelson, Newhouse, Bauer, Erwin, Roach and McDonald

Prohibiting mandatory child support for postsecondary education of adult children.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Senator Hargrove, under this bill, if a wealthy professional male was divorced from his wife and their child got into a college, would the wealthy professional have an option of not--would this preclude the court from requiring that wealthy professional to pay part of the child's college costs? Would this preclude the court from making that step?"

Senator Hargrove: "Yes, I think I made that clear during debate."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Quigley, Rasmussen, M., Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Vognild, von Reichbauer and West - 32.

Voting nay: Senators Deccio, Drew, Franklin, Fraser, Loveland, McAuliffe, Niemi, Pelz, Prentice, Rinehart, Sheldon, Spanel, Sutherland, Talmadge, Williams and Wojahn - 16.

Excused: Senator Winsley - 1.

SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 7:29 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 8, 1993

SB 5134 Prime Sponsor, Senator Haugen: Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5134 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, McDonald, Moyer, Niemi, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5164 Prime Sponsor, Senator Wojahn: Exempting nonprofit organizations providing credit services from the business and occupation tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5203 Prime Sponsor, Senator Skratek: Providing for employment and training services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5203 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Moyer, Niemi, Owen, Pelz, Roach, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5208 Prime Sponsor, Senator Prentice: Strengthening securities enforcement powers of the director of licensing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5226 Prime Sponsor, Senator Skratek: Providing for additional evaluation of state programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5226 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1993

SB 5239 Prime Sponsor, Senator Wojahn: Centralizing poison information services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5239 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Pelz, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5264 Prime Sponsor, Senator M. Rasmussen: Establishing a Washington state trade office in the Russian Far East. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5264 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5304 Prime Sponsor, Senator Talmadge: Reforming health care cost control and access. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5304 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5377 Prime Sponsor, Senator Bauer: Changing duties of the legislative auditor and attorney general regarding the legislative budget committee. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5398 Prime Sponsor, Senator Quigley: Implementing a primary voters' pamphlet. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5398 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Niemi, Pelz, Quigley, Snyder, Sutherland, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5477 Prime Sponsor, Senator Prentice: Eliminating school levy lids. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5477 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bluechel, Gaspard, Jesernig, McDonald, Moyer, Niemi, Pelz, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5508 Prime Sponsor, Senator Hargrove: Modifying child support orders in dependency cases. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5511 Prime Sponsor, Senator Loveland: Enabling voter registration by mail. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5511 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hochstatter, Niemi, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5514 Prime Sponsor, Senator Sheldon: Creating the economic development grants program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5514 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, L. Smith, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5522 Prime Sponsor, Senator Wojahn: Providing a program to reduce alcohol and drug use during pregnancy. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Health and Human Services. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5557 Prime Sponsor, Senator Prentice: Regulating alcohol servers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5557 as recommended by Committee on Labor and Commerce be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, L. Smith, Snyder, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5606 Prime Sponsor, Senator Prince: Directing the state auditor to scrutinize funds and accounts under the control of state agencies. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5614 Prime Sponsor, Senator Snyder: Regulating the non-Puget Sound coastal commercial crab fishery. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5614 as recommended by Committee on Natural Resources be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5620 Prime Sponsor, Senator Loveland: Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, Snyder, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5715 Prime Sponsor, Senator Bluechel: Assisting businesses to form flexible networks. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5715 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, L. Smith, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5760 Prime Sponsor, Senator Moore: Licensing bail bond agents. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5760 as recommended by Committee on Labor and Commerce be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, McDonald, Moyer, Niemi, Pelz, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5777 Prime Sponsor, Senator McDonald: Providing incentives for trickle irrigation systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5777 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5781 Prime Sponsor, Senator Jesernig: Improving access to public institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5781 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, McDonald, Roach, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5828 Prime Sponsor, Senator Bauer: Changing provisions relating to vocational education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, L. Smith, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5835 Prime Sponsor, Senator McAuliffe: Exempting certain public authority property from taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Quigley, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1993

SB 5836 Prime Sponsor, Senator Bauer: Redefining the relationship between the state and its postsecondary institutions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5836 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Roach, Snyder, Sutherland, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5850 Prime Sponsor, Senator M. Rasmussen: Clarifying definitions relating to farmers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5850 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Pelz, Quigley, Roach, L. Smith, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5906 Prime Sponsor, Senator Moore: Modifying electrical inspection standards. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5906 as recommended by Committee on Labor and Commerce be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hochstatter, Jesernig, Niemi, Pelz, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1993

SB 5925 Prime Sponsor, Senator Snyder: Allowing lodging tax for counties with national monuments. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, Niemi, Pelz, Quigley, Snyder, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

March 8, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5166, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5166.

MOTION

At 7:31 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Tuesday, March 9, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 8, 1993

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

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 9, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Haugen, McDonald, Prince, Linda Smith, Talmadge and West. On motion of Senator Spanel, Senators Haugen and Talmadge were excused. On motion of Senator Oke, Senators Erwin, McDonald, Prince, Linda Smith and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Abby Knight and Troy Holt, presented the Colors. Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 8, 1993

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1330, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1243,
SUBSTITUTE HOUSE BILL NO. 1316,
SUBSTITUTE HOUSE BILL NO. 1318,
HOUSE BILL NO. 1346,
HOUSE BILL NO. 1410, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5959 by Senators Nelson, M. Rasmussen, Amondson, Vognild, Erwin and Roach

AN ACT Relating to exercising the right to petition for referendum; amending RCW 4.24.500, 4.24.510, 4.24.520, 35.22.200, 35A.11.100, and 35A.29.170; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5960 by Senator West

AN ACT Relating to regulating smoking in private enclosed workplaces within public places; and amending RCW 70.160.060.

Referred to Committee on Health and Human Services.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1243 by Representatives King, Heavey, Franklin, G. Cole, Jones and Veloria

Making technical changes to the statute governing reconsideration of industrial insurance orders.

Referred to Committee on Labor and Commerce.

SHB 1316 by House Committee on Local Government (originally sponsored by Representatives Springer, H. Myers and Thomas)

Authorizing city councilmembers to serve as reserve police officers.

Referred to Committee on Government Operations.

SHB 1318 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Pruitt, Ballard, Morton, Sheldon, Wolfe, Schoesler, R. Johnson and Jones)

Changing boating safety provisions.

Referred to Committee on Ecology and Parks.

EHB 1330 by Representatives Horn, Heavey, G. Cole and Johanson (by request of Liquor Control Board)

Regulating liquor licenses.

Referred to Committee on Labor and Commerce.

HB 1346 by Representatives G. Cole, Heavey, King, Veloria, Holm, J. Kohl, Brough, Sommers, Zellinsky, R. Fisher, Wang, Ogden, Wolfe, Valle, Riley, H. Myers, Wood, Jones, Leonard, Karahalios and Wineberry

Repealing enforcement and right of action provisions for family leave.

Referred to Committee on Labor and Commerce.

HB 1410 by Representatives Morton and Appelwick

Concerning the distribution of intestate estates.

Referred to Committee on Law and Justice.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9244, Louis O. Stewart, as a member of the Marine Employees' Commission, was confirmed.

APPOINTMENT OF LOUIS O. STEWART

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 42.

Excused: Senators Erwin, Haugen, McDonald, Prince, Smith, L., Talmadge and West - 7.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 5563, by Senators Barr, Vognild, Prince, M. Rasmussen, Quigley, Deccio and Hochstatter

Permitting monthly licensed farm vehicles to buy trip permits.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Senate Bill No. 5563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5563.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5563 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5402, by Senators Jesernig, Sellar, Bauer and Hochstatter

Authorizing a study of the feasibility of expanding literacy in mathematics, science, and technology.

MOTIONS

On motion of Senator Jesernig, Substitute Senate Bill No. 5402 was substituted for Senate Bill No. 5402 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Substitute Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5270, by Senators Moore, Prentice and Amondson

Creating a department of financial institutions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5270 was substituted for Senate Bill No. 5270 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5270.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 5300, by Senators Skratek, Erwin, Williams, M. Rasmussen, Sheldon and Winsley

Promoting economic development.

The bill was read the second time.

MOTION

On motion of Senator Skratek, the rules were suspended, Senate Bill No. 5300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5300.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Anderson and Talmadge - 2.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5699, by Senators Bluechel, Snyder, Cantu, Gaspard, Jesernig, Skratek, Erwin and M. Rasmussen (by request of Governor Lowry)

Changing the organizational structure of the Pacific Northwest Economic region.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5699 was substituted for Senate Bill No. 5699 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Substitute Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5545, by Senators Williams, Bluechel and Moore

Modifying qualifications for registered architects.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Labor and Commerce amendment not be adopted:

On page 2, line 2, after "years" insert ", as approved by the board"

The President declared the question before the Senate to be the motion by Senator Moore to not adopt the Committee on Labor and Commerce amendment on page 2, line 2, to Senate Bill No. 5545.

The motion by Senator Moore carried and the committee amendment was not adopted.

There being no objection, the President deferred further consideration of Senate Bill No. 5545.

SECOND READING

SENATE BILL NO. 5528, by Senator Quigley

Altering court fees.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5528 was substituted for Senate Bill No. 5528 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Hochstatter, McDonald, Newhouse, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Williams - 14.

SUBSTITUTE SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5694, by Senators Snyder, Sutherland and Vognild

Lowering the age for use of an out-of-state license or learner's permit.

The bill was read the second time.

MOTIONS

On motion of Senator Snyder, the following amendments were considered simultaneously and were adopted:

On page 1, line 14, strike "or instruction permit"

On page 1, line 14, after "state" insert "or an instruction permit issued to him or her in his or her home state, when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver"

On motion of Senator Snyder, the rules were suspended, Engrossed Senate Bill No. 5694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5694.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5694 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5545, deferred earlier today.

MOTION FOR RECONSIDERATION

Senator Moore moved to reconsider the vote by which the Committee on Labor and Commerce amendment on page 2, line 2, was not adopted.

The President declared the question before the Senate to be the motion by Senator Moore to reconsider the vote by which the Committee on Labor and Commerce amendment on page 2, line 2, was not adopted.

The motion for reconsideration carried.

MOTION

On motion of Senator Moore, the Committee on Labor and Commerce amendment on page 2, line 2, was adopted, on reconsideration.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendments were not adopted:

On page 2, line 12, after "within" strike "four" and insert "~~((four))~~ ten"

On page 2, line 14, after "for" strike "four" and insert "~~((four))~~ ten"

On motion of Senator Niemi, the following amendments by Senators Niemi, Moore and Williams were considered simultaneously and were adopted:

On page 2, line 11, after "28," strike "1985" and insert "~~((1985))~~ 1992"

On page 2, line 12, after "28," strike "1985" and insert "~~((1985))~~ 1992"

On page 2, line 14, after "28," strike "1985" and insert "~~((1985))~~ 1992"

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 5545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5545.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5545 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5841, by Senators Moyer, Prentice, Talmadge, Quigley, Prince, Hochstatter, McAuliffe, Erwin, West, Sheldon and Winsley

Requiring an outreach campaign on shaken baby syndrome.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5841.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Pelz - 1.

Excused: Senator Vognild - 1.

SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5332, by Senators West, Oke, Nelson, Owen, Pelz, Sutherland, Hargrove, Winsley, von Reichbauer, Erwin and Sheldon

Requiring the establishment of an underwater parks system.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5800, by Senators Nelson, A. Smith and Winsley

Increasing the penalty for violating human remains.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5800 was substituted for Senate Bill No. 5800 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5391, by Senators L. Smith, Talmadge, McCaslin, Deccio, Erwin, Moyer, Oke and Winsley

Providing a program to assess and monitor infants exposed to drugs.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5391 was substituted for Senate Bill No. 5391 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5391.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 5391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Rasmussen was excused.

SECOND READING

SENATE BILL NO. 5491, by Senators Niemi and A. Smith

Creating a task force on sentencing disparities.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the substitute bill was placed on second reading and read the second time.

Senator Roach moved that the following amendment by Senators Roach and McCaslin be adopted:

On page 2, line 4, after "1993." insert the following:

"In making its recommendations, the task force shall have the public safety as its primary concern. The task force shall make no recommendations that place fiscal or budgetary concerns over the government's interest in safeguarding the public."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach and McCaslin on page 2, line 4, to Substitute Senate Bill No. 5491.

The motion by Senator Roach carried and the amendment was adopted.

MOTION

Senator Niemi moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 9, strike "fourteen" and insert "sixteen"

On page 2, line 18, after "association;" strike "and"

On page 2, line 21, after "chiefs" insert "; and

(g) Two superior court judges selected by the superior court judges association"

POINT OF INQUIRY

Senator McCaslin: "Senator Niemi, would this preclude retired judges from serving or superior court judges in whatever form of English it is running currently?"

Senator Niemi: "Well, I suppose we could write letters saying that it wouldn't preclude retired judges. I don't think anyone is just terribly anxious to be involved in this, but I have no objection."

Senator McCaslin: "Well, I think retired judges may have more time. I support your amendments, but adding retired judges or in a letter might help. Thank you."

The President declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 2, lines 9, 18, and 21, to Substitute Senate Bill No. 5491.

The motion by Senator Niemi carried and the amendments were adopted.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5491.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Erwin, Nelson and Oke - 7.

Excused: Senators Rasmussen, M. and Vognild - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5634, by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew

Requiring state agencies to submit interagency disputes to arbitration before filing lawsuits.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Rasmussen, M. - 1.

SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 9, 1993

MR. PRESIDENT:

The Speaker has signed SENATE BILL NO. 5166, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

At 10:43 a.m., on motion of Senator Jesernig, the Senate recessed until 11:30 a.m.

The Senate was called to order at 11:54 a.m. by President Pritchard.

MOTION

At 11:54 a.m., on motion of Senator Jesernig, the Senate recessed until 2:15 p.m.

The Senate was called to order at 2:18 p.m. by President Pritchard.

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

SECOND READING

SENATE BILL NO. 5066, by Senators A. Smith, McCaslin and Nelson

Limiting powers of trustees.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5066 was substituted for Senate Bill No. 5066 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5066.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse,

Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Talmadge - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5287, by Senators Barr, M. Rasmussen, Hochstatter, Loveland, Snyder, Newhouse, Bauer, Deccio, Jesernig, Owen, Sutherland, Oke, Amondson, Moore, Fraser, Anderson, Prince, Sellar, Winsley and Erwin

Prescribing additional penalties for failure to make restitution for theft of livestock.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5287.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5287 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 5287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5698, by Senators Bluechel, Skratek, Sheldon, Williams and Erwin

Assisting companies to adopt ISO-9000 quality standards.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5698 was substituted for Senate Bill No. 5698 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Substitute Senate Bill No. 5698 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5698.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5698 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5567, by Senators Barr, Owen and Erwin

Allowing benefits for emergency medical service district volunteers.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5567 was substituted for Senate Bill No. 5567 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5567.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5567 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5255, by Senators Fraser, Barr, Talmadge, Bluechel and Haugen

Providing for evaluation and transfer to the parks and recreation commission of land acquired by the state by escheat.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5255 was substituted for Senate Bill No. 5255 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5255.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5255 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Anderson, Hargrove, Hochstatter, McCaslin, Roach, Sellar, West and Williams - 9.

SUBSTITUTE SENATE BILL NO. 5255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5110, by Senators Haugen, Drew and Winsley

Acquiring property by eminent domain.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5110 was substituted for Senate Bill No. 5110 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendments were considered simultaneously and were adopted:
On page 1, beginning on line 6, strike all of section 1
Renummer the remaining sections consecutively and correct any internal references accordingly.
On page 6, beginning on line 34, strike all of section 6
Renummer the remaining sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5110 was deferred.

SECOND READING

SENATE BILL NO. 5248, by Senators M. Rasmussen, Barr, Loveland, Newhouse and Bauer

Excluding pollination agents from "sale at retail" and "retail sale" definition for business and occupation tax.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5248.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5844, by Senators McAuliffe, Erwin, M. Rasmussen, Amondson, Drew, Prentice, Pelz, Niemi, Winsley, Sheldon, McDonald, Talmadge, Owen, Snyder, Haugen, Hargrove, Moyer, Quigley, Roach, Jesernig, Oke, Hochstatter and Spanel

Allowing volunteers to assist agencies to serve at-risk children's needs.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5844 was substituted for Senate Bill No. 5844 and the substitute bill was placed on second reading and read the second time.

Senator McAuliffe moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.150 RCW to read as follows:

A volunteer organization or individual volunteer may assist a public agency, with the agency's approval, in a collaborative program designed to serve the needs of at-risk children. The center, with the advice and counsel of the attorney general, shall develop guidelines defining at-risk children and establish reasonable safety standards for the activities of any volunteers, including but not limited to background checks as provided in RCW 43.43.830 through 43.43.834. In carrying out the volunteer activity, the individual volunteer or member of the volunteer organization shall not be considered to be an employee or agent of any public

agency involved in the collaborative program. Prior to participation, a volunteer and the public agency administering the collaborative program shall sign a written master agreement, approved in form by the attorney general, that includes provisions defining the scope of the volunteer activities and waiving any claims against each other. An individual volunteer shall not be liable for civil damages resulting from any act or omission arising from volunteer activities which comply with safety standards issued by the center for volunteerism and citizen service, other than acts or omissions constituting gross negligence or wilful or wanton misconduct. In any action for damages against a public agency or volunteer organization, a claimant must establish by a preponderance of the evidence that a public agency or other sponsor of a program under this section failed to comply with reasonable safety standards established by the center."

POINT OF INQUIRY

Senator Anderson: "Senator McAuliffe, the striking amendment that we are now voting on is essentially, as I read it, the same as the underlying bill. Is the striking amendment needed for a more appropriate language? Is this why you are adding it at this time?"

Senator McAuliffe: "Yes, it is. It needed to tighten up what 'good faith' meant and so this gives the ability for that to tighten up that language. Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe to Substitute Senate Bill No. 5844.

The motion by Senator McAuliffe carried and the striking amendment was adopted.

MOTION

On motion of Senator Drew, the rules were suspended, Engrossed Substitute Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5844.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5844 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:07 p.m., on motion of Senator Jesernig, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:03 p.m. by President Pritchard.

MOTIONS

On motion of Senator Spanel, Senator Talmadge was excused.

On motion of Senator Oke, Senators McDonald, Sellar and Winsley were excused.

STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed the votes on Engrossed Substitute Senate Bill No. 5110, Senate Bill No. 5541, Senate Bill No. 5265, Senate Joint Memorial No. 8017, Senate Bill No. 5526, Senate Joint Memorial No. 8021, Senate Bill No. 5447,

Substitute Senate Bill No. 5195, Senate Bill No. 5799, and Engrossed Substitute Senate Bill No. 5162. I would have voted 'aye' on each measure.

SENATOR PHIL TALMADGE, 34th District

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5110, deferred earlier today.

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson and Haugen was adopted:

On page 12, line 28, strike all of section 11.

Renumber the remaining section accordingly.

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "56.08.070," strike "57.08.010,"

On page 1, beginning on line 2 of the title, after "57.08.170;" strike "reenacting and amending RCW 56.08.010;"

On page 1, line 2 of the title, after " 57.08.010," insert "and" and after "57.08.050" strike " , and 57.08.170"

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5110.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams and Wojahn - 42.

Voting nay: Senators Anderson, Barr and Newhouse - 3.

Excused: Senators McDonald, Sellar, Talmadge and Winsley - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5541, by Senators Fraser, A. Smith, Sellar, McAuliffe, Quigley and Winsley

Revising the statute of limitations for certain sex offenses.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5541.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5541 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 5541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5265, by Senators Snyder, Winsley, A. Smith, Bauer, Hochstatter, Gaspard, L. Smith, Loveland, Vognild, Skratek and Pelz

Modifying funeral expenses of a deceased person.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5265.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5265 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 5265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8017, by Senators Jesernig and Loveland

Requesting the United States Department of Energy to support the Fast Flux Test Facility at Hanford.

The joint memorial was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8017.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8017 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Winsley and Wojahn - 46.

Voting nay: Senators Skratek and Williams - 2.

Excused: Senator Talmadge - 1.

SENATE JOINT MEMORIAL NO. 8017, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5526, by Senators Barr, Bauer, Prince and Sutherland

Providing for the Columbia river resource task force.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5526.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5526 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Talmadge and Vognild - 2.

SENATE BILL NO. 5526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8021, by Senators Williams, McCaslin, Fraser, Talmadge, M. Rasmussen, Moore, Deccio, Sutherland, Barr and Franklin

Requesting federal assistance with implementing the safe drinking water act.

The joint memorial was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Joint Memorial No. 8021 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8021.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8021 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Talmadge and Vognild - 2.

SENATE JOINT MEMORIAL NO. 8021, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5447, by Senator Fraser (by request of Utilities and Transportation Commission)

Modifying review of solid waste collection company tariff filings.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5447.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5447 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Prince - 1.

Excused: Senators Talmadge and Vognild - 2.

SENATE BILL NO. 5447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5195, by Senator Moore

Regulating excessive securities transactions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5195 was substituted for Senate Bill No. 5195 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Moore, just in reading the summary, the sentence is 'the remedy for churning victims is also available for clients who have been placed in unsuitable investments.' In reading the text, it says the recommendation is suitable. Anywhere in here, is there a definition of 'suitable or unsuitable?'"

Senator Moore: "No, but in the National Association of Securities Dealer's Manual, it is discussed in some length and one of the problems is, of course, in this business, that everything is done on a phone call or a hand shake and oftentimes misunderstandings arise as the result of what is proper. But, if a person says, 'I want to be in Triple A bonds,' and they end up in Microsoft--successful as it has been--there has been a violation of their trust. The question of 'unsuitable' is covered by the NASD. Now, as to each individual firm, I can only say that with the firms that I was with, we did have directives from those firms telling us what was 'suitable' or what was 'unsuitable.'"

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Bluechel, McCaslin, McDonald, Newhouse, Oke, Owen, Sellar and West - 9.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5799, by Senators Nelson and Sutherland

Providing address designations on subdivision approvals for improved utility placements.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5799.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5799 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Bluechel and McDonald - 2.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 5799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5162, by Senators Niemi, A. Smith, Prentice, McAuliffe, Drew, Spanel, Skratek, Loveland, Talmadge, Moore, Wojahn, Snyder, Fraser, Rinehart, Vognild, Williams, Bluechel, Bauer, Sheldon, Newhouse, Sutherland, Prince, Pelz, Jesernig and Gaspard

Prohibiting interference with access to or from a health care facility.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5162 was substituted for Senate Bill No. 5162 and the substitute bill was placed on second reading and read the second time.

Senator Oke moved that the following amendment be adopted:

On page 1, line 16, before "nursing home", strike "or" and after "nursing home" insert ", or any education facility, federal, state, municipal, or privately owned building that houses a health care service or administers health care policy or regulations"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 1, line 16, to Substitute Senate Bill No. 5162.

The motion by Senator Oke failed and the amendment was not adopted.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 2, line 17, after "Physically" strike "obstructing or impeding the free" and insert "preventing or intending to prevent"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hargrove on page 2, line 17, to Substitute Senate Bill No. 5162.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Oke, Owen, Quigley, Rasmussen, M., Roach, Sellar, Smith, L., von Reichbauer and West - 21.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Prince, Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 26.

Absent: Senator Newhouse - 1.

Excused: Senator Talmadge - 1.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 2, beginning on line 20, after "(b)" strike all material through "(c)" on line 22

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 2, line 20, to Substitute Senate Bill No. 5162.

The motion by Senator Hargrove failed and the amendment was not adopted.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 2, line 24, after "facility" strike everything through "purpose" on line 25 and insert "in violation of RCW 9.61.230"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 2, line 24, to Substitute Senate Bill No. 5162.

The motion by Senator Hargrove failed and the amendment was not adopted on a rising vote.

MOTION

Senator Niemi moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 29, strike all material beginning with "(2)" down through and including the period on page 2, line 31

On page 6, after line 21, insert the following:

"NEW SECTION. Sec. 9. Nothing in section 3 of this act shall prohibit picketing or other publicity for the purpose of providing the public with information."

Renumber the remaining sections consecutively and correct any internal references.

The President declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 2, line 29, and page 6, after line 21, to Substitute Senate Bill No. 5162.

The motion by Senator Niemi carried and the amendments were adopted on a rising vote.

MOTION

Senator Oke moved that the following amendment be adopted:

On page 2, line 32, after "is a" strike everything through "days." on page 3, line 5 and insert "class 2 civil infraction as defined by RCW 7.80.120."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Oke on page 2, line 32, to Substitute Senate Bill No. 5162.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Roach, Sellar, Smith, L., von Reichbauer and West - 20.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 28.

Excused: Senator Talmadge - 1.

MOTION

Senator Oke moved that the following amendment be adopted:

On page 3, beginning on line 6, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 3, beginning on line 6, to Substitute Senate Bill No. 5162.

The motion by Senator Oke failed and the amendment was not adopted.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 5, beginning on line 30, after "section." strike all material through "fees." on line 32.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 5, beginning on line 30, to Substitute Senate Bill No. 5162.

The motion by Senator Hargrove failed and the amendment was not adopted.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 6, line 16, after "facility." insert "The combined recovery for all plaintiffs under this section shall not exceed five thousand dollars per defendant."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 6, line 16, to Substitute Senate Bill No. 5162.

The motion by Senator Hargrove failed and the amendment was not adopted.

MOTION

Senator Prentice moved that the following amendment by Senators Prentice, Moore and Franklin be adopted:

On page 6, beginning on line 17, strike all of section 8, and insert the following:

"NEW SECTION. Sec. 8. (1) Section 3 of this act shall not be interpreted to apply to:

(a) The actions of any agent, officer, or employee of the health care facility, acting within the scope of his or her agency, office, or employment; or

(b) The actions of any law enforcement officer, acting within the scope of his or her agency; or

(c) Any expressive conduct protected from legal prohibition by the first article of amendment to the Constitution of the United States, or Article I, section 5 of the State Constitution; or

(d) Conduct by a party to a labor dispute in furtherance of labor or management objectives in that dispute.

(2) In the event that any of the exemptions contained within this section are ruled invalid, the legislature intends that the remainder of chapter . . ., Laws of 1993 (this act) should not be affected."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Prentice, Moore and Franklin on page 6, beginning on line 17, to Substitute Senate Bill No. 5162.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, L., Snyder, Sutherland, Vognild, von Reichbauer, West, Williams and Winsley - 37.

Voting nay: Senators Barr, Bluechel, Haugen, McAuliffe, Newhouse, Niemi, Prince, Rasmussen, M., Smith, A., Spanel and Wojahn - 11.

Excused: Senator Talmadge - 1.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5162.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5162 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Barr, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Moyer, Newhouse, Niemi, Pelz, Prentice, Prince, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, McCaslin, McDonald, Nelson, Oke, Owen, Rasmussen, M., Roach, Sellar, Smith, L. and West - 18.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:08 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Wednesday, March 10, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 9, 1993

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

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 10, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bauer, Cantu, McDonald, Pelz, Linda Smith and Wojahn. On motion of Senator Oke, Senators Anderson, Cantu, McDonald and Linda Smith were excused. On motion of Senator Spanel, Senators Bauer, Pelz and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sean Files and Rick Nye, presented the Colors. Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

HJM 4010 Prime Sponsor, Representative R. Fisher: Expressing opposition to sanctions on federal highway funds. Reported by
Committee on Transportation March 8, 1993

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Prentice, M. Rasmussen, and Sheldon.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 8, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1011,
SUBSTITUTE HOUSE BILL NO. 1013,
HOUSE BILL NO. 1015,
ENGROSSED HOUSE BILL NO. 1022,
SUBSTITUTE HOUSE BILL NO. 1028,
HOUSE BILL NO. 1038,
SUBSTITUTE HOUSE BILL NO. 1061,
SUBSTITUTE HOUSE BILL NO. 1069,
HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1108,
HOUSE BILL NO. 1111,
HOUSE BILL NO. 1217,
SUBSTITUTE HOUSE BILL NO. 1253,
SUBSTITUTE HOUSE BILL NO. 1254,

SUBSTITUTE HOUSE BILL NO. 1275,
HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1308,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1351,
HOUSE BILL NO. 1355,
HOUSE BILL NO. 1359,
HOUSE BILL NO. 1376,
HOUSE BILL NO. 1379,
HOUSE BILL NO. 1384,
HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1428,
HOUSE BILL NO. 1444,
HOUSE BILL NO. 1447,
SUBSTITUTE HOUSE BILL NO. 1454,
HOUSE BILL NO. 1460,
HOUSE BILL NO. 1479,
ENGROSSED HOUSE BILL NO. 1484,
ENGROSSED HOUSE BILL NO. 1501,
ENGROSSED HOUSE BILL NO. 1510,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
SUBSTITUTE HOUSE BILL NO. 1582,
SUBSTITUTE HOUSE BILL NO. 1707,
HOUSE BILL NO. 1735,
HOUSE BILL NO. 1773,
HOUSE BILL NO. 1815,
HOUSE BILL NO. 1838,
HOUSE BILL NO. 1857,
HOUSE BILL NO. 1867,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 1929,
HOUSE JOINT MEMORIAL NO. 4007,
HOUSE JOINT RESOLUTION NO. 4201, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

March 8, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1993

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1118,
HOUSE BILL NO. 1165,
SUBSTITUTE HOUSE BILL NO. 1169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
SUBSTITUTE HOUSE BILL NO. 1367,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461,
HOUSE BILL NO. 1477,
HOUSE BILL NO. 1557,
HOUSE BILL NO. 1618, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1011 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Shin)

Enacting the 1991 uniform simultaneous death act.

Referred to Committee on Law and Justice.

SHB 1013 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Riley)

Adopting the revised uniform commercial code on bulk sales.

Referred to Committee on Law and Justice.

HB 1015 by Representatives Appelwick and Riley

Adopting the Uniform Commercial Code article on leases.

Referred to Committee on Law and Justice.

ESHB 1018 by House Committee on Local Government (originally sponsored by Representatives Springer, Morris, Chappell, Dunshee, Finkbeiner, Riley, Brough, R. Johnson, Carlson, Edmondson, Flemming, Orr and Hansen)

Making the office of sheriff nonpartisan.

Referred to Committee on Government Operations.

EHB 1022 by Representatives Morris, Long, King and L. Johnson (by request of Sentencing Guidelines Commission)

Adjusting the membership of the sentencing guidelines commission.

Referred to Committee on Law and Justice.

SHB 1028 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives H. Myers, Vance, Jones, Orr, Flemming, Springer, Shin, Dunshee and Chappell)

Allowing live-in care at mobile home parks.

Referred to Committee on Labor and Commerce.

HB 1038 by Representative Dellwo (by request of Law Revision Commission)

Correcting a double amendment related to authorized functions of health care assistants.

Referred to Committee on Health and Human Services.

SHB 1061 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton)

Modifying irrigation district mergers.

Referred to Committee on Agriculture.

SHB 1069 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Mielke, Riley, Mastin, Bray, Orr, Vance, H. Myers, Lisk, R. Johnson, Grant, Basich, Edmondson, Schmidt, Campbell, Van Luven, Rayburn, Foreman, Ballasiotes, Long, Kremen, Brough, Brumsickle, Horn, Forner, Karahalios, Chandler, Wood, Cooke, Roland and Silver)

Providing for seizure of property involved in a felony.

Referred to Committee on Law and Justice.

HB 1076 by Representatives Ludwig, Padden, Appelwick, Orr and Johanson

Allowing a personal representative with nonintervention powers to determine time and manner of distributing income.

Referred to Committee on Law and Justice.

SHB 1090 by House Committee on Judiciary (originally sponsored by Representative Scott)

Protecting communications in law enforcement officers peer support groups.

Referred to Committee on Law and Justice.

SHB 1108 by House Committee on State Government (originally sponsored by Representatives Vance, Reams and Anderson)

Extending the filing period for local nonpartisan offices when no candidate or one candidate files for an office.

Referred to Committee on Government Operations.

HB 1111 by Representatives Van Luven, Heavey, Schmidt, Riley, Forner, Finkbeiner, Johanson, Campbell and Wood

Protecting pedestrians in crosswalks.

Referred to Committee on Transportation.

SHB 1118 by House Committee on Judiciary (originally sponsored by Representatives Orr, Scott, Shin, Dunshee, Silver, Mielke, Schoesler, Sheahan, Riley, Tate, Vance, Chappell, Ludwig, Forner, H. Myers, Johanson and Springer)

Classifying the criminal use of explosives.

Referred to Committee on Law and Justice.

HB 1165 by Representatives Riley, Cooke, Leonard, Appelwick and Johanson

Revising provisions relating to guardians ad litem for juveniles.

Referred to Committee on Health and Human Services.

SHB 1169 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhman, Chappell and Wood)

Regulating marine finfish rearing facilities.

Referred to Committee on Natural Resources.

HB 1217 by Representatives Springer, Heavey, Chandler, King and Shin (by request of Liquor Control Board)

Allowing seized liquor to be used for training and investigations.

Referred to Committee on Labor and Commerce.

SHB 1253 by House Committee on Health Care (originally sponsored by Representatives Dellwo, Morris, Dyer and Wood) (by request of Department of Health)

Modifying provisions regarding physician assistants.

Referred to Committee on Health and Human Services.

SHB 1254 by House Committee on Health Care (originally sponsored by Representatives Dellwo, Morris, Dyer, Springer and Wood) (by request of Department of Health)

Modifying controlled substances definitions, standards, and schedule.

Referred to Committee on Health and Human Services.

SHB 1275 by House Committee on Environmental Affairs (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Shin and Horn) (by request of Department of Transportation)

Exempting site exploration from shorelines management regulation.

Referred to Committee on Natural Resources.

HB 1292 by Representatives Anderson, G. Cole, Chandler, Heavey, Veloria, Wood, Franklin, Springer, King and J. Kohl

Defining "employment" for unemployment compensation.

Referred to Committee on Labor and Commerce.

SHB 1308 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Kremen, Tate and Jacobsen)

Modifying the composition of the beef commission.

Referred to Committee on Agriculture.

ESHB 1326 by House Committee on Energy and Utilities (originally sponsored by Representatives Finkbeiner, Grant, Miller, Casada, R. Meyers, Ludwig, Heavey, Long and Johanson)

Relating to conservation tariffs allowing transfer of payment obligations to successive property owners.

Referred to Committee on Energy and Utilities.

HB 1328 by Representatives Heavey, Riley and King

Setting the minimum rate of compensation for certain salespeople.

Referred to Committee on Labor and Commerce.

HB 1351 by Representatives Veloria, Heavey, King and Lisk (by request of Department of Labor and Industries)

Defining hospital in regard to self-insurers.

Referred to Committee on Labor and Commerce.

HB 1355 by Representatives R. Fisher, Brough, R. Meyers, Edmondson, H. Myers and Van Luven

Increasing nonvoter-approved debt limit for metropolitan park districts.

Referred to Committee on Government Operations.

HB 1359 by Representatives Appelwick, Campbell, Riley, R. Meyers, Johanson, Chappell, Ludwig, H. Myers, Kessler, Eide, Locke, Roland, Pruitt, Jacobsen, Mastin, Long, Karahalios, Jones, L. Johnson, J. Kohl, Wineberry, Basich, Dellwo and G. Cole

Requiring full disclosure of civil court proceedings relating to public hazards.

Referred to Committee on Law and Justice.

SHB 1367 by House Committee on State Government (originally sponsored by Representatives Jones, Reams and Kessler)

Providing for mandatory election recounts.

Referred to Committee on Government Operations.

HB 1376 by Representatives Brough, Shin, Forner, Franklin, Casada, Ballard, Vance, Leonard, Chappell, Wineberry, Carlson, Roland, Long, Campbell, Cothorn, G. Cole, Flemming, H. Myers and Jacobsen

Allowing mobile home tenants to hold forums for candidates for public office.

Referred to Committee on Labor and Commerce.

HB 1379 by Representatives R. Fisher, Schmidt, Jones, Brumsickle, Horn, Quall, Brown, Brough, Orr and Wood (by request of Department of Licensing)

Making housekeeping changes in various service programs of the department of licensing.

Referred to Committee on Transportation.

HB 1384 by Representatives Chandler, Hansen, Karahalios, Dorn, Brough and Foreman

Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher.

Referred to Committee on Education.

HB 1401 by Representatives Dunshee, Horn, R. Fisher and H. Myers

Describing when tax foreclosed property may be disposed of by private negotiations.

Referred to Committee on Government Operations.

SHB 1428 by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, Casada, Finkbeiner, Long, King and Jacobsen)

Removing the expiration date and correcting references for the Washington telephone assistance program.

Referred to Committee on Energy and Utilities.

HB 1444 by Representatives Schmidt, Sheldon, Anderson, R. Fisher, Ballasiotes, Horn, Brough, Sheahan, Long, Campbell, Brumsickle, Ballard, Wood, Miller and Forner

Requiring identification for driver's licenses and identicards.

Referred to Committee on Transportation.

HB 1447 by Representatives Appelwick and Padden

Authorizing the filing of foreign judgments in district court.

Referred to Committee on Law and Justice.

SHB 1454 by House Committee on Commerce and Labor (originally sponsored by Representatives King, G. Cole, Horn, Foreman, R. Johnson, Sheahan, Chandler, Vance, Brough, Miller, Ballasiotes, Brumsickle, Wood, Van Luven, Springer, Silver, Cooke, Long, Dyer, Morton, Talcott and Sehlin)

Revising the definition of "acting in the course of employment."

Referred to Committee on Labor and Commerce.

HB 1460 by Representatives Zellinsky, Mielke and R. Meyers (by request of Department of Licensing)

Regulating investment advisory contracts.

Referred to Committee on Labor and Commerce.

ESHB 1461 by House Committee on Energy and Utilities (originally sponsored by Representatives Kremen, Miller, Jacobsen and Long)

Extending the prohibition on mandatory local measured service.

Referred to Committee on Energy and Utilities.

HB 1477 by Representatives Wood, Schmidt, R. Fisher, Mielke, Brumsickle, Ludwig, Casada and Shin

Creating a fuel tax exemption.

Referred to Committee on Transportation.

HB 1479 by Representatives G. Fisher, Foreman, Wang and Anderson (by request of Department of Revenue)

Modifying the uniform unclaimed property act.

Referred to Committee on Ways and Means.

EHB 1484 by Representatives King, Orr and Fuhrman (by request of Department of Wildlife)

Creating a wildlife violator compact.

Referred to Committee on Natural Resources.

EBH 1501 by Representatives Silver, Jacobsen, Ballasiotes, Brumsickle, Carlson, Mielke, Talcott, Dyer, Cooke, Hansen, Jones, Quall, Padden and Wood

Notifying students at public institutions of higher education of the amount their education is supported by the state.

Referred to Committee on Higher Education.

EHB 1510 by Representatives Romero, H. Myers, Edmondson and Bray

Concerning the issuance of charge cards to employees of municipal corporations and political subdivisions.

Referred to Committee on Government Operations.

ESHB 1552 by House Committee on Human Services (originally sponsored by Representatives Leonard, Sommers, Ogden, Riley, Talcott, Flemming, Silver, H. Myers, Thibaudeau, Padden, Karahalios, Johanson and Quall)

Modifying provisions regarding persons with developmental disabilities.

Referred to Committee on Health and Human Services.

HB 1557 by Representatives Forner, Appelwick, Jones and Karahalios (by request of Department of Social and Health Services)

Removing the expiration date for Washington state support registry employer reporting.

Referred to Committee on Law and Justice.

SHB 1582 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, R. Meyers, Dellwo, Campbell, Dorn, Dyer and Basich)

Permitting certain transactions by insurance agent-brokers.

Referred to Committee on Labor and Commerce.

HB 1618 by Representatives Shin, Wood, Forner, Pruitt, Sheldon, Brough, Ballasiotes, Brumsickle, Carlson, Vance, Jones, Foreman, Padden, Fuhrman, Sheahan, Schoesler, Miller, Campbell, Casada, Long, Jacobsen, Stevens, Linville, Kremen, Silver, Finkbeiner, Morton, Talcott, Horn, Sehlin, Tate, Van Luven and Anderson

Terminating defunct boards, commissions, and committees.

Referred to Committee on Government Operations.

SHB 1707 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers and Johanson) (by request of Utilities and Transportation Commission)

Regulating motor carriers.

Referred to Committee on Transportation.

HB 1735 by Representatives Anderson, Sommers, King and Silver (by request of Department of Retirement Systems)

Authorizing the department of retirement systems to be divided into three divisions.

Referred to Committee on Government Operations.

HB 1773 by Representatives Pruitt and R. Meyers

Adding certain miniature models to boiler regulation exemptions.

Referred to Committee on Labor and Commerce.

HB 1815 by Representatives Rust and Valle

Recodifying vessel operation provisions.

Referred to Committee on Ecology and Parks.

HB 1838 by Representatives R. Johnson, Mielke, R. Meyers, Rayburn, King, Kremen and Holm (by request of Insurance Commissioner)

Requiring minimum standards for benefits in medicare supplement insurance.

Referred to Committee on Labor and Commerce.

HB 1857 by Representatives Shin, Brumsickle, L. Johnson, Wood and Romero (by request of State Board for Community and Technical Colleges)

Changing travel expense provisions for prospective employees of institutions of higher education.

Referred to Committee on Higher Education.

HB 1867 by Representatives Anderson, Edmondson, Jacobsen, Rayburn and Thibaudeau

Designating the Washington park arboretum as an official state arboretum.

Referred to Committee on Ecology and Parks.

SHB 1915 by House Committee on Local Government (originally sponsored by Representatives Patterson, H. Myers, Brough and Valle)

Allowing less restrictive easements concerning aircraft noise.

Referred to Committee on Government Operations.

HB 1929 by Representatives R. Fisher, Chappell, Springer, Quall and Johanson

Adjusting requirements for regional transportation planning organizations.

Referred to Committee on Transportation.

HJM 4007 by Representatives Bray, Ludwig, Lisk, Grant, Mastin and Rayburn

Petitioning Congress and the Secretary of Energy to name the Hanford and Lands Ecology Reserve after Richard Fitzner and Les Eberhardt.

Referred to Committee on Energy and Utilities.

HJR 4201 by Representatives Ludwig, Padden, Appelwick, Foreman and Johanson

Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity.

Referred to Committee on Law and Justice.

SECOND READING
GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9261, Cindy Zehnder, as a member of the Personnel Board, was confirmed

APPOINTMENT OF CINDY ZEHNDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Barr, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Winsley - 41.

Voting nay: Senator West - 1.

Excused: Senators Anderson, Bauer, Cantu, McDonald, Pelz, Smith, L. and Wojahn - 7.

SECOND READING

SENATE BILL NO. 5219, by Senators M. Rasmussen, Newhouse and Barr

Modifying provisions regarding the Washington wine commission.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 48.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5523, by Senators Barr, Snyder and Prince

Expanding authority for appointment of district court judges pro tem.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5523.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 46.

Voting nay: Senators Niemi and Quigley - 2.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 5523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5759, by Senators McAuliffe, Prentice, Skratek, Loveland, von Reichbauer, Haugen, Prince, McDonald, Drew, Owen, Moyer, Erwin, Winsley, Anderson and M. Rasmussen

Extending the involuntary treatment act to cover the commitment of chemically dependent adults.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5759.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 47.

Voting nay: Senator Niemi - 1.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5054, by Senators A. Smith, Winsley and Erwin

Requiring the sellers of sports memorabilia to authenticate the merchandise.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5054 was substituted for Senate Bill No. 5054 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following amendment was adopted:

On page 4, after line 19, insert the following:

"NEW SECTION. Sec. 8. This act shall take effect July 1, 1995."

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW;" strike "and prescribing penalties" and insert "prescribing penalties; and providing an effective date"

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Winsley - 33.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach and West - 15.

Excused: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5430, by Senators Fraser, Bluechel, Pelz, Prentice, Moore, Prince, Moyer, Skratek and Deccio

Commemorating the thirtieth anniversary of Washington's sister-state relationship with Hyogo prefecture.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5430 was substituted for Senate Bill No. 5430 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5430.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 44.

Voting nay: Senators Anderson, Oke and Quigley - 3.

Absent: Senator Franklin - 1.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Winsley was excused.

SECOND READING

SENATE BILL NO. 5381, by Senators Vognild, Newhouse, Deccio, Hochstatter, Sellar and Erwin

Extending periods for overweight load permits.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5381.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Williams - 47.

Excused: Senators Winsley and Wojahn - 2.

SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Barr was excused.

SECOND READING

SENATE BILL NO. 5612, by Senators Erwin, Skratek, Prentice, von Reichbauer, M. Rasmussen, Nelson, Sellar, Vognild, Winsley, Hochstatter, Barr and Oke

Adding a public member to the transportation improvement board.

MOTIONS

On motion of Senator Erwin, Substitute Senate Bill No. 5612 was substituted for Senate Bill No. 5612 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Erwin, the rules were suspended, Substitute Senate Bill No. 5612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5612.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5612 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Williams - 46.

Excused: Senators Barr, Winsley and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:54 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 12:02 p.m. by President Pritchard.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:06 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5285, by Senators Gaspard, Moore and von Reichbauer

Enlarging the state investment board.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the following amendment was adopted:

On page 2, beginning on line 10, strike all material down to and including "senate." on line 15, and insert the following:

"(5) ((A)) Two members of the state house of representatives(~~(-This member shall be))~~ appointed by the speaker of the house of representatives, one from each of the majority and minority parties.

(6) ((A)) Two members of the state senate(~~(-This member shall be))~~ appointed by the president of the senate, one from each of the majority and minority parties."

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Oke, Senator Prince was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5285.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 47.

Excused: Senators Prince and Wojahn - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5135, by Senators Talmadge and McCaslin

Establishing requirements for ballot titles for referenda.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 47.

Excused: Senators Prince and Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5230, by Senators Hargrove, Anderson, Roach, Snyder, M. Rasmussen, Haugen, Jesernig, Deccio and Oke

Extending growth management deadlines.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5230 was substituted for Senate Bill No. 5230 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following amendment was adopted:

On page 8, line 35, after the colon, strike the remainder of the section and insert the following:

"The governor may impose upon any county that is required or that chooses to plan under RCW 35.70A.040 a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of sanctions under this section shall be preceded by written findings by the governor that the county or city is not proceeding in good faith to meet the requirements of the act and that adequate state funding has been provided to the county or city to accomplish the goals of the act."

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5230 was deferred.

SECOND READING

SENATE BILL NO. 5839, by Senators Cantu, Drew, Haugen and Winsley

Providing consolidated mail service for state agencies.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5839 was substituted for Senate Bill No. 5839 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Cantu, the rules were suspended, Substitute Senate Bill No. 5839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5839.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5839 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 47.

Excused: Senators Prince and Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5362, by Senators A. Smith, Niemi, Pelz, Spanel and Quigley

Requiring full disclosure of civil court proceedings relating to public hazards.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following amendment by Senators Adam Smith and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

(1) As used in this section, "public hazard" means an instrumentality, including but not limited to any device, instrument, procedure, product, or a condition of a device, instrument, procedure, or product, that:

- (a) Presents a real and substantial potential for repetition of the harm inflicted; or
- (b) Involves a single incident which affected or was likely to affect many people.

As used in this section, the term "procedure" does not include acts or procedures by licensed professionals acting within the scope of their licenses.

(2) Except as provided in this section, no court shall enter an order or judgment which has the purpose or effect of concealing a public hazard or any relevant information or material concerning a public hazard, nor shall the court enter an order or judgment that has the purpose or effect of concealing any information or material that is relevant to the public's knowledge or understanding of a public hazard.

(3) Any portion of an agreement or contract that has the purpose or effect of concealing a public hazard, relevant information or material concerning a public hazard, or information or material that is relevant to the public's knowledge or understanding of a public hazard, is void, contrary to public policy, and may not be enforced. A party to the agreement or contract may bring a declaratory action pursuant to this section to determine whether an agreement or contract conceals a public hazard and is void.

(4)(a) In any declaratory or other civil action, a party may bring a motion for a temporary order restraining disclosure to the public or to third parties information or material about the party making the motion which is known to another party or which is sought from the party making the motion by another party. Upon good cause shown the court shall examine in camera the information or material sought to be protected. The court may in the court's discretion issue a temporary order restraining a party or parties from disseminating the protected information or material to the public or third parties. The temporary order shall terminate upon the entry of a final order or judgment or a dismissal of the action.

(b) In any final order or judgment entered in any declaratory or other civil action, if the court finds that all or portions of the information or material sought to be protected is relevant to the public's knowledge or understanding of a public hazard, the court shall provide for disclosure of the information or material. If the court finds that all or a portion of the information or material sought to be protected is not relevant to the public's knowledge or understanding of the public hazard, the court shall require the information to be sealed and may include in the final order or judgment provisions restraining any or all parties from disclosing the information which is protected.

(5)(a) Any third party, including but not limited to representatives of news media, has standing to contest a motion, order, judgment, agreement, or contract that allegedly conceals a public hazard. The third party may challenge the motion by intervention during the court action or the third party may bring a declaratory action pursuant to this section to determine whether the agreement, contract, order, or judgment conceals a public hazard.

(b) The third party must (i) establish the existence of a public hazard; (ii) establish that the public hazard was a subject within the agreement, contract, order, or judgment; and (iii) establish a basis for a reasonable belief by the third party that the agreement, contract, order, or judgment concealed the public hazard in violation of sections 1 through 3 of this act.

(c) If the court finds that the third party has met the requirements of (b) of this subsection, the court shall order the defendant to produce the information or material for an in camera review by the court. The court shall determine whether the information or material protected under the agreement, contract, order, or judgment conceals a public hazard in violation of sections 1 through 3 of this act. Upon review, the court shall issue an order regarding dissemination of the information or material in accordance with subsection (4)(b) of this section.

(d) The court may award reasonable attorneys' fees and actual costs to the prevailing party in an action under this subsection (5).

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

Any person who violates an order either publishing or sealing information or material issued under sections 1 through 3 of this act, shall be in contempt of court. The court shall award attorneys' fees and costs incurred in enforcing the order plus actual damages against the party who violated the order.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

Any party who attempts to condition an agreement or contract upon another party's agreement to conceal an instrumentality that the party knows or reasonably should have known is a public hazard or any party who enters into an agreement or contract that conceals an instrumentality that the party knows or reasonably should have known is a public hazard shall be in violation of the consumer protection act, chapter 19.86 RCW. If the party is engaged in the business of insurance then the party shall also be in violation of RCW 48.30.010.

NEW SECTION. Sec. 4. This act shall apply to all agreements, contracts, orders, and judgments entered on or after the effective date of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 4.16 RCW to read as follows:

An action for declaratory relief or other civil action brought pursuant to sections 1 through 3 of this act to determine whether an agreement, contract, order, or judgment conceals a public hazard in violation of sections 1 through 3 of this act must be brought within three years of entry of the order or judgment or three years from the date the parties entered into the agreement or contract.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "hazards;" strike the remainder of the title and insert "adding new sections to chapter 4.24 RCW; adding a new section to chapter 4.16 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 5362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Barr was excused.

POINT OF INQUIRY

Senator Nelson: "Senator Smith, in dealing with this subject matter, we've oftentimes talked about Civil Rule 26 that covers the same type of procedure where the plaintiff attorney and the defense attorney agree to a motion to the judge to seal a portion or all of a record involved in a liability lawsuit of one sort or another. To what extent now does this bill, as amended, Senate Bill No. 5362, affect Civil Rule 26, in so far, as being either complementary or actually overturning Civil Rule 26 that we have in our judiciary?"

Senator Adam Smith: "I think it adds something to Civil Rule 26. First of all, Civil Rule 26 only has to do with the process of discovery. During the course of discovery, the judge can determine what can be sealed. This law has to do with a situation when the lawsuit is settled and what can be sealed at that point. Simply, it adds, I guess, the discovery rule with the notion that--I guess it can be concealed during the course of discovery. It doesn't change Rule 26 at all in that respect. When you get to an actual settlement, this says that the judge can't seal it for a public hazard. So, it is really a different issue, but one way of looking at it is it makes it clear to the judge that one of the factors that he must consider in determining whether or not to seal a record is whether or not it would seal public hazard, in essence."

Senator Nelson: "So, I am led to believe that this is discretionary in some fashion with the judge as to whether or not it, in the judge's opinion, the lawsuit involves a public hazard to be now set aside and to not conform to Rule 26, as to what might be agreed upon between the plaintiff attorney and the defense attorney?"

Senator Adam Smith: "That is correct. We have a definition of public hazard in there that the judge is supposed to follow. As I mentioned, Rule 26 really covers a different part of the lawsuit."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5362.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild and Williams - 25.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Excused: Senators Barr and Wojahn - 2.

ENGROSSED SENATE BILL NO. 5362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5256, by Senators Sutherland, McCaslin and Erwin

Restricting the use of city or town facilities to advocate for or against an annexation.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendments by Senators West and McCaslin be considered simultaneously and be adopted:

On page 1, line 9, after "prohibit" insert "agreements waiving the right to oppose future annexation of a person's property and to prohibit"

On page 2, after line 22, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 35.13 RCW to read as follows:

A city or town may not require any utility customer outside the limits of the city or town to agree to waive the right to oppose future annexation of the person's property as a condition of receiving utility service from the city or town.

NEW SECTION. Sec. 5. A new section is added to chapter 35A.14 RCW to read as follows:

A code city may not require any utility customer outside the limits of the city to agree to waive the right to oppose future annexation of the person's property as a condition of receiving utility service from the city."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators West and McCaslin on page 1, line 9, and page 2, after line 22, to Substitute Senate Bill No. 5256.

The motion by Senator West failed and the amendments were not adopted on a rising vote.

MOTION

Senator Haugen moved that the rules be suspended and Substitute Senate Bill No. 5256 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator West objected to suspending the rules and advancing Substitute Senate Bill No. 5256 to third reading and final passage.

The President declared the question before the Senate to be the motion by Senator Haugen to suspend the rules and advance Substitute Senate Bill No. 5256 to third reading and final passage.

The motion by Senator Haugen carried and Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Spanel, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 45.

Voting nay: Senator Bauer - 1.

Excused: Senators Barr, Moore and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5645, by Senators Spanel and Fraser

Restricting property divisions.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5645.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5645 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Winsley - 33.

Voting nay: Senators Anderson, Bluechel, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Moyer, Oke, Roach, Sellar, Smith, L. and West - 14.

Excused: Senators Barr and Wojahn - 2.

SENATE BILL NO. 5645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5230, deferred earlier today.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin and Amondson be adopted:

On page 2, line 9, after "criteria." insert "In determining population levels or population increases under this subsection, inmates in state correctional institutions and uniformed military personnel assigned to military installations located within the county shall not be counted."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McCaslin and Amondson on page 2, line 9, to Substitute Senate Bill No. 5230.

The motion by Senator McCaslin failed and the amendment was not adopted on a rising vote.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 6, line 11, after "Sec. 4." insert the following:

"Sec. 5. RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, ~~((and))~~ consideration of and response to public comments, and prior to submission of a comprehensive plan under RCW 36.70A.106, approval at a general or special election of the proposed comprehensive plan by a simple majority of voters. Errors in exact compliance with the established procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the procedures is observed."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 6, line 11, to Substitute Senate Bill No. 5230.

The motion by Senator Erwin failed and the amendment was not adopted.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 10, after line 20, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 36.70A RCW to read as follows:

(1) The legislature finds that the department has, after extensive study, determined that integrating the review process mandated under the state environmental policy act and the comprehensive plan requirements under the growth management act would result in numerous benefits, including: (a) Saving time and money by combining analyses, documents, public meetings, hearings, and other public participation; (b) furthering the state environmental policy act's goal of conducting environmental review early in the decision-making process; (c) creating opportunities for broader, earlier, and continuous public participation; and (d) expediting the approval of specific projects because land-use alternatives, cumulative impacts, and the existing environment will have already been considered.

(2) By the deadline for adoption of comprehensive plans, counties and cities planning under this chapter shall, according to rules adopted by the department, integrate development of comprehensive plans under this chapter with the review process mandated under chapter 43.21C RCW.

(3) The department shall adopt rules necessary to implement this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 10, after line 20, to Substitute Senate Bill No. 5230.

The motion by Senator Erwin failed and the amendment was not adopted.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin, Anderson and Amondson be adopted:

On page 10, after line 20, insert the following:

"NEW SECTION. Sec. 7. It is the intent of the legislature to provide property owners with a timely opportunity to participate in the regulatory decisions affecting their property insofar as designations of wetlands exist. It is not the intent of the legislature to provide any new legal theory of recovery or remedy for persons on whose property a wetland is located and no theory or remedy is created by section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 36.70A RCW to read as follows:

(1) Whenever any county or city, under the provisions of this chapter or any other authority, proposes designation of an area as a wetland and has determined the parcel, tract, lot, or block on which the wetland is located, the county or city shall notify the owner of record of the proposal. The notification shall include all information concerning the proposal which can reasonably be ascertained including, but not limited to (a) whether the wetland has been assigned a proposed classification and, if so, what the proposed classification is; (b) the size and approximate location of the wetland; (c) the listing of animal and plant species which are located on the wetland; and (d) any other data the county or city deems necessary or appropriate.

The notification to the owner shall be by first class mail, return receipt requested.

(2) When notice is required under subsection (1) of this section, the county or city shall also notify by first class mail the owner of record of any parcel, tract, lot, or block which is contiguous to the parcel, tract, lot, or block on which the proposed wetland is located. All notices required by this subsection shall be mailed simultaneously with the notice to the owner of record of the property on which the proposed wetland is located.

(3) No final determination regarding a wetland designation, or a classification of a wetland may be made by any county or city less than sixty days after mailing of the notices required by this section.

(4) Failure of a county or city to provide notice required by this section may be considered in any action brought in which the existence, character, or nature of a wetland is an issue but failure to provide notice is not the basis for a determination by any agency or court that a wetland does not exist on a parcel."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Skratek: "A point of order, Mr. President. I challenge this amendment on a scope basis. The underlying bill in this particular situation refers to growth management deadlines. It is simply an extension of the various deadlines as appealed to us by the bodies that have to prepare these particular acts. The amendment addresses an issue totally unrelated to that, which is the issue of wetlands. Wetlands has nothing to do with the extension of the deadlines. It is a very difficult issue to address. It is expensive in establishing the record, etc. It is an issue that has been before this body in several other forms and has been subject to debate, but it is not appropriate to be included within a bill for deadlines."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5230 was deferred.

SECOND READING

SENATE BILL NO. 5025, by Senator Owen

Clarifying forest fire fighting duties.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5025 was substituted for Senate Bill No. 5025 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the rules be suspended and Substitute Senate Bill No. 5025 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5025.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams and Winsley - 43.

Voting nay: Senators Barr, Niemi, Prince, Sellar and Talmadge - 5.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:43 p.m., on motion of Senator Jesernig, the Senate recessed until 3:45 p.m.

The Senate was called to order at 4:13 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5230 and the pending amendment by Senators McCaslin, Anderson and Amondson on page 10, after line 20, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Skratek, the President finds that Substitute Senate Bill No. 5230 is a measure which extends certain deadlines for compliance with provisions of the State Growth Management Act.

"The amendment proposed by Senators McCaslin, Anderson and Amondson would provide that certain property owners be notified of proposals to designate lands as wetlands and outline the procedures for such notification.

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

The amendment by Senators McCaslin, Anderson and Amondson on page 10, after line 20, to Substitute Senate Bill No. 5230 was ruled out of order.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin and Amondson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.70A RCW to read as follows:

This chapter shall not apply to any city, town, or county that has not complied with, or not been required to comply with, any deadline provided in RCW 36.70A.040 as of the effective date of this act.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McCaslin and Amondson to Substitute Senate Bill No. 5230.

The motion by Senator McCaslin failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5230.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5230 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 48.

Excused: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5584, by Senators Franklin, Winsley, McAuliffe, Skratek, M. Rasmussen, Hargrove, Wojahn, Niemi, Drew and Pelz

Creating the Washington housing policy act.

The bill was read the second time.

MOTION

Senator Amondson moved that the following amendment by Senators Amondson, Moyer, Bluechel, Nelson, McDonald and Cantu be adopted:

On page 3, line 12 after "act" insert "; and

(10) Develop recommendations for removing regulatory barriers to increasing the supply of housing by undertaking a comprehensive review of existing state and local regulations and administrative procedures which impact the provision of housing" Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senators Amondson, Moyer, Bluechel, Nelson, McDonald and Cantu on page 3, line 12, to Senate Bill No. 5584.

The motion by Senator Amondson failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5584.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5584 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 42.

Voting nay: Senators Cantu, Hochstatter, McCaslin, McDonald and Smith, L. - 5.

Absent: Senator Barr - 1.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5407, by Senators Loveland, Barr and M. Rasmussen

Regarding county administration of agricultural burning permits.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5407 was substituted for Senate Bill No. 5407 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5407.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 48.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5352, by Senators Newhouse, Spanel, Moore, Bauer and Winsley (by request of Joint Committee on Pension Policy)

Specifying how payments based on retirement agreements shall affect calculation of pension benefits.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse,

Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 48.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5432, by Senators Pelz, Prentice, Moore, Franklin, Bauer, Wojahn, Fraser and Skratek

Studying discrimination based on race and national origin in home mortgage lending.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5432 was substituted for Senate Bill No. 5432 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5432.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5432 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 48.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5837, by Senators Quigley, Moore, Pelz, A. Smith, Prentice, Bauer, Hargrove, Sheldon, Erwin, Niemi, Jesernig and Talmadge

Financing state and local government.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5837 was substituted for Senate Bill No. 5837 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5837.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5837 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 47.

Voting nay: Senator Anderson - 1.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Roach was excused.

SECOND READING

SENATE BILL NO. 5937, by Senators Quigley, Snyder, Gaspard, von Reichbauer, Vognild, A. Smith, Rinehart, McAuliffe, Drew, Hargrove, Sheldon, Loveland, Haugen, Erwin, Sutherland, Jesernig, Skratek, Spanel, Niemi, Roach, Hochstatter and Deccio

Including certain indebtedness in the calculation of the seven percent debt limitation.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5937 was substituted for Senate Bill No. 5937 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5937 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5937.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5937 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer and Williams - 37.

Voting nay: Senators Anderson, Barr, Bluechel, Hochstatter, McCaslin, McDonald, Pelz, Rasmussen, M., West and Winsley - 10.

Excused: Senators Roach and Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1993-8618

By Senators McCaslin, McDonald, L. Smith, Erwin, Prince, Snyder, Roach, Nelson, West, Moore, Oke, Gaspard, Bluechel, Hochstatter, Anderson, Barr, Amondson, Owen, Cantu, Sutherland, Sellar, Deccio, von Reichbauer, Talmadge, Rinehart, Moyer, Williams, Skratek, Pelz, Niemi, Vognild, Jesernig, Haugen, Quigley, Spanel, Bauer, Drew, Franklin, Fraser, Hargrove, Loveland, McAuliffe, Newhouse, Prentice, Rasmussen, Sheldon, A. Smith, Winsley and Wojahn

WHEREAS, John Rico joined the Washington State Senate as Chief of Staff of the Senate Republican Caucus in May of 1985; and

WHEREAS, John has ably assisted the Senators of the Republican Caucus in conducting the state's business during each year's legislative session with an inimitable blend of calm, gentle prodding and counsel; and

WHEREAS, John Rico has worked hard to create an atmosphere of professionalism among the staff of the Senate Republican Caucus; and

WHEREAS, John has been a driving force in cultivating pride of excellent workmanship within the Senate Republican Caucus Staff; and

WHEREAS, John has freely shared his wisdom, wit and charm with staff and Senators from both sides of the political aisle; and

WHEREAS, John's unique sense of humor has made working with him a great pleasure; and

WHEREAS, John Rico's considerable victories in the political arena pale by comparison to the fight he has been engaged in since learning he must battle the AIDS virus; and

WHEREAS, The members and staff who have had the pleasure of working with John admire him all the more for the dignity and courage he has shown in the face of this greatest of personal challenges;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby express our heartfelt gratitude to John Rico for all that he has contributed to this institution, its members and staff; and

BE IT FURTHER RESOLVED, That with great respect and admiration the members of the Senate, on behalf of the staff and former members who have worked with you, wish you comfort and strength in your battle against AIDS; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to John Rico and Mrs. Pat Rico.

Senators McCaslin, Franklin, Gaspard and Sellar spoke to Senate Resolution 1993-8618.

MOTION

At 5:10 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Thursday, March 11, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 10, 1993

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

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 11, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Owen, Prince and von Reichbauer. On motion of Senator Oke, Senators Prince and von Reichbauer were excused. On motion of Senator Spanel, Senator Owen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Erin Gamache and Kyah Grady, presented the Colors. Reverend John Cross, assistant pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 24, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mitchell S. Johnson, reappointed February 24, 1993, for a term ending January 19, 1997, as a member of the Wildlife Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

February 24, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Norman F. Richardson, reappointed February 24, 1993, for a term ending January 19, 1995, as a member of the Wildlife Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

February 25, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dean Lydig, reappointed February 25, 1993, for a term ending January 19, 1999, as a member of the Wildlife Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

February 25, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
John C. McGlenn, reappointed February 25, 1993, for a term ending January 19, 1999, as a member of the Wildlife
Commission.

Referred to Committee on Natural Resources.

Sincerely,
MIKE LOWRY, Governor

February 25, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
James Walton, reappointed February 25, 1993, for a term ending January 19, 1995, as a member of the Wildlife
Commission.

Referred to Committee on Natural Resources.

Sincerely,
MIKE LOWRY, Governor

MESSAGES FROM THE HOUSE

March 8, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1110,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
HOUSE BILL NO. 1204,
ENGROSSED HOUSE BILL NO. 1228,
ENGROSSED HOUSE BILL NO. 1238,
HOUSE BILL NO. 1324,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408,
ENGROSSED HOUSE BILL NO. 1415,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505,
HOUSE BILL NO. 1535,
ENGROSSED HOUSE BILL NO. 1617,
ENGROSSED HOUSE BILL NO. 1748,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1012,
SUBSTITUTE HOUSE BILL NO. 1063,
SUBSTITUTE HOUSE BILL NO. 1210,
SUBSTITUTE HOUSE BILL NO. 1211,
HOUSE BILL NO. 1218,
HOUSE BILL NO. 1277,
SUBSTITUTE HOUSE BILL NO. 1325,
SUBSTITUTE HOUSE BILL NO. 1352,
SUBSTITUTE HOUSE BILL NO. 1370,
HOUSE BILL NO. 1424,
SUBSTITUTE HOUSE BILL NO. 1429,
SUBSTITUTE HOUSE BILL NO. 1480,
SUBSTITUTE HOUSE BILL NO. 1547,
SUBSTITUTE HOUSE BILL NO. 1555,
SUBSTITUTE HOUSE BILL NO. 1567,
HOUSE BILL NO. 1572,
SUBSTITUTE HOUSE BILL NO. 1587,
SUBSTITUTE HOUSE BILL NO. 1595,
HOUSE BILL NO. 1643,
HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1787,
HOUSE BILL NO. 1865,
HOUSE BILL NO. 1930,

HOUSE BILL NO. 2028,
HOUSE BILL NO. 2048,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 10, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1029,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374,
HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1766,
SUBSTITUTE HOUSE BILL NO. 1839,
SUBSTITUTE HOUSE BILL NO. 1907,
SUBSTITUTE HOUSE BILL NO. 2003, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1012 by House Committee on Health Care (originally sponsored by Representatives Appelwick, King and Jacobsen)

Adopting the uniform anatomical gift act.

Referred to Committee on Health and Human Services.

HB 1029 by Representatives H. Myers, Vance and Flemming

Purchasing manufactured homes.

Referred to Committee on Labor and Commerce.

SHB 1063 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Chandler, Chappell, Grant, Roland, Ludwig, Riley, Padden, Hansen, Lemmon and Lisk)

Modifying provisions regarding the Washington wine commission.

Referred to Committee on Agriculture.

EHB 1110 by Representatives Vance, Leonard, Cooke, Sheldon, Basich, Foreman, Brough, Long, Karahalios, Miller, Brumsickle and Kremen

Prescribing treatment for sexually aggressive youth.

Referred to Committee on Law and Justice.

ESHB 1198 by House Committee on Human Services (originally sponsored by Representatives Leonard, Padden, Appelwick, King, Brough, Johanson, Jones, Roland, Long, G. Cole, Veloria, Horn, Karahalios, Springer, Wood, Flemming, Kessler, Lemmon and Pruitt)

Implementing recommendations of the juvenile issues task force.

Referred to Committee on Law and Justice.

HB 1204 by Representatives Leonard, Cooke, Riley, Karahalios, Brough, Long, Horn and Wood (by request of Department of Social and Health Services)

Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders".

Referred to Committee on Law and Justice.

SHB 1210 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, Long, Forner and Johanson)

Increasing statutory attorneys' fees.

Referred to Committee on Law and Justice.

SHB 1211 by House Committee on Education (originally sponsored by Representatives Ogden, Brumsickle, Franklin, Jacobsen, Carlson, Springer, Orr, Leonard, H. Myers and Basich)

Authorizing educational service districts to provide cooperative and informational services to local school districts.

Referred to Committee on Education.

HB 1218 by Representatives Ludwig, Edmondson, Mastin, Reams, Scott, Bray, Riley, R. Fisher, Grant, Rayburn, Dellwo, Van Luven, Chandler, Zellinsky, Appelwick, Roland, Fuhrman, Kremen and Johanson

Changing requirements for claims against local governmental agencies.

Referred to Committee on Government Operations.

EHB 1228 by Representatives Jones, Miller, Riley, Vance, Kessler, Basich, Karahalios and Leonard

Allowing information exchange of all agencies, including schools, with youth in their care.

Referred to Committee on Law and Justice.

EHB 1238 by Representatives R. Johnson, Ballasiotes, Ludwig, King, Karahalios, Johanson, Jones, Sheahan, Schoesler, Brumsickle, Roland, Long, Flemming, Horn, Mielke, Tate, Wood, Kremen, Foreman and Pruitt (by request of Department of Social and Health Services)

Requiring notice be given to various parties before release from confinement of a juvenile who has committed stalking.

Referred to Committee on Law and Justice.

HB 1277 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Johanson, Horn, Wood and Dunshee (by request of Department of Transportation)

Articulating desirable land use patterns in transit plans.

Referred to Committee on Transportation.

HB 1324 by Representatives Cothorn, Wood, G. Cole, Horn, Wang, Brumsickle, Ogden, Miller, Leonard, Brough, J. Kohl, Ludwig, Dellwo, Kremen, Basich, Jones, Chappell, Shin, Johanson, Rayburn and Mielke

Providing property tax exemptions for charitable fund-raising organizations.

Referred to Committee on Ways and Means.

SHB 1325 by House Committee on Local Government (originally sponsored by Representatives Bray, Edmondson, Orr, H. Myers, Long and Springer)

Giving local governments the option to acquire services or goods under arrangements by state agencies.

Referred to Committee on Government Operations.

SHB 1352 by House Committee on Commerce and Labor (originally sponsored by Representatives Veloria, G. Cole and Franklin (by request of Department of Labor and Industries)

Revising provisions for fee schedules for industrial insurance medical aid.

Referred to Committee on Labor and Commerce.

SHB 1370 by House Committee on Commerce and Labor (originally sponsored by Representatives Ludwig, Heavey, Orr, Bray, Veloria, King and G. Cole)

Restricting bid shopping.

Referred to Committee on Labor and Commerce.

ESHB 1374 by House Committee on Education (originally sponsored by Representatives Brough and Peery)

Changing provisions relating to the teacher admission to practice examination.

Referred to Committee on Education.

ESHB 1408 by House Committee on Human Services (originally sponsored by Representatives Sommers, Leonard, Cooke, Thibaudeau, Brough, Riley, Wolfe, Thomas, Karahalios, Ballasiotes, Forner, Long, Schmidt, Flemming, Silver, Eide, Wood, Shin, Linville, R. Meyers, J. Kohl, Ogden, Valle, Ludwig, Bray, Basich, Wineberry, Jones, Roland, Mielke, Wang, Heavey, Pruitt, Brown, Dellwo, Scott, Rayburn, King, Cothorn, Kessler, G. Cole, Rust, Springer, Kremen, Johanson, L. Johnson, Locke, Sheldon, Morris, H. Myers, Jacobsen and Anderson)

Providing a comprehensive program for teen pregnancy prevention.

Referred to Committee on Health and Human Services.

EHB 1415 by Representative G. Cole

Modifying the imprinting law for over-the-counter medications in solid dosage form.

Referred to Committee on Health and Human Services.

HB 1424 by Representatives Heavey, G. Cole and Franklin (by request of Department of Labor and Industries)

Affecting insurance assessments notice.

Referred to Committee on Labor and Commerce.

SHB 1429 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Chandler, Orr and Lisk)

Exempting licensed domestic wineries from commission merchant requirements.

Referred to Committee on Agriculture.

HB 1466 by Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero

Regulating motorized wheelchair warranties.

Referred to Committee on Labor and Commerce.

SHB 1480 by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Foreman, Wang and Springer) (by request of Department of Revenue)

Subjecting certain travel trailers and campers to ad valorem taxation.

Referred to Committee on Labor and Commerce.

ESHB 1505 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Kremen, King, Lisk, G. Cole, Linville, Springer, Vance and R. Johnson)

Requiring verification of registration of contractors.

Referred to Committee on Labor and Commerce.

HB 1535 by Representatives Johanson, Padden, Horn, Wood, Cothorn, Finkbeiner, R. Meyers, H. Myers, J. Kohl, Brown, Shin, Eide, Zellinsky, Thibaudeau, Leonard, Long, Rayburn, Basich and L. Johnson

Authorizing counties to charge a fee for juvenile court diversion services.

Referred to Committee on Law and Justice.

ESHB 1541 by House Committee on Health Care (originally sponsored by Representatives Orr, Flemming, King, Dellwo and Mielke)

Modifying emergency medical technician recertification.

Referred to Committee on Health and Human Services.

SHB 1547 by House Committee on Judiciary (originally sponsored by Representatives Chappell, Long and Appelwick) (by request of Secretary of State)

Changing provisions relating to nonprofit corporations.

Referred to Committee on Law and Justice.

SHB 1555 by House Committee on Local Government (originally sponsored by Representatives Springer, Riley, Edmondson, Zellinsky, Horn, Sheldon, Kremen, Bray, Ludwig and Quall)

Concerning the use of funds by a public corporation formed by a municipality.

Referred to Committee on Government Operations.

SHB 1567 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Johanson, Chappell, Riley, Ballasiotes, Ludwig, Appelwick, Tate, Jones, Quall and Wineberry)

Authorizing interpreters for jurors in judicial proceedings.

Referred to Committee on Law and Justice.

HB 1572 by Representatives Dorn, Brumsickle, Miller, Jones and Talcott

Changing funding allocations for high school students attending technical colleges.

Referred to Committee on Higher Education.

SHB 1587 by House Committee on Higher Education (originally sponsored by Representatives Ogden, Wood, J. Kohl, Jacobsen, Forner, Quall, Ludwig, Pruitt, Jones, Basich, King, Johanson, Thibaudeau, R. Meyers, Kessler, Bray, Dorn, Karahalios, Roland, Eide, Sheldon, Kremen, Finkbeiner, Veloria, Morris, Hansen, Leonard, Van Luven, H. Myers and L. Johnson)

Helping single parents obtain a higher education.

Referred to Committee on Higher Education.

SHB 1595 by House Committee on Appropriations (originally sponsored by Representatives Bray, Ballard, Peery, Ludwig, Locke, Finkbeiner and J. Kohl)

Concerning elected officials as members of the public employee retirement system.

Referred to Committee on Ways and Means.

EHB 1617 by Representatives R. Fisher, Chandler, Schmidt, Eide, Johanson, J. Kohl, Kremen, Cothorn, Jacobsen, Brough, Pruitt, Thomas, R. Meyers, Miller, Shin, Karahalios, Locke, Finkbeiner, Ogden, Quall, Orr, Wineberry, Veloria, Wood, H. Myers, L. Johnson and Anderson

Planning high-speed ground transportation.

Referred to Committee on Transportation.

SHB 1631 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Brumsickle, G. Cole, Horn, Wood, Appelwick and Thibaudeau)

Regulating going out of business sales.

Referred to Committee on Labor and Commerce.

HB 1643 by Representatives King, Veloria, Heavey, Reams and Jacobsen (by request of Department of Licensing)

Modifying licensure requirements for landscape architects.

Referred to Committee on Labor and Commerce.

EHB 1748 by Representatives Shin, Quall, Wood, Jacobsen, Veloria, Wineberry, Valle, Morris, Basich, Kessler, Orr, L. Johnson and J. Kohl

Changing financial aid provisions.

Referred to Committee on Higher Education.

SHB 1766 by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole, Heavey, Ogden, Zellinsky, R. Meyers, Wang, Conway and J. Kohl) (by request of Attorney General)

Concerning automotive repair.

Referred to Committee on Labor and Commerce.

HB 1777 by Representatives Karahalios, Cooke, Leonard, Edmondson, Eide, Wolfe, Jones, Jacobsen, Brough, Quall, Mastin, Roland and Lemmon

Attempting to ensure that teen parents receiving public benefits complete high school and gain economic independence.

Referred to Committee on Health and Human Services.

SHB 1784 by House Committee on Appropriations (originally sponsored by Representatives Locke, Sommers, Dellwo, Wang, Brough, Jacobsen, Karahalios, Peery, Talcott, Dorn, Cothorn, Ogden, Holm, Pruitt, Jones, Romero, Campbell, Valle, Thibaudeau, King, Ballard, Basich, Quall, Veloria, Linville, Rayburn, Kessler, Orr, Carlson, Johanson, L. Johnson, Leonard, J. Kohl, Lemmon, H. Myers, Hansen, Patterson and Shin)

Allowing retired and disabled school employees to purchase health care insurance from the state health care authority.

Referred to Committee on Health and Human Services.

SHB 1787 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Linville, R. Johnson, Pruitt, Kremen, Rust, Foreman, Quall, Morton, Grant, Johanson, Mastin, Eide and Fuhman)

Eliminating certain provisions about water resource inventory and planning areas.

Referred to Committee on Energy and Utilities.

SHB 1839 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Johnson, Mielke, R. Meyers, Jones and Wang) (by request of Insurance Commissioner)

Investing by domestic insurers.

Referred to Committee on Labor and Commerce.

HB 1865 by Representatives Mielke, Kremen, Zellinsky, Dorn, R. Meyers, Schmidt, Tate and Dellwo

Preventing check cashers and sellers from operating without a license.

Referred to Committee on Labor and Commerce.

SHB 1907 by House Committee on Transportation (originally sponsored by Representatives Wineberry, Jones and Lemmon)

Penalizing carriers that exceed estimates for moving household goods.

Referred to Committee on Transportation.

HB 1930 by Representatives Schmidt and Zellinsky

Restricting consideration of old traffic tickets.

Referred to Committee on Law and Justice.

ESHB 1966 by House Committee on Human Services (originally sponsored by Representatives Wineberry, Leonard, Appelwick, Foreman, Riley, Cooke, H. Myers, Lemmon, Basich, Kessler, Holm, J. Kohl and Anderson)

Implementing juvenile justice racial disproportionality study recommendations.

Referred to Committee on Law and Justice.

SHB 2003 by House Committee on Human Services (originally sponsored by Representative Morris)

Affecting juvenile offenders.

Referred to Committee on Law and Justice.

HB 2028 by Representatives Orr and Wolfe

Requiring notice to retirement system members who are eligible to restore contributions.

Referred to Committee on Ways and Means.

HB 2048 by Representatives Jacobsen, Quall, Brumsickle, Finkbeiner and Miller

Allowing donations subject to conditions to be deposited in the American Indian scholarship endowment fund.

Referred to Committee on Higher Education.

SHCR 4408 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Brumsickle, Quall, Shin, Flemming, Carlson, Rayburn, Kessler, J. Kohl, Bray, Ogden, Wood, Horn and L. Johnson)

Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education.

Referred to Committee on Higher Education.

MOTION TO LIMIT DEBATE

Senator Jesernig: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through March 17, 1993."

The President declared the question before the Senate to be the motion by Senator Jesernig to limit debate.

The motion by Senator Jesernig carried and debate was limited to three minutes through March 17, 1993.

SECOND READING

SENATE BILL NO. 5520, by Senators Wojahn, Moyer, Hargrove and Prentice (by request of Department of Health)

Modifying controlled substances definitions, standards, and schedules.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5520 was substituted for Senate Bill No. 5520 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5520.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5520 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Owen, Prince and von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 5520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5889, by Senators Bauer, Prince, Loveland, Jesernig, Drew, Sheldon, Snyder and Spanel

Awarding grants for pilot regional collaborative professional development school projects.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5889.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Anderson - 1.

Excused: Senators Owen, Prince and von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 5889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5363, by Senators Newhouse, Sutherland, Snyder, Anderson, Loveland, Hochstatter and Barr

Modifying water rights claims provision.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Jesernig: "Senator Newhouse, but for the attorney dying, and they not being able to file the claim here, would there be any question whatsoever--if he, in fact, had not fallen off the roof--and had filed the claim, would there be any question whatsoever, on the validity of that claim?"

Senator Newhouse: "Senator Jesernig, I don't believe there is any question at all--that it just be a matter of formality. Remember, this is just the filing of a claim; it is not an adjudication."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5363.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Pelz, Prince, Rasmussen, M., Roach, Sellar, Smith, L., Snyder, Sutherland, von Reichbauer, West and Winsley - 33.

Voting nay: Senators Franklin, Hargrove, Moore, Niemi, Prentice, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Spanel, Talmadge, Williams and Wojahn - 14.

Excused: Senators Owen and Vogniild - 2.

SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5418, by Senators M. Rasmussen, Anderson, Loveland, Barr, Roach, Prince, Oke, Haugen, Erwin, Owen, Newhouse and Amondson

Regulating alternative livestock.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5418 was substituted for Senate Bill No. 5418 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5418.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5418 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Rasmussen, M., Roach, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams and Winsley - 35.

Voting nay: Senators Franklin, Fraser, Moore, Niemi, Pelz, Prentice, Quigley, Rinehart, Sheldon, Skratek, Talmadge and Wojahn - 12.

Excused: Senators Owen and Vogniild - 2.

SUBSTITUTE SENATE BILL NO. 5418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5913, by Senator Sellar

Modifying annexation procedures for public hospital districts.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5913 was substituted for Senate Bill No. 5913 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5913.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Vognild - 2.

SUBSTITUTE SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5704, by Senators Prentice, Moore and Amondson

Penalizing unlawful factoring of credit card transactions.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5704 was substituted for Senate Bill No. 5704 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5704.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5704 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Vognild - 2.

SUBSTITUTE SENATE BILL NO. 5704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5725, by Senators Rinehart, McDonald and Moyer (by request of Department of Social and Health Services)

Requiring computerized collection of health insurance coverage provided by certain state entities.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5725.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5725 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 5725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 9:55 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:08 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5217, by Senators Pelz, Jesernig, A. Smith, Prentice, Moore, Vognild, Winsley, Roach, Sutherland and Quigley

Requiring compliance with chapter 39.12 RCW of public works.

The bill was read the second time.

MOTION

Senator Pelz moved that the following Committee on Labor and Commerce amendment not be adopted:

On page 1, line 6 after "any" strike "work,"

Debate ensued.

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

MOTION

Senator Nelson moved that the Committee on Labor and Commerce amendment on page 1, line 6, be adopted.

Debate ensued.

POINT OF ORDER

Senator Anderson: "Mr. President, a point of order. We have two amendments on one page. Are we taking both of these amendments?"

REPLY BY THE PRESIDENT

President Pritchard: "We are taking just the top amendment."

Senator Anderson: "Are we taking one amendment? Are we on page 1, line 6, or both of them?"

President Pritchard: "Senator Nelson, it is your motion. Are you moving both amendments?"

Senator Nelson: "Mr. President, I believe in order that the members on the floor follow the debate that we should divide the question and address each amendment separately, so that there is no confusion."

President Pritchard: "The motion is to adopt the amendment on page 1, line 6."

The President declared the question before the Senate to be the roll call on the positive motion by Senator Nelson that the Committee on Labor and Commerce amendment on page 1, line 6, to Senate Bill No. 5217 be adopted.

ROLL CALL

The Secretary called the roll and the committee amendment on page 1, line 6, was not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L. and West - 18.

Voting nay: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Excused: Senator Owen - 1.

MOTIONS

On motion of Senator Pelz, the following Committee on Labor and Commerce amendment was adopted:
On page 1, beginning on line 8, after "lease," strike all material through "municipality" on line 10 and insert "or purchase at least fifty percent of the project by one or more state agencies or municipalities"

Senator Bluechel moved that the following amendment be adopted:

On page 1, line 10, after "39.12 RCW." insert "This section shall not apply to an institution of higher education as defined in RCW 28B.10.016."

"Sec. 2. RCW 39.12.020 and 1989 c 12 s 7 are each amended to read as follows:

The hourly wages to be paid to laborers, workers, or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such labor is performed. For a contract in excess of ten thousand dollars, a contractor required to pay the prevailing rate of wage shall post in a location readily visible to workers at the job site: PROVIDED, That on road construction, sewer line, pipeline, transmission line, street, or alley improvement projects for which no field office is needed or established, a contractor may post the prevailing rate of wage statement at the contractor's local office, gravel crushing, concrete, or asphalt batch plant as long as the contractor provides a copy of the wage statement to any employee on request:

(1) A copy of a statement of intent to pay prevailing wages approved by the industrial statistician of the department of labor and industries under RCW 39.12.040; and

(2) The address and telephone number of the industrial statistician of the department of labor and industries where a complaint or inquiry concerning prevailing wages may be made.

This chapter shall not apply to workers or other persons regularly employed on monthly or per diem salary by the state, or any county, municipality, or political subdivision created by its laws. This chapter shall not apply to any institution of higher education as defined in RCW 28B.10.016."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bluechel on page 1, line 10, to Senate Bill No. 5217.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L. and West - 17.

Voting nay: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 31.

Excused: Senator Owen - 1.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 1, line 10, after "39.12 RCW." insert "This section shall not apply to the renovation or construction of common schools in the state."

"Sec. 2. RCW 39.12.020 and 1989 c 12 s 7 are each amended to read as follows:

The hourly wages to be paid to laborers, workers, or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such labor is performed. For a contract in excess of ten thousand dollars, a contractor required to pay the prevailing rate of wage shall post in a location readily visible to workers at the job site: PROVIDED, That on road construction, sewer line, pipeline, transmission line, street, or alley improvement projects for which no field office is needed or established, a contractor may post the prevailing rate of wage statement at the contractor's local office, gravel crushing, concrete, or asphalt batch plant as long as the contractor provides a copy of the wage statement to any employee on request:

(1) A copy of a statement of intent to pay prevailing wages approved by the industrial statistician of the department of labor and industries under RCW 39.12.040; and

(2) The address and telephone number of the industrial statistician of the department of labor and industries where a complaint or inquiry concerning prevailing wages may be made.

This chapter shall not apply to workers or other persons regularly employed on monthly or per diem salary by the state, or any county, municipality, or political subdivision created by its laws. This chapter shall not apply to the renovation or construction of common schools in the state."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Pelz, in order to clarify your statements regarding how prevailing wages are established for any county in this state, would you clarify who becomes the respondees to the questionnaires that are sent out by Labor and Industries

to the individual firms that have a certain wage classification? Is it your opinion that only those firms within Okanogan County are now going to be used in determining the prevailing wages in Okanogan County?"

Senator Pelz: "Senator Nelson, it is possible that you are asking for a level of detail in this answer that I can't quite get you, but my understanding is that a survey is conducted of the wages paid in the largest city in each county for each type of work covered by the law. The survey results are then compiled and the prevailing wage is determined in each county based on the results."

Senator Amondson demanded a roll call and the demand was sustained.
Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McDonald on page 1, line 10, to Senate Bill No. 5217.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Rinehart, Sellar, Smith, L. and West - 18.

Voting nay: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Excused: Senator Owen - 1.

MOTION

Senator Deccio moved that the following amendment be adopted:

On page 1, line 10, after "39.12 RCW." insert "This section shall not apply to a county."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 1, line 10, to Senate Bill No. 5217.

The motion by Senator Deccio failed and the amendment was not adopted on a rising vote.

MOTION

Senator Newhouse moved that the following amendment be adopted:

On page 1, line 10, after "39.12 RCW." insert "This section shall not apply to a fire protection district."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Newhouse on page 1, line 10, to Senate Bill No. 5217.

The motion by Senator Newhouse failed and the amendment was not adopted.

MOTION

Senator Amondson moved that the following amendment by Senators Amondson and Hochstatter be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.82.015 and 1987 c 321 s 1 are each amended to read as follows:

State agencies shall not cause the major renovation of a facility owned by a private party or a facility of new construction to be built by a private party through a contract to rent, lease or purchase at least eighty percent of such facility for occupation by ((a)) state ((agency)) agencies unless the agreement requires the contractor or developer to comply with the prevailing wage provisions of chapter 39.12 RCW. This section shall not apply to any construction project for which a call for competitive bids was made before July 26, 1987."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Amondson and Hochstatter to Senate Bill No. 5217.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hargrove, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L. and West - 19.

Voting nay: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 29.

Excused: Senator Owen - 1.

MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Senate Bill No. 5217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5217.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5217 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L. and West - 17.

Excused: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 5217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:28 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5492, by Senators Spanel, Snyder, Nelson and M. Rasmussen (by request of Secretary of State)

Authorizing the secretary of state to set fees by rule.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5492 was substituted for Senate Bill No. 5492 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5492.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 5; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Hargrove - 1.

Absent: Senators Gaspard, Haugen, McDonald, Rinehart and West - 5.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senators Gaspard, Haugen and Rinehart were excused.

SECOND READING

SENATE BILL NO. 5590, by Senators Moore, Newhouse, Talmadge, Spanel, West, Roach, Prentice, Prince, Vognild and Bauer

Providing service credit for periods of paid leave.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5590 was substituted for Senate Bill No. 5590 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Gaspard, Haugen, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5909, by Senators Sheldon, Oke and Owen

Requiring a study of the economic diversification of Kitsap county.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5909 was substituted for Senate Bill No. 5909 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Erwin: "Senator Sheldon, I noticed that you mentioned Whidbey Island and the NES base up there. Why is this inclusive of only Kitsap County? Why is it only Kitsap County rather than including--"

Senator Sheldon: "Oh, Whidbey Island and that area is included in the bill. The appropriation is only for Kitsap County in the sense that our strategic plan is already in place and ready to be implemented. They are still putting theirs together."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5856, by Senators Vognild, Nelson and Skratek

Authorizing certain real property transactions.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5856 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5856.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5856 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Owen and Rinehart - 2.

SENATE BILL NO. 5856, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5943, by Senators Loveland and M. Rasmussen

Changing the responsibilities of the pesticide incident reporting and tracking review panel.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5943 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5943.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5943 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Fraser - 1.

Excused: Senators Owen and Rinehart - 2.

SENATE BILL NO. 5943, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5274, by Senator Oke

Adding certain miniature models to boiler regulation exemptions.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5274 was substituted for Senate Bill No. 5274 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5625, by Senators Prentice, Hargrove, Rinehart, A. Smith, Williams, Moyer, Drew, Prince, Erwin, Skratek and McAuliffe

Prohibiting the death penalty for the mentally retarded.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5625 was substituted for Senate Bill No. 5625 and the substitute bill was placed on second reading and read the second time.

Senator Linda Smith moved that the following amendment by Senators Roach, Adam Smith, Hargrove, Hochstatter, Snyder, Erwin, Sellar and McDonald be adopted:

On page 4, after line 19, insert a new section as follows:

"**Sec. 5.** RCW 10.95.020 and 1981 c 138 s 2 are each amended to read as follows:

A person is guilty of aggravated first degree murder if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer, corrections officer, or fire fighter who was performing his or her official duties at the time of the act resulting in death and the victim was known or reasonably should have been known by the person to be such at the time of the killing;

(2) At the time of the act resulting in the death, the person was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave in or from a state facility or program for the incarceration or treatment of persons adjudicated guilty of crimes;

(3) At the time of the act resulting in death, the person was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony;

(4) The person committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder;

(5) The person committed the murder to obtain membership in an organization or association;

(6) The person solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder;

~~((6))~~ (7) The victim was:

(a) A judge; juror or former juror; prospective, current, or former witness in an adjudicative proceeding; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the ~~((board of prison terms and paroles))~~ indeterminate sentence review board; or a probation or parole officer; and

(b) The murder was related to the exercise of official duties performed or to be performed by the victim;

~~((7))~~ (8) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime;

~~((8))~~ (9) There was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person;

~~((9))~~ (10) The murder was committed in the course of, in furtherance of, or in immediate flight from one of the following crimes:

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

(c) Burglary in the first or second degree;

(d) Kidnapping in the first degree; or

(e) Arson in the first degree;

~~((10))~~ (11) The victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim."

POINT OF ORDER

Senator Niemi: "I rise to a point of order. Mr. President, I would like to challenge the amendment on the basis of its scope and object. To begin with the title of the bill is an act relating to imposing the death penalty upon the mentally retarded. It is very narrow. The bill has two or three sections that it relates to. The first section is 10.95.030 which defines mentally retarded in some detail. The second section is 10.95.070 which adds mental retardation specifically as to not getting the death penalty to mitigating circumstances. The amendment is to 10.95.020 which are aggravating circumstances. The amendment deals with an entirely different part of the death penalty statute."

Debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5625.

SECOND READING

SENATE BILL NO. 5802, by Senators Fraser, Barr and Drew

Regarding state environmental policy act documents.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5802.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5239, by Senators Wojahn, Prentice, Moyer, Deccio, Talmadge, Hargrove, Winsley, West and Erwin

Centralizing poison information services.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5239 was substituted for Senate Bill No. 5239 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 5239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5239.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5375, by Senators Bauer, Wojahn, Barr, Oke, Rinehart, von Reichbauer and Winsley (by request of Legislative Budget Committee)

Regulating personal service contracts.

The bill was read the second time.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 3, after line 10, strike all materials through and including "committee." on line 24 and insert the following:

"(2) An amendment or amendments to a personal service contract must be provided to the office of financial management and to the legislative budget committee if (a) the contract is for the services of an elected or appointed state official or (b) if the value of the amendment or amendments, whether singly or cumulatively, exceeds fifty percent of the value of the original contract."

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 3, after line 10, to Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Sutherland, von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senator Owen - 1.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 4, after line 8, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 39.29 RCW to read as follows:

Personal service contracts for the services of a person who is an elected or appointed state official must be filed with the office of financial management and the legislative budget committee and made available for public inspection within three working days after the commencement of work or execution of the contract, whichever occurs first.

NEW SECTION. Sec. 6. A new section is added to chapter 39.29 RCW to read as follows:

An elected or appointed state official who enters into a contract for personal services with an agency shall file a copy of the contract with the public disclosure commission within three working days after commencement of the work or execution of the contract, whichever occurs first. A state official who has entered into a contract for personal services with an agency after January 1, 1990, shall file a copy of the contract with the public disclosure commission within thirty days of the effective date of this act.

For purposes of this section, "agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency."

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 4, after line 8, to Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Sutherland, von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senator Owen - 1.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5625 and the pending amendment by Senators Roach, Adam Smith, Hargrove, Hochstatter, Snyder, Erwin, Sellar and McDonald on page 4, after line 19, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Niemi, the President finds that Substitute Senate Bill No. 5625 is a measure which adds an additional element related to the capacity of a defendant to appreciate the wrongfulness of conduct and prohibits the imposition of a death sentence on a person who was mentally retarded at the time the crime was committed.

"The amendment by Senators Roach, Adam Smith, Hargrove, Hochstatter, Snyder, Erwin, Sellar and McDonald would change the definition of aggravated first degree murder by adding an additional aggravating circumstance.

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

The amendment on page 4, after line 19, by Senators Roach, Adam Smith, Hargrove, Hochstatter, Snyder, Erwin, Sellar and McDonald to Substitute Senate Bill No. 5625 was ruled out of order.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5625.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5625 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, Jesernig, Loveland, McCaslin, von Reichbauer and West - 6.

Absent: Senator Newhouse - 1.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5836, by Senators Bauer, Prince, West, Drew, Jesernig, Sheldon, Snyder and Gaspard

Redefining the relationship between the state and its postsecondary institutions.

MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 5836 was substituted for Senate Bill No. 5836 and the second substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment be adopted:

On page 6, after line 21, insert the following:

"NEW SECTION. Sec. 7. The higher education options program is created to meet the implementation criteria in section 1 of this act. The intent aims to further (1) increasing flexibility, (2) efficiency, and (3) the quality of the state system of higher education. The higher education options program will serve as a practical implementation of the goals set forth in section 4 of this

act by providing the higher education coordinating board with the information necessary to prepare its report on improving flexibility, quality, and access.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The higher education options program establishes that all institutions of higher education located in any county in the state that contains a regional university, a community college, and a technical college may determine the enrollment levels at their respective institutions and purchase services or the delivery of services through contracts with individuals or business entities in the most efficient and cost-effective manner. For institutions eligible for the higher education options program, the director of general administration, through the state purchasing and material control director established in RCW 43.19.180, shall be provided the highest level of flexibility in the purchase of all materials, supplies, services, and equipment necessary for the efficient support, maintenance, repair, and use of all agencies and departments under RCW 43.19.190.

(2) Institutions of higher education located in counties described in subsection (1) of this section shall not be subject to any enrollment limitations or student quality standards or current purchasing, personnel, and contracting limitations.

Sec. 9. RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2)(a) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

(b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.

(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.

(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.

(3) The state board for community and technical colleges ((education)) shall ensure compliance with this section.

(4) This section shall not apply to a community or technical college participating in the higher education options program established in sections 7 and 8 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.35 RCW to read as follows:

Regional universities in any county in the state that also contains a community college and a technical college may exceed enrollment limitations and may retain tuition locally to achieve the policy attributes in section 1(2) and (3), chapter . . . , Laws of 1993 (section 1(2) and (3) of this act) as part of the higher education options program created in sections 7 and 8 of this act.

Sec. 11. RCW 28B.16.040 and 1990 c 60 s 201 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his or her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges ((education)).

(4) The personnel director of the higher education personnel board and his or her confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board((: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision)).

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 12. RCW 28B.16.240 and 1979 ex.s. c 46 s 1 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any))~~ An institution of higher education, as defined in RCW 28B.10.016, ~~((or))~~ related board ~~((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract at such institution prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the~~

execution or renewal of the contract)), and all institutions of higher education participating in the higher education options program, as established in sections 7 and 8 of this act, may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906.

NEW SECTION. Sec. 13. Sections 7 through 12 of this act shall expire June 30, 1997."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 6, after line 21, to Second Substitute Senate Bill No. 5836.

The motion by Senator Anderson failed and the amendment was not adopted.

MOTION

On motion of Senator Bauer, the rules were suspended, Second Substitute Senate Bill No. 5836 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5836.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5836 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Anderson - 1.

Excused: Senator Owen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5836, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5781, by Senators Jesernig, Bauer, Moyer, Pelz, Bluechel, Spanel, Hargrove, Drew, von Reichbauer, Snyder, Sheldon, Loveland, McDonald, Erwin, M. Rasmussen, Barr, Prentice, Sutherland, McAuliffe, West, Oke, Amondson, Haugen, Franklin, Sellar, Hochstatter, Fraser, Deccio, A. Smith and Winsley

Improving access to public institutions of higher education.

MOTIONS

On motion of Senator Bauer, Second Substitute Senate Bill No. 5781 was substituted for Senate Bill No. 5781 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Second Substitute Senate Bill No. 5781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5781.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5781 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams and Winsley - 43.

Voting nay: Senators Niemi, Quigley, Skratek, Vognild and Wojahn - 5.

Excused: Senator Owen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5304, by Senators Talmadge, Gaspard, Moore, Deccio, Wojahn, Moyer, Snyder, Winsley, Fraser, Haugen, McAuliffe, Drew, Sheldon, Skratek and Pelz

Reforming health care cost control and access.

MOTION

On motion of Senator Talmadge, Second Substitute Senate Bill No. 5304 was substituted for Senate Bill No. 5304 and the second substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Jesernig, further consideration of Second Substitute Senate Bill No. 5304 was deferred.

MOTION

At 2:46 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 6:42 p.m. by President Pritchard.

MOTION

On motion of Senator Gaspard, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 1993

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 1303, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 1303.

MOTION

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

MOTIONS

On motion of Senator Oke, Senators McCaslin and Winsley were excused.
On motion of Senator Spanel, Senators Jesernig, Rinehart and Vognild were excused.

SECOND READING

SENATE BILL NO. 5757, by Senators Snyder, Owen and Hargrove

Controlling burrowing shrimp.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5757.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5757 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams and Wojahn - 43.

Excused: Senators Jesernig, McCaslin, Owen, Rinehart, Vognild and Winsley - 6.

SENATE BILL NO. 5757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5237, by Senators M. Rasmussen, A. Smith, Nelson, Winsley, Haugen, von Reichbauer, Oke, Roach and Spanel (by request of Attorney General and Secretary of State)

Regulating charitable solicitations.

MOTIONS

On motion of Senator Adam Smith, Second Substitute Senate Bill No. 5237 was substituted for Senate Bill No. 5237 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Second Substitute Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5878, by Senator Bauer

Eliminating mandatory posttenure review for community college faculty.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5878 was substituted for Senate Bill No. 5878 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5878.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5878 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5131, by Senators Wojahn, Gaspard, Moyer, Prentice, A. Smith, Spanel, Deccio, Haugen, Quigley, Pelz and Talmadge

Authorizing destruction of confiscated firearms.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5131 was substituted for Senate Bill No. 5131 and the substitute bill was placed on second reading and read the second time.

Senator Nelson moved that the following amendment be adopted:

On page 4, line 3, strike subsection (5) through and including "agency" on line 5

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Nelson on page 4, line 3, to Substitute Senate Bill No. 5131.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Quigley, Rasmussen, M., Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Bluechel, Fraser, Moore, Niemi, Pelz, Prentice, Sheldon and Talmadge - 8.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

MOTIONS

Senator Adam Smith moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.098 and 1989 c 222 s 8 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess. ~~((All firearms legal for citizen possession that are judicially forfeited or forfeited due to failure to make a claim under RCW 63.32.010, 63.40.010, or 63.35.020 shall be submitted for auction to commercial sellers once a year if the submitting agency has accumulated at least ten firearms authorized for sale. Law enforcement agencies may conduct joint auctions for the purpose of maximizing efficiency. A maximum of ten percent of such firearms may be retained for use by local law enforcement agencies and the Washington state patrol. Before submission for auction, a court may temporarily retain forfeited firearms if needed for evidence. The proceeds from any sale shall be divided as follows: The local jurisdiction and the Washington state patrol shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155.~~

If a firearm is delivered to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm by auction as provided by this subsection. The public auctioning agency shall, as a minimum, maintain a record of all forfeited firearms by manufacturer, model, caliber, serial number, date and circumstances of forfeiture, and final disposition. The records shall be open to public inspection and copying.)) A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b) and (c) of this subsection, firearms that are judicially forfeited or forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010, or that are no longer needed for evidence, may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010, or that is no longer needed for evidence.

(b) Except as provided in (c) of this subsection, for every firearm in the inventory required under (a) of this subsection, a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding the effective date of this act; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 77.12.720. All trades or auctions of firearms under this subsection shall be to commercial sellers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 77.12.720.

(c) Antique firearms as defined by RCW 9.41.150 and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to commercial sellers.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section."

On motion of Senator Adam Smith, the following amendments to the striking amendment were considered simultaneously and were adopted:

On page 2, line 38 of the amendment, after "in (b)" strike "and (c)" and insert ", (c), and (d)"

On page 3, line 13 of the amendment, after "(b)" insert "Firearms in the possession of the Washington state patrol on or after the effective date of this act that are judicially forfeited or forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010, and that are no longer needed for evidence, must be disposed of as follows: (i) Firearms illegal for a person to possess must be destroyed; (ii) a maximum of ten percent of legal firearms may be retained for agency use; and (iii) all other legal firearms must be auctioned or traded to commercial sellers. The Washington state patrol may retain proceeds of an auction or trade.

(c)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Adam Smith, as amended, to Substitute Senate Bill No. 5131.

The motion by Senator Adam Smith carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "forfeiture of firearms; and amending RCW 9.41.098."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5131.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5129, by Senators Bauer, Sheldon, Barr, Haugen, Owen, Moyer, Gaspard, Sellar, Rinehart, Sutherland and McAuliffe

Granting additional powers to boards of directors of educational service districts.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5129 was substituted for Senate Bill No. 5129 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5129.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5129 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Anderson and Erwin - 2.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5615, by Senators M. Rasmussen and Oke (by request of Superintendent of Public Instruction)

Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5615 was substituted for Senate Bill No. 5615 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Cantu, the following amendment by Senators Cantu and Rasmussen was adopted:

On page 2, line 2, after "populations" insert "and

(c) Place emphasis on the recruitment of future teachers who will teach mathematics, science and technology"

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Barr: "Senator Rasmussen, how would you describe what diversity means in this bill--on page 2, line 2?"

Senator Rasmussen: "Well, I would explain that diversity is meaning everything that encompasses the learning experiences for our children in our public schools and that means basic education and also including the amendment that we adopted just a few minutes ago."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5615.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5883, by Senators Bauer, Erwin, M. Rasmussen and Roach (by request of Superintendent of Public Instruction)

Changing funding procedures for high school students enrolled in the running start program in community or technical colleges.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5883.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5883 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Barr and Prince - 2.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SENATE BILL NO. 5883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5351, by Senators Newhouse, Spanel, Moore, Bauer, Winsley, von Reichbauer and Roach (by request of Joint Committee on Pension Policy)

Regarding death benefits for disabled teacher retirees under plan I.

The bill was read the second time.

MOTIONS

On motion of Senator Spanel, the following Committee on Ways and Means amendment was adopted:

On page 3, line 10, strike "1993" and insert "1992"

On motion of Senator Spanel, the rules were suspended, Engrossed Senate Bill No. 5351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5351.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

ENGROSSED SENATE BILL NO. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5278, by Senators Hargrove and Owen

Exempting from the shoreline management act certain projects that have been granted hydraulic permits.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5278.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5686, by Senators Williams and Pelz

Limiting the penalty charge for late payment of a credit card balance.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5686 was substituted for Senate Bill No. 5686 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 5686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5686.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5686 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Amondson, Barr and Sellar - 3.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5751, by Senators Haugen and Spanel

Authorizing rural partial-county library districts.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5751 was substituted for Senate Bill No. 5751 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5751.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Smith, L. - 1.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5380, by Senators Prentice, West, Pelz, Winsley, A. Smith, L. Smith, Snyder, Roach, Owen, Talmadge, Skratek, Niemi, Haugen, Spanel, Drew, Moyer, Jesernig, Sutherland, Rinehart, Williams, Vognild, Sheldon, Loveland, Hargrove, M. Rasmussen, Bauer, Gaspard, Wojahn, Sellar, Quigley and McAuliffe

Concerning collective bargaining for members of the Washington state patrol.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5380 was substituted for Senate Bill No. 5380 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5380.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 11; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Barr, Bluechel, Cantu, Deccio, Hochstatter, Loveland, McDonald, Nelson, Newhouse, Oke and Prince - 11.

Absent: Senator Smith, L. - 1.

Excused: Senators Jesernig, McCaslin, Owen and Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:01 p.m., on motion of Senator Sheldon, the Senate adjourned until 10:00 a.m., Friday, March 12, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 11, 1993

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

SIXTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 12, 1993

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

The Sergeant at Arms Color Guard, consisting of Pages Jeanne Lynch and Matthew Martin, presented the Colors. Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

MOTION

At 10:05 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 10:23 a.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 10, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,
ENGROSSED HOUSE BILL NO. 1402,
ENGROSSED HOUSE BILL NO. 1437,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 10, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1014,
HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1195,
HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1235,
HOUSE BILL NO. 1315,
HOUSE BILL NO. 1347,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1363,
HOUSE BILL NO. 1400,
HOUSE BILL NO. 1406,
HOUSE BILL NO. 1407,

HOUSE BILL NO. 1411,
HOUSE BILL NO. 1476,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1514,
SUBSTITUTE HOUSE BILL NO. 1640, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1014 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Appelwick and Riley)

Updating uniform commercial code articles 1, 3, and 4.

Referred to Committee on Labor and Commerce.

HB 1074 by Representatives Ludwig, Padden, Appelwick and Johanson

Regulating corporations.

Referred to Committee on Law and Justice.

ESHB 1084 by House Committee on Judiciary (originally sponsored by Representatives Wineberry, Padden, Appelwick, Vance, Wang, Pruitt, Campbell, Johanson, Orr and Anderson)

Changing provisions relating to jury source lists.

Referred to Committee on Law and Justice.

SHB 1195 by House Committee on Judiciary (originally sponsored by Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard)

Allowing a person to dictate the disposition of his or her remains.

Referred to Committee on Law and Justice.

ESHB 1209 by House Committee on Education (originally sponsored by Representatives Peery, Ballard, Dorn, Jones, Brough, R. Meyers, Cothorn, Sheldon, Brumsickle, Roland, Eide, Holm, Jacobsen, Thomas, J. Kohl, Ogden, Franklin, G. Cole, Voloria, Wang, H. Myers, Horn, Scott, Karahalios, L. Johnson, Thibaudeau, Wolfe, Leonard, Locke, Basich, Orr, Kessler, Campbell, Linville, Pruitt and Wineberry) (by request of Council on Education Reform and Funding)

Reforming education.

Referred to Committee on Education.

HB 1220 by Representatives Chappell, Brumsickle, Campbell, Mastin, Ludwig, H. Myers, Johanson, Riley, Romero, Karahalios, Jones, Padden, Roland, Long, L. Johnson and Flemming

Revoking drivers' licenses for certain felonies.

Referred to Committee on Law and Justice.

SHB 1235 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Ludwig and Johanson)

Creating partnerships.

Referred to Committee on Law and Justice.

HB 1315 by Representatives H. Myers and Springer

Specifying the uses for the tax on the sale of real property.

Referred to Committee on Government Operations.

HB 1347 by Representatives Forner, Rayburn, Dyer, Thomas, Wood, Morton and Silver

Authorizing the department of agriculture to control diseases in alpacas and llamas.

Referred to Committee on Agriculture.

ESHB 1363 by House Committee on Local Government (originally sponsored by Representatives Peery, H. Myers, Springer, Dunshee, Romero, Zellinsky and Wineberry)

Requiring the county assessor to verify that all necessary building permits have been issued when conducting a physical appraisal.

Referred to Committee on Government Operations.

HB 1400 by Representatives Heavey and Franklin (by request of Department of Licensing)

Regulating real estate appraisers.

Referred to Committee on Labor and Commerce.

EHB 1402 by Representatives Springer and Heavey (by request of Department of Licensing)

Changing licensing provisions.

Referred to Committee on Labor and Commerce.

HB 1406 by Representatives Silver, Sommers, Chandler, Fuhrman, Locke and Ogden (by request of Legislative Budget Committee)

Changing the name of the legislative budget committee.

Referred to Committee on Ways and Means.

HB 1407 by Representatives Sommers, Silver, Chandler, Fuhrman, Locke, Ogden and Brough (by request of Legislative Budget Committee)

Changing duties of the legislative auditor and attorney general regarding the legislative budget committee.

Referred to Committee on Ways and Means.

HB 1411 by Representatives Pruitt, Morton, R. Johnson, Brown and Brough

Allowing metropolitan park districts to acquire open space, land, or rights to future development.

Referred to Committee on Ecology and Parks.

EHB 1437 by Representatives R. Meyers, Dorn, Pruitt and Campbell

Requiring policy and performance audits of department of veteran affairs, Washington soldiers' home, and Washington veterans' home.

Referred to Committee on Government Operations.

HB 1476 by Representatives Wineberry, Ballard, Shin, G. Cole, Brough, Ogden, Forner, J. Kohl, Veloria, Vance, Leonard, Casada, Miller, Ballasiotes, Foreman, Chandler, Wood, Cooke, H. Myers and Lisk (by request of Human Rights Commission)

Revising provisions relating to meeting federal fair housing act requirements for housing equivalency.

Referred to Committee on Labor and Commerce.

SHB 1508 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky and Pruitt)

Regulating prescription claims for insurance coverage that were initially approved over the telephone or by other means.

Referred to Committee on Health and Human Services.

SHB 1514 by House Committee on Higher Education (originally sponsored by Representatives Kessler, Jacobsen, Basich, Jones, Holm, Sheldon and Riley)

Changing provisions relating to the Olympic natural resources center.

Referred to Committee on Higher Education.

ESHB 1519 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representative Ballard)

Creating an office of housing affordability and regulatory reform.

Referred to Committee on Trade, Technology and Economic Development.

SHB 1640 by House Committee on Judiciary (originally sponsored by Representatives Johanson, Ballasiotes, Wineberry, Padden, Schmidt, Ludwig, Mastin, Riley, Thibaudeau, Campbell, Long, Forner, H. Myers, Brough, Vance, Jones, Foreman, Fuhrman, Schoesler, Miller, Casada, Jacobsen, Stevens, Rayburn, Kremen, Silver, Quall, Talcott, Tate, Orr, Van Luven and Anderson)

Making the property of a convicted person acquired as a result of the crime subject to seizure and forfeiture.

Referred to Committee on Law and Justice.

SECOND READING

SENATE BILL NO. 5635, by Senators Niemi and Talmadge

Modifying procedures regarding disclosure of address of a health professional subject to a disciplinary complaint.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5635.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5635 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 5635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and welcomed Superintendent of Public Instruction, Judith Billings, who was seated on the rostrum.

Superintendent Billings introduced the Washington State Teacher of the Year, Kathleen Paris, of the Bethel School District, who was also on the rostrum.

With permission of the Senate, business was suspended, to permit Ms. Paris to address the Senate.

Senators Rasmussen and McAuliffe welcomed and congratulated Ms. Paris for her good work in the classroom and for being present in the Senate Chamber today.

SECOND READING

SENATE BILL NO. 5849, by Senators M. Rasmussen, Erwin, McAuliffe, Roach, Anderson, Bauer, Barr, Amondson and Loveland

Revising dairy management.

MOTIONS

On motion of Senator Jesernig, Substitute Senate Bill No. 5849 was substituted for Senate Bill No. 5849 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Substitute Senate Bill No. 5849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5753, by Senators Snyder and L. Smith

Creating a new judgeship for Cowlitz County.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5753 was substituted for Senate Bill No. 5753 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5753.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5753 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5838, by Senators Sutherland, Williams and Roach

Creating an energy siting process review committee.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5838.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5688, by Senators Owen, A. Smith and Oke

Modifying enforcement of forest practices guidelines.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5688.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Barr - 1.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:04 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 12:05 p.m. by President Pritchard.

MOTION

At 12:05 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:11 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5134, by Senators Haugen, Barr, Snyder, Oke, Winsley, Roach and Erwin

Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5134 was substituted for Senate Bill No. 5134 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5134.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5134 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Pelz, Skratek and Talmadge - 4.

Absent: Senators Prince and West - 2.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Prince was excused.

SECOND READING

SENATE BILL NO. 5487, by Senators Bauer, Barr, M. Rasmussen, Snyder, Gaspard, Vognild, Newhouse, Drew, Sutherland, Quigley, Hochstatter and Loveland

Changing provisions regarding agister liens.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5487 was substituted for Senate Bill No. 5487 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5487.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5487 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate resumed consideration of Second Substitute Senate Bill No. 5304, deferred March 11, 1993.

MOTION

Senator Moyer moved that the following amendments be considered simultaneously and be adopted:
On page 4, strike all of line 1, and insert the following:

**"PART I. VOLUNTARY FORMATION OF STATE-WIDE HEALTH
INSURANCE PURCHASING POOL**

NEW SECTION. Sec. 101. A new section is added to Title 48 RCW to read as follows:

DEFINITION OF A BASIC HEALTH CARE BENEFIT PACKAGE. Carriers regulated under chapters 48.20, 48.21, 48.44, and 48.46 RCW may collectively design a basic health care benefit package. The health services in the benefit package shall not be less than those provided through the basic health plan under chapter 70.47 RCW. Each carrier shall submit a schedule of premiums periodically for the basic benefit package to the commissioner. The insurance commissioner shall review each carrier's schedule of premiums periodically to determine whether they are reasonable in relation to the basic benefit package. Only when the commissioner determines that rates are reasonable shall the carriers offer the basic benefit package.

NEW SECTION. Sec. 102. HEALTH INSURANCE REFORMS. Basic benefit plans authorized under section 101 of this act should be offered subject to the following provisions:

(1) Should not deny, exclude, or limit benefits for a covered individual for losses incurred more than six months following the effective date of the eligible individual's coverage due to a preexisting condition.

(2) Should not modify, decrease, exclude, or restrict benefits through riders, conditions, restrictions, endorsements, or otherwise, on the basis of sex, age, or health status or health condition of the eligible individual.

(3) Should not modify, decrease, or restrict coverage through riders, conditions, restrictions, endorsements, or otherwise, on the basis of category of business trade, employment skill, or vocation or profession of the eligible individual.

(4) Should guarantee renewability of coverage except for nonpayment of premium unless the insurer has obtained the prior written approval of the commissioner who may, at his or her discretion, permit nonrenewal when renewal would impair the carrier's ability to perform its contractual duties.

(5) Entities offering health benefit plans should assume the full financial risk of providing the health benefit plan to all enrollees or participate in risk distribution methods authorized under section 103 of this act.

NEW SECTION. Sec. 103. A new section is added to Title 48 RCW to read as follows:

MEDICAL RISK DISTRIBUTION. The insurance commissioner shall establish methods to assure the fair distribution of high medical risk enrollees among carriers subject to section 101 of this act or fair financial compensation for basic benefit plans that have a disproportionately large number of high medical risk enrollees. This shall be done in a manner to assure that costs associated with providing services to high medical risk enrollees is fairly distributed among the regulated carriers.

NEW SECTION. Sec. 104. A new section is added to Title 48 RCW to read as follows:

INSURANCE COMMISSIONER AUTHORITY. If the insurance commissioner determines that less than one hundred percent of the regulated carriers in the state have not complied with sections 101 through 103 of this act by July 1, 1995, the commissioner shall exercise duties and responsibilities under chapter ---, Laws of 1993 (this act).

NEW SECTION. Sec. 105. Sections 101 through 103 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 106. Sections 202 through 215, 229 through 252, 271 through 283, 301 through 308, 317 through 339, 346 through 351, 354 through 363, and 366 of this act shall take effect July 1, 1995, only if the insurance commissioner determines and certifies to the governor that less than one hundred percent of the regulated carriers in the state have not complied with sections 101 through 103 of this act."

Renumber the remaining parts and sections consecutively and correct internal references accordingly.

On page 22, line 2, strike "1997" and insert "1999"

On page 23, line 27, strike "1994" and insert "1996"

On page 24, line 6, strike "1996" and insert "1998"

On page 24, line 27, strike "1996. On January 1, 1997" and insert "1998. On January 1, 1999"

On page 25, line 36, strike "1996" and insert "1998"

On page 26, line 7, strike "1997" and insert "1999"

On page 27, line 16, strike "1995" and insert "1997"

On page 27, line 30, strike "1994" and insert "1996"

On page 28, line 7, strike "1994" and insert "1996"

On page 28, line 26, strike "1994" and insert "1996"

On page 30, line 6, strike "1995" and insert "1997"

On page 31, line 28, strike "1994" and insert "1996"

On page 31, line 31, strike "1997" and insert "1999"

On page 32, at the beginning of line 4, strike "1995" and insert "1997"

On page 32, line 4, after "than July" strike "1997" and insert "1999"

On page 32, line 36, strike "1997" and insert "1999"

On page 63, beginning on line 2, strike all of section 271 and insert the following:

"Sec. 271. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) There is an additional tax imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to ten cents per cigarette. All revenues collected from this additional tax shall be deposited in the basic health plan trust account to be used exclusively for the purposes of chapter 70.47 RCW.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 272. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) An additional tax is imposed equal ~~((to the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section.

(3) An additional tax is imposed equal to 381.80 percent of the wholesale sales price of tobacco products. Revenues collected under this subsection shall be deposited in the basic health plan trust account to be used exclusively for the purposes of chapter 70.47 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 64, after line 24, strike all of section 273

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 66, line 5, after "June 30," strike "1995" and insert "1997"

On page 66, line 6, after "July 1," strike "1995" and insert "1997"

On page 66, line 6, after "June 30," strike "1997" and insert "1999"

On page 67, line 24, strike "1995" and insert "1997"

On page 67, at the beginning of line 25, strike "1995" and insert "1997"

On page 67, line 25, strike "1997" and insert "1999"

On page 68, line 26, strike "1995" and insert "1997"

On page 68, line 27, strike "1995" and insert "1997"

On page 68, at the beginning of line 33, strike "1995" and insert "1997"

On page 68, line 35, strike "1994" and insert "1996"

On page 69, line 22, strike "1995" and insert "1997"

On page 69, line 23, strike "1995" and insert "1997"

On page 69, line 29, strike "1995" and insert "1997"

On page 69, line 31, strike "1994" and insert "1996"

On page 70, line 16, after "January 1," strike "1995" and insert "1997"

On page 70, line 16, after "December 31," strike "1995" and insert "1997"

On page 70, line 22, strike "1995" and insert "1997"

On page 70, line 25, strike "1994" and insert "1996"

On page 74, line 7, strike "1995" and insert "1997"

On page 74, line 32, strike "1995" and insert "1997"

On page 75, line 2, strike "1995" and insert "1997"

On page 75, line 4, strike "1995" and insert "1997"
On page 75, line 14, strike "1995" and insert "1997"
On page 75, line 18, strike "1995" and insert "1997"
On page 75, line 32, strike "1995" and insert "1997"
On page 75, line 38, strike "1995" and insert "1997"
On page 76, line 4, strike "1995" and insert "1997"
On page 82, line 5, strike "1995" and insert "1997"
On page 85, line 32, strike "1996" and insert "1998"
On page 101, line 2, strike "1994" and insert "1996"
On page 113, line 28, strike "1997" and insert "1999"
On page 113, line 35, strike "1995" and insert "1997"
On page 114, line 13, strike "1995" and insert "1997"
On page 114, line 21, strike "1995" and insert "1997"
On page 114, line 26, strike "1996" and insert "1998"
On page 114, line 31, strike "1996" and insert "1998"
On page 115, line 3, strike "1997" and insert "1999"
On page 115, line 8, strike "1997" and insert "1999"
On page 115, line 15, strike "1998" and insert "2000"
On page 117, line 29, strike "1994" and insert "1996"
On page 117, line 34, strike "1994" and insert "1996"
On page 117, line 37, strike "1995 through 1997" and insert "1997 through 1999"
On page 119, line 37, strike "1997" and insert "1999"
On page 119, line 38, strike "1999" and insert "2001"
On page 120, line 29, after "SCHEDULE." insert "The following schedule shall be delayed two years."
On page 128, after line 37, insert the following:

"O. INSURANCE CODE REVISIONS

Sec. 367. RCW 48.21.010 and 1992 c 226 s 2 are each amended to read as follows:

Group disability insurance is that form of disability insurance, including stop loss insurance as defined in RCW 48.11.030, provided by a master policy issued to an employer, to a trustee appointed by an employer or employers, or to an association of employers formed for purposes other than obtaining such insurance, except as may be authorized in sections 101 through 103 of this act, covering, with or without their dependents, the employees, or specified categories of the employees, of such employers or their subsidiaries or affiliates, or issued to a labor union, or to an association of employees formed for purposes other than obtaining such insurance, covering, with or without their dependents, the members, or specified categories of the members, of the labor union or association, or issued pursuant to RCW 48.21.030. Group disability insurance shall also include such other groups as qualify for group life insurance under the provisions of this code.

Sec. 368. RCW 48.21.050 and 1947 c 79 s .21.05 are each amended to read as follows:

Except as provided for in sections 101 through 103 of this act, every policy of group or blanket disability insurance shall contain in substance the provisions as set forth in RCW 48.21.060 to 48.21.090, inclusive, or provisions which in the opinion of the commissioner are more favorable to the individuals insured, or at least as favorable to such individuals and more favorable to the policyholder. No such policy of group or blanket disability insurance shall contain any provision relative to notice or proof of loss, or to the time for paying benefits, or to the time within which suit may be brought upon the policy, which in the opinion of the commissioner is less favorable to the individuals insured than would be permitted by the standard provisions required for individual disability insurance policies.

Sec. 369. RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each amended to read as follows:

No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Except as provided for in sections 101 through 103 of this act, these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

Sec. 370. RCW 48.44.220 and 1983 c 154 s 4 are each amended to read as follows:

No health care service contractor shall deny coverage to any person solely on account of race, religion, national origin, or the presence of any sensory, mental, or physical handicap. Except as provided for in sections 101 through 103 of this act, nothing in this section shall be construed as limiting a health care service contractor's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health care service contractor for purposes of determining coverage for any person.

No health care service contractor shall refuse to provide reimbursement or indemnity to any person for covered health care services for reasons that the health care services were provided by a holder of a license under chapter 18.22 RCW.

Sec. 371. RCW 48.46.370 and 1983 c 106 s 15 are each amended to read as follows:

No health maintenance organization may deny coverage to a person solely on account of the presence of any sensory, mental, or physical handicap. Except as provided for in sections 101 through 103 of this act, nothing in this section may be construed as limiting a health maintenance organization's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health maintenance organization for purposes of determining coverage for any person."

Renumber the subparts and sections consecutively and correct internal references accordingly.

Beginning on page 136, line 31, strike all of section 376

POINT OF INFORMATION

Senator Talmadge: "A point of information, Mr. President. To again clarify, my understanding was that the amendments by Senator Moyer covered everything over and through what was denominated page thirteen. It is a thirteen page amendment; my understanding was that it was one single amendment that was being offered by Senator Moyer."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Moyer, can we clarify this?"

REPLY BY SENATOR MOYER

Senator Moyer: "Senator, would you mind repeating that question? I got involved over here."

Senator Talmadge: "My understanding was that your amendments included everything that was marked from page one all through page thirteen. Is my understanding incorrect or correct?"

Senator Moyer: "You are correct."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Moyer on pages 4, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 63, 64, 66, 67, 68, 69, 70, 74, 75, 76, 82, 85, 101, 113, 114, 115, 117, 119, 120, 128, and 136, to Second Substitute Senate Bill No. 5304.

The motion by Senator Moyer failed and the amendments were not adopted.

MOTION

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 13, line 7, after "(1)" strike "To" and insert "(a) Until December 30, 1999, to"

On page 13, after line 31, insert the following:

"(b) Effective January 1, 2001, the schedule of covered basic health care services under this chapter shall be identical to the uniform benefit package adopted under section 347 of this act."

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Talmadge on page 13, lines 7 and 31, to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild, Williams and Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hargrove, Haugen, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Excused: Senators Deccio and McCaslin - 2.

MOTION

Senator Erwin moved that the following amendment by Senators Erwin and Roach be adopted:

On page 16, line 2, after "state." insert "Participating managed care systems eligible as basic health care providers must permit licensed care providers, on an individual or class basis, to provide health services or care for conditions included in the basic benefit package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

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

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious health services.

Eligible managed care systems shall develop and implement procedures for: Disclosure of provider contracting standards developed under this subsection; termination for cause of health care providers who have failed to comply with standards developed under this subsection; and appeal of a certified health plan's determination not to contract with an individual provider or provider group or to terminate a contract for cause."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Erwin and Roach on page 16, line 2, to Second Substitute Senate Bill No. 5304.

The motion by Senator Erwin failed and the amendment was not adopted.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 26, after line 22, insert the following:

"NEW SECTION. Sec. 222. A new section is added to Title 28A RCW to read as follows:

(1) All persons covered under this chapter shall have a choice of purchasing an employee benefit plan or a medical care savings account.

(2)(a) The public school shall purchase a major medical policy equal in amount to the total amount currently paid for the employee's benefit plan and direct deposit the remaining funds into the employee's medical care savings account created by the state. These funds must be used by the employee for the sole purpose of health care expenditures. The major medical policy shall have a three thousand dollar deductible, which shall increase by the federal medical inflation price index published by the health care financing administration. At the beginning of each calendar year, the public school shall renew the major medical policy and direct deposit the remaining funds into the employee's medical care savings account. When more than fifty percent of all employees are participating in the medical care savings account, the public school will recommend methods to increase future participation in medical care savings accounts, up to one hundred percent. When federal laws permit, the individual may deposit remaining funds from the medical care savings account into the individual's federal tax-exempt individual retirement account.

(b) For the purposes of this subsection "medical care savings account" means a trust created or organized in the United States for the exclusive health care benefit of an individual, the individual's spouse, or the individual's dependents.

(c) The qualified differential premium differential amount for an employee is equal to:

(i) The premium differential amount realized by the employer in the plan year in which the employee elects coverage under a qualified higher deductible health plan; and

(ii) For each subsequent plan year during which such election remains in effect, the amount determined increased by an amount equal to:

(A) Such a dollar amount, multiplied by,

(B) The federal medical inflation price index as published by the health care financing administration for the calendar year in which the plan year begins, by substituting the calendar year in which the plan year began.

(3) Participants who purchase a medical care savings account under this section are not required to purchase an employee benefit plan."

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McDonald on page 26, after line 22, to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hargrove, Haugen, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., Vognild, von Reichbauer, West and Winsley - 23.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 24.

Excused: Senators Deccio and McCaslin - 2.

MOTION

Senator Moore moved that the following amendments be considered simultaneously and be adopted:

On page 63, beginning on line 17, after "rate of" strike all material through "thereafter" on line 21 and insert "twelve mills per cigarette through June 30, 1994, thirteen and three-tenths mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty-nine and eight-tenths mills per cigarette for the period July 1, 1995, through June 30, 1996, thirty and five-tenths mills per cigarette for the period July 1, 1996, through June 30, 1997, thirty-five mills per cigarette for the period July 1, 1997, through June 30, 1998, and thirty-five and two-tenths mills per cigarette thereafter"

Beginning on page 65, line 12, strike sections 274 and 275

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 68, beginning on line 1, strike all material through "percent")" on line 6 and insert the following:

"(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), (~~82.26.020(2),~~) 82.27.020(5), and 82.29A.030(2) shall be seven percent; and

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent."

Debate ensued.

MOTION

Senator Bluechel moved that the question be divided.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. If Senator Bluechel wants to do what he is attempting to accomplish by requesting a division, there is, I believe, a subsequent amendment by Senator Anderson that does precisely as Senator Bluechel requests. If he wishes to proceed in that fashion, he can vote to turn down Senator Moore's amendment and take up Senator Anderson's amendment at that time. I think the division excessively complicates matters."

RULING BY THE PRESIDENT

President Pritchard: "Well, let me answer his question first. The Chair rules that Senator Bluechel is right and he is entitled to divide the question. The vote will be on the first of the three amendments."

The President declared the question before the Senate to be the adoption of the amendment by Senator Moore on page 63, beginning on line 17, to Second Substitute Senate Bill No. 5304.

The motion by Senator Moore failed and the amendment was not adopted.

MOTION

On motion of Senator Moore, and there being no objection, the amendment on page 65, line 12, and the amendment on page 68, beginning on line 1, to Second Substitute Senate Bill No. 5304 were withdrawn.

MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 31, line 28, after "care." strike "Beginning in January 1994" and insert "When changes in the employee retirement income security act of 1974 are accomplished by congress"

On page 31, line 31, after "agent" strike "by July 1, 1997"

On page 93, line 26, after "plan" strike "if it" and insert "when changes in the employee retirement income security act of 1974 are accomplished by congress that enable the state to dictate the employer conduct with respect to health benefit plans. The federal legislation must enable the state to require private employers who currently self-insure, employers who offer health benefits through regulated insurance, and employers who currently do not offer health benefits either through self-insurance or through regulated insurance, to offer certified plans and pay a percentage of the premiums. In addition, these entities must"

On page 93, line 27, strike "Provides" and insert "Provide"

On page 93, line 34, strike "Accepts" and insert "Accept"

On page 94, line 9, strike "Demonstrates" and insert "Demonstrate"

On page 94, line 18, strike "Complies" and insert "Comply"

On page 94, line 21, strike "Submits" and insert "Submit"

On page 94, line 26, strike "Meets" and insert "Meet"

On page 94, line 30, strike "offers" and insert "offer"

On page 94, line 35, strike "Discloses" and insert "Disclose"

On page 94, line 37, strike "Provides" and insert "Provide"

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator McDonald, what would be the effect if we don't pass these amendments?"

Senator McDonald: "Well, essentially, the people that will be under this, Senator Barr, would be the state employees, the teachers and those who are uninsured. Those would be the ones that we would control. What has been proposed is that we have over fifty percent and we would have that if we get the ERISA waiver for those who are self-insured or those who are insured with insurance companies. That will only happen, however, if you do get those ERISA waivers. That's why these amendments are needed, Senator Barr."

POINT OF INQUIRY

Senator Gaspard: "Senator Talmadge, I would like you to address the issue of whether or not ERISA waivers can be secured--would be secured."

Senator Talmadge: "Senator Gaspard, Governor Lowry has already spoken with President Clinton at the time of the inauguration. An indication from the President was that he was strongly in support of permitting states to secure changes in the ERISA law, so that they could proceed with their kind of experimentation. He has already, also, addressed the issue of Medicaid waivers before the National Governor's Association, indicating the administration's strong support for additional waivers of Medicaid requirements under this law. I note that the one example we have is the situation where, although Hawaii had its program in place prior to the enactment of ERISA, when ERISA came into effect, there was a court challenge to Hawaii's program and the challenge was successful in federal court. Thereafter, the Hawaii congressional delegation secured a change in ERISA and that is what is presently reflected in law. I think the track record of success for securing an ERISA waiver is a good one."

The President declared the question before the Senate to be the adoption of the amendments by Senator McDonald on page 31, lines 28 and 31; page 93, lines 26, 27 and 34; and page 94, lines 9, 18, 21, 26, 30, 35 and 37, to Second Substitute Senate Bill No. 5304.

The motion by Senator McDonald failed and the amendments were not adopted on a rising vote.

MOTION

Senator Erwin moved that the following amendment by Senators Erwin and Roach be adopted:

On page 58, line 4, after "chapters" insert "18.36A,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Erwin and Roach on page 58, line 4, to Second Substitute Senate Bill No. 5304.

The motion by Senator Erwin carried and the amendment was adopted.

MOTION

On motion of Senator Moyer, the following amendments were considered simultaneously and were adopted:

On page 59, line 36, after "license" insert "in this state"

Beginning on page 59, line 37, strike all material through "otherwise" on page 60, line 2 and insert "~~((medicine and surgery in this state and otherwise))~~ as a physician under chapter 18.71 or 18.57 RCW, a physician assistant under chapter 18.71A or 18.57A RCW, an advanced registered nurse practitioner under chapter 18.88 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply in the health personnel resource plan under chapter 28B.125 RCW. All primary care providers must"

On page 60, line 10, after "abscesses" insert ". Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment"

MOTION

Senator Moyer moved that the following amendments be considered simultaneously and be adopted:

On page 63, beginning on line 2, strike all of section 271 and insert the following:

"Sec. 271. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) There is an additional tax imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to ten cents per cigarette. All revenues collected from this additional tax shall be deposited in the basic health plan trust account to be used exclusively for the purposes of chapter 70.47 RCW.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 272. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) An additional tax is imposed equal ~~((to the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section.

(3) An additional tax is imposed equal to 381.80 percent of the wholesale sales price of tobacco products. Revenues collected under this subsection shall be deposited in the basic health plan trust account to be used exclusively for the purposes of chapter 70.47 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 64, after line 24, strike all of section 273

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Moyer on page 63, beginning on line 2, and page 64, after line 24, to Second Substitute Senate Bill No. 5304.

The motion by Senator Moyer failed and the amendments were not adopted on a rising vote.

MOTION

Senator Anderson moved that the following amendments by Senators Anderson, Erwin and McDonald be considered simultaneously and be adopted:

On page 66, after line 23, strike all of section 275.

Renumber the sections consecutively and correct any internal references accordingly.

On page 68, line 2, strike "~~((66.24.290(2),))~~" and insert "66.24.290(2),"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Anderson, Erwin and McDonald on page 66, after line 23, and page 68, line 2, to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Erwin, Hargrove, Hochstatter, McDonald, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 17.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 30.

Excused: Senators Deccio and McCaslin - 2.

MOTION

Senator Sutherland moved that the following amendments by Senators Sutherland, Bauer and Vognild be considered simultaneously and be adopted:

Beginning on page 66, line 24, strike all of section 275

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 68, line 2, strike "~~((66.24.290(2),))~~" and insert "66.24.290(2),"

On page 68, beginning on line 26, after "rate of" strike all material through line 27 and insert "seven one-hundredths percent for the period January 1, 1994, through December 31, 1994, six-tenths percent for the period January 1, 1995, through December 31, 1995, one percent for the period January 1, 1996, through December 31, 1997, and one and one-tenths percent thereafter."

On page 68, line 33, strike "1995" and insert "1994"

On page 68, line 35, strike "1994" and insert "1993"

On page 69, beginning on line 22, strike all material through line 23 and insert "seven one-hundredths percent for the period January 1, 1994, through December 31, 1994, six-tenths percent for the period January 1, 1995, through December 31, 1995, one percent for the period January 1, 1996, through December 31, 1997, and one and one-tenths percent thereafter."

On page 69, line 29, strike "1995" and insert "1994"

On page 69, line 31, strike "1994" and insert "1993"

On page 70, beginning on line 15, after "rate of" strike all material through line 17 and insert "seven one-hundredths percent for the period January 1, 1994, through December 31, 1994, six-tenths percent for the period January 1, 1995, through December 31, 1995, one percent for the period January 1, 1996, through December 31, 1997, and one and one-tenths percent thereafter."

On page 70, line 22, strike "1995" and insert "1994"

On page 70, line 25, strike "1994" and insert "1993"

On page 137, line 5, after "252" insert "and 277 through 280"

On page 137, beginning on line 7, strike all material through line 8

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Sutherland, Bauer and Vognild on pages 66, 68, 69, 70, and 137, to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Barr, Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Newhouse, Niemi, Owen, Pelz, Prentice, Quigley, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Voting nay: Senators Amondson, Bluechel, Cantu, Erwin, Haugen, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Rasmussen, M., Rinehart, Roach, Sellar, von Reichbauer, West and Winsley - 18.

Excused: Senators Deccio and McCaslin - 2.

MOTION

On motion of Senator Rinehart, the following amendments by Senators Rinehart, Talmadge, McDonald and Moyer were considered simultaneously and were adopted:

On page 68, line 27, after "thereafter." insert "The tax on prepayments for health care services established by this section shall not be applied to amounts received or collected by a health maintenance organization from the United States or any instrumentality of the United States as prepayments for comprehensive health care services provided under Title XVIII, medicare, of the social security act or the federal employees benefits plan."

On page 69, line 23, after "thereafter." insert "The tax on prepayments for health care services established by this section shall not be applied to amounts received or collected by a health care service contractor from the United States or any instrumentality of the United States as prepayments for comprehensive health care services provided under Title XVIII, medicare, of the social security act or the federal employees benefits plan."

On page 70, line 17, after "thereafter." insert "The tax on prepayments for health care services established by this section shall not be applied to amounts received or collected by a certified health plan from the United States or any instrumentality of the United States as prepayments for comprehensive health care services provided under Title XVIII, medicare, of the social security act or the federal employees benefits plan."

MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 74, beginning on line 30, strike "one hundred seventy-three million nine hundred thousand" and insert "one hundred eighteen million one hundred thousand"

On page 74, line 34, strike "continuing and"

On page 75, after line 2, insert the following:

"The sum of fifty-five million eight hundred thousand dollars or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund--state to the basic health plan for the purposes of continuing the current services level of enrollment."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator McDonald on page 74, beginning on line 30; page 74, line 34; and page 75, after line 2; to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Franklin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senators Deccio and McCaslin - 2.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Owen be adopted:

On page 75, beginning on line 3, strike all material through "infection." on line 11

Renumber the remaining subsections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Owen on page 75, beginning on line 3, to Second Substitute Senate Bill No. 5304.

The motion by Senator Hargrove failed and the amendment was not adopted.

MOTION

Senator Niemi moved that the following amendments by Senators Moyer, Niemi and Vognild be considered simultaneously and be adopted:

On page 75, line 27, strike "six" and insert "four"

On page 75, line 28, strike "363, 364, and 365" and insert "363 and 364"

On page 84, after line 39, insert the following:

"(22) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers and the patient, family wishes, costs, and survival possibilities."

On page 126, beginning on line 20, strike all of section 365

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Moyer, Niemi and Vognild on page 75, lines 27 and 28; page 84, after line 39; and page 126, beginning on line 20; to Second Substitute Senate Bill No. 5304.

The motion by Senator Niemi carried and the amendments were adopted.

MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove and Loveland be considered simultaneously and be adopted:

On page 77, line 2, after "works" insert "for an employer"

On page 77, line 3, after "month" insert "or two hundred forty hours in a quarter or nine hundred sixty hours during a calendar year"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Hargrove and Loveland on page 77, lines 2 and 3, to Second Substitute Senate Bill No. 5304.

The motion by Senator Hargrove carried and the amendments were adopted.

MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove and Owen be considered simultaneously and be adopted:

On page 82, line 6, after "Establish" strike " ", and from time to time modify,"

On page 84, line 30, strike "uniform benefit package and other"

Beginning on page 111, line 10, strike all of section 347 and insert the following:

"NEW SECTION. Sec. 347. UNIFORM BENEFIT PACKAGE. The uniform benefit package shall be identical to the schedule of covered basic health care services established under RCW 70.47.060."

Debate ensued.

Senator Jesernig requested that Senator West yield to a question, but Senator West did not yield.

Further debate ensued.

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

POINT OF INQUIRY

Senator Franklin: "Senator Hargrove, in the Basic Health Plan, remember last year when we served together across the rotunda, maternal health was taken out of the Basic Health Plan and put into First Steps. Now, will this be brought back? What concerns me is a lot of young families out there would not be able to--they would be excluded. Can you answer that question?"

Senator Hargrove: "I'd love to if I had the answer. I believe we did change some of the requirements of the Basic Health Plan in the bill. Not that one? O.K., now we are getting different signals. Nonetheless, I think the issue here--we're getting mixed signals as to whether that was changed in the Basic Health Plan or not. Dr. Moyer says, 'yes,' but Dr. Talmadge says, 'no.'

"Nonetheless, what we are going to be doing--these people have no health care now--all of these people have no health care now--except what they would get through, either Medicaid, First Steps or something like that. These are the working poor that can't qualify for that. They will be getting a lot of health care covered. We have three children; we'd paid for one of our children on our own and we were willing to save and make that investment. The point is that if our other health care was covered, it would make it a lot easier to go through with that. I guess we can determine by reading the bill whether or not--"

Senator Franklin: "That really is a concern, because I do remember distinctly that maternal child health was taken out of the Basic Health Plan and run into First Steps and that is, to me, unacceptable if you are going to have a Basic Health Plan without that service provided. That is so necessary for our pregnant mothers and our children."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Hargrove and Owen on page 82, line 6; page 84, line 30; and beginning on page 111, line 10; to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hargrove, Haugen, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild, Williams, Winsley and Wojahn - 26.

Excused: Senators Deccio and McCaslin - 2.

MOTIONS

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Talmadge were considered simultaneously and were adopted:

On page 82, line 12, after "resident" strike "has" and insert "or any dependents have"

On page 82, line 14, after "sharing." insert "The commission shall endeavor to assure an equitable distribution, among both employers and employees, of the costs of coverage for those households composed of more than one member in the work force."

Senator Adam Smith moved that the following amendment be adopted:

On page 84, after line 29, insert the following:

"(20) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these joint employee-employer entities are organized; and make appropriate recommendations to the governor and the legislature about how these trusts can be brought under the provisions of chapter . . . , Laws of 1993 (this act) when it is fully implemented."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Adam Smith on page 84, after line 29, to Second Substitute Senate Bill No. 5304.

The motion by Senator Adam Smith carried and the amendment was adopted.

MOTIONS

On motion of Senator Sutherland, the following amendment by Senators Sutherland, Barr, Snyder and Talmadge was adopted:

On page 84, after line 39, insert the following:

"(22) Develop rules for implementation of individual and employer participation under sections 349 and 350 of this act specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state."

Senator Moyer moved that the following amendment be adopted:

On page 92, after line 34, insert the following:

"Sec. 317. RCW 7.70.030 and 1975-'76 2nd ex.s. c 56 s 8 are each amended to read as follows:

No award shall be made in any action or arbitration for damages for injury occurring as the result of health care which is provided after June 25, 1976, unless the plaintiff establishes one or more of the following propositions:

(1) That injury resulted from the failure of a health care provider to follow the accepted standard of care provided, however, that a health care provider, as a matter of law, follows the accepted standard of care if he or she follows a course of treatment accepted by recognized and competent health care professionals experienced in the treatment at issue, even if other recognized and competent health care professionals do not accept the course of treatment followed by the health care provider;

(2) That a health care provider promised the patient or his representative that the injury suffered would not occur;

(3) That injury resulted from health care to which the patient or his representative did not consent.

Unless otherwise provided in this chapter, the plaintiff shall have the burden of proving each fact essential to an award by a preponderance of the evidence."

Renumber the remaining sections consecutively and correct internal references accordingly.

POINT OF INQUIRY

Senator Talmadge: "Senator Moyer, my question, and it is the same question that I raised in the committee, when this issue came up. I think you have a legitimate point. My concern is that under the law of medical malpractice, if a general practitioner engages in activities that would be within the sphere of confidence of a specialist--if the general practitioner fails to do what should be done--that general practitioner is ordinarily held to the standard of care that a specialist would be held to if a specialist were doing that task?"

Senator Moyer: "He's held to the same standard, yes."

Senator Talmadge: "Yes, does your amendment intend to affect that kind of principle in the law at all?"

Senator Moyer: "Not in any way."

Senator Talmadge: "Thank you, Senator. Mr. President, with that assurance from Senator Moyer, I can certainly support this amendment."

The President declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 92, after line 34, to Second Substitute Senate Bill No. 5304.

The motion by Senator Moyer carried and the amendment was adopted.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 92, after line 34, insert the following:

"NEW SECTION. Sec. 317. A new section is added to chapter 7.70 RCW to read as follows:

JOINT AND SEVERAL LIABILITY RESTRICTIONS. (1) For the purposes of this section, the term "economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities. "Economic damages" does not include subjective, nonmonetary losses such as pain and suffering, mental anguish, emotional distress, disability and disfigurement, inconvenience, injury to reputation, humiliation, destruction of the parent-child relationship, the nature and extent of an injury, loss of consortium, society, companionship, support, love, affection, care, services, guidance, training, instruction, and protection.

(2) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's injuries, including the claimant or person suffering personal injury, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant, and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount that represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's economic damages.

(3) If a defendant is jointly and severally liable under one of the exceptions listed in subsection (2)(a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McDonald on page 92, after line 34, to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hargrove, Haugen, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild, Williams and Wojahn - 25.

Excused: Senators Deccio and McCaslin - 2.

MOTION

Senator Erwin moved that the following amendments by Senators Erwin and Roach be considered simultaneously and be adopted:

On page 93, beginning on line 13, after "enrollees." strike all material through "agreements." on line 19

On page 94, after line 8, insert the following:

"(3) Permits licensed health care providers, on an individual or class basis, to provide health services or care for conditions included in the uniform benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

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

(ii) Management and administrative procedures; and

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

(4) Develops and implements procedures for:
(a) Disclosure of provider contracting standards developed under subsection (3) of this section;
(b) Termination for cause of health care providers who have failed to comply with standards developed under subsection (3) of this section; and
(c) Appeal of a certified health plan's determination not to contract with an individual provider or provider group or to terminate a contract for cause;"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Erwin and Roach on page 93, beginning on line 13, and page 94, after line 8, to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and Winsley - 17.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Newhouse, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 30.

Excused: Senators Deccio and McCaslin - 2.

MOTION

Senator Cantu moved that the following amendment by Senators Cantu, Moyer and Hochstatter be adopted:

On page 114, line 14, after "(3)" insert "A resident of the state of Washington is exempt from the participation requirements in this chapter upon the presentation of one of the following, on a form prescribed by the health care commission: (a) A written certification signed by an adult resident that the religious beliefs of the signator and his or her dependents are contrary to the participation requirements in this section; (b) a written certification signed by an adult resident that the signator and his or her dependents have either a philosophical or personal objection to the participation requirements in this section.

(4)"

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Talmadge, I was just wondering, you raised the issue of those that belonged to the Christian Science faith. If there was a court-ordered medical treatment for a child, a dependent, and that was carried out, who would pay for that?"

Senator Talmadge: "Court-ordered medical treatment for what purpose, Senator?"

Senator Roach: "I have heard of some cases where the religious affiliation of the parents is sometimes overridden by a court order. Who would pay for the medical care? It would be, assumably, an expensive proposition."

Senator Talmadge: "Senator, I don't know. I presume if the individuals involved had health insurance, their health insurer would. If they did not, it might be the subject of detailing in the court's order. The court might order the people involved to pay. I don't know what the court would do in an individual case."

Senator Roach: "Even though, they had opted out of a plan?"

Senator Talmadge: "I don't know."

Senator Roach: "O.K., thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Talmadge, I have an amendment following which changes the language of this section from mandatory participation to the offering by the state of programs that people, then, have the option of participating in. I am wondering

if my amendment would satisfy Senator Cantu and other's problem? My concern is that if we adopt Senator Cantu's amendment, then my amendment strikes the whole section and would then take his amendment, so I have a concern about how we work this out and whether my amendment would satisfy his problem?"

Senator Talmadge: "My sense, Senator, is that probably the people at the rostrum could alter the place in the bill that you would find your new section to make it possible for both--the first amendment Senator Cantu has offered and your own to be adopted."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Cantu, Moyer and Hochstatter on page 114, line 14, to Second Substitute Senate Bill No. 5304.

The motion by Senator Cantu carried and the amendment was adopted.

MOTION

Senator Cantu moved that the following amendment by Senators Cantu, Moyer and Hochstatter be adopted:

On page 115, after line 39, insert the following:

"(6)(a) An employer of the state of Washington is exempt from the participation requirements in this chapter, but shall comply with (b) of this subsection, upon the presentation of the following, on a form prescribed by the health care commission: A written certification signed by an adult employer that the religious beliefs of the signator are contrary to the participation requirements in this section. The exemption under this subsection is conditioned upon the employer giving public notice to his or her employees or potential employees of his or her intention to proceed under the exemption under this subsection.

(b) Employers exempt under (a) of this subsection must set aside, in lieu of offering a choice of certified health plans, funds to cover at least fifty percent and no more than ninety-five percent of the cost of the lowest priced certified health plan in the employer's geographic area. The employer shall distribute monthly to each employee the employee's share of funds in lieu of the employer offering a certified health plan under this subsection (6)(b)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Cantu, Moyer and Hochstatter on page 115, after line 39, to Second Substitute Senate Bill No. 5304.

The motion by Senator Cantu failed and the amendment was not adopted on a rising vote.

MOTION

Senator Williams moved that the following amendment be adopted:

On page 114, beginning on line 6, strike all of section 349 and insert the following:

"NEW SECTION. Sec. 349. INDIVIDUAL PARTICIPATION. (1) It is the responsibility of individuals to participate in available and affordable health insurance.

(2) All residents of the state of Washington shall be provided the opportunity to participate in the basic health plan or a certified health plan no later than July 1, 1997.

(3) The Washington health services commission shall monitor the enrollment of individuals into certified health plans and shall make public periodic reports concerning the number of persons enrolled and not enrolled, the reasons why individuals are not enrolled, and recommendations to reduce the number of persons not enrolled."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 114, beginning on line 6, to Second Substitute Senate Bill No. 5304.

The motion by Senator Williams carried and the amendment was adopted.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Loveland and Talmadge be adopted:

On page 115, after line 39, insert the following:

"NEW SECTION. Sec. 351. Under the guidance and direction of the Washington health services commission not more than two depositories will be established where the pro rata share payments made by employers on behalf of less than full-time employees may be held in safekeeping for the benefit of such individuals. The commission shall establish, after consultation with representatives of employers and employees, especially those engaged in part-time or seasonal type businesses or occupations,

appropriate procedures whereby such payments under section 350 of this act will be properly deposited to the credit of such persons on an individual basis, which they in turn may then access to their personal or family benefit in the purchase of coverage from the basic health plan or a certified health plan of their choice."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Loveland and Talmadge on page 115, after line 39, to Second Substitute Senate Bill No. 5304.

The motion by Senator Hargrove carried and the amendment was adopted.

MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove and Owen be considered simultaneously and be adopted:

On page 116, beginning on line 1, strike all of section 351 and insert the following:

"NEW SECTION. Sec. 351. A new section is added to chapter 82.04 222RCW to read as follows:

(1) On or after July 1, 1997, in computing tax under this chapter, employers with less than twenty-five full-time or part-time employees, or a combination of full and part-time employees, who comply with the requirements of section 350 of this act, may have credited against the amount of tax the following amount: The portion of the cost of the premium contributions made on behalf of employees and dependents on the basis of that sum multiplied by the percentage that amount equals in relation to the total premiums due such certified health plans.

(2) The department of revenue shall, on an annual basis, advise the Washington health services commission and the fiscal committees of the legislature of the aggregate total of the tax credits allowed under this section. The legislature shall then reimburse the general fund in an amount equal to such credits by an appropriation from the health services trust account."

On page 116, line 27, after "through" strike "351" and insert "350"

Debate ensued.

POINT OF INQUIRY

Senator Quigley: "Senator Hargrove, how much does it cost?"

Senator Hargrove: "This amendment costs exactly the same amount as small business will have to pay for health care, because it is fifty-fifty."

Senator Quigley: "How much?"

Senator Hargrove: "It's at least three hundred million a year, which like I said, is exactly what we are requiring small business to pay."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Hargrove and Owen on page 116, beginning on line 1, and page 116, line 27, to Second Substitute Senate Bill No. 5304.

The motion by Senator Hargrove failed and the amendments were not adopted on a rising vote.

MOTION

Senator Talmadge moved that the following amendments by Senators Talmadge and Quigley be considered simultaneously and be adopted:

On page 116, beginning on line 1, strike all of section 351 and insert the following:

"NEW SECTION. Sec. 351. A new section is added to chapter 82.04 RCW to read as follows:

(1) On or after July 1, 1997, in computing tax under this chapter, employers with less than twenty-five full-time or part-time employees, or a combination of full and part-time employees, who comply with the requirements of section 350 of this act, may have credited against the amount of tax the following amount: The portion of the cost of the premium contributions made on behalf of employees and their dependents whose gross family incomes do not exceed limits established for subsidized enrollments in the basic health plan, chapter 70.47 RCW, on the basis of that sum multiplied by the percentage that amount equals in relation to the total premiums due such certified health plans or the basic health plan.

(2) The average annual tax credit per state resident under this section shall not exceed four hundred dollars in 1997, and may be adjusted periodically by a factor equal to the inflation allowed for the uniform benefit package premium under chapter . . . , Laws of 1993 (this act), and established by the department of revenue in rule. The department shall establish a schedule of tax

credits for employees and their dependents considering the income, family size, and geographic area in which such employees and their dependents reside.

(3) The department of revenue shall, on an annual basis, advise the Washington health services commission and the fiscal committees of the legislature of the aggregate total of the tax credits allowed under this section. The legislature shall then reimburse the general fund in an amount equal to such credits by an appropriation from the health services trust account."

On page 116, line 27, after "through" strike "351" and insert "350"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Talmadge and Quigley on page 116, beginning on line 1, and page 116, line 27, to Second Substitute Senate Bill No. 5304.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 118, beginning on line 30, strike all material down through and including "new" on line 31, and insert "New"

On page 118, line 33, after "allocated" insert "solely for the purposes of this act,"

On page 118, line 33, after "with" insert "other applicable"

On page 119, line 2, after "account." strike the remainder of section 356

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator McDonald on page 118, lines 30, 33(2), and page 119, line 2, to Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 18.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senator Newhouse - 1.

Excused: Senators Deccio and McCaslin - 2.

MOTION

Senator Moyer moved that the following amendments be considered simultaneously and be adopted:

On page 119, line 19, after "consist of" strike "three" and insert "four"

On page 120, after line 27, insert the following:

"(d) The medical research services account from which funds shall be allocated to recognized medical research facilities providing extraordinary medical and health care services, drugs, and other technologies under or in accordance with the findings of a peer-reviewed and approved research protocol meeting standards to be adopted by the commission. The funds from the account shall be available for

grant awards from the commission to medical research facilities in the state of Washington for the delivery of extraordinary clinical research services."

On page 120, after line 27, insert the following:

"NEW SECTION. Sec. 357. A new section is added to chapter 48.20 RCW to read as follows:

A monthly one dollar fee shall be added to the premium for disability insurance contracts for each resident covered by the contract, to be deposited in the medical research services account of the Washington health services trust account for qualified medical research services.

The commission shall collect the fee and remit the fees so collected to the state treasurer no later than the 15th of each month.

NEW SECTION. Sec. 358. A new section is added to chapter 48.21 RCW to read as follows:

A monthly one dollar fee shall be added to the premium for group disability insurance contracts for each resident covered by the contract, to be deposited in the medical research services account of the Washington health services trust account for qualified medical research services. The commissioner shall collect the fee and remit the fees so collected to the state treasurer no later than the 15th of each month.

NEW SECTION. Sec. 359. A new section is added to chapter 48.44 RCW to read as follows:

A monthly one dollar fee shall be added to the premium for each health care service contract for each resident covered by the contract, to be deposited in the medical research services account of the Washington health services trust account for qualified medical research services. The commissioner shall collect the fee and remit the fees so collected to the state treasurer no later than the 15th of each month.

NEW SECTION. Sec. 360. A new section is added to chapter 48.46 RCW to read as follows:

A monthly one dollar fee shall be added to the premium for each agreement for each resident covered by the agreement, to be deposited in the medical research services account of the Washington health services trust account for qualified medical research services. The commissioner shall collect the fee and remit the fees so collected to the state treasurer no later than the 15th of each month.

NEW SECTION. Sec. 361. The sum of sixty million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the medical research services account to the health services commission for the purposes authorized in section 356(2)(d) of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Moyer on page 119, line 19, and page 120, line 27(2), to Second Substitute Senate Bill No. 5304.

The motion by Senator Moyer failed and the amendments were not adopted on a rising vote.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 127, after line 10 insert the following:

"NEW SECTION. Sec. 366. The Washington Health Services Commission shall study and report to the legislature on the feasibility of offering employer-funded medical care savings account arrangements and reduced cost qualified higher deductible insurance policies as a choice to K-12 system, state and local government employees in meeting their health care obligations."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 127, after line 10, to Second Substitute Senate Bill No. 5304.

The motion by Senator Roach carried and the amendment was adopted.

MOTION

On motion of Senator Moyer, the following amendment by Senators Moyer and Talmadge was adopted:

On page 130, on line 37, after "liability" insert "arising out of an event, incident, or occurrence in the state of Washington"

MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and were adopted:

On page 1, line 9 of the title, after "82.08.150," strike "66.24.290,"

On page 1, line 10 of the title, after "70.41.200," insert "7.70.030,"

On page 1, line 17 of the title, after "48.14 RCW;" strike "adding a new section" and insert "adding new sections"

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Jesernig, Niemi and Quigley demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5304 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hochstatter, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Smith, L., von Reichbauer and West - 16.

Absent: Senator Sellar - 1.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, Engrossed Second Substitute Senate Bill No. 5304 was ordered to immediately be transmitted to the House of Representatives.

MOTION

On motion of Senator Oke, Senator Sellar was excused.

SECOND READING

SENATE BILL NO. 5425, by Senator Fraser (by request of Department of Transportation)

Adjusting routes and methodology of scenic and recreational highways.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5425 was substituted for Senate Bill No. 5425 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendments by Senators Fraser and Vognild were considered simultaneously and were adopted:

On page 10, line 24, after "RCW 47.42.025" strike "or located within zoned commercial or industrial areas having development visible to the highway as determined by the department." and insert "or located within areas zoned, by the governing county, primarily for commercial and industrial uses, and having development visible to the highway, as determined by the department and set forth in the Washington administrative code."

On page 10, line 34, after "unzoned" insert "or zoned for general uses"

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Vognild be adopted:

On page 13, line 17, after "system" strike "shall be allowed to be maintained" and insert "must be removed within six years from the effective date of scenic designation. Just compensation shall be paid for the removal of signs located in commercial or industrial areas that do not have development visible to the highway, as determined by the department, and were lawfully installed after May 10, 1971"

POINT OF INQUIRY

Senator Roach: "Senator Fraser, does this bill affect, in any way, the ability for candidates for public office to put yard signs up on state highways? Currently, and I am sure you are familiar, it is possible for a candidate to secure a permit at the cost, I believe, of ten dollars to put up a sign on a state highway. Would this bill, in any way, infringe on that right?"

Senator Fraser: "To the best of my knowledge, this bill does not affect those laws."

Senator Roach: "Did this issue, Senator Fraser, come up in the committee hearing?"

Senator Fraser: "Not specifically and because I don't think those laws are affected by this."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5425 was deferred.

SECOND READING

SENATE BILL NO. 5574, by Senators Williams, Moore, Pelz and Franklin

Regulating credit information use.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5574 was substituted for Senate Bill No. 5574 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendments by Senators Fraser, Williams and Moore be considered simultaneously and be adopted:

On page 2, line 14, after "employee;" strike "and"

On page 2, line 17, after "consumer" insert "; and"

(iv) Action or determination with respect to a consumer's application for the rental or leasing of residential real estate that is adverse to the interests of the consumer"

On page 15, line 13, after "consumer" strike ";" and insert ", except verbal notice may be given by a person in adverse actions involving an application for the rental or leasing of residential real estate if such verbal notice does not impair a consumer's ability to obtain a credit report without charge under section 12(2) of this act; and"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fraser, Williams and Moore on page 2, lines 14 and 17, and page 15, line 13, to Substitute Senate Bill No. 5574.

The motion by Senator Fraser carried and the amendments were adopted.

MOTIONS

On motion of Senator Williams, the following amendments by Senators Williams and Moore were considered simultaneously and were adopted:

On page 3, line 11, after "act;" insert the following:

"(iv) A list compiled by a consumer reporting agency to be used by its client for direct marketing of goods or services not involving an offer of credit;"

Renumber subsections accordingly.

On page 5, line 16, after "that" strike "credit" and insert "consumer"

On page 5, line 17, after "that" strike "credit" and insert "consumer"

On page 5, line 29, after "pertaining to" strike "credit" and insert "consumer"

On page 6, line 16, after "use of consumer" strike "credit"

On page 7, line 22, after "consumer" strike "credit"

On page 11, line 10, after "provided by a" strike "credit" and insert "consumer"

On page 13, line 32, after "description" strike the remainder of subsection (8)(b)(iii) and insert "or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;"

On page 16, line 8, after "19.86 RCW." strike the remainder of section 17 and insert "The burden of proof in an action alleging a violation of this chapter shall be by a preponderance of the evidence, and the applicable statute of limitation shall be as

set forth in section 14 of this act. For purposes of a judgment awarded pursuant to an action by a consumer under chapter 19.86 RCW, the consumer shall be awarded actual damages and costs of the action together with reasonable attorney's fees as determined by the court. However, where there has been willful failure to comply with any requirement imposed under this chapter, the consumer shall be awarded actual damages, a monetary penalty of one thousand dollars, and the costs of the action together with reasonable attorneys' fees as determined by the court."

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 5574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5574.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5574 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Niemi - 1.

Excused: Senators Deccio, McCaslin and Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5745, by Senators Bluechel, Bauer, Skratek, Cantu, Erwin, M. Rasmussen and Sheldon

Creating the PNWER-Net working group.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Bauer and Drew was adopted:

On page 3, line 15, after "libraries use" delete all materials through and including "standards" on line 17, and insert "existing telecommunications infrastructure including the internet"

On motion of Senator Bauer, the rules were suspended, Engrossed Senate Bill No. 5745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5745.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5745 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Niemi - 1.

Excused: Senators Deccio, McCaslin and Sellar - 3.

ENGROSSED SENATE BILL NO. 5745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:41 p.m., on motion of Senator Jesernig, the Senate recessed until 6:45 p.m.

The Senate was called to order at 6:54 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, Senators Moore, Niemi, Pelz, Rasmussen and Rinehart were excused.

SECOND READING

SENATE BILL NO. 5445, by Senators Williams, McCaslin and Pelz

Removing nuclear construction authority from joint operating agencies created under RCW 43.52.360.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Bluechel, Cantu and McDonald - 3.

Excused: Senators Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 7.

SUBSTITUTE SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5780, by Senators Sutherland, Hochstatter, Snyder, Sellar, Amondson, Vognild and Bauer

Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:

On page 2, line 17, after "the" strike "~~((twelve months may))~~ period" and insert "~~((twelve month))~~ period ~~((may))~~"

On motion of Senator Sutherland, the following amendments by Senators Sutherland, Nelson and Hochstatter were considered simultaneously and were adopted:

On page 1, line 12, after "pressure" insert "~~((and))~~"

On page 1, line 13, after "inspections" strike "and" and insert "if the contents, history, or operation of the power boiler or the material of which it is constructed warrant special consideration. Power boilers"

On page 2, beginning on line 25, strike all of section 3

MOTIONS

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Hochstatter was adopted:

On page 2, line 23, strike "~~((between inspections prescribed by the board))~~" and insert "established by the board under RCW 70.79.240(1)"

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 3 of the title, after "70.79.240" strike ", 70.79.250, and 70.79.260" and insert "and 70.79.250"

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 5780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5780.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5780 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

ENGROSSED SENATE BILL NO. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5815, by Senators West and Moyer

Concerning seizure and forfeiture.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5815 was substituted for Senate Bill No. 5815 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendments by Senators Nelson and Adam Smith were considered simultaneously and were adopted:

On page 3, beginning on line 6, after "interest of" strike "an owner" and insert "~~((an owner))~~ a devisee, legatee, or bona fide purchaser or recipient for value"

On page 3, line 7, after "which that" strike "owner" and insert "~~((owner))~~ devisee, legatee, or purchaser or recipient"

On page 3, line 8, after "without the" strike "owner's" and insert "~~((owner's))~~ devisee's, legatee's, or purchaser's or recipient's"

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5815.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5815 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Absent: Senator Erwin - 1.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5482, by Senators Skratek, M. Rasmussen, Spanel, Prentice, Franklin, McAuliffe, A. Smith, Drew and von Reichbauer

Defining rights of tenants in mobile home parks.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5482 was substituted for Senate Bill No. 5482 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the following amendments were considered simultaneously and were adopted:

On page 4, beginning on line 14, strike the entire paragraph and insert "If the qualified tenant organization fails to perform under the terms of the agreement the owner may proceed with the sale to any other party at these terms. If the park owner thereafter elects to accept an offer at a price lower than the price specified in the notice, the homeowners will have an additional ten days to meet the price and terms and conditions of this lower offer by executing a contract. If the qualified tenant organization fails to perform following two such opportunities, the park owner shall be free for a period of twenty-four months to execute a sale of the park to any other party."

On page 4, line 20, after "relative" insert "or a legal entity composed of relatives or established for the benefit of relatives of the mobile home park owner,"

On page 10, line 25, after "quarters" strike "for recreational camping or travel"

On page 14, line 32, after "~~(h)~~" strike "~~The~~" and insert "If the"

On page 14, line 32, after "notices" insert "within a twelve-month period"

On page 14, line 34, after "rules" strike ":" and insert ". The applicable twelve-month period shall commence on the date of the first violation."

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute Senate Bill No. 5482 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5482.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5482 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5858, by Senator Cantu

Forbidding requiring financial security devices for permits for local government units' construction projects.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5858 was substituted for Senate Bill No. 5858 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5858.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5858 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

SUBSTITUTE SENATE BILL NO. 5858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5696, by Senators Haugen, Newhouse and Spanel (by request of Department of Retirement Systems)

Authorizing the department of retirement systems to be divided into three divisions.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5696 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5696.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5696 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

SENATE BILL NO. 5696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5835, by Senators McAuliffe, Bluechel and McDonald

Exempting certain public authority property from taxation.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5835 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5835.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 4; Absent, 0; Excused, 8.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Anderson, Loveland, Skratek and Smith, L. - 4.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Roach was excused.

SECOND READING

SENATE BILL NO. 5874, by Senators Owen, Oke, Haugen, Hargrove, Erwin, Snyder, Franklin, Spanel, Sutherland, Sellar, McDonald, Bauer and Winsley

Improving recreational fishing.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5874 was substituted for Senate Bill No. 5874 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5874.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5874 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 0; Excused, 9.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senator Anderson - 1.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M., Rinehart and Roach - 9.

SUBSTITUTE SENATE BILL NO. 5874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5613, by Senators Erwin, Vognild, Nelson, Prince, Prentice, Moyer, Winsley, Barr and Oke

Making appointment of the director of the Washington traffic safety commission subject to the consent of the senate.

The bill was read the second time.

MOTIONS

On motion of Senator Erwin, the following Committee on Transportation amendment was adopted:

On page 1, after line 10, insert:

"NEW SECTION. Sec. 2 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Erwin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "commission;" strike "and"

On page 1, line 2 of the title, after "43.59.060" insert "; and declaring an emergency"

MOTION

On motion of Senator Erwin, the rules were suspended, Engrossed Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5613.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

ENGROSSED SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5925, by Senator Snyder

Allowing lodging tax for counties with national monuments.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5925.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 7; Absent, 0; Excused, 8.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Anderson, Erwin, Hochstatter, McDonald, Nelson, Roach and Smith, L. - 7.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5280, by Senators Hargrove, Erwin, Owen, Sutherland and Jesernig

Creating a certification program for contractors.

The bill was read the second time.

MOTIONS

On motion of Senator Hargrove, the following Committee on Labor and Commerce amendments were considered simultaneously and were adopted:

On page 2 line 2, after "fee and" insert ", except as otherwise provided in subsection (4) of this section,"

On page 2 line 19, strike all of subsection (c), down to and including "experience." on line 22.

On page 2 line 25, after "fees" insert ", or to a registered contractor engaged in a bona fide contracting business with at least two years of experience, who has paid all appropriate fees"

On motion of Senator Hargrove the rules were suspended, Engrossed Senate Bill No. 5280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5280.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5280 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 4; Absent, 0; Excused, 8.

Voting yea: Senators Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Anderson, Barr, Bluechel and Oke - 4.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

ENGROSSED SENATE BILL NO. 5280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5715, by Senators Bluechel, Skratek, Erwin, Sheldon, Deccio, M. Rasmussen and Williams

Assisting businesses to form flexible networks.

MOTIONS

On motion of Senator Skratek, Second Substitute Senate Bill No. 5715 was substituted for Senate Bill No. 5715 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Second Substitute Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5715.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Niemi, Pelz, Rasmussen, M. and Rinehart - 8.

SECOND SUBSTITUTE SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:06 p.m., on motion of Senator Jesernig, the Senate adjourned until 8:00 a.m., Saturday, March 13, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIRST DAY, MARCH 12, 1993

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

SIXTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 13, 1993

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Deccio, McCaslin and Niemi. On motion of Senator Oke, Senators Bluechel, Deccio and McCaslin were excused. On motion of Senator Spanel, Senator Niemi was excused.

The Sergeant at Arms Color Guard, consisting of Pages Charryse Birge and Mike Chong, presented the Colors. Reverend Charles Leps, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

March 12, 1993

SB 5306 Prime Sponsor, Senator Pelz: Reforming education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5306 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Moyer, Owen, Pelz, Snyder, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 12, 1993, Governor Lowry approved the following Senate Bills entitled:

SENATE BILL NO. 5166

Relating to refunding revenue bonds for the department of transportation.

SENATE BILL NO. 5956

Relating to establishing a commission on ethics in government and campaign practices.

Sincerely,
ED FLEISHER, Legal Counsel to the Governor

MESSAGES FROM THE HOUSE

March 11, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059,
HOUSE BILL NO. 1130,

HOUSE BILL NO. 1244,
HOUSE BILL NO. 1246,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
HOUSE BILL NO. 1255,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259,
HOUSE BILL NO. 1395,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500,
SUBSTITUTE HOUSE BILL NO. 1528,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1603,
SUBSTITUTE HOUSE BILL NO. 1612,
HOUSE BILL NO. 1651,
HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1728,
SUBSTITUTE HOUSE BILL NO. 1741,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761,
HOUSE BILL NO. 1764,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768,
HOUSE BILL NO. 1769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818,
HOUSE BILL NO. 1833,
SUBSTITUTE HOUSE BILL NO. 1844,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1897,
SUBSTITUTE HOUSE BILL NO. 1910,
SUBSTITUTE HOUSE BILL NO. 1941,
HOUSE BILL NO. 1943,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,
SUBSTITUTE HOUSE BILL NO. 1976,
HOUSE BILL NO. 1985, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

March 11, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1177,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369,
HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1520,
SUBSTITUTE HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1737,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1977,
HOUSE BILL NO. 1993,
HOUSE BILL NO. 2029,
HOUSE BILL NO. 2066,
HOUSE JOINT MEMORIAL NO. 4013, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

March 11, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1183,
SUBSTITUTE HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1469,
HOUSE BILL NO. 1521,
HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1544,
SUBSTITUTE HOUSE BILL NO. 1566,
SUBSTITUTE HOUSE BILL NO. 1578,
SUBSTITUTE HOUSE BILL NO. 1602,
SUBSTITUTE HOUSE BILL NO. 1673,

ENGROSSED HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1808,
HOUSE BILL NO. 1812,
SUBSTITUTE HOUSE BILL NO. 1914,
SUBSTITUTE HOUSE BILL NO. 1931,
HOUSE BILL NO. 1956,
SUBSTITUTE HOUSE BILL NO. 1973,
SUBSTITUTE HOUSE BILL NO. 2023, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 11, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, and the same is herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1059 by House Committee on Judiciary (originally sponsored by Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang)

Revising provisions relating to areas where weapons are restricted.

Referred to Committee on Law and Justice.

ESHB 1085 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Jacobsen, Pruitt, Romero, J. Kohl, Leonard, Basich, Shin, Wood, Dunshee, R. Meyers, Brough, Kessler, Johanson and Wolfe)

Authorizing institutions of higher education to develop and fund transportation demand management programs.

Referred to Committee on Transportation.

HB 1130 by Representatives Ludwig, Riley, Ballasiotes, Basich, Brough and Orr (by request of Washington State Patrol)

Modifying furlough notification requirements.

Referred to Committee on Law and Justice.

EHB 1177 by Representatives Jacobsen, R. Fisher, Dunshee, King, Johanson, R. Meyers, J. Kohl, Springer and Orr

Requiring an evaluation of the potential for wildlife enhancement projects on state rights of way.

Referred to Committee on Transportation.

SHB 1183 by House Committee on Judiciary (originally sponsored by Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance)

Making it a crime for a person under age twenty-one to be under the influence of intoxicating liquor or drugs in public.

Referred to Committee on Law and Justice.

SHB 1221 by House Committee on Appropriations (originally sponsored by Representatives G. Cole, Ballard, Flemming, Jacobsen, Veloria, Cothorn, Dellwo, Thibaudeau, Appelwick, Johanson, Orr, Scott, Ballasiotes, Silver, Lisk, Leonard, Cooke, J. Kohl, L. Johnson, Mielke and Kremen)

Centralizing poison information services.

Referred to Committee on Health and Human Services.

HB 1244 by Representatives Franklin, Heavey, King, G. Cole, Springer, Jones and Veloria

Providing for payments for time lost from work while attending a medical examination for industrial insurance.

Referred to Committee on Labor and Commerce.

HB 1246 by Representatives G. Cole, Heavey, King, Franklin, Jones, Veloria and Johanson

Revising provisions for maintaining employee benefits for temporarily disabled workers.

Referred to Committee on Labor and Commerce.

ESHB 1249 by House Committee on Appropriations (originally sponsored by Representatives Heavey, King, Franklin, Orr, G. Cole, Jones, Veloria, Johanson and R. Meyers)

Increasing industrial insurance partial disability awards.

Referred to Committee on Labor and Commerce.

HB 1255 by Representatives Dellwo, Morris, Dyer, Flemming and Wood (by request of Department of Health)

Requiring podiatric physicians and surgeons to have one year of postgraduate podiatric medical training.

Referred to Committee on Health and Human Services.

ESHB 1259 by House Committee on Judiciary (originally sponsored by Representatives Locke, Appelwick, J. Kohl, Wang, Reams, Veloria, Johanson, L. Johnson, Flemming and Pruitt)

Allowing for the destruction of forfeited firearms.

Referred to Committee on Law and Justice.

ESHB 1369 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Brumsickle, Quall, Pruitt, Wood, Basich, G. Cole, Carlson, Orr, Bray, Rayburn, Finkbeiner, Flemming, Kessler, J. Kohl, Shin, Campbell, Lemmon, Johanson, Jones and L. Johnson)

Changing provisions relating to vocational education.

Referred to Committee on Higher Education.

HB 1395 by Representatives Scott, Long, G. Cole, Riley, Johanson, Leonard, Ogden, King and Locke

Allowing counties to impose additional marriage license fees for funding family services.

Referred to Committee on Health and Human Services.

SHB 1469 by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long and Thibaudeau)

Clarifying that the department of social and health services is not required to reimburse certain health care costs under the limited casualty program.

Referred to Committee on Health and Human Services.

HB 1495 by Representatives Dorn, Brough, Ogden, Rayburn, G. Cole, Springer and G. Fisher

Changing local effort assistance distribution.

Referred to Committee on Education.

ESHB 1500 by House Committee on Health Care (originally sponsored by Representatives R. Johnson, Dyer, L. Johnson and Mastin)

Modifying hearing aid regulatory authority.

Referred to Committee on Health and Human Services.

ESHB 1509 by House Committee on Appropriations (originally sponsored by Representatives Locke, Sommers, Silver, Jacobsen, Ludwig and Bray)

Increasing flexibility of institutions of higher education.

Referred to Committee on Higher Education.

ESHB 1512 by House Committee on Human Services (originally sponsored by Representatives Brough, Leonard, Chappell, Romero, Veloria, Riley, Karahalios, Horn, Wolfe, Ballasiotes, Talcott, G. Cole, Flemming and J. Kohl)

Changing provisions relating to dependent children.

Referred to Committee on Health and Human Services.

SHB 1520 by House Committee on Education (originally sponsored by Representatives Holm, Brumsickle, Wolfe, Chappell, Sheldon, Romero, Dorn, Basich, Kessler, Jones, Zellinsky, Pruitt, Brough, Cothorn, Riley, King, R. Meyers, Rayburn and Quall) (by request of Superintendent of Public Instruction)

Expanding the use of skill centers.

Referred to Committee on Education.

HB 1521 by Representative Valle (by request of Office of Financial Management)

Funding the state auditor municipal corporation division.

Referred to Committee on Government Operations.

SHB 1528 by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Locke and R. Meyers) (by request of Office of Financial Management)

Modifying the state's cash management system.

Referred to Committee on Ways and Means.

HB 1530 by Representatives Morris, Foreman, Springer, Ogden, Carlson, Riley, Silver, Leonard, Chappell, H. Myers, Rayburn, Mastin, Thibaudeau, Anderson, Holm, Campbell, Brough, King, Hansen, Jones, Basich, Quall, Conway, Van Luven, Cothorn, Long and Finkbeiner

Providing for continuation of property tax exemptions for senior citizens confined in hospitals and nursing homes.

Referred to Committee on Health and Human Services.

SHB 1544 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Johanson)

Requiring that criminal penalties set by cities and counties be the same as those set in state law.

Referred to Committee on Law and Justice.

SHB 1566 by House Committee on Judiciary (originally sponsored by Representative H. Myers)

Changing who gives notice of estate tax findings filings.

Referred to Committee on Law and Justice.

SHB 1578 by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, G. Cole, Padden, Riley, Edmondson, Mastin, Johanson, Jones, Basich, King, Valle, Campbell, Long, Shin, Springer, Karahalios, Roland, Rayburn, Conway, Kremen, Ogden, Cothorn and H. Myers) (by request of Department of Corrections)

Revising provisions relating to offenders under the jurisdiction of the department of corrections.

Referred to Committee on Law and Justice.

SHB 1580 by House Committee on Higher Education (originally sponsored by Representatives Quall, Brumsickle, Jacobsen, Bray, Rayburn, Finkbeiner, Kessler, J. Kohl, Shin, G. Fisher, Springer, Romero, R. Johnson, Linville and Basich)

Requiring strategies to shorten time to degree and improve graduation rates.

Referred to Committee on Higher Education.

SHB 1602 by House Committee on Education (originally sponsored by Representatives Chappell, Cothorn and Thomas) (by request of Superintendent of Public Instruction)

Changing election provisions for regional committee members.

Referred to Committee on Education.

ESHB 1603 by House Committee on Higher Education (originally sponsored by Representatives Locke, Jacobsen, Quall, Shin, R. Johnson, Zellinsky, Pruitt, Carlson, Jones, Basich, Wang, Patterson, Thibaudeau, R. Meyers, Kessler, Bray, Campbell, Dorn, G. Fisher, Springer, Karahalios, Roland, Eide, Sheldon, Finkbeiner, Ogden, Orr, Wineberry, Veloria, Morris, Hansen and Wolfe)

Reforming higher education tuition and financial aid.

Referred to Committee on Higher Education.

SHB 1612 by House Committee on Appropriations (originally sponsored by Representatives Morton, King, Basich, Kremen, Sheldon, Foreman, Fuhrman, Chandler and Padden)

Testing the feasibility of remote site incubators for salmon enhancement.

Referred to Committee on Natural Resources.

SHB 1619 by House Committee on Higher Education (originally sponsored by Representatives Shin, Jacobsen, Campbell, Finkbeiner, Sheldon, J. Kohl, Wood, Schoesler, Veloria, Dorn, G. Cole, Forner, Wineberry, Heavey, Edmondson, Cothorn, Long, Horn, Pruitt, Quall, Basich and King)

Creating the Washington Task Force on International Education and Cultural Exchanges.

Referred to Committee on Higher Education.

HB 1651 by Representatives Anderson, Reams, Campbell, Valle, King, Pruitt and Jacobsen

Removing the sunset provisions from the naturopathy statutes.

Referred to Committee on Health and Human Services.

SHB 1673 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Roland, Eide, Vance, Brough, Campbell, Wang, Jacobsen, Patterson and Forner)

Creating the aerospace industry legislative task force.

Referred to Committee on Trade, Technology and Economic Development.

SHB 1681 by House Committee on State Government (originally sponsored by Representatives Eide, Dyer, Pruitt, Vance, Kessler, Locke, G. Fisher, Anderson, Roland, Zellinsky, Brough, Jones, R. Meyers, Dorn, Leonard, Finkbeiner, J. Kohl and Johanson)

Requiring a statement of responsibility to accompany political advertising.

Referred to Committee on Law and Justice.

HB 1689 by Representatives Chappell, Springer, Appelwick, Riley, Campbell, Brough, Basich, J. Kohl and Johanson

Making it a misdemeanor to impersonate a law enforcement officer.

Referred to Committee on Law and Justice.

SHB 1721 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Dorn, Zellinsky, Wang, Reams, G. Fisher, H. Myers and Mielke)

Authorizing jointly administered health and welfare benefits trusts for local government employees.

Referred to Committee on Health and Human Services.

SHB 1728 by House Committee on Judiciary (originally sponsored by Representative Appelwick) (by request of Law Revision Commission)

Correcting unconstitutional provisions relating to resident employees on public works.

Referred to Committee on Labor and Commerce.

SHB 1737 by House Committee on Judiciary (originally sponsored by Representatives Ballasiotes, Campbell, Dyer, Morris, Thomas, Schoesler, Chappell, Dorn, Riley, Anderson, H. Myers, Mielke, Van Luven, Cooke, Scott, Foreman, Jones, Ballard, Jacobsen, Brough, Kremen, Silver, Rayburn, G. Fisher, Orr, Long, Johanson, Schmidt and Wood)

Changing provisions relating to crimes against minors and developmentally disabled persons.

Referred to Committee on Law and Justice.

SHB 1741 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Johanson and Orr)

Revising penalties for ignoring traffic tickets.

Referred to Committee on Law and Justice.

EHB 1756 by Representatives Veloria, Brumsickle and Casada

Requiring the use of licensed or certified electricians for certain purposes.

Referred to Committee on Labor and Commerce.

ESHB 1761 by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Forner)

Clarifying and extending dates established under the growth management act.

Referred to Committee on Government Operations.

HB 1764 by Representatives Basich, Dorn, Carlson, Jacobsen, Wood, Roland, Karahalios, Eide, Brumsickle, G. Cole, Rayburn, G. Fisher, Leonard, Linville, Wineberry, Kremen, Pruitt, Brough, Wang, Quall, Flemming, Johanson, L. Johnson, J. Kohl, H. Myers, Hansen, Patterson and Anderson

Encouraging common schools serving students in grades seven through twelve to offer opportunities for students to do volunteer community service.

Referred to Committee on Education.

ESHB 1768 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden and Johanson)

Creating a courthouse facilitator program.

Referred to Committee on Law and Justice.

HB 1769 by Representatives Linville, R. Johnson, Dunshee, Wolfe, Pruitt, Rust, Karahalios, Stevens, Schoesler, Jacobsen, Basich and J. Kohl

Expanding the authority of the interagency committee for outdoor recreation regarding recreational trails.

Referred to Committee on Ecology and Parks.

SHB 1808 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Shin, Mastin, Forner, Wineberry, Rayburn, Jones, Cothorn, J. Kohl, Wang, Van Luven, Chandler and Linville)

Creating the Washington council on international trade.

Referred to Committee on Trade, Technology and Economic Development.

HB 1812 by Representatives Jones, Dorn, R. Meyers, Schmidt, Pruitt, Kessler, Karahalios and Carlson

Changing teacher evaluations for teachers with at least four years of satisfactory evaluations.

Referred to Committee on Education.

ESHB 1818 by House Committee on Appropriations (originally sponsored by Representatives Karahalios, Sehlin, R. Meyers, Schmidt, Peery, Wood, Zellinsky, Edmondson, Stevens, Schoesler, Flemming, Mielke, Thomas, Foreman, Eide, Campbell, Pruitt, Holm and Talcott)

Providing for military dependent communities.

Referred to Committee on Trade, Technology and Economic Development.

ESHB 1820 by House Committee on Education (originally sponsored by Representatives Dorn, Brough, Brumsickle, Heavey, Vance, Mastin, R. Meyers, Jones, Peery, Cothorn, Campbell, Orr, Holm, Carlson, Springer, Stevens, Jacobsen, Thomas, Pruitt, Foreman, Finkbeiner, Lemmon, Leonard, Rayburn, Riley, Patterson, Conway, King, Johanson, Roland, Tate, Karahalios, Mielke, Eide, Wolfe, Romero, Edmondson, Morris, Shin, G. Fisher, Horn, L. Johnson, Thibaudeau, Kremen, Basich, Miller, J. Kohl, H. Myers, Long, Cooke, Fuhrman, Van Luven, Talcott, Forner, Ballasiotes, Hansen, Kessler, Silver and Wood)

Creating the school-to-work transitions program.

Referred to Committee on Education.

HB 1833 by Representatives Jacobsen and Appelwick

Conforming statutes relating to firearm handling by minors.

Referred to Committee on Law and Justice.

SHB 1844 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Horn, Rust, Van Luven, Appelwick, Wineberry, Edmondson, Forner, Brumsickle, Long, Foreman, Chandler, Dyer, Ballard, Cooke, Miller, Vance, Finkbeiner, Reams and Silver)

Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

Referred to Committee on Energy and Utilities.

ESHB 1849 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Peery, Kessler, Dyer, R. Johnson, Jones, R. Meyers, Jacobsen and Kremen)

Providing for security of automated teller machines and night depositories.

Referred to Committee on Labor and Commerce.

ESHB 1897 by House Committee on Human Services (originally sponsored by Representatives Thibaudeau, Leonard, Brown, Patterson, J. Kohl and L. Johnson)

Modifying provisions regarding mental health.

Referred to Committee on Health and Human Services.

SHB 1910 by House Committee on Capital Budget (originally sponsored by Representatives Silver, Wang, Sommers, Brough, Mielke, Foreman, Dyer, Brumsickle, Long, Edmondson, Horn, Casada, Wood, Flemming, Morton, Miller, Cooke, Forner and Anderson)

Creating an inventory system for state-owned or leased facilities.

Referred to Committee on Government Operations.

SHB 1914 by House Committee on Human Services (originally sponsored by Representatives Brown, Long, Johanson, L. Johnson, Edmondson, Cothorn, Scott, Wood, Leonard, Brough, Kremen, Dyer, Brumsickle, Jones, King, Carlson, Karahalios, Schoesler, Hansen, Lemmon, Springer, Rayburn, Patterson, J. Kohl and Cooke)

Allowing volunteers to assist agencies with at-risk youth.

Referred to Committee on Government Operations.

SHB 1931 by House Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky and Wood)

Regulating steamboat operators.

Referred to Committee on Transportation.

SHB 1941 by House Committee on Education (originally sponsored by Representatives Cothorn, Foreman, L. Johnson, Jones, Vance, Campbell, Pruitt, Shin, Holm, Springer, Brough, Horn, King, J. Kohl, Hansen, Johanson, Miller, Long, Casada, Edmondson, Mielke and Karahalios)

Requiring school districts to notify parents of students carrying dangerous weapons at school.

Referred to Committee on Education.

HB 1943 by Representatives Brumsickle, Jacobsen, Dorn, Quall, Shin, L. Johnson, King and Long

Allowing community and technical college foundations to manage funds for their exceptional faculty awards.

Referred to Committee on Higher Education.

HB 1956 by Representatives Cothorn, Locke, Wolfe and Springer (by request of Department of Social and Health Services)

Requiring computerized collection of health insurance coverage provided by certain state entities.

Referred to Committee on Health and Human Services.

ESHB 1957 by House Committee on Health Care (originally sponsored by Representatives Dellwo, Wolfe, R. Meyers, Pruitt, L. Johnson, J. Kohl, Conway and Karahalios) (by request of Insurance Commissioner)

Creating the Washington health care coverage determination board.

Referred to Committee on Health and Human Services.

SHB 1973 by House Committee on Appropriations (originally sponsored by Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl)

Allowing people to take early retirement who filed late applications.

Referred to Committee on Ways and Means.

SHB 1976 by House Committee on Judiciary (originally sponsored by Representatives Scott, Riley and Anderson)

Requiring firearms dealers to offer trigger-locking devices.

Referred to Committee on Law and Justice.

SHB 1977 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Schoesler, Sheahan, Rayburn, Chappell, Vance, Morton, Dyer, Fuhrman, Long, Chandler, Brumsickle, Foreman and Mastin)

Clarifying authorization for water right certificate holders to participate in acreage expansion programs.

Referred to Committee on Energy and Utilities.

HB 1985 by Representatives Mielke, Zellinsky, Dyer, R. Johnson, Kremen, Anderson, Dorn, Peery, R. Meyers, Kessler, Grant, Reams, Appelwick, Schmidt and Tate

Regulating liquidators' rights to collect premiums.

Referred to Committee on Labor and Commerce.

HB 1993 by Representatives Finkbeiner, Jacobsen, Quall, Wood, Brumsickle, Ogden, Basich, Dellwo and Miller

Making technical amendments to the future teachers and the health professionals conditional scholarship programs to continue existing repayment regulations.

Referred to Committee on Higher Education.

ESHB 1997 by House Committee on Higher Education (originally sponsored by Representatives Quall, Jacobsen, Ogden, Brumsickle, Miller, Basich, Shin, Locke, Wood, Silver and J. Kohl)

Redefining the relationship between the state and its postsecondary institutions.

Referred to Committee on Higher Education.

SHB 2023 by House Committee on Transportation (originally sponsored by Representative R. Meyers)

Transferring jurisdiction for certain roads and highways.

Referred to Committee on Transportation.

HB 2029 by Representatives Dorn, Brough, Holm, Zellinsky and Rayburn (by request of Superintendent of Public Instruction)

Changing funding procedures for high school students enrolled in the running start program in community or technical colleges.

Referred to Committee on Higher Education.

HB 2066 by Representatives J. Kohl, Wang, G. Cole, Silver, Leonard, R. Fisher, Patterson, Peery, Locke, Pruitt, Brough, Cothorn, Appelwick and Eide

Changing school levy provisions.

Referred to Committee on Education.

HJM 4013 by Representatives Kessler, Basich, Riley, Jones, Holm and J. Kohl

Petitioning the federal government for coastal economic recovery investment.

Referred to Committee on Trade, Technology and Economic Development.

SECOND READING

SENATE BILL NO. 5744, by Senators Haugen, Loveland, Vognild, Winsley and M. Rasmussen

Changing provisions concerning streets that are part of the state highway system.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5744 was substituted for Senate Bill No. 5744 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5744.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5744 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Bluechel, Deccio, McCaslin and Niemi - 4.

SUBSTITUTE SENATE BILL NO. 5744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5620, by Senators Loveland and Jesernig

Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5620 was substituted for Senate Bill No. 5620 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Loveland, as I read this bill now, is it correct to say that this is an additional tax that is specifically identified only for Pasco, Washington?"

Senator Loveland: "Yes sir."

Senator Nelson: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5620.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Anderson, Roach and Smith, L. - 3.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5660, by Senators M. Rasmussen, Barr, Deccio, Loveland, Snyder, Fraser, Skratek, Sheldon, Drew, Prince, Winsley, Erwin, Bluechel, Amondson and Franklin

Developing the Washington state citizens' exchange program.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5660.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5660 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SENATE BILL NO. 5660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5638, by Senators Skratek, Drew, Roach, Haugen, Quigley, M. Rasmussen and Oke

Modifying property tax valuation of property affected by growth management regulations.

The bill was read the second time.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen be adopted:

On page 2, line 11, after "36.70A RCW" insert "that result in a reduction in value would be a taking of property as established in Article I, section 16 of the state Constitution or as defined in statute"

POINT OF ORDER

Senator Haugen: "A point of order, Mr. President. I would ask for a ruling on the scope and object of this amendment to this bill. The original bill is a bill dealing with telling the assessors that they are to consider comprehensive land use plans and to develop regulations before making appraisal and this amendment is very obviously outside of that scope."

Debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Senate Bill No. 5638 was deferred.

SECOND READING

SENATE BILL NO. 5940, by Senators Owen, Haugen, Spanel, Snyder, Oke, McAuliffe, Sutherland and Franklin (by request of Governor Lowry)

Creating the department of fish and wildlife.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5940 was substituted for Senate Bill No. 5940 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendments were considered simultaneously and were adopted:

On page 15, line 3, after "director," strike everything through "wildlife" and insert "~~((and the director of wildlife))~~"

On page 47, beginning on line 29, strike section 79

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, beginning on line 14 of the title, after "sections;" strike "repealing RCW 77.04.080;"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Erwin: "Senator Owen, I am concerned about the Wildlife Commission and I've voiced that concern in committee. Can you give some assurances that Governor Lowry won't veto the section having to do with the Wildlife Commission?"

Senator Owen: "Well, I can give you some assurances that the bill as it reads right now has the Wildlife Commission in it. It also has the dedicated funds in tact for Wildlife and it is well. I don't know how I would give you the assurance of what the Governor is going to do, but I will assure that there are several of us on this floor who will be meeting with the Governor to insure that the Wildlife Commission is in tact. As you well know, we had dozens and dozens of people in our committee meeting that expressed an interest in merging the two departments, but only if, in fact, the commission was left in tact. So, that is what our endeavor will be."

Senator Erwin: "Your assurance that you will be meeting with the Governor is sufficient. Thank you, I'll be supporting this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5940.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Barr, Hochstatter, Nelson, Roach, von Reichbauer and West - 7.

Excused: Senators Deccio, McCaslin and Niemi - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:44 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 9:59 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Senate Bill No. 5638 and the pending amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen on page 2, line 11, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Senate Bill No. 5638 is a measure which specifies one of the criteria to be used in appraisals of real property for taxation purposes.

"The amendment proposed by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen would define one of the circumstances which creates an unconstitutional taking of property without compensation.

"The President, therefor, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen on page 2, line 11, to Senate Bill No. 5638 was ruled out of order.

PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry, Mr. President. Does that ruling apply to the other amendments that I have submitted as prime sponsor along with other members? I was just trying to save some time if it does."

REPLY BY THE PRESIDENT

President Pritchard: "Yes, Senator it appears--"

Senator Snyder: "Why don't I go ahead and move the amendments and you make the ruling on them individually? That may be better."

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen be adopted:

On page 3, after line 2, insert the following:

"(4) Whenever implementation by the state or any of its political subdivisions of a policy or practice directly or indirectly regulating the use of land operates to reduce the value of a parcel of real property immediately prior to such implementation, the parcel is deemed to be taken for public use."

POINT OF ORDER

Senator Skratek: "I challenge the scope and object of this particular amendment on the similar lines that were previously argued by Senator Haugen on the previous amendment."

RULING BY THE PRESIDENT

President Pritchard: "The President would make the same analysis on this amendment as was made on the last one. The President would rule that the amendment is outside the scope and object of the bill."

The amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen on page 3, after line 2, to Senate Bill No. 5638 was ruled out of order.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 2, line 14, after "influences." insert "Counties, cities and towns shall be responsible for notifying county assessors concerning comprehensive plans, development regulations, zoning, and any other governmental policies or practices that affect the use of the appraised property."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Roach on page 2, line 14, to Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senators Deccio, McCaslin and Niemi - 3.

MOTIONS

Senator Snyder moved that the following amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen be adopted:

On page 3, after line 2, insert the following:

NEW SECTION. Sec. 2. The value of property is directly affected by the regulations, policies, and actions of state and local government. If affected, the property assessment for tax purposes must be reduced because of the taking and the compensation required by the state Constitution must be paid. The criteria established in RCW 84.40.030 (1) through (3) are clarified by sections 3 through 11 of this act.

NEW SECTION. Sec. 3. (1)(a) Whenever implementation by the state or any of its political subdivisions of a scheme directly or indirectly regulating the use of land operates to reduce the value of a parcel of real property immediately prior to such implementation, the parcel is deemed to be taken for public use.

(b) The following definitions apply throughout sections 2 through 11 of this act:

(i) "Compensation" means cash or in-kind payment, if the affected property owner agrees to in-kind payment and then agrees to the in-kind payment actually offered, including but not limited to clustering; transfer of development rights; staging of concurrency; land trades; environmental mitigation credits for prior activity of owners; density bonuses; or adjustments to restrictions on lot size, number of units, or building dimensions.

(ii) "Parcel" means one or more contiguous tax lots of an owner.

(iii) "Owner" includes one or more natural or legal persons who own the parcel, whether as sole owner, marital community, cotenants, or tenants in partnership or as a corporation.

(iv) "Scheme regulating the use of land" means one regulation or government action affecting the use of land; or more than one such regulation or action, though occurring at different times or by different governmental entities, with the same or similar policy objectives, such as development moratoria, zoning, health regulations, safety regulations, aesthetic regulations, fish and wildlife regulations, sensitive-area regulations, and environmental regulations, whether such regulation or action is interim or permanent. A scheme regulating the use of land does not include any regulation or government action of the federal government or regulation or government action of the state or any local governmental entity taken to comply with the minimum requirements of federal law or regulation.

(2)(a) When a parcel of real property has been taken for public use as provided in sections 2 through 11 of this act, the governmental unit or units that implement the scheme regulating the use of land shall be liable to the owner for compensation, and the owner shall have an action at law to recover such compensation. When more than one governmental unit is involved, the court shall determine the proportion each unit is required to contribute to the compensation.

(b) The compensation shall be for the full amount of the decrease in assessed value. In addition, an owner who prevails either through settlement or verdict in an action for the recovery of such compensation shall be entitled to reasonable costs, expenses of litigation, and sums for attorneys' fees.

(3) Governmental units subject to sections 2 through 11 of this act shall not make waiver of the provisions of sections 2 through 11 of this act a condition for approval of the use of real property or the issuance of any permit or other entitlement. Plaintiffs may accept an approval of use, permit, or other entitlement granted by the governmental unit without compromising their rights under sections 2 through 11 of this act if:

(a) A written reservation of their rights is made at the time of acceptance of the authorization, permit, or other entitlement;

or

(b) An oral statement reserving their rights is made before the governmental unit granting the authorization, permit, or other entitlement at a public meeting at which the governmental unit renders its decision.

NEW SECTION. Sec. 4. Compensation is required by sections 2 through 11 of this act unless the scheme regulating the use of land is an exercise of the police power solely to prevent or abate a public nuisance as defined at common law or an application of the public trust doctrine as it relates to navigable water only.

NEW SECTION. Sec. 5. (1) The statute of limitations for actions brought under sections 2 through 11 of this act is the statute of limitations for actions for recovery of real property. The statute of limitations begins to run upon the enactment of the scheme regulating the use of land; or the final administrative decision implementing the scheme regulating the use of land affecting plaintiffs' property or by a showing by the plaintiff that application for administrative decision is futile.

(2) A scheme regulating the use of land is implemented with respect to an owner's or user's property when actually applied to that property unless the enactment of the scheme by itself operates to reduce the fair market value of real property for the uses permitted at the time the owner acquired title, without further governmental action and the scheme contains no provision allowing for just relief from the scheme's operation.

(3) Sections 2 through 11 of this act apply to schemes regulating the use of land, all or some part of which is implemented after the effective date of this act. No part of a scheme shall be considered for purposes of sections 2 through 11 of this act if the part was implemented more than ten years before the effective date of this act.

NEW SECTION. Sec. 6. If a natural event or condition threatens to deprive an owner of land of the land's use or to cause serious damage to the land, and immediate corrective action is required to prevent this deprivation or damage, but this action will violate a state or local law or regulation unless official waiver or permission is obtained, the owner may either:

(1) Apply to the governmental unit charged with enforcing such regulation to take, or to permit the owner to take, the required corrective action. If the governmental unit wrongfully denies waiver or permission or fails to take reasonably timely action upon the application, so that such deprivation or damage occurs, the governmental unit shall be liable to the owner for the diminution in value of the land which occurs unless the natural event or condition was the fault of the owner; or

(2) Without notifying the governmental unit under subsection (1) of this section, take such corrective action as is reasonably necessary to prevent the threatened deprivation or damage. However, the owner shall notify the governmental unit that he or she has undertaken the corrective action within five days after commencing such action and shall give a general description of the action undertaken. Thereafter, in a legal action brought by the governmental unit, the owner shall be liable for violation of the regulation if a court determines that there was a violation and that an owner would not have qualified for any available waiver or exemption.

NEW SECTION. Sec. 7. (1) If a governmental unit is found by a court of competent jurisdiction to have committed a regulatory taking under section 3 of this act, such unit shall be liable for compensation, measured by the owner's diminution in value caused by such taking from the time the scheme that regulated the use of the owner's land became effective until the unit may grant an exemption or choose to repeal such scheme. However, if the governmental unit does not grant an exemption or choose to repeal the regulatory scheme within a reasonable period of time, to be fixed by the court, then the unit shall be liable for compensation for a permanent taking, measured by the diminution of fair market sale value caused by the taking, valued as of the date of trial. This section shall not affect any further remedy that is constitutionally required.

(2) Any permit, authorization, or other entitlement granted under a scheme repealed under subsection (1) of this section shall continue to be valid.

NEW SECTION. Sec. 8. Sections 2 through 11 of this act do not preclude any action at law or equity that an owner would have had if sections 2 through 11 of this act had not been enacted.

NEW SECTION. Sec. 9. If the state or any of its political subdivisions imposes, changes, or implements any scheme regulating the use of land in such a way as to reduce the previous assessed value of a taxpayer's property, the county assessor shall, on or before the ensuing April 1, adjust the property's assessed value downward by an amount equal to the difference between the assessed value of the property under the new scheme, and the previous assessed value.

NEW SECTION. Sec. 10. Whenever any compensation is paid to a property owner by the state or by any local governmental entity pursuant to a judgment or agreement to compensate for a regulatory taking under sections 2 through 11 of this act, the payor shall cause to be recorded with the county auditor for the county in which the real property is located a notice of compensation for regulatory taking. This notice shall contain a legal description of the affected parcel of real estate, a statement of the reason for compensation, the name of the payor, the name of the owner, and the amount paid.

NEW SECTION. Sec. 11. If a county, city, or health district is found by a court to have committed a regulatory taking under section 3 of this act, the court shall require that the compensation owed be paid by the state if the scheme regulating the use of land was adopted or implemented by the county or city in order to effectuate a policy or requirement of state or federal law.

NEW SECTION. Sec. 12. Sections 2 through 11 of this act are each added to chapter 84.40 RCW."

Senator Haugen moved that the following amendment to the amendment be adopted:

On page 5, after line 12, insert the following:

"NEW SECTION. Sec. 12. An additional excise tax is imposed beginning January 1, 1994, on each sale of real property in the state at a rate of one-half of one percent of the selling price. The proceeds of the tax shall be used exclusively for compensation as provided for in this act, the acquisition of a fee simple or lesser interest in conservation areas by counties and for the acquisition of a less than fee simple interest in conservation areas by the state.

(1) The tax must be imposed and collected in the same manner and under the same conditions as the tax under RCW 82.45.060 is imposed and collected, except that the additional tax does not apply to the acquisition of an interest in conservation areas by the state or a county, city, town, or park district.

(2) The treasurer of a county shall place fifty percent of the receipts from the additional tax imposed under this section into an account established for the county for compensation as provided for in this act or to acquire and maintain conservation areas.

A plan for the expenditure of the county's portion of the excise tax proceeds shall be prepared by the county legislative authority and periodically updated. Prior to the adoption or alteration of this plan, the elected officials of cities and towns located within the county shall be consulted and a public hearing shall be held to obtain public input. The first priority for any funds not used for compensation as required in this act must be the acquisition of interests in conservation areas that are wetlands or agricultural lands. The proceeds of this excise tax that are retained by a county must be expended in conformance with this plan.

(3) The treasurer of each county shall distribute the remaining fifty percent of the receipts from the additional tax imposed under this section to the state treasurer who shall place the moneys into the takings and conservation lands account created under section 13 of this act.

(4) As used in this section, "conservation area" has the meaning given under RCW 36.32.570.

NEW SECTION. Sec. 13. A new section is added to chapter 43.99 RCW to read as follows:

The takings and conservation lands account is created in the state treasury. Moneys received by the state treasurer from collections of the additional excise tax on real estate sales, authorized under section 12 of this act, shall be deposited into the takings and conservation lands account. Moneys in this account will be used to provide compensation as provided for in this act.

(1) At the end of each biennium, unspent funds in the takings and conservation account shall be used by the interagency committee for outdoor recreation only for preparing a conservation areas plan and administering and awarding grants to state agencies or counties to acquire less than fee simple interest in conservation areas, as defined in RCW 36.32.570, except that not more than one percent of amounts administered by the committee may be used for planning and program administration.

(2) The interagency committee for outdoor recreation shall adopt and periodically update a plan identifying conservation areas in which the state is to acquire interests, and shall award grants for the acquisition of interests in these identified conservation areas to counties and state agencies, including, but not limited to, the department of wildlife, department of fisheries, department of natural resources, and the state parks and recreation commission. The first priority for these expenditures shall be to acquire interests in conservation areas that are wetlands or agricultural lands.

(3) The interagency committee for outdoor recreation shall coordinate its efforts with counties acquiring and maintaining conservation areas under section 12 of this act.

Sec. 14. RCW 82.46.070 and 1990 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) Subject to subsection (2) of this section, the legislative authority of any county may impose an additional excise tax on each sale of real property in the county at a rate not to exceed one percent of the selling price. The proceeds of the tax shall be used exclusively for the acquisition and maintenance of conservation areas.

The taxes imposed under this subsection shall be imposed in the same manner and on the same occurrences, and are subject to the same conditions, as the taxes under chapter 82.45 RCW, except((:

~~(a) The tax shall be the obligation of the purchaser; and~~

~~(b)) the tax does not apply to the acquisition of conservation areas by the county.~~

The county may enforce the obligation through an action of debt against the purchaser or may foreclose the lien on the property in the same manner prescribed for the foreclosure of mortgages.

The tax shall take effect thirty days after the election at which the taxes are authorized.

(2) No tax may be imposed under subsection (1) of this section unless approved by a majority of the voters of the county voting thereon for a specified period and maximum rate after:

(a) The adoption of a resolution by the county legislative authority of the county proposing this action; or

(b) The filing of a petition proposing this action with the county auditor, which petition is signed by county voters at least equal in number to ten percent of the total number of voters in the county who voted at the last preceding general election.

The ballot proposition shall be submitted to the voters of the county at the next general election occurring at least sixty days after a petition is filed, or at any special election prior to this general election that has been called for such purpose by the county legislative authority.

(3) A plan for the expenditure of the excise tax proceeds shall be prepared by the county legislative authority at least sixty days before the election if the proposal is initiated by resolution of the county legislative authority, or within six months after the tax has been authorized by the voters if the proposal is initiated by petition. Prior to the adoption of this plan, the elected officials of cities located within the county shall be consulted and a public hearing shall be held to obtain public input. The proceeds of this excise tax must be expended in conformance with this plan.

(4) As used in this section, "conservation area" has the meaning given under RCW 36.32.570.

(5) This section shall apply only to counties that have imposed the tax authorized by this section before January 1, 1994."

Renumber the remaining sections consecutively and correct internal references accordingly.

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

Debate ensued.

POINT OF INQUIRY

Senator Snyder: "Senator Haugen, is this local option?"

Senator Haugen: "This would have to go to a vote of the people."

Senator Snyder: "In each county--county by county?"

Senator Haugen: "No, it would be voted on state-wide."

Senator Snyder: "State-wide."

Further debate ensued.

POINT OF ORDER

Senator Anderson: "Mr. President, I would like to raise the challenge of scope and object on the amendment by Senator Haugen on page 5, after line 11, to the Snyder amendment on page 3, after line 2."

POINT OF ORDER

Senator Skratek: "A point of order, Mr. President, I don't believe it is appropriate to challenge the scope and object of an amendment to an amendment. Rule 66 states that scope and object of a bill can be challenged, but we are not within the bill itself and this is not an amendment to a bill, but it is an amendment to an amendment and I find no rule that basically indicates that you can challenge the scope of an amendment to an amendment. It would be appropriate to challenge the total amendment when we finally amend the amendment, but there is no challenge to the scope and object of an amendment to an amendment."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Skratek, you can raise a scope and object on an amendment to the amendment."

Senator Skratek: "May I inquire which rule that is in the Senate Rules?"

President Pritchard: "Rule 66 provides that no amendment may be offered that changes the scope and object of the bill."

MOTION

On motion of Senator Anderson, and there being no objection, the point of order was withdrawn.

MOTION

On motion of Senator Jesernig, further consideration of Senate Bill No. 5638 was deferred.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of Senate Bill No. 5316.

SECOND READING

SENATE BILL NO. 5316, by Senators Moore and McCaslin

Regulating private moorage facilities.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5316 was substituted for Senate Bill No. 5316 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5358, by Senators Pelz, Fraser, Prince and Winsley (by request of Department of Licensing)

Creating an appropriated real estate education account.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5358.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SENATE BILL NO. 5358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5649, by Senators Quigley, Roach and A. Smith (by request of Department of Social and Health Services)

Removing the expiration date for Washington state support registry employer reporting.

The bill was read the second time.

MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5649.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5649 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SENATE BILL NO. 5649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5675, by Senators Drew, Loveland, Skratek and Haugen

Concerning the financing of bonds for storm water facilities.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5675.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5675 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 45.

Absent: Senator West - 1.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SENATE BILL NO. 5675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5522, by Senators Wojahn, L. Smith, Moore, McDonald, Franklin, Deccio, Fraser, Snyder, West, Roach, Prentice, Pelz, M. Rasmussen and Erwin

Providing a program to reduce alcohol and drug use during pregnancy.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:
On page 4, line 29, after "sum of" strike "four hundred eighty-eight" and insert "fifty"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

ENGROSSED SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5384, by Senators Moore, Newhouse, McAuliffe and Erwin (by request of Department of Licensing)

Regulating investment advisory contracts.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5384.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5384 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SENATE BILL NO. 5384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senator Winsley

Regulating bungee jumping.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5145 was substituted for Senate Bill No. 5145 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Hochstatter and Oke - 6.

Absent: Senator Newhouse - 1.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5454, by Senators Fraser, Skratek, Barr, Haugen, Pelz, Prentice, Owen, Niemi, von Reichbauer, Quigley and M. Rasmussen

Creating jobs to restore and enhance Washington's estuaries, waterways, and watersheds.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5454 was substituted for Senate Bill No. 5454 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendment by Senators Fraser and Hargrove was adopted:

On page 2, line 30, strike "caused by forest practices"

MOTIONS

On motion of Senator Fraser, the following amendment by Senators Fraser and Skratek was adopted:

On page 3, line 35, after "development," insert "the executive director of the work force training and education coordinating board,"

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Fraser, on the amendment that we adopted on page 2, line 30, where we took out the words, 'caused by forest practices,' is that what made it a state-wide, all-encompassing bill?"

Senator Fraser: "No, Senator Barr, the bill is state-wide because of the section that deals with what the funds in the account would be used for. The funds could be used for water shed restoration in forested areas anywhere in the state. That would

be one-third of the funds; another third of the funds would be water shed restoration and enhancement in the Puget Sound Basin; and one-third of the funds would be for water shed restoration and enhancement in water sheds anywhere in the state outside the Puget Sound Basin. The amendment we previously adopted merely eliminated reference to only one of the reasons why water sheds can be degraded. We eliminated specific reference to the reason of forest practices, but there are many other reasons because there are many other reasons why a water shed can be degraded including through urban practices and many other types of practices. So, I think this is a fair bill for the state."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5454.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Barr - 1.

Excused: Senators Deccio, McCaslin and Niemi - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5606, by Senators Prince, Vognild, Cantu, Fraser, Newhouse, Prentice, McAuliffe, Sutherland, Moore and Winsley

Directing the state auditor to scrutinize funds and accounts under the control of state agencies.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5606 was substituted for Senate Bill No. 5606 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5606.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5606 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 5606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5222, by Senators Skratek, Erwin, Bluechel, M. Rasmussen, Deccio, Winsley and Barr

Establishing a project to assist urban/rural economic partnerships.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5222 was substituted for Senate Bill No. 5222 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Substitute Senate Bill No. 5222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5222.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5222 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 5222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of Senate Bill No. 5307.

SECOND READING

SENATE BILL NO. 5307, by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5307 was substituted for Senate Bill No. 5307 and the substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendment by Senators Hochstatter, Amondson, Erwin and Hargrove be adopted:

On page 1, line 7, after "person" insert ", except a person who holds a valid concealed weapons permit,"

Debate ensued.

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

Further debate ensued.

POINT OF INQUIRY

Senator Oke: "Senator Pelz, when we started, I thought you said that you would approve of an amendment that would allow the individual that has a concealed weapons permit to leave that weapon in his car. Is that correct?"

Senator Pelz: "No, that is already in the bill. There is an amendment put forth by Senator Quigley that allows a parent, grandparent or legal guardian with a concealed weapons permit to drop off or pick up their child, which is to go into the building, pick up their child and come back out of the building. That would be an amendment to my bill that I would find acceptable.

"The bill, currently, allows a person with a concealed weapons permit to drive up, stay in the car, get the child, or to leave the car and leave the weapon locked in the vehicle."

Senator Oke: "If I may continue, Senator Pelz, with your knowledge of how easily it is to take radios out of cars, do you feel that leaving a weapon in a car is a safe place for a weapon?"

Senator Pelz: "Again, Senator Oke, I have to confess that was an amendment I put in in response to concern raised by gun advocates, frankly, to try to make the bill more acceptable to them."

Senator Oke: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Hochstatter, Amondson, Erwin and Hargrove on page 1, line 7, to Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Drew, Erwin, Hargrove, Hochstatter, Loveland, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Skratek, Smith, L., Sutherland, von Reichbauer and West - 21.

Voting nay: Senators Bauer, Bluechel, Franklin, Fraser, Gaspard, Haugen, Jesernig, McAuliffe, Moore, Moyer, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Talmadge, Vognilid, Williams, Winsley and Wojahn - 25.

Excused: Senators Deccio, McCaslin and Niemi - 3.

MOTION

Senator Skratek moved that the following amendment by Senators Skratek and Hargrove be adopted:

On page 1, line 8, after "premises" strike everything through "schools" on line 10 and insert ", while school is in session or during a school-sponsored event"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Skratek and Hargrove on page 1, line 8, to Substitute Senate Bill No. 5307.

The motion by Senator Skratek failed and the amendment was not adopted.

MOTION

Senator Nelson moved that the following amendments by Senators Nelson, Owen, Moyer, Skratek and Hochstatter be considered simultaneously and be adopted:

On page 2, beginning on line 6, before "Any" insert "(a)"

On page 2, after line 8, insert the following:

"(b) The board of directors of each school district shall adopt procedures, including a hearing, for the expulsion of any student violating subsection (1) of this section. The school shall notify the student's parents or guardian and the local law enforcement agency of the violation. Any school official who fails to comply with this subsection is guilty of a misdemeanor"

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Nelson, Owen, Moyer, Skratek and Hochstatter on page 2, lines 6 and 8, to Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 24; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Erwin, Hargrove, Hochstatter, Loveland, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Skratek, Smith, L., von Reichbauer, West and Winsley - 22.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, McAuliffe, Moore, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, Williams and Wojahn - 24.

Excused: Senators Deccio, McCaslin and Niemi - 3.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5307 was deferred.

SECOND READING

SENATE BILL NO. 5544, by Senators Hargrove, Owen and Snyder

Financing street utilities.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 1, line 15, after "businesses" strike "~~(shall)~~ may be measured (~~(solely)~~ either" and insert "shall be measured solely"

On page 1, line 16, after "employees", strike "or may be imposed on a per business entity basis"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Cantu: "Senator Vognild, under current law, that utility tax could be applied against both the business per employee and residential and this bill doesn't change that, it only changes the rate? Am I correct?"

Senator Vognild: "That is correct."

Senator Cantu: "I'm getting a 'no.' I am just not clear; I'm sorry."

Senator Vognild: "Under the amendment, the ability to totally exempt the business from the utility tax was removed from the bill. So, it would still be applied--if it is applied--it would be applied to business and residence, both, but they would be able to apply the tax to the business at as low a rate as they felt was necessary, so it didn't harm the business."

Senator Cantu: "O.K., I did understand that the rate could be from one penny to two dollars or whatever. That flexibility was not there, but the application to residences was there before. It is still there. The application of businesses was there and it is still there. The only difference is the rates?"

Senator Vognild: "Basically, that is correct."

Senator Cantu: "And that would be for both the homes and the businesses--the variable rate?"

Senator Vognild: "No, Senator, that affects only the business. The reason for that was that the business that was trying to hang on with fifty employees, being suddenly imposed with an additional one hundred dollar per month charge might put them under, but the benefit would still be there for all the residences at the same level. Constitutionally, we are also told that you have to have an application within class. That is why we used the business approach we used."

Senator Cantu: "Thank you."

MOTION

On motion of Senator Spanel, Senator Skratek was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5544.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5544 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Barr, Cantu and Roach - 3.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

ENGROSSED SENATE BILL NO. 5544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5508, by Senators Hargrove, Niemi, A. Smith, Nelson and Spanel

Modifying child support orders in dependency cases.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Rinehart and Adam Smith was adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.070 and 1990 c 246 s 2 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or [her] right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

~~(5)~~ The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

~~((5))~~ ~~(6)~~ If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

~~((6))~~ ~~(7)~~ If the person summoned as provided in this section is subject to an order of the court pursuant to subsection ~~((4- or))~~ (5) or (6) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT

PURSUANT TO RCW 13.34.070.

~~((7))~~ (8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

~~((8))~~ (9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

~~((9))~~ (10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 2. RCW 13.34.160 and 1987 c 435 s 14 are each amended to read as follows:

In ~~((any case in which))~~ an action brought under this chapter, the court ~~((shall find the child dependent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to))~~ may inquire into the ability of ~~((such persons or person able))~~ the parent or parents of the child to pay child support ~~((the child or contribute thereto, the court))~~ and may enter ~~((such))~~ an order ~~((or decree as shall be according to equity in the premises, and))~~ of child support as set forth in chapter 26.19 RCW. The court may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of RCW 26.23.050.

Sec. 3. RCW 13.34.180 and 1990 c 246 s 7 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070~~((7))~~(8), and shall allege:

- (1) That the child has been found to be a dependent child under RCW 13.34.030(2); and
- (2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and
- (3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and
- (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and
- (5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
- (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home;
- (7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.
2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your

rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are insert name and telephone number".

Sec. 4. RCW 26.19.071 and 1991 sp.s. c 28 s 5 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Overtime;
- (f) Contract-related benefits;
- (g) Income from second jobs;
- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;
- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Spousal maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits; and
- (t) Disability insurance benefits.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Gifts and prizes;
- (d) Aid to families with dependent children;
- (e) Supplemental security income;
- (f) General assistance; and
- (g) Food stamps.

Receipt of income and resources from aid to families with dependent children, supplemental security income, general assistance, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;

- (e) State industrial insurance premiums;
- (f) Court-ordered spousal maintenance to the extent actually paid;
- (g) Up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the two tax years preceding the earlier of the (i) tax year in which the parties separated with intent to live separate and apart or (ii) tax year in which the parties filed for dissolution; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) Imputation of income. The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, and age, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent or to a parent of a child in foster care or other out-of-home placement if that parent's availability for employment is significantly reduced by family reunification efforts. In the absence of information to the contrary, a parent's imputed income shall be based on the median income of year-round full-time workers as derived from the United States bureau of census, current populations reports, or such replacement report as published by the bureau of census.

Sec. 5. RCW 26.19.075 and 1991 sp.s. c 28 s 6 are each amended to read as follows:

(1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) **Sources of income and tax planning.** The court may deviate from the standard calculation after consideration of the following:

- (i) Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;
- (ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;
- (iii) Child support actually received from other relationships;
- (iv) Gifts;
- (v) Prizes;
- (vi) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;
- (vii) Extraordinary income of a child; or
- (viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) **Nonrecurring income.** The court may deviate from the standard calculation based on a finding that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income. Depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses, or income from second jobs. Deviations for nonrecurring income shall be based on a review of the nonrecurring income received in the previous two calendar years.

(c) **Debt and high expenses.** The court may deviate from the standard calculation after consideration of the following expenses:

- (i) Extraordinary debt not voluntarily incurred;
- (ii) A significant disparity in the living costs of the parents due to conditions beyond their control;
- (iii) Special needs of disabled children; ~~((e))~~
- (iv) Special medical, educational, or psychological needs of the children; or
- (v) Costs anticipated to be incurred by the parents in compliance with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child.

(d) **Residential schedule.** The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(e) **Children from other relationships.** The court may deviate from the standard calculation when either or both of the parents before the court have children from other relationships to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from other relationships shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have children from other relationships, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

NEW SECTION. Sec. 6. RCW 13.34.162 and 1988 c 275 s 15 are each repealed."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "cases;" strike the remainder of the title and insert "amending RCW 13.34.070, 13.34.160, 13.34.180, 26.19.071, and 26.19.075; and repealing RCW 13.34.162."

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5508.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

ENGROSSED SENATE BILL NO. 5508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5922, by Senators Snyder, Deccio, Vognild and Newhouse

Regarding the use of controlled substances by advanced registered nurse practitioners, certified nurse anesthetists.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5922 was substituted for Senate Bill No. 5922 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5922 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5922.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5922 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

SUBSTITUTE SENATE BILL NO. 5922, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5068, by Senators A. Smith, McCaslin, Nelson, Erwin, Vognild and Roach.

Changing the homestead exemption.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5068 was substituted for Senate Bill No. 5068 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5068.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5068 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Vognild - 1.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

SUBSTITUTE SENATE BILL NO. 5068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5061, by Senators Fraser, Winsley and A. Smith

Limiting residential time in parenting plans and visitation orders for abusive parents.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5061 was substituted for Senate Bill No. 5061 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Quigley, the following amendments by Senators Quigley and Fraser were considered simultaneously and were adopted:

On page 2, line 9, after "child," delete "and"

On page 2, line 10, after "(ii)" insert the following: "If the child was sexually abused by the parent requesting residential time and if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest; and"

Renumber the remaining subsections accordingly

On motion of Senator Quigley, the following amendments were considered simultaneously and were adopted:

On page 4, line 25, after "(ii)" strike "The" and insert "~~((The))~~ If the child was sexually abused by the parent requesting visitation and if the"

On page 4, line 26, after "abuse" strike "and" and insert "."

On page 4, line 27, after "and the" strike "abuser" and insert "offending parent"

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5061 was deferred.

SECOND READING

SENATE BILL NO. 5572, by Senators Prentice, Vogniild, Prince, Hargrove, Barr, McAuliffe, Haugen, Snyder, Pelz, Loveland, Sheldon, Moore, Erwin, Fraser, M. Rasmussen and Wojahn

Assessing environmental costs of transportation projects.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5572.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5572 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

SENATE BILL NO. 5572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5061, deferred earlier today.

MOTIONS

On motion of Senator Haugen, the following amendment was adopted:

On page 6, after line 7, insert the following:

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

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW 26.10.160;" strike "and reenacting and amending RCW 26.09.191" and insert "reenacting and amending RCW 26.09.191; and declaring an emergency"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5061.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5028, by Senator Haugen

Prohibiting additives for on-site sewage disposal systems.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5028.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 38.

Voting nay: Senators Anderson, Barr, Hochstatter, McDonald, Roach, von Reichbauer and Williams - 7.

Excused: Senators Deccio, McCaslin, Niemi and Skratek - 4.

SENATE BILL NO. 5028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 5471, by Senators A. Smith, Quigley, Nelson and Snyder (by request of Secretary of State)

Changing provisions relating to nonprofit corporations.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5471 was substituted for Senate Bill No. 5471 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5471.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5471 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Deccio, McCaslin and Niemi - 3.

SUBSTITUTE SENATE BILL NO. 5471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5307, deferred earlier today.

MOTION

Senator Skratek moved that the following amendment by Senators Skratek and Hargrove be adopted:

On page 2, line 8, after "schools" insert "for the remainder of the school year in which the violation occurs"

Debate ensued.

MOTION

On motion of Senator Spanel, Senator Talmadge was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Skratek and Hargrove on page 2, line 8, to Substitute Senate Bill No. 5307.

The motion by Senator Skratek carried and the amendment was adopted.

MOTION

Senator Skratek moved that the following amendments by Senators Skratek and Hargrove be considered simultaneously and be adopted:

On page 2, line 23, strike "or"

On page 2, line 26, after "vehicle" insert "; or

(g) Any person who is in lawful possession of an unloaded, secured firearm in a vehicle"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Skratek and Hargrove on page 2, lines 23 and 26, to Substitute Senate Bill No. 5307.

The motion by Senator Skratek carried and the amendments were adopted.

MOTION

Senator Quigley moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 23, strike "or" and insert the following:

"(f) A parent, grandparent, or legal guardian who has been issued a license under RCW 9.41.070, while picking up or dropping off a student; or"

On page 2, line 24, strike "(f)" and insert "(g)"

Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Quigley, I am trying to figure out if under this amendment, if I had a brother, sister, sister-in-law, or any other relative or neighbor that went to pick up my child at the school, whether they would be covered by this amendment or not?"

Senator Quigley: "I do not believe they would."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Quigley on page 2, lines 23 and 24, to Substitute Senate Bill No. 5307.

The motion by Senator Quigley carried and the amendments were adopted on a rising vote.

President Pritchard assumed the Chair.

MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter, Owen, Nelson, Amondson and Hargrove be adopted:

On page 2, after line 23, insert the following:

"(f) Any employee of a school district who is required to work beyond normal school hours and who is legally in possession of a concealed pistol under RCW 9.41.070; or"

Renumber the remaining paragraph accordingly

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Hochstatter, Owen, Nelson, Amondson and Hargrove on page 2, after line 23, to Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Erwin, Hargrove, Hochstatter, Loveland, McDonald, Nelson, Newhouse, Oke, Owen, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, McAuliffe, Moore, Moyer, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vogniild, Williams and Wojahn - 26.

Excused: Senators Deccio, McCaslin, Niemi and Talmadge - 4.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, beginning on line 26, after "vehicle" insert ";
(g) Any law enforcement officer of any federal, state, or local government agency"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hochstatter on page 2, line 26, to Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 30; Nays, 15; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Drew, Erwin, Fraser, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Nelson, Newhouse, Oke, Owen, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Sutherland, Vognild, von Reichbauer, West and Winsley - 30.

Voting nay: Senators Bauer, Bluechel, Franklin, Gaspard, Haugen, Moore, Moyer, Pelz, Prentice, Rasmussen, M., Rinehart, Snyder, Spanel, Williams and Wojahn - 15.

Excused: Senators Deccio, McCaslin, Niemi and Talmadge - 4.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 2, after line 26, insert the following:

"(4) The legislature recognizes that the right to keep and bear arms in defense of oneself as guaranteed by Article I, section 24 of the state constitution is a fundamental freedom, and that this basic civil right is extended to school premises to at least the level of possession allowed pursuant to this act. The following provisions shall apply to the issue of firearm civil rights on school premises:

(a) A person shall be guilty of the crime of denial of firearm civil rights if he or she is a public official or public employee and he or she prevents or obstructs a person from carrying a firearm in a lawful manner on school premises; denies or causes denial of the right of a person to possess a firearm in a lawful manner on school premises; prevents or obstructs a person from possessing a firearm on school premises at such locations, at such times, or under such conditions as may be allowed by law; or confiscates a person's firearm on school premises without lawful authority of due process of law or sets a policy for such confiscation.

(b) The crime of denial of firearm civil rights applies both to employees who violate a provision of this subsection and to any employers or supervisors who require or order an employee to violate a provision of this subsection. The fact or claim that a public official or public employee was acting under the direction of a supervisor is not a defense to an action under this subsection.

(c) Denial of firearm civil rights is a gross misdemeanor.

(d) A person whose firearm civil rights have been denied under this subsection shall be awarded civil damages equal to ten thousand dollars for each violation plus attorney fees and compensation for loss of income, loss of wages, loss of fringe benefits, transportation expenses, communication expenses, and all other costs associated with efforts to regain the person's firearm civil rights and ask civil remedies. The civil remedies may be sought regardless of whether or not criminal charges have been filed, and the petitioner's case shall not be prejudiced by the fact that criminal charges were not filed. The civil action may be brought in the county where the violation occurred or in Thurston county at the discretion of the petitioner."

POINT OF ORDER

Senator Pelz: "A point of order, Mr. President. I rise to question the scope and object of this amendment. The underlying bill deals with a limited subject of firearm possession while entering or being in school property. The amendment creates an entirely new crime dealing with firearm transactions and also civil liability relating to firearm transactions. The amendment has nothing to do with the unlawful possession of firearms."

Debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5307 was deferred.

MOTION

At 1:22 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Monday, March 15, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SIXTY-SECOND DAY, MARCH 13, 1993

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

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 15, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Moyer, Niemi and Sutherland. On motion of Senator Oke, Senators Deccio and Moyer were excused. On motion of Senator Spanel, Senators Niemi and Sutherland were excused.

The Sergeant at Arms Color Guard, consisting of Pages Teri Seeberger and Royce Owen, presented the Colors. Reverend Sandra Gillogly Lee, pastor of the Unitarian Universalist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 12, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1146,
SUBSTITUTE HOUSE BILL NO. 1219,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
HOUSE BILL NO. 1490,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1560,
HOUSE BILL NO. 1561,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630,
HOUSE BILL NO. 1637,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760,
SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1858,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988,
HOUSE BILL NO. 1991,
HOUSE BILL NO. 2001, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1993

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4412, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1443,
SUBSTITUTE HOUSE BILL NO. 1795,

SUBSTITUTE HOUSE BILL NO. 1801,
SUBSTITUTE HOUSE BILL NO. 1802,
SUBSTITUTE HOUSE BILL NO. 1855,
HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1870,
SUBSTITUTE HOUSE BILL NO. 1879,
HOUSE BILL NO. 1911,
HOUSE BILL NO. 1923,
SUBSTITUTE HOUSE BILL NO. 1926,
SUBSTITUTE HOUSE BILL NO. 1948,
SUBSTITUTE HOUSE BILL NO. 1955, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1146 by Representatives Heavey, King, G. Cole, Veloria, Orr, Quall, Dunshee, Franklin, Scott, Ludwig, Jones, Basich, Springer and J. Kohl

Requiring compliance with chapter 39.12 RCW of public works.

Referred to Committee on Labor and Commerce.

SHB 1219 by House Committee on Appropriations (originally sponsored by Representatives Orr, Locke, Heavey, Basich, Jones, Dellwo, Dunshee, Bray, Wang, Jacobsen, R. Meyers, Springer, Veloria, G. Cole, King, Johanson and Franklin)

Creating the public works administration account.

Referred to Committee on Labor and Commerce.

ESHB 1333 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Flemming, Leonard, Veloria, Chappell, R. Fisher, Dunshee, Linville, Eide, Franklin, Ludwig, Roland, Rayburn, Pruitt, Finkbeiner, Holm, Basich, Lemmon, Johanson, Karahalios, Jones, H. Myers, Morris, L. Johnson, Ogden and J. Kohl)

Providing for youth gang violence reduction.

Referred to Committee on Health and Human Services.

SHB 1443 by House Committee on State Government (originally sponsored by Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller)

Expanding the jurisdiction of the human rights commission.

Referred to Committee on Law and Justice.

HB 1490 by Representatives Wineberry, Forner, Shin, Sheldon, King, Karahalios, J. Kohl and Anderson

Providing for child care.

Referred to Committee on Health and Human Services.

ESHB 1496 by House Committee on Commerce and Labor (originally sponsored by Representative Dellwo)

Regulating employment agencies.

Referred to Committee on Labor and Commerce.

HB 1559 by Representatives Brown, Wolfe, Ballasiotes, Flemming, Riley, Kessler, Linville, Thibaudeau, Leonard, J. Kohl, Mastin, Wang, Jones, Pruitt, Karahalios, Campbell, Johanson, Quall, G. Fisher, Cothorn, L. Johnson, Kremen and H. Myers

Developing a plan for school-aged child care programs.

Referred to Committee on Health and Human Services.

SHB 1560 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Leonard, Karahalios and Johanson)

Adopting the uniform interstate family support act.

Referred to Committee on Law and Justice.

HB 1561 by Representatives Brown, Wolfe, Thibaudeau, Mastin, J. Kohl, H. Myers, Johanson, Romero, Leonard, Karahalios and L. Johnson

Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people.

Referred to Committee on Health and Human Services.

ESHB 1630 by House Committee on Judiciary (originally sponsored by Representatives Tate, Riley, Scott, Campbell, Padden, R. Meyers, Long, Forner, Johanson, Schmidt, Chappell, Chandler, Mielke, Reams, R. Johnson, Brough, Ballasiotes, Vance, Foreman, Sheahan, Schoesler, Miller, Jacobsen, Sheldon, Kremen, Silver, Cothorn, Morton, Wineberry and Wood)

Creating the crime of carjacking.

Referred to Committee on Law and Justice.

HB 1637 by Representatives Conway, Heavey, King, G. Cole, Basich, Kessler, G. Fisher, Karahalios, Jacobsen, Ogden and Veloria

Including municipal street railways in the definition of public work.

Referred to Committee on Labor and Commerce.

ESHB 1688 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Campbell, Forner, Roland, Tate, Mastin, Conway, Shin and Sheldon)

Installing manufactured homes.

Referred to Committee on Labor and Commerce.

ESHB 1760 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Appelwick, Miller, Johanson, Chappell, Ludwig, Scott and Mastin)

Regulating obligations for child support and spousal maintenance.

Referred to Committee on Law and Justice.

SHB 1778 by House Committee on Human Services (originally sponsored by Representatives Wolfe, Brown, Talcott, Leonard, Johanson, Kessler, Appelwick, Romero, Pruitt, H. Myers, Edmondson, Linville, Veloria, Anderson, Reams, Rust, Miller, Wang and J. Kohl)

Establishing the office of state employee child care.

Referred to Committee on Health and Human Services.

SHB 1795 by House Committee on Judiciary (originally sponsored by Representatives J. Kohl, Padden, Riley, Appelwick, Foreman, Roland, R. Fisher, Dellwo, Campbell, Anderson, Wineberry and Johanson)

Regulating vehicular pursuit.

Referred to Committee on Law and Justice.

SHB 1801 by House Committee on Health Care (originally sponsored by Representatives Morris, Flemming, Dellwo, Dyer, Zellinsky, Dorn, Valle, Rayburn, Ludwig, Bray, Pruitt and Long)

Granting temporary licenses to dental hygienists licensed in another state.

Referred to Committee on Health and Human Services.

SHB 1802 by House Committee on Health Care (originally sponsored by Representatives Veloria, Dellwo, Ballasiotes, Romero, Flemming, Lisk and Thibaudeau)

Modifying marriage and family therapist certification.

Referred to Committee on Health and Human Services.

SHB 1855 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Kessler and R. Meyers) (by request of Insurance Commissioner)

Enabling accreditation of the insurance commissioner.

Referred to Committee on Labor and Commerce.

HB 1858 by Representatives Brown, Romero, Foreman, Leonard, Lemmon, Mielke, Karahalios, Brough, Long, Kessler, Patterson and Mastin

Providing for periodic case review for children in substitute care.

Referred to Committee on Health and Human Services.

HB 1864 by Representatives Finkbeiner, Dyer, Horn, L. Johnson, Orr, Brumsickle, Cothorn, Springer, Mastin, Brough, Long, King and R. Meyers

Affording accelerant detection dogs the same protection as police dogs.

Referred to Committee on Law and Justice.

SHB 1870 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Heavey and R. Meyers)

Licensing bail bond agents.

Referred to Committee on Labor and Commerce.

SHB 1879 by House Committee on Local Government (originally sponsored by Representatives Springer, Edmondson, Bray, Romero, Sheldon, Long and Kremen)

Affording local firms a meaningful opportunity to compete for and obtain public contracts for architectural and engineering services.

Referred to Committee on Government Operations.

HB 1911 by Representatives Zellinsky, Reams and H. Myers

Regulating fire protection districts in newly incorporated cities and towns.

Referred to Committee on Government Operations.

HB 1923 by Representatives Veloria, Wood, Jacobsen, Ogden and J. Kohl

Modifying provisions relating to the advisory council on historic preservation.

Referred to Committee on Government Operations.

SHB 1926 by House Committee on State Government (originally sponsored by Representatives Anderson and Reams)

Regulating the sale and distribution of state publications.

Referred to Committee on Government Operations.

SHB 1948 by House Committee on State Government (originally sponsored by Representatives Bray, Ludwig, Rayburn and Grant)

Modifying provisions regarding the state commission on Hispanic affairs.

Referred to Committee on Government Operations.

SHB 1955 by House Committee on Local Government (originally sponsored by Representatives Dunshee, H. Myers and Edmondson)

Concerning hearings related to improvement districts.

Referred to Committee on Government Operations.

ESHB 1988 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Sheldon, Forner, Wineberry, Wood, Shin, Jones, Peery, Roland, Flemming, Quall, Springer, Conway, Morris, Valle, Dorn, Campbell, Linville, Karahalios, Eide, J. Kohl, H. Myers, Kessler, Holm, Wang, Wolfe, Anderson, Appelwick, Orr, Ogden, G. Cole, Scott, Lemmon, Leonard, Locke, R. Fisher, L. Johnson, Rayburn, Pruitt and Patterson)

Providing for employment and training services.

Referred to Committee on Trade, Technology and Economic Development.

HB 1991 by Representatives Flemming, Leonard, Karahalios, Kessler, Eide, J. Kohl, Riley, Dunshee, G. Cole, Veloria, Roland, Patterson, Wolfe, Wang, Johanson, H. Myers, Carlson, Dyer, L. Johnson, Jones, Quall, Rayburn, Springer, Holm and Ogden

Authorizing the home health visitor program to address child abuse and neglect.

Referred to Committee on Health and Human Services.

HB 2001 by Representatives H. Myers and R. Fisher

Clarifying voter-approval procedures for transit agencies.

Referred to Committee on Transportation.

HCR 4412 by Representatives Jacobsen, Miller, Anderson, R. Fisher and Finkbeiner

Appointing a poet laureate to be paid in Washington wine.

Referred to Committee on Government Operations.

SECOND READING

SENATE BILL NO. 5263, by Senators M. Rasmussen, Anderson, Barr and Bauer

Regulating the marketing of milk.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Moore and Talmadge - 2.

Excused: Senators Deccio, Moyer, Niemi and Sutherland - 4.

SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5948, by Senators Deccio, Talmadge, Franklin, Prentice and McCaslin

Modifying process and procedures for disciplining of health care professionals.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5948 was substituted for Senate Bill No. 5948 and the substitute bill was placed on second reading and read the second time.

POINT OF INFORMATION

Senator Deccio: "May I ask a question, Mr. President? Is this the striking amendment that we are looking at?"

REPLY BY THE PRESIDENT

President Pritchard: "We don't have an amendment here at the desk."

Senator Deccio: "We have a striking amendment; could we hold this down until we get it over here?"

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5948.

There being no objection, the Senate resumed consideration of Senate Bill No. 5638, deferred on second reading March 13, 1993. The demand for a roll call by Senator Haugen had been sustained on the adoption of the amendment by Senator Haugen on page 5, after line 12, to the amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen on page 3, after line 2.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Haugen on page 5, after line 12, to the amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen on page 3, after line 2, to Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 15; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Senators Bluechel, Drew, Haugen, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Skratek, Smith, A., Snyder and Spanel - 15.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Sheldon, Smith, L., Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 33.

Excused: Senator Moyer - 1.

The President declared the question before the Senate to be the adoption of the amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen on page 3, after line 2, to Senate Bill No. 5638.

POINT OF ORDER

Senator Skratek: "A point of order, Mr. President. I rise to challenge the scope and object of this particular amendment. This amendment is the takings bill. At a minimum, it goes far beyond the scope and object of the original bill which dealt with the

basis for appraisal for taxes and amends only a section of Title 84. This amendment deals with compensation of landowners for any type of government action which may reduce the value of the property. It originally was written as an addition of Titles 8, 35, 35A and 36, none of which are contained within the current bill before us. I urge you to agree with me."

Debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Skratek, the President finds that Senate Bill No. 5638 is a measure which specifies one of the criteria to be used in appraisals of real property for taxation purposes.

"The amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen defines circumstances under which a taking of property for public use has occurred and provides procedures for obtaining compensation.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order if well taken."

The amendment by Senators Snyder, Anderson, Hargrove, Bluechel, Amondson, Cantu and Owen on page 3, after line 2, to Senate Bill No. 5638 was ruled out of order.

MOTION

On motion of Senator Drew, the rules were suspended, Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5638 the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Moyer - 1.

SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5120, by Senator A. Smith

Changing provisions relating to consumer protection.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.86.090 and 1987 c 202 s 187 are each amended to read as follows:

Any person who is injured in his or her business or property by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or any person so injured because he or she refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained: PROVIDED, That such increased damage award for violation of RCW 19.86.020 may not exceed ~~(ten)~~ twenty-five thousand dollars: PROVIDED FURTHER, That such person may bring a civil action in the district court to recover his or her actual damages, except for damages which exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorney's fees. The district court may, in its discretion, increase the award of damages to an amount not more than three times the actual damages sustained, but such increased damage award shall not exceed the amount specified in RCW 3.66.020. For the purpose of this section "person" shall include the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may sue therefor in the superior court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

When an action is brought under this section the court shall take all reasonable steps, including transfer and consolidation of actions, to protect against duplicative recoveries for the same injury.

Proof of injury to the public interest shall not be required in any action brought under this section, except that the court shall require proof of injury to the public interest prior to any award above actual damages relating to an unfair or deceptive act or practice in violation of RCW 19.86.020. In addition, where injury to the public interest is not proven, the court shall award to the prevailing party costs of the suit, including reasonable attorney fees.

Sec. 2. RCW 19.86.920 and 1985 c 401 s 1 are each amended to read as follows:

The legislature hereby declares that the purpose of this act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts or practices in order to protect the public and foster fair and honest competition. It is the intent of the legislature that, in construing this act, the courts be guided by final decisions of the federal courts and final orders of the federal trade commission interpreting the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the relevant market or effective area of competition shall not be limited by the boundaries of the state of Washington. To this end this act shall be liberally construed that its beneficial purposes may be served.

It is, however, the intent of the legislature that this act shall not be construed to prohibit acts or practices which are reasonable in relation to the development and preservation of business (~~(or which are not injurious to the public interest)~~), nor be construed to authorize those acts or practices which unreasonably restrain trade or are unreasonable per se."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "protection;" strike the remainder of the title and insert "and amending RCW 19.86.090 and 19.86.920."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Nelson, to help me understand this, maybe you could help me. It says, 'proof of injury to the public interest shall not be required in any action brought under this section.' That doesn't mean too much to me. When it talked about that in this description on our calendar, I was inclined not to like this bill, but this is even more vague than that, so could you describe what we are doing here?"

Senator Nelson: "Well, Senator Barr, the following phrase may clear up the intent of the measure in that it says, 'except that the court shall require proof of injury to the public interest prior to any award above actual damage relating to an unfair or deceptive act or practice.' It may not be immediately aware to the court, when the action starts, but before the court concludes its action, it would require that proof of injury be determined."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5120.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Roach, Sellar and Smith, L. - 18.

ENGROSSED SENATE BILL NO. 5120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5948, deferred on second reading earlier today.

MOTION

Senator Talmadge moved that the following amendments by Senators Deccio and Talmadge be considered simultaneously and be adopted:

Beginning on page 2, line 18, strike section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

REQUIRED UNIFORM PROCEDURES. (1) The secretary shall develop uniform procedural rules to respond to public inquiries concerning complaints and their disposition, active investigations, statement of charges, findings of fact, and final orders involving a licensee, applicant, or unlicensed person. The uniform procedural rules adopted under this subsection apply to all adjudicative proceedings conducted under this chapter and shall include provisions for the establishing time lines for discovery, settlement, and scheduling hearings.

(2) The uniform procedures for conducting investigations shall provide that prior to taking a written statement:

(a) For violation of this chapter, the investigator shall inform such person, in writing of: (i) The nature of the complaint; (ii) that the person may consult with legal counsel at his or her expense prior to making a statement; and (iii) that any statement that the person makes may be used in an adjudicative proceeding conducted under this chapter; and

(b) From a witness or potential witness in an investigation under this chapter, the investigator shall inform the person, in writing, that the statement may be released to the licensee, applicant, or unlicensed person under investigation if a statement of charges is issued.

(3) The disciplining authority may enter into an agreement to dispose of a matter with or without a finding of unprofessional conduct or inability to practice, which may include one or more sanctions set forth in RCW 18.130.160. When the representative of the disciplining authority and the respondent have entered into a written settlement agreement, such agreement shall be submitted to the disciplining authority for approval. In considering whether to approve the settlement, the disciplining authority may consider such written materials as the parties may agree. If no settlement is approved by the disciplining authority and the matter proceeds to a hearing, a person who participated in the decision not to approve the proposed settlement may not participate as a hearing officer or board panel member in the hearing.

(4) In order to assure the uniform application of the procedural rules developed by the secretary, the secretary or his or her designee shall serve as presiding officer for all proceedings under this chapter, including those conducted by disciplinary authorities identified in RCW 18.130.040(2)(b), other than the board of funeral directors and embalmers, and shall perform all functions of the presiding officer under chapter 34.05 RCW. In those areas where the disciplining authority is a board, the secretary or his or her designee, shall not vote on the final decision.

On page 4, beginning on line 11, after "has a" strike all material through "but" on line 12, and insert "program violation that in the opinion of the monitoring program does not affect the continuing ability to practice, and"

On page 6, beginning on line 8, strike all of section 4

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Deccio and Talmadge on page 2, line 18; page 4, beginning on line 11; and page 6, beginning on line 8; to Substitute Senate Bill No. 5948.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "18.130.175;" insert "and"

On page 1, line 3 of the title, strike "; and creating a new section"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 5948 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5948.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5948 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5911, by Senators Cantu, Skratek, Bluechel and Winsley

Promoting economic development.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5911 was substituted for Senate Bill No. 5911 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Skratek and Cantu was adopted:
On page 1, beginning on line 19, strike all material down through "review." on page 2, line 6

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute Senate Bill No. 5911 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5911.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5911 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Voting nay: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5372, by Senators Loveland and Winsley

Changing multiple tax provisions.

MOTION

Senator Haugen moved that Senate Bill No. 5372 not be substituted.

The President declared the question before the Senate to be the motion by Senator Haugen that Senate Bill No. 5372 not be substituted.

The motion by Senator Haugen carried and Senate Bill No. 5372 was not substituted.

PARLIAMENTARY INQUIRY

Senator Nelson: "A parliamentary inquiry, Mr. President. We now have before us, on the floor, amendments that have been made to Substitute Senate Bill No. 5372. What is the action on the part of the President as far as the acceptance of amendments that are now to the substitute bill, rather than the original bill?"

REPLY BY THE PRESIDENT

President Pritchard: "Good question."

MOTION

Senator Jesernig moved that the Senate reconsider the vote by which Senate Bill No. 5372 was not substituted.

The motion by Senator Jesernig carried and the Senate will reconsider the motion to not substitute Senate Bill No. 5372.

MOTION

On motion of Senator Haugen, on reconsideration, Substitute Senate Bill No. 5372 was substituted for Senate Bill No. 5372 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, Anderson, Hargrove, Amondson, Owen, Newhouse, McCaslin, Sellar, West and Bluechel be adopted:

On page 34, after line 6, insert the following:

"NEW SECTION. Sec. 43. A new section is added to Title 84 RCW to read as follows:

Whenever any regulation or implementation of a regulation by the state or any of its political subdivisions directly or indirectly operates to reduce the assessed value of a parcel of real property immediately prior to such regulation or implementation, the parcel is deemed to be taken for public use."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Haugen: "A point of order, Mr. President. I would ask for your opinion on the scope and object of this amendment. This bill deals exclusively with local tax procedures. Then it deals with sections covering such matters as the timing of remittance of taxes from one unit of government to another, property tax appeal procedures, extension of senior citizens extensions-just lots of basic cleanup. It has nothing to do with assessments and I believe I would like a ruling on scope and object."

Further debate ensued.

POINT OF INFORMATION

Senator Hargrove: "Mr. President, I'm not totally familiar with this process. Can I argue in favor of the non-scope motion also?"

REPLY BY THE PRESIDENT

President Pritchard: "No, just the proponent and the opponent, so 'no,' Senator, you can't."

Senator Hargrove: "Can you tell me where that rule is?"

President Pritchard: "Well, the President so rules."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5372.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of Senate Bill No. 5483.

STATEMENT FOR THE JOURNAL

I should have been registered as a 'NO' vote on Senate Bill No. 5483 - as was my intent.

I was busy working another legislative problem and made a mistake on what bill was up when I voted.

I would appreciate your having this changed in the file. Thank you very much.

SENATOR EUGENE A. PRINCE, 9th District

SECOND READING

SENATE BILL NO. 5483, by Senators Prentice, Winsley, Vognild, Wojahn, Moore, Rinehart, McAuliffe, Sutherland, Pelz and Franklin

Providing for arbitration in public transportation labor negotiations.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5483 was substituted for Senate Bill No. 5483 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Prentice, I am trying to read through this bill and there is a lot of language that has been inserted. Could you tell me if, in this bill, in binding arbitration, is there a last best final offer?"

Senator Prentice: "I don't believe so, no. The mediator makes the decision; both parties will negotiate for a period of time and after the mediation process and anyone who is experienced knows that you make various compromises and then you start from that point."

Senator Anderson: "If I may, Senator Prentice, what section is that language found in?"

Senator Prentice: "I believe it is in the Substitute. I don't have it in front of me. I would like to point out that, with the amendments, it would be the Substitute, and that the Washington State Transit Association no longer opposes the bill."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5483.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5483 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Hochstatter, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Roach and Sellar - 14.

Absent: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 5483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:14 a.m., on motion of Senator Jesernig, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:19 a.m. by President Pritchard

MOTION

On motion of Senator Loveland, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 5511, by Senators Loveland, Winsley, Quigley, Snyder and Pelz (by request of Secretary of State)

Enabling voter registration by mail.

MOTION

On motion of Senator Drew, Second Substitute Senate Bill No. 5511 was substituted for Senate Bill No. 5511 and the second substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Jesernig, further consideration of Second Substitute Senate Bill No. 5511 was deferred.

SECOND READING

SENATE BILL NO. 5917, by Senators Drew, Vognild, McAuliffe and M. Rasmussen

Restructuring statutes on state participation in rail freight service.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following amendment was adopted:

On page 7, line 2, after "~~committee~~)." insert "The department of transportation shall immediately report any expenditure of essential rail banking account funds on rail banking projects to the legislative transportation committee. The report shall include a description of the project, the project's rank in relation to other potential projects, the amount of funds expended, the terms and parties to the transaction, and any other information that the legislative transportation committee may require."

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5917 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5917.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5917 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice,

Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 5917, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5164, by Senators Wojahn and Talmadge

Exempting nonprofit organizations providing credit services from the business and occupation tax.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5164.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Skratek - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5511, deferred on second reading earlier today.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 5, after line 30, insert the following:

"NEW SECTION. Sec. 14. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Roach on page 5, after line 30, to Second Substitute Senate Bill No. 5511.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senator Newhouse - 1.

Excused: Senator Owen - 1.

MOTION

On motion of Senator Drew, the rules were suspended, Second Substitute Senate Bill No. 5511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5511.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar and West - 16.

Excused: Senator Owen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5903, by Senators Bauer, Winsley and von Reichbauer (by request of State Board for Community and Technical Colleges)

Allocating basic education funding to community and technical colleges for students enrolled in community or technical colleges.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Barr - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Anderson and Moyer were excused.

SECOND READING

SENATE BILL NO. 5385, by Senators Moore, Newhouse, McAuliffe and Winsley (by request of Department of Licensing)

Creating the uniform commercial code fund.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Barr, McDonald, Nelson, Roach, von Reichbauer and West - 6.

Excused: Senators Anderson, Moyer and Owen - 3.

SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 5831, by Senators Barr, Sutherland and McCaslin

Limiting certain payments by electrical utilities to owners of residences in which the primary heat source is electric resistance space heat.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:

On page 3, after line 4, insert the following:

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

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, beginning on line 3 of the title, after "19.27A.035;" strike "and creating a new section" and insert "creating a new section; and declaring an emergency"

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Senate Bill No. 5831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5831.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5831 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi,

Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Anderson and Owen - 2.

ENGROSSED SENATE BILL NO. 5831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:06 p.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senators McDonald, Moyer and Linda Smith were excused.

SECOND READING

SENATE BILL NO. 5829, by Senators Moore and Prince

Licensing mortgage brokers, associate mortgage brokers, and loan originators.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5829 was substituted for Senate Bill No. 5829 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5829.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5829 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators McDonald, Moyer, Owen and Smith, L. - 4.

SUBSTITUTE SENATE BILL NO. 5829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5307 and the pending amendment by Senator Roach on page 2, after line 26, deferred March 13, 1993.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Pelz, the President finds that Substitute Senate Bill No. 5307 is a measure which extends the crime of firearms possession on school premises to all persons and to related areas, defines exceptions to the crime, adds violations as a basis for expulsion, adds schools and related areas to the list of firearm restricted areas, allows municipalities to pass ordinances, and adds an exception to the limits on release of student permanent records.

"The amendment by Senator Roach would recognize a state constitutional right to bear arms and apply it specifically to school premises. The amendment also creates a crime of denial of firearm civil rights for the prevention or obstruction of lawful possession of firearms on school premises.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Roach on page 2, after line 26, to Substitute Senate Bill No. 5307 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 2, after line 26, to Substitute Senate Bill No. 5307.

Debate ensued.

Senator Roach demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 2, after line 26, to Substitute Senate Bill No. 5307.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

Senator Skratek moved that the following amendment by Senators Skratek and Hargrove be adopted:

On page 2, after line 26, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

Each school district and private school shall report by January 31st of each year all known incidents involving the possession of weapons on school premises, transportation systems, or athletic facilities in violation of RCW 9.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Skratek and Hargrove on page 2, after line 26, to Substitute Senate Bill No. 5307.

The motion by Senator Skratek carried and the amendment was adopted.

MOTION

Senator Roach moved that the following amendments be considered simultaneously and be adopted:

On page 2, beginning on line 27, strike all of Section 2.

On page 4, line 29, strike "3" and insert "2"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Roach on page 2, beginning on line 27, and page 4, line 29, to Substitute Senate Bill No. 5307.

The motion by Senator Roach carried and the amendments were adopted.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 5, after line 15, insert a new section as follows:

"Sec. 4. RCW 10.31.100 and 1988 c 190 s 1 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((9))~~ (9) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.100 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

(10) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((10))~~ (11) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the police officer acts in good faith and without malice."

POINT OF ORDER

Senator Jesernig: Mr. President, a point of order on this amendment. I think I am correct on this. This is Senator Sutherland's bill which is presently on the calendar, actually. Is it 5107, Senator Sutherland? Yes, 5107. My question is, is it appropriate to have an amendment which is exactly like a separate bill that is before the Legislature?"

REPLY BY THE PRESIDENT

President Pritchard: "There is no law against it unless the members object."

Senator Jesernig: "O.K."

President Pritchard: "There is no law or rule against it. I'll put it that way."

Senator Jesernig: "Thank you, Mr. President."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 5, after line 15, to Substitute Senate Bill No. 5307.

The motion by Senator Roach carried and the amendment was adopted.

MOTION

Senator Erwin moved that the following amendment by Senators Erwin and von Reichbauer be adopted:

On page 2, after line 26, insert the following new subsection:

"(4) The legislature recognizes that the right to keep and bear arms in defense of oneself as guaranteed by Article I, section 24 of the state Constitution is a fundamental freedom, and that this basic civil right is extended to school premises to at least the level of possession allowed pursuant to this act. The following provisions shall apply to the issue of firearm civil rights on school premises:

(a) The crime of denial of firearm civil rights applies both to employees who violate a provision of this subsection and to any employers or supervisors who require or order an employee to violate a provision of this subsection. The fact or claim that a public official or public employee was acting under the direction of a supervisor is not a defense to an action under this subsection.

(b) Denial of firearm civil rights is a gross misdemeanor.

(c) A person whose firearm civil rights have been denied under this subsection shall be awarded civil damages equal to ten thousand dollars for each violation plus attorney fees and compensation for loss of income, loss of wages, loss of fringe benefits, transportation expenses, communication expenses, and all other costs associated with efforts to regain the person's firearm civil rights and ask civil remedies. The civil remedies may be sought regardless of whether or not criminal charges have been filed, and the petitioner's case shall not be prejudiced by the fact that criminal charges were not filed. The civil action may be brought in the county where the violation occurred or in Thurston county at the discretion of the petitioner."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe this amendment is exactly the same amendment that was offered by Senator Roach and rejected by the body. I don't believe the amendment is properly before the Senate."

REPLY BY THE PRESIDENT

President Pritchard: "We're looking at it. It appears that way. We are looking at it. Senator Talmadge, there are some differences."

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

POINT OF INQUIRY

Senator Talmadge: "Senator Erwin, when the previous amendment that Senator Roach sponsored was up, I indicated in floor remarks that there was a section in here that created a new civil claim and the opportunity to recover a whole variety of new types of damages. Can you explain for me what some of these things are, like what would be communication expenses associated with a civil claim for violation of a firearms civil right?"

Senator Erwin: "Senator Talmadge, thanks for your question. I can tell you that this is similar and perhaps Senator Roach would like to answer some of those. The intent is similar; the language is different and--"

Senator Talmadge: "Transportation expenses, do you have an idea of what that was meant to be?"

Senator Erwin: "I have my own ideas about what those things could be, but I don't wish to divulge them on this floor of the Senate here. Thank you."

Further debate ensued.

POINT OF ORDER

Senator Pelz: "A point of order, is this the second time that Senator Roach has spoken to this issue--this amendment?"

REPLY BY THE PRESIDENT

President Pritchard: "This is the first time on this issue."

Senator Pelz: "On this amendment?"

President Pritchard: "On this amendment, yes, first time."

Senator Pelz: "First time?"

President Pritchard: "Senator Erwin moved the amendment. This is Senator Roach."

MOTION

On motion of Senator Oke, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Erwin and von Reichbauer to Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 10; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Barr, Erwin, Hochstatter, Nelson, Roach, Sellar, Smith, L., von Reichbauer and West - 10.

Voting nay: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 38.

Excused: Senator Anderson - 1.

MOTION

Senator Nelson moved that the following amendment be adopted:

On page 2, after line 26, insert the following:

"(i) Pursuant to 18 USC 922, "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds."

POINT OF INQUIRY

Senator Pelz: "Senator Nelson, what is the financial impact of this? Who is going to pay to put these signs up?"

Senator Nelson: "Senator Pelz, the federal law dealing with gun-free zone signs indicates that there is a cooperative effort among federal, state and local authorities to cause these signs to be placed. In some cases, they will be signs that will be on school premises and in other cases, they will be adjacent to school premises. I felt that no cost is prohibitive of reaching the solution that we are trying to get here. This particular issue of putting up signs is, in my opinion, one step forward toward making these grounds safe for everyone. If you give proper notification, then you have no excuse whether it be school personnel or law enforcement fulfilling the existing law, let alone the extension of the law that we are now placing in this bill."

Further debate ensued.

POINT OF INQUIRY

Senator West: "Senator Pelz, is the underlying purpose of this bill to prevent guns in schools and on school property?"

Senator Pelz: "Yes it is, Senator West."

Senator West: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 2, after line 26, to Substitute Senate Bill No. 5307.

The motion by Senator Nelson carried and the amendment was adopted:

MOTION

Senator Roach moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.280 and 1989 c 219 s 1 are each amended to read as follows:

(1) It is unlawful for ~~((an elementary or secondary school student under the age of twenty-one knowingly))~~ a person to carry onto public or private elementary or secondary school premises, while school is in session or during a school-sponsored event:

- (a) Any firearm; or
- (b) Any dangerous weapon as defined in RCW 9.41.250; or
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such ~~((student))~~ person violating subsection (1) of this section is guilty of a gross misdemeanor.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools for the remainder of the school year in which the violation occurs.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy; or
- (b) Any ~~((student))~~ person engaged in military, law enforcement, or school district security activities~~((sponsored by the federal or state governments while engaged in official duties))~~; or
- (c) Any ~~((student))~~ person who is ~~((attending))~~ involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed; or
- (d) Any ~~((student))~~ person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises; ~~((or))~~
- (e) Any ~~((student))~~ person while the ~~((student))~~ person is participating in a firearms or air gun competition approved by the school or school district;
- (f) Any person legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle;
- (g) Any person who is in lawful possession of an unloaded, secured firearm in a vehicle; or
- (h) Any person in possession of a firearm pursuant to RCW 9.41.070. Any person who carries a firearm onto a school premise pursuant to RCW 9.41.070 shall, immediately upon entry onto the premises, proceed directly to the administrative office of the school and notify the highest-ranking available administrative official of the fact that the firearm is on school premises. Violation of the requirement to notify the appropriate official is a violation of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

In any civil action brought against a minor for recovery of damages for actions which violate RCW 9.41.280, any parent or parents or legal guardian or guardians of such minor, with whom such minor resides shall notwithstanding any other provisions of RCW 4.24.190, be liable for all harm caused by the violation, unless such firearm, dangerous weapon, or other device was obtained unlawfully and the parent or guardian had no knowledge thereof.

Sec. 3. RCW 28A.635.060 and 1989 c 269 s 6 are each amended to read as follows:

(1) Any pupil who shall deface or otherwise injure any school property, shall be liable to suspension and punishment. Any school district whose property has been lost or willfully cut, defaced, or injured, may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages, unless the student is transferring to another elementary or secondary educational institution, in which case the student's permanent record shall be released promptly to the receiving school. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason."

POINT OF ORDER

Senator Adam Smith: "A point of order, Mr. President. This amendment was offered and then it was withdrawn with the consent of the body and now we are offering it again. I thought we withdrew it and everyone said o.k. Can we just bring it back up and offer it again since it is the exact same amendment--just out of curiosity?"

RULING BY THE PRESIDENT

President Pritchard: "Senator Smith, it was not decided before; it was not debated. The Chair feels that it is proper to have it and make a determination."

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Roach to Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; Nays, 32; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Erwin, Hochstatter, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Roach, Sellar, von Reichbauer and West - 16.

Voting nay: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 32.

Absent: Senator Smith, L. - 1.

MOTION

On motion of Senator Pelz, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "9.41.300" insert "10.31.100"

On page 1, line 2 of the title, after "28A.635.060;" insert "adding a new section to chapter 28A.320 RCW;"

MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute Senate Bill No. 5307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Pelz, the amendment offered by Senator Quigley and adopted which referred to 'a parent, a grandparent or legal guardian who has been issued a license would be an exception while picking up or dropping off a student,' would it be the legislative intent that if this parent coming to pick up a student didn't find the student there for some reason, they would be included in the exemption? In other words, if the intent was to pick up--"

Senator Pelz: "Yes, that is the legislative intent."

Senator Hargrove: "O.K., thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Amondson, Barr, Hochstatter, Roach, Sellar and Smith, L. - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5597, by Senators A. Smith, Spanel and Rinehart (by request of Attorney General)

Limiting the use of documentary materials.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5597.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator McDonald - 1.

SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5176, by Senators Vognild, Pelz, Moore, Wojahn and Fraser

Concerning the cashing of government issued checks or warrants.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5176 was substituted for Senate Bill No. 5176 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Niemi, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, Nelson, Newhouse, Oke, Prentice, Sellar, Smith, L. and West - 16.

SUBSTITUTE SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5368, by Senators Owen, Sutherland, McDonald, Bauer, Nelson, Anderson and Erwin

Creating a sales tax exemption for certain vessels.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5368 was substituted for Senate Bill No. 5368 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5368.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5368 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5778, by Senators Prentice, Hargrove, Jesernig, Prince, Wojahn, Haugen, Franklin, Spanel, Fraser, Barr, Amondson, McAuliffe, Moore, Moyer, Hochstatter and Pelz

Creating a joint underwriting association for midwives.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5778 was substituted for Senate Bill No. 5778 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the following amendments by Senators Prentice and Amondson were considered simultaneously and were adopted:

On page 2, line 29, after "chapter." insert "Such plan shall include a market assistance plan to be used prior to activating a joint underwriting association."

On page 3, line 9, after "volume." insert "Any rating plan for midwifery malpractice insurance used under this section must be based on sound actuarial principles."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5778.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5778 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senators Hargrove and Pelz - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5578, by Senators Fraser, Owen, Oke, Hargrove, Haugen and Winsley

Clarifying the areas where a personal use fishing license is not required.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 5578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5578.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5578 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5905, by Senators Vognild, Fraser and Deccio (by request of County Road Administration Board)

Changing provisions regarding the county road administration board.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5905.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5905 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5729, by Senator Rinehart

Changing the family emergency assistance program.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendments were considered simultaneously and were adopted:

On page 2, line 13, after "level." strike "without" and insert "and may include"

On page 2, beginning on line 29, strike all of section 2.

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" insert "and" and on line 2, after "660" strike "; and repealing RCW 74.14C.065"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5729.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5729 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5537, by Senators Sutherland, Hochstatter and A. Smith (by request of Utilities and Transportation Commission)

Concerning alternate operator service companies.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5537 was substituted for Senate Bill No. 5537 and the substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendment by Senators Hochstatter, Amondson, West, Owen, McCaslin, McDonald, Vognild and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The joint select committee on telecommunications is hereby created. The committee shall consist of eight members, four from the house of representatives to be appointed by the speaker of the house of representatives and four from the senate to be appointed by the president of the senate, with not more than two members from each chamber being of the same political party. The chairperson and vice-chairperson of the committee shall be jointly selected by the president of the senate and the speaker of the house. Vacancies shall be filled in the same manner as the original appointment. The committee shall use existing legislative staff to the extent practicable.

The committee shall study the services and charges of alternate operator service companies as they relate to local exchanges, local hotel exchanges, long distance service, and 911 emergency communications networks.

The committee in the exercise of its responsibilities shall be deemed to be performing operations in assistance to the Washington utilities and transportation commission and shall be funded from the public service revolving fund. The committee shall have the authority to hire such additional staff, create such advisory committees, contract with such state agencies or private consultants, and incur such administrative, educational, and member and staff travel expenses as it deems necessary within its budget, subject to available funds and the approval of the senate facilities and operations committee and the house of representatives executive rules committee in accordance with the joint rules. Committee-related travel expenses of the committee members and staff shall be paid from the committee's budget.

The committee shall be housed in existing facilities and shall be subject to the rules of the house of the chairperson.

The committee shall report to the legislature in January 1994 and cease to exist on July 1, 1994."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hochstatter, Amondson, West, Owen, McCaslin, McDonald, Vognild and Rasmussen to Substitute Senate Bill No. 5537.

The motion by Senator Hochstatter failed and the amendment was not adopted.

MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 5537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Anderson, Barr, Hochstatter, Loveland, McCaslin, Moore, Oke and Vognild - 9.

SUBSTITUTE SENATE BILL NO. 5537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5768, by Senators Haugen, Oke, Loveland, Nelson, Owen, Cantu and Moyer

Providing for inspection services at an emergency scene upon the request of a public official.

The bill was read the second time.

MOTION

Senator Adam Smith moved that the following amendment by Senators Adam Smith, Haugen and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.52.010 and 1986 c 266 s 23 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person who is registered with a local emergency management organization or the department of community development and holds an identification card issued by the local emergency management director or the department of community development for the purpose of engaging in authorized emergency management activities, is an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6) "Emergency or disaster" as used in this chapter shall mean an event or set of circumstances which: (a) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of community development.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the department of community development.

(12) "Damage to property" includes, without limitation, any business interruption or other economic losses that may result from damage to, or the destruction or condemnation of, any real property."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Adam Smith, Haugen and McCaslin to Senate Bill No. 5768.

The motion by Senator Adam Smith carried and the amendment was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "scene;" strike the remainder of the title and insert "and amending RCW 38.52.010."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 5768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5768.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5768 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5534, by Senators Vognild and Prince

Authorizing terminal safety audits of private carriers.

The bill was read the second time.

MOTIONS

On motion Senator Barr, the following amendment by Senators Barr and Vognild was adopted:

On page 1, beginning on line 14, strike the remainder of subsection (b) and insert "(i) have terminal operations located in the state of Washington, and (ii) operate fleets of three or more vehicles are subject to commission jurisdiction. The Washington state patrol will continue to conduct highway safety inspections for all private carriers."

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5534.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5534 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5397, by Senators Sheldon, Prince, Winsley, Bauer, Drew and Oke

Granting resident status at institutions of higher education for active duty personnel stationed in Washington and their spouses and dependents.

MOTIONS

On motion Senator Bauer, Substitute Senate Bill No. 5397 was substituted for Senate Bill No. 5397 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Spanel, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5397.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5397 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Moore - 1.

SUBSTITUTE SENATE BILL NO. 5397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5349, by Senators Pelz and Moyer

Renaming educational clinics.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5349.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5349 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5077, by Senator Vognild

Specifying when damages for pain and suffering of a deceased person may be recovered by survivors.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Cantu and Newhouse - 2.

SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5264, by Senators M. Rasmussen, Bluechel, Skratek, Erwin, Deccio, Roach, Sheldon, Williams, Moore, Loveland, Sutherland, Bauer and Winsley

Establishing a Washington state trade office in the Russian Far East.

MOTIONS

On motion of Senator Skratek, Second Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Second Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Vognild - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5682, by Senators Sutherland, Oke, Prentice and Erwin

Exempting certain religious publications and subscribers from insurance provisions.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5682 was substituted for Senate Bill No. 5682 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the following amendment by Senators Sutherland, Amondson, Moore and Oke was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.01 RCW to read as follows:

This title does not apply to an organization that:

- (1) Operates as a nonprofit organization registered under chapter 19.09 RCW;
- (2) Produces a periodic publication that:
 - (a) Suggests amounts publication subscribers may voluntarily give to other subscribers, with no assumption of risk or promise to pay either among the subscribers or between the subscribers and the publication;
 - (b) Provides for the payment of subscriber financial or medical needs by payments directly from one subscriber to another; and
 - (c) Discloses plainly in bold ink on the first page of any pamphlet, advertisement, questionnaire, enrollment, or subscription form:

"WARNING: THIS IS NOT AN INSURANCE CONTRACT. IF YOU ARE NOT HELPED WITH ANY OF YOUR NEEDS, YOU HAVE NO LEGAL RECOURSE AGAINST ANY OTHER SUBSCRIBER OR THE ORGANIZATION. NO CONTRACT OF INSURANCE OR INDEMNIFICATION EXISTS EITHER IN FACT OR IMPLIED.";

(3) Acts as an organizational clearinghouse for information between subscribers who have financial, physical, or medical needs and subscribers who choose to assist with those needs, matching subscribers with the present ability to pay with subscribers having a present financial or medical need; and

(4) Receives subscription fees or other payments or charges of any kind annually from subscribers that do not exceed an amount equal to eight and thirty-four one-hundredths percent of the total suggested amounts to give published annually."

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 1 of the title, after "48 RCW;" strike the remainder of the title and insert "and adding a new section to chapter 48.01 RCW."

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 5682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Franklin: "Senator Sutherland, is this organization equivalent to a benevolent type organization such as say the fraternal organization of the Elks and do you classify it as, perhaps, missionary work as done by the churches?"

Senator Sutherland: "The bill only authorizes companies that are on record with the federal government with what is considered a 501-C3 non-profit organization. I don't believe that they would be considered fraternal organizations like the Elks, the

Moose, those other kinds of lodges in the state of Washington. In fact, to the best of my knowledge, those fraternal organizations are currently exempt or for the most part, exempt, in state law from any kind of regulatory review even if they provide full health care benefits.

"The particular company that has been discussed this afternoon, the Christian Brotherhood Newsletter, with the administrative fee that they receive in addition to the salaries that they pay, as Senator Wojahn has mentioned, they do support two other entities. One of those is a drug/alcohol rehabilitation center and the second are six missions in Haiti. Those six missions and the drug rehab center are all paid out of the subscriber fee for the newsletter, not out of anything that individual subscribers would send to each other."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5682.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5682 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, von Reichbauer, West, Williams and Winsley - 39.

Voting nay: Senators Loveland, McAuliffe, Moore, Niemi, Rasmussen, M., Skratek, Spanel and Wojahn - 8.

Absent: Senator Gaspard - 1.

Excused: Senator Vognild - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5875, by Senators Gaspard, von Reichbauer, A. Smith, Winsley and M. Rasmussen (by request of Military Department)

Enacting the national guard mutual assistance counter-drug activities compact.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5875.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5875 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Hochstatter - 1.

SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5107, by Senators Sutherland and A. Smith

Concerning arrest without warrant.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5155, by Senators Skratek, Haugen, Drew and Roach

Changing requirements for the establishment of community councils.

The bill was read the second time.

MOTIONS

Senator Bauer moved that the following amendments by Senators Bauer and Vognild be considered simultaneously and be adopted:

On page 1, line 9, after "unincorporated areas" strike all material down to and including "~~islands~~")" on line 10 and insert "in counties with a population of over thirty thousand that are made up entirely of islands and in counties with a population of over one million"

On page 2, line 4, after "established" strike all material down to and including "~~islands~~")" on line 6 and insert "and which is located in a county with a population of over thirty thousand that are made up entirely of islands and in counties with a population of over one million"

On page 2, line 18, after "county" strike all material down to and including "~~town~~")" on line 20 and insert "with a population of over thirty thousand that is made up entirely of islands and in counties with a population of over one million and not included within a city or town"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Bauer and Vognild on page 1, line 9, and page 2, lines 4 and 18, to Senate Bill No. 5155.

The motion by Senator Bauer carried and the amendments were adopted on a rising vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5155.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5155 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Barr, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Bauer, Bluechel, Deccio, McCaslin, McDonald, Moore, Nelson, Sellar, Smith, L., Vognild, von Reichbauer and Williams - 13.

ENGROSSED SENATE BILL NO. 5155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5405, by Senators Pelz, Oke, McAuliffe and Winsley

Raising the minimum dollar amount requiring competitive bidding by school districts.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 26, after "roster." insert "Contractors on the small works roster submitting quotations under this subsection are exempt from RCW 39.12.020 and 39.12.021."

On page 3, line 4, after "followed." insert "Contractors on the small works roster submitting bids under this subsection are exempt from RCW 39.12.020 and 39.12.021."

POINT OF ORDER

Senator Vognild: "Mr. President, I'd raise the point of order that these amendments expand the scope and object of the bill. This bill is a bill that is very narrowly drawn. It is a bill that simply changes the dollar figures by which they must go to bid. The amendments attempt to amend the prevailing wage law and, as a matter of fact, the amendments do not carry a title amendment, but it would require a title amendment before it could be added to this bill."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5405 was deferred.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SENATE BILL NO. 5357, by Senators Pelz, Sutherland, Jesernig, Snyder, Gaspard, Fraser, Moore and Quigley

Requiring contractors for school employment service contracts to provide health care and retirement benefits commensurate with those provided for classified employees performing similar services.

MOTIONS

On motion of Senator Pelz, Substitute Senate Bill No. 5357 was substituted for Senate Bill No. 5357 and the substitute bill was placed on second reading and read the second time.

Senator Nelson moved that the following amendment be adopted:

On page 2, after line 11, insert the following:

"Sec. 2. RCW 50,.44.050 and 1990 c 33 s 587 are each amended to read as follows:

Except as otherwise provided in subsections (1) through (4) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.405.210 shall be deemed to have a contract for the ensuing term.

(2) (a) Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or terms, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms: PROVIDED, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(b) This subsection (2) shall not apply to individuals performing services for a school district or educational service district similar to those performed by employees of a private employer under contract with the school district or educational service district. These school district or educational service district employees shall receive unemployment compensation benefits similar to those received by the employees of such private employer.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.310 RCW and exists to provide services to local school districts."

MOTION

At 4:39 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 5:25 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5357 and the pending amendment by Senator Nelson on page 2, after line 11, which was being considered before the Senate went at ease.

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Nelson on page 2, after line 11, to Substitute Senate Bill No. 5357.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senators Roach and Smith, L. - 2.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Erwin: "Senator Pelz, does this include pensions?"

Senator Pelz: "Yes, it does."

Senator Erwin: "So, as a small business person, I will have to match whatever the school district does, as far as pensions for their employees?"

Senator Pelz: "If you are submitting a bid to subcontract out work, previously paid for--provided by school employees--you would have to match benefits. However, you would not have to match wages, which I would contend is far and away the larger block of total costs you would be incurring."

Senator Erwin: "Thank you, Senator Pelz."

Further debate ensued.

POINT OF INQUIRY

Senator Moyer: "Senator Pelz, if a contractor were to attempt to go along with this, who would measure whether the health care benefits, for example, are commensurate? How would you go about doing that?"

Senator Pelz: "The bill states, 'The contract shall require the health care and retirement benefits to be commensurate with the health care and retirement benefits provided by the school district to classified employees performing services similar to those services being performed in other contracts.'"

Senator Moyer: "But, my question is, how then would you go about doing that? Let's say that the health care benefits, as you said, are eighty-two dollars, or something, and then they work for five days, do they have to renegotiate another contract to make that commensurate and who then decides if, indeed, it is commensurate?"

Senator Pelz: "Obviously, in the case where there are services currently being provided by the district and they are about to be contracted out, you could just extend the benefit level across, because the time nexus is so appropriate. You would pay the same benefits, once the contract kicked in as were currently being paid by the school district to its employees. In a case where there had been some lapse of time, where say it had been maybe a three or four year period that these services had been contracted out, you would have to conduct a survey of similar job classifications within the school district at the time and pay benefits then commensurate with similar job classifications currently working--classified people currently working for the school district."

Senator Moyer: "In the case of the eighty dollar benefit, then, let's say that the school district is three hundred dollars, would the contractor then make up the difference in cash or would he renegotiate a new contract?"

Senator Pelz: "The next time the contract comes up for renewal is the way the bill reads."

Senator Moyer: "If he is only on the job for seven days, how does he do that?"

Senator Pelz: "If he is subcontracting to perform services to a school district, I assume that is an ongoing contract. If it is a seven day contract and it has expired, I take it that he is not coming in to renew that contract. In which case, it wouldn't be appropriate."

Senator Moyer: "Would the same thing apply to pensions?"

Senator Pelz: "Benefits, yes."

Senator Moyer: "So, if there were pension benefits--let's say that the contractor's pension benefit was higher than the state, then how would he handle that?"

Senator Pelz: "He might be eligible for a rebate. I don't know."

Senator Moyer: "It seems to me that it is nearly impossible to administer."

Senator Pelz: "That is your opinion."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5357.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5357 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L. and West - 19.

SUBSTITUTE SENATE BILL NO. 5357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:49 p.m., on motion of Senator Jesernig, the Senate recessed until 7:00 p.m.

The Senate was called to order at 7:08 p.m. by President Pritchard.

MOTIONS

On motion of Senator Oke, Senator Bluechel was excused.

On motion of Senator Spanel, Senator Drew was excused.

SECOND READING

SENATE BILL NO. 5474, by Senators A. Smith, Pelz, Niemi, Spanel, Drew, Prince, Roach and Franklin (by request of Human Rights Commission)

Revising laws relating to discrimination.

The bill was read the second time.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Hargrove be adopted:

On page 17, line 24, after "exceed" strike "~~ten~~" and insert "one"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Hargrove on page 17, line 24, to Senate Bill No. 5474.

The motion by Senator Nelson failed and the amendment was not adopted.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5474.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, Williams and Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Excused: Senators Bluechel and Drew - 2.

SENATE BILL NO. 5474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5405 and the pending amendments by Senator Hochstatter on page 2, line 26, and page 3, line 4, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Vognilid, the President finds that Substitute Senate Bill No. 5405 is a measure which is limited to raising the minimum dollar amount requiring competitive bidding by school districts.

"The amendments by Senator Hochstatter would exempt certain contractors on the small works roster from laws dealing with prevailing rates on public works contracts.

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

The amendments by Senator Hochstatter on page 2, after line 26, and page 3, line 4, to Substitute Senate Bill No. 5405 were ruled out of order.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, Loveland, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Smith, L., West and Winsley - 19.

Excused: Senators Bluechel and Drew - 2.

SUBSTITUTE SENATE BILL NO. 5405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5510, by Senator Niemi

Notifying reentering state employees of their ability to restore previously withdrawn contributions.

MOTIONS

On motion of Senator Niemi, Substitute Senate Bill No. 5510 was substituted for Senate Bill No. 5510 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Niemi, the following amendment was adopted:

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

"NEW SECTION. Sec. 2. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

Any active member or separated member who was not eligible to restore contributions under section 3, chapter 317, Laws of 1986, solely because he or she was an elected official, other than an elected official under Articles II or III of the Constitution of the state of Washington, shall be permitted to restore withdrawn contributions for periods of nonelected service no later than June 30, 1994, with interest as determined by the director."

MOTIONS

On motion of Senator Jesernig, the following amendment was adopted:

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

"Sec. 2. RCW 41.40.058 and 1987 c 417 s 1 are each amended to read as follows:

(1) Any person who was a member of the state-wide city employees' retirement system governed by chapter 41.44 RCW and who also became a member of the public employees' retirement system on or before July 26, 1987, may, in a writing filed with the director, elect to:

(a) Transfer to the public employees' retirement system all service currently credited under chapter 41.44 RCW;

(b) Reestablish and transfer to the public employees' retirement system all service which was previously credited under chapter 41.44 RCW but which was canceled by discontinuance of service and withdrawal of accumulated contributions as provided in RCW 41.44.190. The service may be reestablished and transferred only upon payment by the member to the employees' savings fund of the public employees' retirement system of the amount withdrawn plus interest thereon from the date of withdrawal until the date of payment at a rate determined by the director. No additional payments are required for service credit described in this subsection if already established under this chapter; and

(c) Establish service credit for the initial period of employment not to exceed six months, prior to establishing membership under chapter 41.44 RCW, upon payment in full by the member of the total employer's contribution to the benefit account fund of the public employees' retirement system that would have been made under this chapter when the initial service was rendered. The payment shall be based on the first month's compensation earnable as a member of the state-wide city employees' retirement system and as defined in RCW 41.44.030(13). However, a person who has established service credit under RCW 41.40.010(~~((41))~~)(13) (c) or (d) shall not establish additional credit under this subsection nor may anyone who establishes credit under this subsection establish any additional credit under RCW 41.40.010(~~((41))~~)(13) (c) or (d). No additional payments are required for service credit described in this subsection if already established under this chapter.

(2)(a) In the case of a member of the public employees' retirement system who is employed by an employer on July 26, 1987, the written election required by subsection (1) of this section must be filed and the payments required by subsection (1)(b) and (c) of this section must be completed (~~(in full within one year after July 26, 1987)~~) by December 31, 1993.

(b) In the case of a former member of the public employees' retirement system who is not employed by an employer on July 26, 1987, the written election must be filed and the payments must be completed in full within one year after reemployment by an employer.

(c) In the case of a retiree receiving a retirement allowance from the public employees' retirement system on July 26, 1987, or any person having vested rights as described in RCW 41.40.150 (~~((3) or (5))~~) (4), the written election may be filed and the payments may be completed at any time.

(3) Upon receipt of the written election and payments required by subsection (1) of this section from any retiree described in subsection (2)(c) of this section, the department shall recompute the retiree's allowance in accordance with this section and shall pay any additional benefit resulting from such recomputation retroactively to the date of retirement from the system governed by this chapter."

On motion of Senator Niemi, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "retirement;" strike the remainder of the title and insert "adding a new section to chapter 41.50 RCW; and adding a new section to chapter 41.40 RCW."

On page 1, line 1 of the title, after "retirement;" insert "amending RCW 41.40.058;"

MOTION

On motion of Senator Niemi, the rules were suspended, Engrossed Substitute Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5510.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Drew - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5372 and the pending amendment by Senators Snyder, Anderson, Hargrove, Amondson, Owen, Newhouse, McCaslin, Sellar, West and Bluechel on page 34, after line 6, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Substitute Senate Bill No. 5372 is a measure which makes several changes in the laws governing the assessment and collection of various state and local taxes.

"The amendment by Senators Snyder, Anderson, Hargrove, Amondson, Owen, Newhouse, McCaslin, Sellar, West and Bluechel would define one of the circumstances which creates a taking of property for public use.

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

The amendment by Senators Snyder, Anderson, Hargrove, Amondson, Owen, Newhouse, McCaslin, Sellar, West and Bluechel on page 34, after line 6, to Substitute Senate Bill No. 5372 was ruled out of order.

MOTION

Senator Snyder moved that the following amendments by Senators Snyder, Anderson, Hargrove, Amondson, Owen, Newhouse, McCaslin, Sellar, West and Bluechel be considered simultaneously and be adopted:

On page 34, line 12, after "16" strike "and 17" and insert ", 17, and 45 through 59"

On page 34, after line 15, insert the following:

"NEW SECTION. Sec. 45. (1)(a) Whenever implementation by the state or any of its political subdivisions of a scheme directly or indirectly regulating the use of land operates to reduce the assessed value of a parcel of real property immediately prior to such implementation, the parcel is deemed to be taken for public use.

(b) The following definitions apply throughout this chapter:

(i) "Compensation" means cash or in-kind payment, if the affected property owner agrees to in-kind payment and then agrees to the in-kind payment actually offered, including but not limited to clustering; transfer of development rights; staging of concurrency; land trades; environmental mitigation credits for prior activity of owners; density bonuses; or adjustments to restrictions on lot size, number of units, or building dimensions.

(ii) "Parcel" means one or more contiguous tax lots of an owner.

(iii) "Owner" includes one or more natural or legal persons who own the parcel, whether as sole owner, marital community, cotenants, or tenants in partnership or as a corporation.

(iv) "Scheme regulating the use of land" means one regulation or government action affecting the use of land; or more than one such regulation or action, though occurring at different times or by different governmental entities, with the same or similar policy objectives, such as development moratoria, zoning, health regulations, safety regulations, aesthetic regulations, fish and wildlife regulations, sensitive-area regulations, and environmental regulations, whether such regulation or action is interim or permanent. A scheme regulating the use of land does not include any regulation or government action of the federal government or regulation or government action of the state or any local governmental entity taken to comply with the minimum requirements of federal law or regulation.

(2)(a) When a parcel of real property has been taken for public use as provided in this chapter, the governmental unit or units that implement the scheme regulating the use of land shall be liable to the owner for compensation under this chapter, and the owner shall have an action at law to recover such compensation. When more than one governmental unit is involved, the court shall determine the proportion each unit is required to contribute to the compensation.

(b) The compensation shall be for the full amount of the decrease in assessed value. In addition, an owner who prevails either through settlement or verdict in an action for the recovery of such compensation shall be entitled to reasonable costs, expenses of litigation, and sums for attorneys' fees.

(3) Governmental units subject to this chapter shall not make waiver of the provisions of this chapter a condition for approval of the use of real property or the issuance of any permit or other entitlement. Plaintiffs may accept an approval of use, permit, or other entitlement granted by the governmental unit without compromising their rights under this chapter if:

(a) A written reservation of their rights is made at the time of acceptance of the authorization, permit, or other entitlement;

or

(b) An oral statement reserving their rights is made before the governmental unit granting the authorization, permit, or other entitlement at a public meeting at which the governmental unit renders its decision.

NEW SECTION. Sec. 46. Compensation is required by this chapter unless the scheme regulating the use of land is an exercise of the police power solely to prevent or abate a public nuisance as defined at common law or an application of the public trust doctrine as it relates to navigable water only.

NEW SECTION. Sec. 47. (1) The statute of limitations for actions brought under this chapter is the statute of limitations for actions for recovery of real property. The statute of limitations begins to run upon the enactment of the scheme regulating the use of land; or the final administrative decision implementing the scheme regulating the use of land affecting plaintiffs' property or by a showing by the plaintiff that application for administrative decision is futile.

(2) A scheme regulating the use of land is implemented with respect to an owner's or user's property when actually applied to that property unless the enactment of the scheme by itself operates to reduce the fair market value of real property for the uses permitted at the time the owner acquired title, without further governmental action and the scheme contains no provision allowing for just relief from the scheme's operation.

(3) This chapter applies to schemes regulating the use of land, all or some part of which is implemented after the effective date of this section. No part of a scheme shall be considered for purposes of this chapter if the part was implemented more than ten years before the effective date of this section.

NEW SECTION. Sec. 48. If a natural event or condition threatens to deprive an owner of land of the land's use or to cause serious damage to the land, and immediate corrective action is required to prevent this deprivation or damage, but this action will violate a state or local law or regulation unless official waiver or permission is obtained, the owner may either:

(1) Apply to the governmental unit charged with enforcing such regulation to take, or to permit the owner to take, the required corrective action. If the governmental unit wrongfully denies waiver or permission or fails to take reasonably timely action upon the application, so that such deprivation or damage occurs, the governmental unit shall be liable to the owner for the diminution in value of the land which occurs unless the natural event or condition was the fault of the owner; or

(2) Without notifying the governmental unit under subsection (1) of this section, take such corrective action as is reasonably necessary to prevent the threatened deprivation or damage. However, the owner shall notify the governmental unit that he or she has undertaken the corrective action within five days after commencing such action and shall give a general description of the action undertaken. Thereafter, in a legal action brought by the governmental unit, the owner shall be liable for violation of the regulation if a court determines that there was a violation and that an owner would not have qualified for any available waiver or exemption.

NEW SECTION. Sec. 49. (1) If a governmental unit is found by a court of competent jurisdiction to have committed a regulatory taking under section 45 of this act, such unit shall be liable for compensation, measured by the owner's diminution in assessed value caused by such taking from the time the scheme that regulated the use of the owner's land became effective until

the unit may grant an exemption or choose to repeal such scheme. However, if the governmental unit does not grant an exemption or choose to repeal the regulatory scheme within a reasonable period of time, to be fixed by the court, then the unit shall be liable for compensation for a permanent taking, measured by the diminution of fair market sale value caused by the taking, valued as of the date of trial. This section shall not affect any further remedy that is constitutionally required.

(2) Any permit, authorization, or other entitlement granted under a scheme repealed under subsection (1) of this section shall continue to be valid.

NEW SECTION. Sec. 50. This chapter does not preclude any action at law or equity that an owner would have had if this chapter had not been enacted.

NEW SECTION. Sec. 51. If the state or any of its political subdivisions imposes, changes, or implements any scheme regulating the use of land in such a way as to reduce the previous assessed value of a taxpayer's property, the county assessor shall, on or before the ensuing April 1, adjust the property's assessed value downward by an amount equal to the difference between the assessed value of the property under the new scheme, and the previous assessed value.

NEW SECTION. Sec. 52. Whenever any compensation is paid to a property owner by the state or by any local governmental entity pursuant to a judgment or agreement to compensate for a regulatory taking under this chapter, the payor shall cause to be recorded with the county auditor for the county in which the real property is located a notice of compensation for regulatory taking. This notice shall contain a legal description of the affected parcel of real estate, a statement of the reason for compensation, the name of the payor, the name of the owner, and the amount paid.

NEW SECTION. Sec. 53. If a county, city, or health district is found by a court to have committed a regulatory taking under section 45 of this act, the court shall require that the compensation owed be paid by the state if the scheme regulating the use of land was adopted or implemented by the county or city in order to effectuate a policy or requirement of state or federal law.

NEW SECTION. Sec. 54. This chapter shall be known and may be cited as the private property protection act.

NEW SECTION. Sec. 55. A new section is added to chapter 35.21 RCW to read as follows:

Any city or town subject to the provisions of this title is also subject to sections 45 through 54 of this act.

NEW SECTION. Sec. 56. A new section is added to chapter 35A.21 RCW to read as follows:

Any code city subject to the provisions of this title is also subject to sections 45 through 54 of this act.

NEW SECTION. Sec. 57. A new section is added to chapter 36.01 RCW to read as follows:

Any county subject to the provisions of this title is also subject to sections 45 through 54 of this act.

NEW SECTION. Sec. 58. Sections 45 through 54 of this act shall constitute a new chapter in Title 8 RCW.

NEW SECTION. Sec. 59. If any provision of sections 45 through 54 of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Haugen: "I rise to a point of order. I would ask for a ruling on the scope and object of this amendment. The original bill, again, deals with just local tax procedures and this amendment seeks to create a basis for government compensation for land owners--where the valuable land has been affected by any governmental activity. It drastically changes the takings standards contained in the Washington State Constitution and that is currently defined by the Supreme Court and I think that your ruling on the previous amendment would follow this also. I urge your support."

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Substitute Senate Bill No. 5372 is a measure which makes several changes in the laws governing the assessment and collection of various state and local taxes.

"The amendments by Senators Snyder, Anderson, Hargrove, Amondson, Owen, Newhouse, McCaslin, Sellar, West and Bluechel defines circumstances under which a taking of property for public use has occurred and provides procedures for obtaining compensation.

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

The amendments by Senators Snyder, Anderson, Hargrove, Amondson, Owen, Newhouse, McCaslin, Sellar, West and Bluechel on page 34, line 12, and page 34, after line 15, to Substitute Senate Bill No. 5372 were ruled out of order.

MOTIONS

Senator Loveland moved that the following amendment by Senators Loveland and Winsley be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.46.110 and 1991 c 161 s 1 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross income from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount paid for as prizes. No tax shall be imposed on the first ten thousand dollars of net proceeds from raffles conducted by any bona fide charitable or nonprofit organization as defined in this chapter. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games.

Taxes imposed under this chapter become a lien upon personal and real property in the same manner as provided for under RCW 84.60.010.

Sec. 2. RCW 28A.315.440 and 1975 1st ex.s. c 275 s 99 are each amended to read as follows:

Upon receipt of the aforesaid certificate, it shall be the duty of the board of county commissioners of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the educational service district superintendent of the district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded ~~((quarterly))~~ monthly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district.

Sec. 3. RCW 35.49.130 and 1965 c 7 s 35.49.130 are each amended to read as follows:

~~((In county foreclosures for delinquency in the payment of general taxes, the county treasurer shall mail a copy of the published summons to the treasurer of every city and town within which any property involved in the foreclosure proceeding is situated. The copy of the summons shall be mailed within fifteen days after the first publication thereof, but the county treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed.))~~

If any property situated in a city or town is offered for sale for general taxes by the county treasurer, the city or town shall have power to protect the lien or liens of any local improvement assessments outstanding against the whole or portion of such property by purchase thereof or otherwise.

Sec. 4. RCW 36.21.011 and 1973 1st ex.s. c 11 s 1 are each amended to read as follows:

Any assessor who deems it necessary to enable him or her to complete the listing and the valuation of the property of his or her county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as ~~((his))~~ assistants or deputies who shall not engage in the private practice of appraising within the county ~~((in which he is))~~ where employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under

the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

~~((If))~~ An assessor who intends to put such plan into effect ~~((in his county, he))~~ shall inform the department of revenue and the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of this intent in writing. The department of revenue and the ~~((board))~~ authority may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the ~~((board))~~ legislative authority, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of ~~((his))~~ the four next succeeding annual budget estimates, for as many positions as are established in such determination. Each ~~((board of))~~ county ~~((commissioners))~~ legislative authority to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

Sec. 5. RCW 46.44.175 and 1985 c 22 s 2 are each amended to read as follows:

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a penalty of not less than one hundred dollars or more than five hundred dollars shall be assessed. In addition to the above penalty, the department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person who shall alter, re-use, transfer, or forge the decal required by RCW 46.44.170, or who shall display a decal knowing it to have been forged, re-used, transferred, or altered, shall be guilty of a gross misdemeanor.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the department of transportation or the local authority having jurisdiction. The department or the local authority after such hearing may revise its previous action.

NEW SECTION. Sec. 6. A new section is added to chapter 82.03 RCW to read as follows:

In all appeals taken pursuant to RCW 84.08.130 the assessor or taxpayer shall submit evidence of comparable sales to be used in a hearing to the board and to all parties at least ten business days in advance of such hearing. Failure to comply with the requirements set forth in this section shall be grounds for the board, upon objection, to continue the hearing or refuse to consider evidence not timely submitted.

Sec. 7. RCW 84.08.130 and 1992 c 206 s 10 are each amended to read as follows:

(1) Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the ~~((county auditor))~~ board of tax appeals a notice of appeal ~~((in duplicate))~~ within thirty days after the mailing of the decision of such board of equalization, which notice shall specify the actions complained of ~~((, and said auditor shall forthwith transmit one of said notices to the board of tax appeals))~~; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. There shall be no fee charged for the filing of an appeal. The petitioner shall ~~((provide))~~ serve a copy of the notice of appeal ~~((to))~~ on all named parties within the same thirty-day time period ~~((provided in the rules of practice and procedure of the board of tax appeals))~~. Appeals which are not filed and served as provided in this section shall be ~~((continued or))~~ dismissed. The board of tax appeals shall require the board appealed from to file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper. An appeal of an action by a county board of equalization shall be deemed to have been filed and served within the thirty-day period if it is postmarked on or before the thirtieth day after the mailing of the decision of the board of equalization.

(2) The board of tax appeals may enter an order, pursuant to subsection (1) of this section, that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the assessed value during that time.

Sec. 8. RCW 84.08.140 and 1975 1st ex.s. c 278 s 157 are each amended to read as follows:

Any taxpayer feeling aggrieved by the levy or levies of any taxing district except levies authorized by a vote of the people of the district may appeal therefrom to the department of revenue as hereinafter provided. Such taxpayer, upon the execution of a bond, with two or more sufficient sureties to be approved by the county auditor, payable to the state of Washington, in the penal sum of two hundred dollars and conditioned that if the petitioner shall fail in his appeal for a reduction of said levy or levies ~~((he))~~ the taxpayer will pay the taxable costs of the hearings hereinafter provided, not exceeding the amount of such bond, may file a written complaint with the county auditor wherein such taxing district is located not later than ten days after the making and entering of such levy or levies, setting forth in such form and detail as the department of revenue shall by general rule prescribe, ~~((his))~~ the taxpayer's objections to such levy or levies. Upon the filing of such complaint, the county auditor shall immediately transmit a certified copy thereof, together with a copy of the budget or estimates of such taxing district as finally adopted, including estimated revenues and such other information as the department of revenue shall by rule require, to the department of revenue. The department of revenue shall fix a date for a hearing on said complaint at the earliest convenient time after receipt of said record, which hearing shall be held in the county in which said taxing district is located, and notice of such hearing shall be given to the officials of such taxing district, charged with determining the amount of its levies, and to the taxpayer on said complaint by registered mail at least five days prior to the date of said hearing. At such hearings all interested parties may be heard and the department of revenue shall receive all competent evidence. After such hearing, the department of revenue shall either affirm or decrease the levy or levies complained of, in accordance with the evidence, and shall thereupon certify its action with respect thereto to the county auditor, who, in turn, shall certify it to the taxing district or districts affected, and the action of the department of revenue with respect to such levy or levies shall be final and conclusive.

Sec. 9. RCW 84.12.360 and 1987 c 153 s 3 are each amended to read as follows:

The actual cash value of the operating property assessed to a company, as fixed and determined by the ~~((state board))~~ department of ((equalization)) revenue, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of steam, suburban, and interurban railroad companies, telegraph companies and pipe line companies--upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies), and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies--upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies--upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies--upon the basis set forth in ~~((subdivision))~~ subsection (2) ((hereof)) of this section.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Sec. 10. RCW 84.12.370 and 1975 1st ex.s. c 278 s 171 are each amended to read as follows:

When the ~~((state board))~~ department of ((equalization)) revenue shall have determined the equalized assessed value of the operating property of each company in each of the respective counties and in the taxing districts thereof, as hereinabove provided, the department of revenue shall certify such equalized assessed value to the county assessor of the proper county. The county assessor shall enter the company's real operating property upon the real property tax rolls and the company's personal operating property upon the personal property tax rolls of ~~((his))~~ the county assessor's county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating property of the company in such county and the taxing districts therein for that year, upon which taxes shall be levied and collected in the same manner as on the general property of such county.

Sec. 11. RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision (3) of RCW 84.16.010 or otherwise, following which shall be entered the actual cash value of the operating property as determined by the department of revenue. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the

entry of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the actual cash value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll; and thereupon such valuation shall become the actual cash value of the operating property of the company, subject to revision or correction by the ~~((state board))~~ department of ((equalization)) revenue as hereinafter provided; and shall be the valuation upon which, after equalization by the ~~((state board))~~ department of ((equalization)) revenue as hereinafter provided, the taxes of such company shall be based and computed.

Sec. 12. RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended to read as follows:

The actual cash value of the property of each company as fixed and determined by the ~~((state board))~~ department of ((equalization)) revenue as herein provided shall be apportioned to the respective counties in the following manner:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is situate, located and operated.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

Sec. 13. RCW 84.16.130 and 1975 1st ex.s. c 278 s 183 are each amended to read as follows:

When the ~~((state board))~~ department of ((equalization)) revenue shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, the department of revenue shall certify such equalized or assessed value to the county assessor of the proper county; and the county assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of ~~((his))~~ the county assessor's county entitled to a proportionate value thereof in the manner prescribed in RCW 84.16.120 for apportionment of values between counties. The county assessor shall enter such assessment upon the personal property tax rolls of ~~((his))~~ the county assessor's county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

Sec. 14. RCW 84.33.130 and 1986 c 100 s 57 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year commencing with 1972 shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

- (a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;
- (b) The date or dates of acquisition of such land;
- (c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;
- (d) Whether there is a forest management plan for such land;
- (e) If so, the nature and extent of implementation of such plan;
- (f) Whether such land is used for grazing;
- (g) Whether such land has been subdivided or a plat filed with respect thereto;
- (h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;
- (i) Whether such land is subject to forest fire protection assessments pursuant to RCW 76.04.610;
- (j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;
- (k) A summary of the past experience and activity of the applicant in growing and harvesting timber;
- (l) A summary of current and continuing activity of the applicant in growing and harvesting timber;
- (m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined ~~((in RCW 76.08.010, or any laws or regulations adopted to replace such minimum standards))~~ by rule adopted by the forest practices board, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, he or she shall notify the applicant in writing of the extent to which the application is denied.

For the purposes of this subsection, "adequate stocking" means a stand of not less than three hundred thirty established live seedlings per acre of commercial species predominant on the area cut of which at least one hundred must be well distributed, or not less than three hundred surviving trees per acre that were established by artificial means.

For the purposes of this subsection, "merchantable stand of timber" means stand of timber consisting of not less than two thousand board feet per acre of currently merchantable live timber as measured by the Scribner Decimal C log rule, or three hundred cubic feet as measured by the Sorenson log rule, or four standard cords.

(4) An owner who receives notice pursuant to subsection (3) of this section that his or her application has been denied may appeal such denial to the county board of equalization.

Sec. 15. RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW ~~((84.52.050 and))~~ 84.52.043.

Sec. 16. RCW 84.36.381 and 1992 c 187 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied ~~((or if))~~;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the

preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-six thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

NEW SECTION. Sec. 17. Section 16 of this act is effective for taxes levied for collection in 1993 and thereafter.

Sec. 18. RCW 84.38.040 and 1984 c 220 s 22 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW ~~((84.64.030 or))~~ 84.64.050, whichever is later: PROVIDED, That for good cause shown, the department may waive this requirement.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter ~~((9.72))~~ 9A.72 RCW for ~~((the))~~ false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

Sec. 19. RCW 84.40.0301 and 1971 ex.s. c 288 s 2 are each amended to read as follows:

~~((1))~~ Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence.

~~((2) In any administrative or judicial proceeding pending upon May 21, 1971 or arising from the property revaluation under the provisions of section 4, chapter 282, Laws of 1969 ex. sess., and section 1, chapter 95, Laws of 1970 ex. sess., the provisions of this section will apply. This paragraph shall not be construed so as to limit in any way the provisions of subsection (1) of this section.)~~

Sec. 20. RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended to read as follows:

The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a maximum civil penalty of five ~~((dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five))~~ thousand dollars. The penalties provided for herein

shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

Sec. 21. RCW 84.40.080 and 1973 2nd ex.s. c 8 s 1 are each amended to read as follows:

~~((The))~~ An assessor~~((, upon his own motion, or upon the application of any taxpayer,))~~ shall enter ~~((in the detail and assessment list of the current))~~ on the assessment roll in any year any property shown to have been omitted from the assessment ~~((list))~~ roll of any preceding year, at the ~~((valuation of that))~~ value for the preceding year, or if not then valued, at such ~~((valuation))~~ value as the assessor shall determine ~~((from))~~ for the preceding year, and such ~~((valuation))~~ value shall be stated ~~((in a separate line))~~ separately from the ~~((valuation))~~ value of ~~((the current))~~ any other year. ~~((Where improvements have not been valued and assessed as a part of the real estate upon which the same may be located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property under this section))~~ When any improvement has not been placed on an assessment roll as a part of the real estate upon which it is located, the improvement may, subject to RCW 84.40.085, be subsequently placed upon the assessment roll regardless of whether any other improvement on the real estate is listed on the assessment roll. For purposes of this section it is immaterial whether an assessment roll lists each improvement separately: PROVIDED, That no such assessment shall be made in any case where a bona fide purchaser~~((, encumbrancer,))~~ or contract buyer has acquired any interest in said property prior to the time such improvements are assessed. When such an omitted assessment is made, the taxes levied thereon may be paid within one year of the due date of the taxes for the year in which the assessment is made without penalty or interest: AND PROVIDED FURTHER, That in the assessment of personal property, the assessor shall assess the omitted value not reported by the taxpayer as evidenced by an inspection of either the property or the books and records of said taxpayer by the assessor.

Sec. 22. RCW 84.40.090 and 1961 c 15 s 84.40.090 are each amended to read as follows:

It shall be the duty of assessors, when assessing real or personal property, to designate the name or number of each taxing and road district in which each person and each description of property assessed is liable for taxes~~((, which designation shall be made by writing the name or number of the districts opposite each assessment in the column provided for that purpose in the detail and assessment list))~~. When the real and personal property of any person is assessable in several taxing districts and/or road districts, the amount in each shall be assessed ~~((on separate detail and assessment lists, and all property assessable in incorporated cities or towns shall be assessed in consecutive books, where more than one book is necessary, separate from outside property and separately, and the name of the owner, if known, together with his post office address, placed opposite each amount))~~ separately.

Sec. 23. RCW 84.40.170 and 1961 c 15 s 84.40.170 are each amended to read as follows:

(1) In all cases of irregular subdivided tracts or lots of land other than any regular government subdivision the county assessor shall outline a plat of such tracts or lots and notify the owner or owners thereof with a request to have the same surveyed by the county engineer, and cause the same to be platted into numbered (or lettered) lots or tracts: PROVIDED, HOWEVER, That where any county has in its possession the correct field notes of any such tract or lot of land a new survey shall not be necessary, but such tracts may be mapped from such field notes. In case the owner of such tracts or lots neglects or refuses to have the same surveyed or platted, the county assessor shall notify the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in and for the county, who may order and direct the county engineer to make the proper survey and plat of the tracts and lots. A plat shall be made on which said tracts or lots of land shall be accurately described by lines, and numbered (or lettered), which numbers (or letters) together with number of the section, township and range shall be distinctly marked on such plat, and the field notes of all such tracts or lots of land shall describe each tract or lot according to the survey, and such tract or lot shall be numbered (or lettered) to correspond with its number (or letter) on the map. The plat shall be given a designated name by the surveyor thereof. When the survey, plat, field notes and name of plat, shall have been approved by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, the plat and field notes shall be filed and recorded in the office of the county auditor, and the description of any tract or lot of land described in said plats by number (or letter), section, township and range, shall be a sufficient and legal description for revenue and all other purposes.

(2) Upon the request of eighty percent of the owners of the property to be surveyed and the approval of the county legislative authority, the county assessor may charge for actual costs and file a lien against the subject property if the costs are not repaid within ninety days of notice of completion, which may be collected as if such charges had been levied as a property tax.

Sec. 24. RCW 84.41.070 and 1975 1st ex.s. c 278 s 198 are each amended to read as follows:

If the department of revenue finds upon its own investigation, or upon a showing by others, that the revaluation program for any county is not proceeding for any reason as herein directed, ~~((or is not proceeding for any reason with sufficient rapidity to be completed before June 1, 1958,))~~ the department of revenue shall advise both the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and the county assessor of such finding. Within thirty days after receiving such advice, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, at regular or special session, either (1) shall authorize such expenditures as will enable the

assessor to complete the revaluation program as herein directed, or (2) shall direct the assessor to request special assistance from the department of revenue for aid in effectuating the county's revaluation program.

Sec. 25. RCW 84.44.010 and 1961 c 15 s 84.44.010 are each amended to read as follows:

Personal property, except such as is required in this title to be listed and assessed otherwise, shall be listed and assessed in the county where it is situated. ~~((The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or place where his business is carried on.))~~

Sec. 26. RCW 84.48.010 and 1988 c 222 s 20 are each amended to read as follows:

Prior to July 15th, the county legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board shall receive a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county legislative authority constitute the board they shall only receive their compensation as members of the county legislative authority. The board of equalization shall meet in open session for this purpose annually on the 15th day of July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property ~~((of the county))~~ presented in an individual appeal and proceed to equalize the same, or may equalize other properties the value of which was not appealed with the approval of the county assessor so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, which is presumed to be correct pursuant to RCW 84.40.0301, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or item of real property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which is returned above its true and fair value to such price or sum as to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever the aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which is returned above its true and fair value, to such price or sum as to be the true and fair value thereof; and they shall reduce the aggregate valuation of the personal property of such individual who has been assessed at too large a sum to such sum or amount as was the true and fair value of the personal property.

Fifth. The board may review all claims for either real or personal property tax exemption as determined by the county assessor, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county legislative authority, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor shall correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and the assessor shall make duplicate abstracts of such corrected values, one copy of which shall be retained in the office, and one copy forwarded to the department of revenue on or before the eighteenth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the 15th day of July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the department of revenue for the purpose of raising the state revenue.

County legislative authorities as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Sec. 27. RCW 84.48.050 and 1961 c 15 s 84.48.050 are each amended to read as follows:

The county assessor shall, on or before the fifteenth day of January in each year, make out and transmit to the state auditor, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres of land assessed, the value of such land, including the structures thereon; the value of town and city lots, including structures; the total

value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized and the total amount of taxes levied in the county for state, county, city and other taxing district purposes, for that year. Should the assessor of any county fail to transmit to the ~~((state board))~~ department of ~~((equalization))~~ revenue the abstract provided for in RCW 84.48.010 by the ~~((time the state board of equalization convenes))~~ eighteenth of August, and if, by reason of such failure to transmit such abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the ~~((state board))~~ department of ~~((equalization))~~ revenue shall, at its next annual session, ascertain what amount of state tax said county has failed to collect, and certify the same to the state auditor, who shall charge the amount to the proper county and notify the auditor of said county of the amount of said charge; said sum shall be due and payable immediately by warrant in favor of the state on the current expense fund of said county.

Sec. 28. RCW 84.48.080 and 1990 c 283 s 1 are each amended to read as follows:

Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 29. RCW 84.48.110 and 1987 c 168 s 1 are each amended to read as follows:

Within three days after the record of the proceedings of the ~~((state board))~~ department of ~~((equalization))~~ revenue is certified by the director of the department, the department shall transmit to each county assessor a copy of the record of the proceedings of the ~~((board))~~ department, specifying the amount to be levied and collected ~~((on said assessment books))~~ for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the fifth preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The department shall close the account of each county for the fifth preceding year and charge the amount of such delinquency to the tax levy of the current year. These delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the fifth preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

Sec. 30. RCW 84.48.120 and 1987 c 168 s 2 are each amended to read as follows:

It shall be the duty of the county assessor of each county, when he shall have received from the state department of revenue the assessed valuation of the property of railroad and other companies assessed by the department of revenue and apportioned to the county, and placed the same on the tax rolls, and received the report of the department of revenue of the amount of taxes levied for state purposes, to compute the required percent on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: PROVIDED, That the rates so computed shall not be such as to raise a surplus of more than five percent over the total amount required by the ~~((state board))~~ department of ~~((equalization))~~ revenue: PROVIDED FURTHER, That any surplus raised shall be remitted to the state in accordance with RCW 84.56.280.

Sec. 31. RCW 84.48.150 and 1973 1st ex.s. c 30 s 1 are each amended to read as follows:

The assessor shall, upon the request of any taxpayer who petitions the board of equalization for review of a tax claim or valuation dispute, make available to said taxpayer a compilation of comparable sales utilized by the assessor in establishing such taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall furnish the taxpayer with such other factors and the addresses of such other property used in making the determination of value.

The assessor shall within ~~((thirty))~~ sixty days of such request but at least ~~((ten))~~ fifteen business days prior to such taxpayer's appearance before the board of equalization make available to the taxpayer the valuation criteria and/or comparable~~((s))~~ sales which shall not be subsequently changed ~~((or modified))~~ by the assessor ~~((during review or appeal proceedings))~~ unless the assessor has found new evidence supporting the assessor's valuation, in which situation the assessor shall provide such additional evidence to the taxpayer and the board of equalization at least ~~((ten))~~ fifteen business days prior to the hearing ~~((on appeal or review proceedings))~~ at the board of equalization. A taxpayer who lists comparable sales on ~~((his))~~ a notice of appeal ~~((shall not thereafter use other comparables during the review of appeal proceedings: PROVIDED, That the taxpayer may change the comparable sales he is using in proceedings subsequent to the county board of equalization only if he provides a listing of such different comparables to the assessor at least five business days prior to such subsequent proceedings: PROVIDED FURTHER, That the board of equalization may waive the requirements contained in the preceding proviso or allow the assessor a continuance of reasonable duration to check the comparables furnished by the taxpayer))~~ shall not subsequently change such sales unless the taxpayer has found new evidence supporting the taxpayer's proposed valuation in which case the taxpayer shall provide such additional evidence to the assessor and board of equalization at least ten business days prior to the hearing. If either the assessor or taxpayer do not meet the requirements of this section the board of equalization may continue the hearing to provide the parties an opportunity to review all evidence or, upon objection, refuse to consider sales not submitted in a timely manner.

NEW SECTION. Sec. 32. A new section is added to chapter 84.48 RCW to read as follows:

The board of equalization may enter an order that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the assessed value during that time.

Sec. 33. RCW 84.52.043 and 1990 c 234 s 1 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) ~~((Except as provided in RCW 84.52.100,))~~ The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

NEW SECTION. Sec. 34. A new section is added to chapter 84.52 RCW to read as follows:

(1) Annually, at the time required by law for the levying of taxes for county purposes, the proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies as follows:

(a) A levy upon all of the taxable property within the county for the amount of all taxes levied by the county for county or state purposes that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(b) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes levied by the county for the purposes of such taxing district that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(2) For purposes of this section, "changes" means increases or decreases in assessed value of property resulting from an error or final adjustments made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction, including changes reflecting settlements of proceedings in such board or court. "Changes" does not include changes in assessed value of property resulting from actions brought to recover taxes under RCW 84.68.020.

Sec. 35. RCW 84.55.005 and 1983 1st ex.s. c 62 s 11 are each amended to read as follows:

As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes (~~(under RCW 84.09.080)~~).

Sec. 36. RCW 84.55.070 and 1982 1st ex.s. c 28 s 2 are each amended to read as follows:

The provisions of this chapter shall not apply to a levy, including the state levy, or that portion of a levy, made by or for a taxing district for the purpose stated in section 34 of this act, or made by or for a taxing district for the purpose of funding a property tax refund paid or to be paid pursuant to the provisions of chapter 84.68 RCW or attributable to a property tax refund paid or to be paid pursuant to the provisions of chapter 84.69 RCW, attributable to amounts of state taxes withheld under RCW 84.56.290 or the provisions of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully owing by reason of adjustments made under RCW 84.48.080.

Sec. 37. RCW 84.56.340 and 1985 c 395 s 4 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use, or where a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise, no segregation of property for tax purposes shall be made unless all delinquent taxes and assessments on the entire tract have been paid in full (~~(: AND PROVIDED FURTHER, That where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from date of notice,))~~). The county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county commissioners at their next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by county commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Sec. 38. RCW 84.60.050 and 1971 ex.s. c 260 s 2 are each amended to read as follows:

(1) When real property is acquired by purchase or condemnation by the state of Washington, any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such property shall continue to be subject to the tax lien for the years prior to the year in which the property is so acquired or placed under such agreement or order, of any tax levied by the state, county, municipal corporation or other tax levying public body, except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real property being acquired or placed under immediate possession and use for the year in which such real property is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such property allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as provided in RCW (~~(84.56.400)~~) 84.48.065. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he or she shall be entitled to a pro rata refund of the amount paid on the property so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede February 15th of the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW (~~(84.56.400)~~) 84.48.065.

Sec. 39. RCW 84.69.020 and 1991 c 245 s 31 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
- (8) Paid ~~((or overpaid))~~ as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person ~~((paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same))~~ with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board;
- (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or
- (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights ~~((that would preclude the assessment and collection of the refunded tax from))~~ in the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

Sec. 40. RCW 84.70.010 and 1987 c 319 s 6 are each amended to read as follows:

- (1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the true cash value of such property shall be reduced for that year by an amount determined as follows:
 - (a) First take the true cash value of such taxable property before destruction or reduction in value and deduct therefrom the true cash value of the remaining property after destruction or reduction in value.
 - (b) Then divide any amount remaining by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property.
- (2) No reduction in the true cash value shall be made more than three years after the date of destruction or reduction in value.
- (3) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(4) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July ((15th)) 1st of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal.

NEW SECTION. Sec. 41. The following acts or parts of acts are each repealed:

- (1) RCW 35.49.120 and 1965 c 7 s 35.49.120;
- (2) RCW 36.21.020 and 1963 c 4 s 36.21.020;
- (3) RCW 36.21.030 and 1963 c 4 s 36.21.030; and
- (4) RCW 84.56.023 and 1989 c 378 s 38.

NEW SECTION. Sec. 42. Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Loveland, the following amendment by Senators Loveland and Anderson to the striking amendment was adopted:

On page 12, strike all of lines 13 through 23

MOTION

Senator Nelson moved that the following amendment to the striking amendment be adopted:

On page 19, line 34, after "appealed" strike all material through and including "assessor" on page 19, line 35

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Nelson on page 19, line 34, to the striking amendment by Senators Loveland and Winsley to Substitute Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senator Drew - 1.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, McCaslin, Hochstatter, Nelson, Owen, Amondson and Hargrove to the striking amendment by Senators Loveland and Winsley be adopted:

On page 32, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 41. (1)(a) Whenever implementation by the state or any of its political subdivisions of a scheme directly or indirectly regulating the use of land operates to reduce the assessed value of a parcel of real property immediately prior to such implementation, the parcel is deemed to be taken for public use.

(b) The following definitions apply throughout this chapter:

(i) "Compensation" means cash or in-kind payment, if the affected property owner agrees to in-kind payment and then agrees to the in-kind payment actually offered, including but not limited to clustering; transfer of development rights; staging of concurrency; land trades; environmental mitigation credits for prior activity of owners; density bonuses; or adjustments to restrictions on lot size, number of units, or building dimensions.

(ii) "Parcel" means one or more contiguous tax lots of an owner.

(iii) "Owner" includes one or more natural or legal persons who own the parcel, whether as sole owner, marital community, cotenants, or tenants in partnership or as a corporation.

(iv) "Scheme regulating the use of land" means one regulation or government action affecting the use of land; or more than one such regulation or action, though occurring at different times or by different governmental entities, with the same or similar policy objectives, such as development moratoria, zoning, health regulations, safety regulations, aesthetic regulations, fish and wildlife regulations, sensitive-area regulations, and environmental regulations, whether such regulation or action is interim or permanent. A scheme regulating the use of land does not include any regulation or government action of the federal government or regulation or government action of the state or any local governmental entity taken to comply with the minimum requirements of federal law or regulation.

(2)(a) When a parcel of real property has been taken for public use as provided in this chapter, the governmental unit or units that implement the scheme regulating the use of land shall be liable to the owner for compensation under this chapter, and the owner shall have an action at law to recover such compensation. When more than one governmental unit is involved, the court shall determine the proportion each unit is required to contribute to the compensation.

(b) The compensation shall be for the full amount of the decrease in assessed value. In addition, an owner who prevails either through settlement or verdict in an action for the recovery of such compensation shall be entitled to reasonable costs, expenses of litigation, and sums for attorneys' fees.

(3) Governmental units subject to this chapter shall not make waiver of the provisions of this chapter a condition for approval of the use of real property or the issuance of any permit or other entitlement. Plaintiffs may accept an approval of use, permit, or other entitlement granted by the governmental unit without compromising their rights under this chapter if:

(a) A written reservation of their rights is made at the time of acceptance of the authorization, permit, or other entitlement;
or

(b) An oral statement reserving their rights is made before the governmental unit granting the authorization, permit, or other entitlement at a public meeting at which the governmental unit renders its decision.

NEW SECTION. Sec. 42. Compensation is required by this chapter unless the scheme regulating the use of land is an exercise of the police power solely to prevent or abate a public nuisance as defined at common law or an application of the public trust doctrine as it relates to navigable water only.

NEW SECTION. Sec. 43. (1) The statute of limitations for actions brought under this chapter is the statute of limitations for actions for recovery of real property. The statute of limitations begins to run upon the enactment of the scheme regulating the use of land; or the final administrative decision implementing the scheme regulating the use of land affecting plaintiffs' property or by a showing by the plaintiff that application for administrative decision is futile.

(2) A scheme regulating the use of land is implemented with respect to an owner's or user's property when actually applied to that property unless the enactment of the scheme by itself operates to reduce the fair market value of real property for the uses permitted at the time the owner acquired title, without further governmental action and the scheme contains no provision allowing for just relief from the scheme's operation.

(3) This chapter applies to schemes regulating the use of land, all or some part of which is implemented after the effective date of this section. No part of a scheme shall be considered for purposes of this chapter if the part was implemented more than ten years before the effective date of this section.

NEW SECTION. Sec. 44. If a natural event or condition threatens to deprive an owner of land of the land's use or to cause serious damage to the land, and immediate corrective action is required to prevent this deprivation or damage, but this action will violate a state or local law or regulation unless official waiver or permission is obtained, the owner may either:

(1) Apply to the governmental unit charged with enforcing such regulation to take, or to permit the owner to take, the required corrective action. If the governmental unit wrongfully denies waiver or permission or fails to take reasonably timely action upon the application, so that such deprivation or damage occurs, the governmental unit shall be liable to the owner for the diminution in value of the land which occurs unless the natural event or condition was the fault of the owner; or

(2) Without notifying the governmental unit under subsection (1) of this section, take such corrective action as is reasonably necessary to prevent the threatened deprivation or damage. However, the owner shall notify the governmental unit that he or she has undertaken the corrective action within five days after commencing such action and shall give a general description of the action undertaken. Thereafter, in a legal action brought by the governmental unit, the owner shall be liable for violation of the regulation if a court determines that there was a violation and that an owner would not have qualified for any available waiver or exemption.

NEW SECTION. Sec. 45. (1) If a governmental unit is found by a court of competent jurisdiction to have committed a regulatory taking under section 41 of this act, such unit shall be liable for compensation, measured by the owner's diminution in assessed value caused by such taking from the time the scheme that regulated the use of the owner's land became effective until the unit may grant an exemption or choose to repeal such scheme. However, if the governmental unit does not grant an exemption or choose to repeal the regulatory scheme within a reasonable period of time, to be fixed by the court, then the unit shall be liable for

compensation for a permanent taking, measured by the diminution of fair market sale value caused by the taking, valued as of the date of trial. This section shall not affect any further remedy that is constitutionally required.

(2) Any permit, authorization, or other entitlement granted under a scheme repealed under subsection (1) of this section shall continue to be valid.

NEW SECTION. Sec. 46. This chapter does not preclude any action at law or equity that an owner would have had if this chapter had not been enacted.

NEW SECTION. Sec. 47. If the state or any of its political subdivisions imposes, changes, or implements any scheme regulating the use of land in such a way as to reduce the previous assessed value of a taxpayer's property, the county assessor shall, on or before the ensuing April 1, adjust the property's assessed value downward by an amount equal to the difference between the assessed value of the property under the new scheme, and the previous assessed value.

NEW SECTION. Sec. 48. Whenever any compensation is paid to a property owner by the state or by any local governmental entity pursuant to a judgment or agreement to compensate for a regulatory taking under this chapter, the payor shall cause to be recorded with the county auditor for the county in which the real property is located a notice of compensation for regulatory taking. This notice shall contain a legal description of the affected parcel of real estate, a statement of the reason for compensation, the name of the payor, the name of the owner, and the amount paid.

NEW SECTION. Sec. 49. If a county, city, or health district is found by a court to have committed a regulatory taking under section 41 of this act, the court shall require that the compensation owed be paid by the state if the scheme regulating the use of land was adopted or implemented by the county or city in order to effectuate a policy or requirement of state or federal law.

NEW SECTION. Sec. 50. This chapter shall be known and may be cited as the private property protection act.

NEW SECTION. Sec. 51. A new section is added to chapter 35.21 RCW to read as follows:

Any city or town subject to the provisions of this title is also subject to sections 41 through 50 of this act.

NEW SECTION. Sec. 52. A new section is added to chapter 35A.21 RCW to read as follows:

Any code city subject to the provisions of this title is also subject to sections 41 through 50 of this act.

NEW SECTION. Sec. 53. A new section is added to chapter 36.01 RCW to read as follows:

Any county subject to the provisions of this title is also subject to sections 41 through 50 of this act.

NEW SECTION. Sec. 54. Sections 41 through 50 of this act shall constitute a new chapter in Title 8 RCW.

NEW SECTION. Sec. 55. If any provision of sections 41 through 50 of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the following sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Haugen: "Thank you, Mr. President, I would ask for a ruling of scope and object on this amendment, also. I would beg to disagree with our fellow Senator."

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Substitute Senate Bill No. 5372 is a measure which makes several changes in the laws governing the assessment and collection of various state and local taxes.

"The amendment by Senators Snyder, McCaslin, Hochstatter, Nelson, Owen, Amondson and Hargrove to the striking amendment would define circumstances under which a taking of property for public use has occurred and provide procedures for obtaining compensation.

"The President, therefore, finds that the proposed amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Snyder, McCaslin, Hochstatter, Nelson, Owen, Amondson and Hargrove on page 32, after line 2, to the striking amendment to Substitute Senate Bill No. 5372 was ruled out of order.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, McCaslin, Owen, Nelson, Amondson and Hargrove to the striking amendment by Senators Loveland and Winsley be adopted:

On page 32, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 41. A new section is added to Title 84 RCW to read as follows:

Whenever any regulation or implementation of a regulation by the state or any of its political subdivisions directly or indirectly operates to reduce the assessed value of a parcel of real property immediately prior to such regulation or implementation, the parcel is deemed to be taken for public use."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Haugen: "I would ask that you rule on the scope and object on this for all the arguments that have been made. It is time to get on with this legislation."

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Haugen, the President finds that Substitute Senate Bill No. 5372 is a measure which makes several changes in the laws governing the assessment and collection of various state and local taxes.

"The amendment by Senators Snyder, McCaslin, Owen, Nelson, Amondson and Hargrove to the striking amendment would define one of the circumstances which creates a taking of property for public use.

"The President, therefore, finds that the proposed amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Snyder, McCaslin, Owen, Nelson, Amondson and Hargrove on page 32, after line 2, to the striking amendment to Substitute Senate Bill No. 5372 was ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Loveland and Winsley, as amended, to Substitute Senate Bill No. 5372.

Debate ensued.

The striking amendment, as amended, to Substitute Senate Bill No. 5372 was adopted by voice vote.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 9.46.110, 28A.315.440, 35.49.130, 36.21.011, 46.44.175, 84.08.130, 84.08.140, 84.12.360, 84.12.370, 84.16.090, 84.16.120, 84.16.130, 84.33.130, 84.34.230, 84.36.381, 84.38.040, 84.40.0301, 84.40.045, 84.40.080, 84.40.090, 84.40.170, 84.41.070, 84.44.010, 84.48.010, 84.48.050, 84.48.080, 84.48.110, 84.48.120, 84.48.150, 84.52.043, 84.55.005, 84.55.070, 84.56.340, 84.60.050, 84.69.020, and 84.70.010; adding a new section to chapter 82.03 RCW; adding a new section to chapter 84.48 RCW; adding a new section to chapter 84.52 RCW; creating a new section; repealing RCW 35.49.120, 36.21.020, 36.21.030, and 84.56.023; prescribing penalties; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Hochstatter, McCaslin, McDonald, Nelson, Oke, Roach, Sellar and Smith, L. - 13.

Excused: Senator Drew - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5906, by Senators Moore, Newhouse, Wojahn, Amondson and Hochstatter

Modifying electrical inspection standards.

MOTION

Senator Vognild moved that Substitute Senate Bill No. 5906 not be substituted for Senate Bill No. 5906.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that Senate Bill No. 5906 not be substituted.

The motion by Senator Vognild carried and Senate Bill No. 5906 was not substituted.

Senate Bill No. 5906 was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5906 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5906.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5906 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Smith, L. - 1.

Excused: Senator Drew - 1.

SENATE BILL NO. 5906, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5101, by Senator Vognild

Adjusting certain motorcycle-related fees.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 1, at the beginning of line 12, strike "twenty" and insert "fourteen"

On page 2, line 7, after "~~((thirty))~~" strike "seventy-five" and insert "fifty"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5101.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, McCaslin, McDonald, Nelson, Newhouse, Roach, Smith, L. and Sutherland - 12.

Absent: Senator Niemi - 1.

Excused: Senator Drew - 1.

ENGROSSED SENATE BILL NO. 5101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Niemi was excused.

SECOND READING

SENATE BILL NO. 5212, by Senator Haugen

Removing the ten-mile ferry and toll bridge restriction.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5212 was substituted for Senate Bill No. 5212 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5212.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Drew and Niemi - 2.

SUBSTITUTE SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5577, by Senator A. Smith

Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5577.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Snyder - 1.

Excused: Senators Drew and Niemi - 2.

SENATE BILL NO. 5577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5821, by Senator Loveland (by request of Department of Community Development)

Modifying public works board loan restrictions.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5821 was substituted for Senate Bill No. 5821 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5821.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5821 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Drew and Niemi - 2.

SUBSTITUTE SENATE BILL NO. 5821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5657, by Senators Vognild, Amondson, Sutherland, Pelz, Erwin and Winsley

Providing prompt pay for works of improvement.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5657 was substituted for Senate Bill No. 5657 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5657.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5657 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Barr, Bauer, Haugen, McCaslin and McDonald - 5.

Excused: Senators Drew and Niemi - 2.

SUBSTITUTE SENATE BILL NO. 5657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5401, by Senators Quigley, Haugen, A. Smith, Skratek, Fraser, Prince, Deccio, Drew, Bauer, Talmadge, Spanel, Loveland, Sutherland, Rinehart, Gaspard, Snyder, Jesernig, von Reichbauer, Winsley, Niemi, Vognild, Prentice and Sheldon

Regulating political telemarketing.

The bill was read the second time.

MOTION

On motion of Senator Quigley, the rules were suspended, Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Anderson: "A parliamentary inquiry, Mr. President. Section two of this bill amends Initiative No. 134. Does final passage of this measure require a two-thirds vote, because we are amending an Initiative?"

RULING BY THE PRESIDENT

President Pritchard: "If you are amending 134, yes, it would take a two-thirds vote. Yes, it does."

POINT OF INFORMATION

Senator Talmadge: "Mr. President, a point of information. The ruling that you just made with respect to whether or not the bill requires a two-thirds vote as opposed to a majority vote, because it amends Initiative No. 134, I would ask the Chair to take a look at that. Is this actually a specific amendment to that portion of the Initiative?"

REPLY BY THE PRESIDENT

President Pritchard: "All three of the lawyers say it is, Senator."

Senator Talmadge: "Thank you, Mr. President."

POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. When does a roll call begin--when he announces the first name or when you say, 'The clerk will call the roll?'"

REPLY BY THE PRESIDENT

President Pritchard: "When he starts calling the roll."

Senator McCaslin: "Thank you, Mr. President."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5401.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5401 and the bill failed by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L. and West - 19.

Excused: Senators Drew and Niemi - 2.

SENATE BILL NO. 5401, having failed to receive the constitutional two-thirds majority, was declared lost.

SECOND READING

SENATE BILL NO. 5557, by Senators Prentice, Prince, Vognild, Amondson, Bauer and Franklin

Regulating alcohol servers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5557.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Owen, Pelz, Prentice, Prince,

Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 43.

Voting nay: Senators Barr, McCaslin, Oke and Williams - 4.

Excused: Senators Drew and Niemi - 2.

SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5535, by Senators Vognild, Prince and M. Rasmussen

Taxing large trucks.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5535 was substituted for Senate Bill No. 5535 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POSSIBLE CONFLICT OF INTEREST

On motion of Senator Talmadge, he was excused from voting on Substitute Senate Bill No. 5535, because of a possible conflict of interest.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5535.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5535 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Barr, Cantu and McCaslin - 3.

Absent: Senator Moore - 1.

Excused: Senators Drew, Niemi and Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 5535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:00 p.m., on motion of Senator Jesernig, the Senate adjourned until 8:00 a.m., Tuesday, March 16, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY, MARCH 15, 1993

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

SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 16, 1993

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Hargrove, Niemi, Pelz and Prince. On motion of Senator Oke, Senators Cantu and Prince were excused. On motion of Senator Spanel, Senators Hargrove, Niemi and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mandy Haas and Jill Muir, presented the Colors. Reverend Sandra Gillogly Lee, pastor of the Unitarian Universalist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 13, 1993

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1006,
SUBSTITUTE HOUSE BILL NO. 1072,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1093,
ENGROSSED HOUSE BILL NO. 1107,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,
SUBSTITUTE HOUSE BILL NO. 1144,
SUBSTITUTE HOUSE BILL NO. 1276,
SUBSTITUTE HOUSE BILL NO. 1300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,
SUBSTITUTE HOUSE BILL NO. 1350,
SUBSTITUTE HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1357,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
HOUSE BILL NO. 1419,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464,
ENGROSSED HOUSE BILL NO. 1621,
SUBSTITUTE HOUSE BILL NO. 1635,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662,
SUBSTITUTE HOUSE BILL NO. 1667,
SUBSTITUTE HOUSE BILL NO. 1678,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1776,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
HOUSE BILL NO. 1790,
SUBSTITUTE HOUSE BILL NO. 1799,

HOUSE BILL NO. 1809,
SUBSTITUTE HOUSE BILL NO. 1928,
HOUSE BILL NO. 1942,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949,
SUBSTITUTE HOUSE BILL NO. 1969,
HOUSE BILL NO. 1984,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1999,
SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED HOUSE BILL NO. 2061,
HOUSE BILL NO. 2073,
HOUSE JOINT MEMORIAL NO. 4016, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 13, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1080,
HOUSE BILL NO. 1155,
ENGROSSED HOUSE BILL NO. 1261,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
SUBSTITUTE HOUSE BILL NO. 1299,
ENGROSSED HOUSE BILL NO. 1353,
HOUSE BILL NO. 1361,
SUBSTITUTE HOUSE BILL NO. 1389,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399,
SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED HOUSE BILL NO. 1456,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,
SUBSTITUTE HOUSE BILL NO. 1504,
SUBSTITUTE HOUSE BILL NO. 1532,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670,
SUBSTITUTE HOUSE BILL NO. 1703,
HOUSE BILL NO. 1705,
SUBSTITUTE HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 1837,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
HOUSE BILL NO. 2032,
HOUSE BILL NO. 2069, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 15, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1214,
HOUSE BILL NO. 1224,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
SUBSTITUTE HOUSE BILL NO. 1336,
SUBSTITUTE HOUSE BILL NO. 1396,
SUBSTITUTE HOUSE BILL NO. 1452,
SUBSTITUTE HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1545,
HOUSE BILL NO. 1632,
SUBSTITUTE HOUSE BILL NO. 1650,
HOUSE BILL NO. 1677,
HOUSE BILL NO. 1694,
SUBSTITUTE HOUSE BILL NO. 1704,
HOUSE BILL NO. 1713,
SUBSTITUTE HOUSE BILL NO. 1727,
SUBSTITUTE HOUSE BILL NO. 1978, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1006 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Zellinsky, Brumsickle, Dorn, R. Meyers, Miller, Scott, Sheldon, Wineberry, Ogden, Wood, Schmidt, Ballasiotes, Forner, Cooke, Talcott, Chandler, Leonard, Jacobsen, Eide, Horn and Pruitt)

Enabling public-private transportation initiatives.

Referred to Committee on Transportation.

SHB 1009 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Riley)

Prescribing liabilities for lis pendens filings.

Referred to Committee on Law and Justice.

SHB 1072 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Johanson and Ogden)

Changing provisions relating to guardians ad litem.

Referred to Committee on Law and Justice.

SHB 1080 by House Committee on Health Care (originally sponsored by Representatives Valle, Quall, Franklin, Flemming, G. Cole, Eide, Roland and Veloria)

Requiring nursing homes to refund deposits or minimum stay fees when not used by residents.

Referred to Committee on Health and Human Services.

ESHB 1089 by House Committee on Environmental Affairs (originally sponsored by Representatives J. Kohl, Horn, Rust and Pruitt)
(by request of Department of Ecology)

Changing air quality operating permit requirements.

Referred to Committee on Ecology and Parks.

SHB 1093 by House Committee on Local Government (originally sponsored by Representatives Zellinsky, R. Fisher, Bray, Springer, Rayburn, Dunshee, Edmondson, Foreman, Brough, Miller and Forner)

Revising provisions relating to compensation of local officials.

Referred to Committee on Government Operations.

EHB 1107 by Representatives R. Fisher and Jacobsen

Requiring yielding right of way to buses.

Referred to Committee on Transportation.

ESHB 1140 by House Committee on Local Government (originally sponsored by Representatives Locke, Horn, H. Myers, Eide, Valle, Rust, Leonard, Basich, Franklin, Shin, Springer and J. Kohl)

Revising provisions relating to metropolitan municipal corporations.

Referred to Committee on Government Operations.

SHB 1144 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Linville, Leonard, H. Myers, Campbell, Jacobsen, Valle, R. Fisher, Ogden, J. Kohl and Locke) (by request of Office of Marine Safety)

Establishing a field operations program in the office of marine safety.

Referred to Committee on Ecology and Parks.

HB 1155 by Representatives H. Myers, Appelwick, Ludwig, Chappell, Johanson, Scott, Brough, Horn, Long, Campbell, Karahalios, Wood, Foreman and Silver

Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault.

Referred to Committee on Law and Justice.

SHB 1214 by House Committee on Health Care (originally sponsored by Representative Appelwick)

Concerning health care information disclosure.

Referred to Committee on Health and Human Services.

HB 1224 by Representatives Dellwo, King, Jones, L. Johnson, Flemming and Springer (by request of Department of Social and Health Services)

Eliminating the termination of hospice care and service coverage as medical assistance.

Referred to Committee on Health and Human Services.

EHB 1261 by Representatives Sommers, Dellwo, R. Fisher, Jacobsen, Brough, Wang, Brown, Thibaudeau, Johanson and J. Kohl

Regulating portability of retirement benefits.

Referred to Committee on Ways and Means.

SHB 1276 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Johanson, Cothorn, J. Kohl, Horn and Wood) (by request of Department of Transportation)

Developing a public transportation policy plan.

Referred to Committee on Transportation.

ESHB 1294 by House Committee on Appropriations (originally sponsored by Representatives Locke, Mielke, Orr, Heavey, Scott, Quall, Chappell, R. Fisher, R. Meyers, Ludwig, R. Johnson, Wood, Grant, Riley, King, Mastin, Forner, Franklin, Karahalios, Jacobsen, Zellinsky, Romero, Johanson, Morris, Flemming, Leonard, Brown, Finkbeiner, Holm, Eide, G. Cole, Ogden, Jones, Wang, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, H. Myers, Vance, Brough, Dorn, Hansen, Schmidt, Cooke, Casada, Edmondson, Carlson and Brumsickle)

Changing provisions in LEOFF Plan II to allow retirement at age fifty.

Referred to Committee on Ways and Means.

SHB 1299 by House Committee on Judiciary (originally sponsored by Representatives Pruitt, Forner, J. Kohl, Shin, Flemming, Carlson, Peery, Basich, Scott, Cothorn, Thibaudeau, Kessler, Holm, Karahalios, Eide, Linville, Johanson, G. Cole, Riley, Van Luven, Jacobsen, Wang, Leonard, Quall, Silver, Brumsickle, Thomas, H. Myers, Rayburn and L. Johnson) (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

Referred to Committee on Education.

SHB 1300 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, J. Kohl, Riley, Forner, Ballasiotes, Schmidt, Brough, Long, Thibaudeau, Karahalios, Franklin, Johanson, G. Cole, Wood, Casada, Jacobsen, Leonard and H. Myers)

Revising laws relating to discrimination.

Referred to Committee on Law and Justice.

ESHB 1307 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Locke, Eide, Silver, Dunshee, L. Johnson, Pruitt, Brough, Sheldon, Jones, Long, Franklin, Talcott, J. Kohl, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Rayburn and King)

Reauthorizing and modifying the Washington service corps.

Referred to Committee on Trade, Technology and Economic Development.

ESHB 1309 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Orr, Scott, G. Cole, Basich, Lemmon, Morris, Jones, Rust, Holm, R. Meyers, Johanson, J. Kohl, Jacobsen and Leonard)

Protecting and recovering wild salmonids.

Referred to Committee on Natural Resources.

ESHB 1320 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Pruitt and R. Johnson)

Modifying the forest fire protection assessment.

Referred to Committee on Natural Resources.

SHB 1336 by House Committee on Revenue (originally sponsored by Representatives Karahalios, Sehlin, Orr, Zellinsky, Dellwo, Hansen, Sheldon, Rayburn, Grant, Bray, Riley, Mastin, Linville, Basich, Campbell, Lemmon, Kremen, Flemming and Ogden)

Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption.

Referred to Committee on Ways and Means.

SHB 1350 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Fuhrman, Basich, Wood, Orr, Tate, Johanson and Foreman)

Requiring pink shrimp licenses.

Referred to Committee on Natural Resources.

EHB 1353 by Representatives G. Cole, Franklin, Heavey and King (by request of Department of Labor and Industries)

Regulating asbestos disease benefits claims.

Referred to Committee on Labor and Commerce.

SHB 1356 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Roland and Valle) (by request of Department of Health)

Modifying penalties and compliance for public water systems.

Referred to Committee on Ecology and Parks.

SHB 1357 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Roland and Valle) (by request of Department of Health)

Modifying certification of public water supply system operators.

Referred to Committee on Ecology and Parks.

HB 1361 by Representatives H. Myers, Ballasiotes, Forner, Riley, Ludwig, Padden, Chappell, Johanson, Appelwick, Long, Tate, Vance, Roland, Pruitt, Jones, Edmondson, Campbell, Lemmon, Brough, Chandler, Wood, Horn, Quall, Miller, Sheahan, Karahalios, Silver, Flemming, Morris, Talcott, Reams, L. Johnson, Ogden, Casada and Wineberry

Revising the statute of limitations for certain sex offenses.

Referred to Committee on Law and Justice.

ESHB 1368 by House Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, Johanson, Basich, Jacobsen, Ludwig, Fuhrman, Morris, Morton, Grant, Campbell, Long and Silver)

Allowing for deferral of a judicial determination that a traffic violation was committed.

Referred to Committee on Law and Justice.

SHB 1389 by House Committee on Corrections (originally sponsored by Representative Riley)

Changing provisions relating to work crews.

Referred to Committee on Law and Justice.

SHB 1396 by House Committee on State Government (originally sponsored by Representatives Anderson, Zellinsky, Mielke, Reams, Wineberry and Dellwo)

Creating a department of financial institutions.

Referred to Committee on Labor and Commerce.

ESHB 1399 by House Committee on Energy and Utilities (originally sponsored by Representatives Orr, Grant, Long, Schoesler, Ludwig and Casada)

Prohibiting unauthorized liquified petroleum gas container use.

Referred to Committee on Energy and Utilities.

SHB 1418 by House Committee on Education (originally sponsored by Representatives Ogden, H. Myers, Casada, Morris, Carlson and Jones) (by request of Washington State School for the Blind and Washington State School for the Deaf)

Changing provisions relating to state schools for the blind, deaf, and sensory impaired.

Referred to Committee on Education.

HB 1419 by Representatives G. Fisher, Horn and Rust (by request of Department of Ecology)

Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds.

Referred to Committee on Ecology and Parks.

SHB 1452 by House Committee on Human Services (originally sponsored by Representatives Riley, Heavey, Brown, Flemming, Karahalios, Cooke, Wineberry, Valle, Romero, Leonard, G. Cole, Mielke, Anderson and Ballard)

Specifying information that must be made available to parties affected by adoption.

Referred to Committee on Health and Human Services.

EHB 1456 by Representatives King, G. Cole, Lisk, R. Johnson, Horn, Foreman, Sheahan and Chandler

Allowing self-insured employers to close disability claims after July 1990.

Referred to Committee on Labor and Commerce.

ESHB 1464 by House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer)

Making laws relating to local government office vacancies more uniform.

Referred to Committee on Government Operations.

ESHB 1471 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole)

Regulating the non-Puget Sound coastal commercial crab fishery.

Referred to Committee on Natural Resources.

SHB 1497 by House Committee on Higher Education (originally sponsored by Representative Dellwo)

Adopting the approved foreign degree-granting institution branch campus act.

Referred to Committee on Higher Education.

SHB 1504 by House Committee on Capital Budget (originally sponsored by Representatives Wang, Jacobsen, Romero, Wolfe and Morris) (by request of Evergreen State College)

Changing the disposition of certain normal school fund revenues.

Referred to Committee on Higher Education.

SHB 1532 by House Committee on Health Care (originally sponsored by Representatives Veloria, Lisk, R. Johnson, Jacobsen, King, Pruitt, Karahalios, Quall, Van Luven, Long, Eide and Anderson)

Creating an interim permit for physical therapist licensure candidates.

Referred to Committee on Health and Human Services.

SHB 1545 by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing provisions relating to municipal courts.

Referred to Committee on Law and Justice.

EHB 1621 by Representatives Rayburn, Chandler and Jacobsen (by request of Department of Agriculture)

Modifying the regulation of apiaries.

Referred to Committee on Agriculture.

HB 1632 by Representatives Anderson, Locke, Morton, Grant, Tate, Brough, Thomas and J. Kohl

Modifying funeral expenses of a deceased person.

Referred to Committee on Health and Human Services.

SHB 1635 by House Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, King, Ballard, Dorn, Sehlin, Heavey, Kremen, Brough, Sheldon, Wood, Jones, Jacobsen, J. Kohl, R. Johnson, Karahalios, Holm, Scott, Orr, Kessler, Pruitt, R. Fisher, Wang, Springer, Quall, Conway, Anderson, Shin, Veloria, Leonard, Campbell, R. Meyers, Ballasiotes, Vance, Foreman, Patterson, Valle, Johanson, Miller, Chandler, G. Fisher, Roland, Linville and Cothorn)

Establishing procedures for bidding construction of jumbo ferries.

Referred to Committee on Transportation.

SHB 1650 by House Committee on State Government (originally sponsored by Representatives Romero, Campbell, Rayburn, Chappell, Ludwig, Jacobsen, Veloria and Pruitt)

Directing the attorney general to study the implementation of RCW 42.17.325.

Referred to Committee on Government Operations.

ESHB 1662 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wineberry, Shin, Forner, Sheldon, Wang, Riley, Ogden, Silver, Valle, Jones, Holm, Basich, Rayburn, Jacobsen, Kremen, Cooke and J. Kohl) (by request of Department of Trade and Economic Development)

Reauthorizing the community economic revitalization board.

Referred to Committee on Trade, Technology and Economic Development.

SHB 1667 by House Committee on Environmental Affairs (originally sponsored by Representatives Romero, H. Myers, Heavey, Finkbeiner and Wolfe)

Prohibiting additives for on-site sewage disposal systems.

Referred to Committee on Ecology and Parks.

ESHB 1670 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Heavey, Locke, King, Jacobsen, Vance, Wineberry, Mielke, Linville, Lisk, J. Kohl, Wolfe, Basich, Orr, Valle, Veloria, Anderson, G. Cole, Dorn, Jones, R. Fisher, Holm, Ogden and Kremen)

Providing service credit for periods of paid leave.

Referred to Committee on Labor and Commerce.

HB 1677 by Representatives Brown, Karahalios, Wolfe, Thibaudeau, Campbell, Flemming, Jones, King, Holm, J. Kohl, H. Myers and Anderson

Developing chemical dependency services for victims of sexual assault and domestic violence.

Referred to Committee on Health and Human Services.

SHB 1678 by House Committee on Appropriations (originally sponsored by Representatives Eide, Brough, Wineberry, Pruitt, Valle, Quall and Sheldon)

Continuing funding for Operation New Market.

Referred to Committee on Trade, Technology and Economic Development.

HB 1694 by Representatives Dellwo, Dyer and Morris (by request of Department of Health)

Modifying the examination of health profession candidates for credentialing.

Referred to Committee on Health and Human Services.

SHB 1703 by House Committee on Energy and Utilities (originally sponsored by Representatives Johanson, Grant and Jacobsen) (by request of Utilities and Transportation Commission)

Concerning alternate operator service companies.

Referred to Committee on Energy and Utilities.

SHB 1704 by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Locke, Silver, Talcott and Flemming) (by request of Secretary of State)

Authorizing the secretary of state to set fees by rule.

Referred to Committee on Government Operations.

HB 1705 by Representatives L. Johnson, Cooke, Leonard, Riley, Cothorn, King and Johanson

Extending the involuntary treatment act to cover the commitment of chemically dependent adults.

Referred to Committee on Health and Human Services.

HB 1713 by Representatives Bray, R. Fisher, Grant and Mastin

Revising vehicular window tinting labels.

Referred to Committee on Transportation.

SHB 1727 by House Committee on Corrections (originally sponsored by Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson) (by request of Department of Corrections)

Providing a procedure for releasing alien offenders for the purpose of deportation.

Referred to Committee on Law and Justice.

ESHB 1744 by House Committee on Appropriations (originally sponsored by Representatives Heavey, G. Cole, Brough and Orr)

Changing provisions relating to the LEOFF system.

Referred to Committee on Ways and Means.

SHB 1759 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Johanson, Miller, Locke, Ballasiotes, Chappell, Ludwig, Scott, Jones, Horn, Rayburn, Foreman, Roland, Forner and Wood)

Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority.

Referred to Committee on Law and Justice.

ESHB 1771 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King and Jacobsen)

Taking measures to prevent the destruction of fish protection devices.

Referred to Committee on Natural Resources.

ESHB 1776 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wineberry, Ballard, Jacobsen, Wood, Finkbeiner, Reams, Ogden, Vance, Peery, Cooke, Dorn, Johanson, R. Meyers, Campbell, Miller, Brough, Horn, Long, Foreman, J. Kohl and Forner)

Creating the office of science and technology.

Referred to Committee on Trade, Technology and Economic Development.

ESHB 1785 by House Committee on Environmental Affairs (originally sponsored by Representatives Locke, J. Kohl, Rust, Jacobsen, Wineberry, Shin, Dunshee, Holm, Pruitt, Jones, Finkbeiner, King, Basich, Quall, Orr, Johanson, Leonard and Anderson)

Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds.

Referred to Committee on Trade, Technology and Economic Development.

HB 1790 by Representatives Patterson, Ballard, Wood, Ogden, Pruitt, Jones, King, Jacobsen, Basich, Wang, Kremen, Rayburn, Sehlin, Schoesler, Karahalios, Lemmon, H. Myers, Reams, Schmidt, Cooke and Stevens (by request of Department of Community Development)

Authorizing public works board project loans.

Referred to Committee on Ways and Means.

SHB 1799 by House Committee on Capital Budget (originally sponsored by Representatives Wineberry, Forner, Shin, Morris, Springer, Valle and Karahalios)

Changing responsibilities of and expiring the economic development finance authority.

Referred to Committee on Trade, Technology and Economic Development.

HB 1809 by Representatives Locke and Wang

Permitting the pooling of department of natural resources trust management accounts.

Referred to Committee on Natural Resources.

SHB 1837 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Kessler, Mielke and Zellinsky) (by request of Insurance Commissioner)

Regulating credit for reinsurance.

Referred to Committee on Labor and Commerce.

SHB 1928 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Quall, Locke, Roland and Johanson)

Providing for more comprehensive regional transportation planning.

Referred to Committee on Transportation.

HB 1942 by Representatives R. Fisher, Quall, Locke and Johanson

Facilitating state-wide transportation planning.

Referred to Committee on Transportation.

ESHB 1949 by House Committee on Revenue (originally sponsored by Representatives Morris, Wang, Appelwick, Brough, Rust, Foreman, Springer, Peery, Ogden, Dunshee, Sommers, G. Cole, G. Fisher, R. Meyers, Riley, Mastin, Quall, Kessler, Romero, Karahalios, Shin, Basich, Heavey, Zellinsky, Ludwig, Roland, L. Johnson, Orr, Valle, Flemming, Bray, Holm, Hansen, Rayburn, Wolfe, Anderson, Finkbeiner, H. Myers, R. Fisher, Locke, Brown, Sheldon, Johanson, Veloria, Cothorn, Scott, Leonard, Jacobsen, R. Johnson, King, Linville, Pruitt, Eide, Campbell, Grant, J. Kohl and Patterson)

Prohibiting tax exempt nonprofit organizations from political activity.

Referred to Committee on Law and Justice.

SHB 1969 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl)

Creating the "Washington serves" voluntary service program.

Referred to Committee on Government Operations.

SHB 1978 by House Committee on Local Government (originally sponsored by Representatives J. Kohl, G. Cole, Karahalios, Jacobsen, Dorn, Cothorn, Roland, Pruitt, Basich, Miller, Forner, L. Johnson, Vance, Cooke, Rust and Hansen)

Allowing counties to permit public libraries on county land used for park and recreation purposes.

Referred to Committee on Government Operations.

HB 1984 by Representatives R. Fisher, Schmidt, Zellinsky, R. Meyers, Orr and Van Luven

Revising pilotage law.

Referred to Committee on Transportation.

ESHB 1999 by House Committee on Energy and Utilities (originally sponsored by Representatives Campbell, Grant, Mastin and Veloria)

Requiring back-up power for public water systems.

Referred to Committee on Energy and Utilities.

ESHB 2026 by House Committee on Commerce and Labor (originally sponsored by Representatives Karahalios, Wood, Leonard and Kessler)

Requiring notice about fetal alcohol syndrome.

Referred to Committee on Labor and Commerce.

HB 2032 by Representatives Appelwick and R. Fisher (by request of Administrator for the Courts)

Authorizing counties with a population of one million or more to have family court and mental health commissioners.

Referred to Committee on Law and Justice.

SHB 2036 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Locke and Johanson)

Providing multimodal transportation funding.

Referred to Committee on Transportation.

EHB 2061 by Representatives Chappell and King

Changing hunter education provisions.

Referred to Committee on Natural Resources.

HB 2069 by Representatives Mielke and Zellinsky

Allowing institutions of higher education to cash student's and employee's checks.

Referred to Committee on Higher Education.

HB 2073 by Representative Wang

Modifying eligibility requirements for the nonprofit homes for the aging property tax exemption.

Referred to Committee on Health and Human Services.

HJM 4016 by Representatives Valle, Wood, Springer, Shin, Forner, Quall, Casada, Sheldon, Morris, Jacobsen, Wolfe, L. Johnson, Karahalios, Chappell and J. Kohl

Requesting the federal government to enhance the promotion of mathematics, science, and technology.

Referred to Committee on Trade, Technology and Economic Development.

SECOND READING

SENATE BILL NO. 5241, by Senators Vognild, Newhouse, Moore and Prince

Making certain powers and duties of the gambling commission permissive.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5241.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Hargrove, Niemi, Pelz and Prince - 5.

SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5689, by Senators Moore, West, Vognild and McCaslin

Establishing a license to sell liquor in motels.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5689 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5689.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5689 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Anderson, Franklin, Hochstatter and Smith, L. - 5.

Excused: Senators Cantu, Niemi, Pelz and Prince - 4.

SENATE BILL NO. 5689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5636, by Senators Skratek, Pelz, Drew, McAuliffe, A. Smith and M. Rasmussen

Creating the Washington state council for lifelong learning and community involvement in education.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5636 was substituted for Senate Bill No. 5636 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Substitute Senate Bill No. 5636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5636.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5636 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Anderson, McCaslin, Newhouse, Oke, Vognild and West - 6.

Excused: Senators Cantu, Niemi and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5392, by Senators Talmadge, Deccio, Fraser, L. Smith, McCaslin, Moyer, Oke and Winsley

Revising provisions relating to abuse of children and incompetent persons.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5392 was substituted for Senate Bill No. 5392 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5392.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5392 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Cantu, Niemi and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5632, by Senators Vognild, Prince, Skratek, Winsley, Loveland and Nelson

Establishing a license plate design.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

On page 1, line 18, after "1995," strike all material through "section" on page 2, line 2, and insert "all existing license plates that are not of the approved background design, except those plates designated in RCW 46.16.305 (1) and (3), shall be replaced at the time of annual renewal. The cost of the replacement plates shall be in addition to other renewal fees"

On motion of Senator Vognild, the following amendment by Senators Prince and Vognild was adopted:

On page 1, line 17, after "standards." insert "Prior to submitting the single license plate background design to the department, the committee shall consider the fiscal impact of replacing the mountain background design plate which was established for the Washington state centennial celebration."

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator West: "Senator Vognild, there are many distinctive license plates in the state of Washington--Purple Hearts, veterans, Pearl Harbor survivors, National Guard, etc. Is it the intent of this bill to do away with those types of plates or is it simply to establish a uniform background for license plates?"

Senator Vognild: "I believe it is the intent of the committee that they should just look at a uniform background. In fact, the bill is quite specific that certain plates should be allowed."

Senator West: "Thank you, Senator Vognild."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5632.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5632 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Cantu, Niemi and Prince - 3.

ENGROSSED SENATE BILL NO. 5632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5512, by Senators M. Rasmussen, Erwin, Bluechel, Skratek, Sheldon and Snyder

Studying the impact on state businesses of international trade agreements.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5512 was substituted for Senate Bill No. 5512 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5512.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Vognild - 1.

Excused: Senators Cantu, Niemi and Prince - 3.

SUBSTITUTE SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5390, by Senators Sutherland, Hochstatter, Deccio, Haugen and Erwin

Allowing the transfer of payment for conservation measures to successive property owners.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5390 was substituted for Senate Bill No. 5390 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the rules were suspended, Substitute Senate Bill No. 5390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5390.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5390 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Amondson, McCaslin and Nelson - 3.

Excused: Senators Cantu, Niemi, Prince and Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5828, by Senators Bauer, Prince, Sheldon and Wojahn

Changing provisions relating to vocational education.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5828.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, Niemi, Prince and Vognild - 4.

SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:55 a.m., on motion of Senator Jesernig, the Senate recessed until 10:00 a.m.

The Senate was called to order at 11:01 a.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senator Hochstatter was excused.

SECOND READING

SENATE BILL NO. 5546, by Senators Prentice and Moore (by request of Employment Security Department)

Regulating unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5546.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Hochstatter - 1.

SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5659, by Senators Prentice, Owen, Sellar, Bauer, Franklin, Moyer, Moore, Prince, Snyder, Sutherland, Fraser, Winsley, M. Rasmussen and von Reichbauer (by request of Employment Security Department)

Regulating the Washington service corps.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5659.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5703, by Senators Prentice, Prince, Moore, Amondson and Franklin (by request of Employment Security Department)

Codifying the labor market information and economic analysis responsibilities of the employment security department.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5703.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5703 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5787, by Senators Gaspard, von Reichbauer and Franklin (by request of Professional Athletic Commission)

Regulating professional athletics.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5787.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5787 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Anderson - 1.

Excused: Senator Vognild - 1.

SENATE BILL NO. 5787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5288, by Senators Fraser, Talmadge and Haugen (by request of Department of Ecology)

Extending the expiration date of the solid waste collection tax.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Nelson: "Senator Fraser, in reading the bill, one would be led to believe that the solid waste management account, at the present time, has a surplus or is gaining a surplus of monies above that which we projected. Is that a correct analysis?" Senator Fraser: "Well, I believe the intent of the bill is to fully appropriate the funds that are anticipated to be generated."

Senator Nelson: "So, that the tax that people are paying on their garbage at home and in our businesses is a tax that now is bringing in more money than what we had authorized to be spent up until this time?"

Senator Fraser: "Well, the intent is to appropriate the amount of money estimated. It would seem to me if the revenues are in excess of the amount estimated, then at the next session, we would amend the budget to accommodate that. It is true that it is expected to--the revenues are expected to increase from one year to the next."

Senator Nelson: "Thank you. I had one further question. Why do we have an emergency clause on this bill?"

Senator Fraser: "The tax would take effect July 1, so we might, in the normal course of effective dates of bills, there might be a short gap there."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Roach, Sellar, von Reichbauer, West and Williams - 17.

Excused: Senator Vognild - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5791, by Senators A. Smith and Rinehart (by request of Attorney General)

Changing child support provisions.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Senate Bill No. 5791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5791.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5791 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Vognild - 1.

SENATE BILL NO. 5791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5868, by Senators Skratek, Bluechel, Sheldon, Erwin, Deccio, M. Rasmussen, Snyder, Gaspard and Winsley

Creating the department of economic and community development.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5868 was substituted for Senate Bill No. 5868 and the substitute bill was placed on second reading and read the second time.

Senator Skratek moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the long-term health of the state and its citizens depends upon the availability of family-wage jobs, the flexibility and innovativeness of business firms, the skills and capacity of the work force, local communities that are strong and adaptive, the availability of affordable housing, local and regional planning to anticipate and plan for changing circumstances, and infrastructure to support local social and economic needs, human services, and safe communities. These factors are tied to one another and are all critical to maintaining the state's quality of life and economic health in the face of changing circumstances.

The legislature finds that as a result of the rapid pace of social and economic change, maintaining the quality of life and standard of living for the citizens of the state will require new and inventive responses by communities, businesses, nonprofit institutions, and individuals. The state can play a role in assisting such efforts by reorganizing state assistance efforts to form partnerships with the private and nonprofit sectors, requiring new partnerships at the local level, and facilitating new relations within industries.

The legislature further finds that it is in the interest of the state to create one agency to coordinate and assist self-sufficiency programs for individuals, communities, and industries. The consolidation of the department of trade and economic development and the department of community development into one department will improve the efficiency and effectiveness with which state services are delivered to build the skill and capacity of our citizens, businesses, and local communities to respond to

economic change. Such a consolidation will increase accountability to the public, the executive, and the legislature for the performance of community and economic development functions.

It is the intent of the legislature in consolidating the two agencies that the community and economic development functions be merged in a manner that allows the new department to direct state resources of significant scope and scale to (1) communities or groups of communities with the greatest relative economic need and the fewest resources and (2) targeted sectors of the economy that have the greatest potential for either wealth generation through value-added production, or for negative economic impact on the state or its communities. The legislature intends through this consolidation to encourage state actions to build and diversify the economy to encourage long-term, family-wage employment and promote and assist in providing the physical and social infrastructure needed to support the creation and maintenance of such employment. It is also the intent of the legislature to support economic growth that is environmentally sustainable and employment that is derived from maintaining the environment and from sustainable use of natural resources.

It is the further intent of the legislature in this consolidation to maximize the use of local expertise and local community resources in the delivery of economic and community development services, and to ensure that the services offered are the ones desired by the state's community and business customers. The community services and community development services of the department, such as growth management, community services block grants, early childhood education, and the housing trust fund shall be administered in accord with their implementing legislation.

NEW SECTION. Sec. 2. (1) The purpose of this chapter is to establish the broad outline of the structure of the department of community and economic resources, leaving specific details of its internal organization and management to those charged with its administration.

(2) It is also the purpose of this chapter to establish a department of the state to:

(a) Aid in providing financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of the communities and their residents;

(b) Assist firms and industries increase their competitiveness in the world economy, diversify the state's economy, and increase the environmental sustainability of the state's industries, so that they may provide stable family-wage employment for the state's citizens; and

(c) Support local government and nonprofit institution programs that help families and individuals reach economic self-sufficiency and stabilize the communities in which they live.

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

(1) "Associate development organization" means a local economic development nonprofit corporation.

(2) "Department" means the department of community and economic resources.

(3) "Director" means the director of the department of community and economic resources.

(4) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(5) "Distressed area" has the meaning in RCW 43.165.010.

(6) "Impact area" means (a) distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty areas in those counties which are not covered under (a) of this subsection which are timber impact areas as defined in RCW 43.31.601; (c) urban subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas not currently experiencing economic distress which the department anticipates as likely to experience distress in the near future, such as areas experiencing defense budget reductions or suffering dislocations from natural resource issues such as salmon recovery.

NEW SECTION. Sec. 4. A state department of community and economic resources is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law.

NEW SECTION. Sec. 5. The executive head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 6. (1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to economic and community development matters affecting the state.

(a) The director may:

(i) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(ii) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter; and

(iii) Accept gifts and grants, whether such grants be of federal or other funds;

(b) The director shall:

(i) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(ii) Prepare and submit for executive and legislative action on the budget for the department;

(iii) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter; and

(iv) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter.

(2) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(3) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(4) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information to carry out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state

shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(5) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 7. The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW.

NEW SECTION. Sec. 8. The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to accommodate growth while maintaining a healthy environment; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; technology development, transfer, and diffusion; community services; and public safety efforts. The department shall have the following functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

(3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Cooperate with and provide technical and financial assistance to local governments, businesses and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources;

(5) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(6) Administer community services programs directed to the poor and infirm through private, nonprofit organizations and units of general purpose local government and coordinate these programs using, to the extent possible, integrated case management methods, with other community and economic development and self-sufficiency efforts of the department;

(7) Undertake business development and retention efforts in coordination with other state agencies, local governments, tribal governments, and public and private local development groups seeking new business investment and the expansion and retention of existing businesses, including providing assistance to local organizations to resolve environmental and natural resource issues related to economic development;

(8) Identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports and that are capable of increasing production of goods and services;

(9) Market the state's products and services internationally in close cooperation with other private and public international trade efforts and act as a centralized location for the assimilation and distribution of trade information;

(10) Assist in the production, development, rehabilitation, preservation, and operation of owner-occupied or rental housing for low and moderate-income persons; operate programs to assist home ownership, offer housing services, and provide special needs housing services and units; and qualify as a participating state agency for all programs of the federal department of housing and urban development or its successor;

(11) Coordinate and administer energy assistance and residential energy rehabilitation programs of the federal and state government through nonprofit organizations, local governments, and housing authorities;

(12) Administer state and federal categorical or block grants in a timely and cost-effective manner;

(13) Administer and coordinate targeted education programs assigned to the department in an integrated manner in order to maximize the case management value of such programs;

(14) Develop, or assist local governments in developing housing plans required by the state or federal government;

(15) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(16) Hold public hearings and meetings to carry out the purposes of this chapter;

(17) Market and coordinate the attraction of visitors and conventions to the state and the expansion of the tourism industry throughout the state in cooperation with the visitor industry, as well as public and private tourism development organizations;

(18) Promote, market, and encourage growth in the production of films and videos, as well as television commercials, within the state;

(19) Administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(20) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic problems in the state;

(21) Provide support to strengthen local capacity for controlling risk to life and property that may result from fires and emergencies, and provide a comprehensive state-level focus for fire protection services, funding, and policy;

(22) Provide for the identification and preservation of the state's historical and cultural resources;

(23) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters;

(24) Promote volunteerism and citizen service as a means for accomplishing local community and economic development goals and objectives; and

(25) Assist local governments to plan for new growth while preserving environmental quality and open space.

NEW SECTION. Sec. 9. (1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of trade and economic development and the department of community development into the department of community and economic resources so that the departments will operate as a single entity on July 1, 1994.

(2) The plan shall include:

(a) Strategies for a sectoral focus in economic development, a targeted geographic focus in the delivery of economic and community development services, and the integration of community-based approaches in the delivery of economic development services;

(b) Implementation steps for the department's efforts at:

(i) Technology transfer and technology diffusion;

(ii) Linking work force training to its other community and business assistance efforts;

(iii) Assisting local governments in planning and encouraging a balance of economic growth between urban and rural areas;

(iv) Providing small business financial and technical assistance including self-employment assistance and entrepreneurial development;

(v) Marketing and promotion of Washington products and enhancing the participation of the state's businesses in global trade;

(vi) Coordination of federal, state, and local community and economic development efforts with the state and maximizing federal community and economic development resources within the state;

(vii) Leveraging limited state resources and broadening the base of involvement by working collaboratively and forming partnerships with private and public institutes of higher education and other public, private, and nonprofit organizations;

(viii) Addressing the special needs of economically disadvantaged communities and business sectors in transition; and

(ix) Carrying out the policy objectives set forth in section 10 of this act.

(c) The establishment of benchmarks by which to measure progress and the evaluation of the performance and effectiveness of the department's efforts.

(3) In developing this plan, the directors shall consider existing functions and programs of both agencies and make recommendations for any changes in programs and functions.

(4) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, businesses, associate development organizations, low-income housing interests, Indian tribes, community action programs, public safety groups, community-based nonprofit development organizations, and any other organizations the directors determine should have input to the plan.

NEW SECTION. Sec. 10. In the next four years after the effective date of this section, the department shall pursue the following policy objectives:

(1) Develop, promote, and support partnerships at the local and regional level between local development organizations including local governments, associate development organizations, community action agencies, port districts, private industry councils, community-based nonprofit development organizations, chambers of commerce, community colleges, technical colleges, and other institutions of higher education;

(2) Diversify the state economy in economic sectors that offer the prospect of family-wage employment through (a) the establishment of flexible networks of firms and (b) identification of problems and opportunities in industrial competitiveness;

(3) Encourage development that maintains the health of the state's environment while providing employment.

NEW SECTION. Sec. 11. (1) The local economic development service program is established in the department. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state. The program shall promote local economic development by assisting businesses to start up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(2) The department's local economic development service program shall, among other things, (a) contract with associate development organizations for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of agriculture and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, technical colleges, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(3) The department shall coordinate economic development efforts to minimize program redundancy and maximize accessibility. The department shall work to develop links between the state and service users as well as among the service users themselves.

(4) It is the intent of the legislature that the associate development organizations contracted with under this program shall promote and coordinate, through local service agreements or other methods, the delivery of economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

(6)(a) The department shall divide the state into service delivery regions. In creating these regions, the department shall consult with associate development organizations, port districts, and other local economic development entities. The department may use a challenge grant process to carry out the purposes of this section. Each region shall meet the following criteria:

- (i) Each region shall have a population of no less than one hundred thousand;
- (ii) Each region shall contain at least one institution of higher education as defined in RCW 28B.10.016; and
- (iii) Each region shall have organizations and resources capable of supporting the delivery of community and economic development services to all parts of the region.

The department shall minimize problems of accessibility to services that result from a geographically large region, and maximize commonalities between the communities in the region.

(b) In each service delivery region the department shall contract with one associate development organization or a consortium of such organizations, or another appropriate locally based organization to coordinate the delivery of economic development services within the region. The contracting organization shall work with local governments, associate development organizations, local chambers of commerce, private industry councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups within the region and shall involve them in the planning for and delivery of economic development services required by this section.

The contracting organization shall designate five traded sectors of the region's economy that represent the five most significant sectors within the region. The contracting organization shall survey businesses and employees in these sectors on an annual basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region. The results of these surveys shall be compiled by the department. The contracting organization shall coordinate methodology for surveying training needs with the work force training and education coordinating board.

The contracting organization shall participate with the work force training and education coordinating board, and any regional entities designated by that board, in providing for the coordination of job skills training within its region. The contracting organization shall inform businesses of training providers within its region, and shall inform training providers as to business training needs within its region.

The contracting organization shall be responsible for coordinating the delivery of those public or private technical assistance services required by the businesses and employees in the targeted sectors within its region, as indicated by survey responses. Such services shall include entrepreneurial training, production process analysis, product development assistance, marketing, and financial and other management services. The contracting organization shall develop a list of individuals, organizations, and firms qualified to meet specialized training or business development needs.

The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to carry out the survey of targeted sectors within its region and coordinate the delivery of technical assistance as required by this section.

NEW SECTION. Sec. 12. The department shall work with private sector organizations, local governments, local economic development organizations, and institutions of higher education to assist in the development of a targeted sectors program. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sectors approach to economic development and including additional sectors in its efforts. The department shall use the sectorial surveys conducted in each service delivery region in formulating its sectorial strategies and in designating new targeted sectors.

In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

- (1) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;
- (2) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;
- (3) Assisting in the formation of flexible networks by providing (a) agency employees or private sector consultants trained to act as flexible network brokers and (b) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;
- (4) Helping establish research consortia;
- (5) Facilitating joint training and education programs;
- (6) Promoting cooperative market development activities;
- (7) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and
- (8) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

By January 10th of each year, the department shall report in writing on its targeted sector programs to the appropriate legislative committees. The department's report shall include an appraisal of the sector, activities the department has undertaken to assist in the development of each sector, and recommendations to the legislature regarding activities that the state should implement but are currently beyond the scope of the department's program or resources.

NEW SECTION. Sec. 13. (1) The department shall establish a technical assistance and training program. The program shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens and businesses. Services shall be provided in impact areas and shall be targeted to those communities most in need of state assistance.

(2) The department shall provide direct technical assistance to local communities to strengthen their role in building their local economies. This assistance shall include, but not be limited to:

- (a) Identifying emerging problems in impact areas for businesses, workers, and communities and providing timely assistance;
- (b) Evaluating the economic health of a community including its economic base and its strengths, weaknesses, and opportunities;
- (c) Assisting communities and nonprofit development entities in developing local economic development strategies, including the technical analysis necessary to carry out the strategies;
- (d) Providing assistance to communities in broadening their local economic base, including providing management and financial assistance, entrepreneurial training, and assistance to firms in identifying new markets and introducing new processes;

- (e) Assisting communities in responding to economic change, including supporting organizational and leadership development;
 - (f) Assisting local governments to facilitate the siting of businesses;
 - (g) Facilitating the formation of flexible networks among groups of businesses; and
 - (h) Providing technical and managerial assistance to small businesses including assistance in securing available financing and industrial modernization.
- (3) The department shall administer a technical assistance funding pool for the delivery to impact areas of technical assistance.
- (4) The department shall establish a community development training institute to provide intensive economic and community development skills training to local communities.

(5) The department shall establish an entrepreneurial development institute using a competitive bidding process among educational institutions and nonprofit development organizations.

NEW SECTION. Sec. 14. (1) To provide local communities with flexible sources of funding and community and economic development programs, the department shall establish and operate a local development grant program. The program shall coordinate funding for eligible projects with other federal, state, local, private and nonprofit funding sources. Federal community development block grant funds administered by the state shall be administered in conjunction with this program and the department shall, within federal guidelines, give priority to economic development projects in the use of community development block grant funds.

(2) To be eligible to receive funds under this program an organization must be a local government, community-based organization, nonprofit development organization, port district, or Indian tribe. Any local government, associate development organization, or port district requesting funds shall demonstrate the participation of a cultural, economic, and ethnic cross-section of the local community in the project, including business, labor, nonprofit community-based organizations, and educational institutions.

(3) In awarding grants under this program, preference shall be given to efforts that have the prospect of resulting in long-term, family-wage employment, to development that is environmentally sustainable, and to projects that are developed and supported jointly with nonstate partners. Funds shall not be used for entertainment or hosting. Funds granted for economic development projects require a contribution of local funds or resources to the project. No less than twenty-five percent of available grant funds awarded yearly under this program shall be awarded to nonprofit, community-based organizations, and no less than twenty-five percent of available grant funds awarded yearly under this program shall be awarded to associate development organizations.

(4) The grant program shall include the use of available community development block grant funds, loan fund or reserve fund resources to make grants to local development organizations for the establishment of revolving loan funds for microloans to low-income individuals wishing to become self-employed. Such grants shall be conditioned on the local development organization's (a) operating a structured entrepreneurial training program for its low-income clients and (b) requiring participation in the training program before awarding a microloan to those desiring a microloan.

Sec. 15. RCW 28C.18.060 and 1991 c 238 s 7 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.

(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.

(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security

department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.

(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Work with the director of the department of community and economic resources to ensure coordination between work force training priorities and that department's technology diffusion, self-employment, and business assistance efforts.

(27) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

Sec. 16. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of ~~((trade))~~ community and economic ~~((development))~~ resources, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) ~~((the department of community development, and (16)))~~ the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 17. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of ~~((trade))~~ community and economic ~~((development))~~ resources, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) ~~((the director of community development, and (16)))~~ the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

NEW SECTION. Sec. 18. The department of community development is hereby abolished and its powers, duties, and functions are hereby transferred to the department of community and economic resources.

NEW SECTION. Sec. 19. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community development shall be delivered to the custody of the department of community and economic resources. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community development shall be made available to the department of community and economic resources. All funds,

credits, or other assets held by the department of community development shall be assigned to the department of community and economic resources.

Any appropriations made to the department of community development shall, on the effective date of this section, be transferred and credited to the department of community and economic resources.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 20. All employees of the department of community development are transferred to the jurisdiction of the department of community and economic resources. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community and economic resources to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 21. All rules and all pending business before the department of community development shall be continued and acted upon by the department of community and economic resources. All existing contracts and obligations shall remain in full force and shall be performed by the department of community and economic resources.

NEW SECTION. Sec. 22. The transfer of the powers, duties, functions, and personnel of the department of community development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 23. If apportionments of budgeted funds are required because of the transfers directed by sections 19 through 22 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 24. Nothing contained in sections 18 through 23 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 25. The department of trade and economic development is hereby abolished and its powers, duties, and functions are hereby transferred to the department of community and economic resources.

NEW SECTION. Sec. 26. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of trade and economic development shall be delivered to the custody of the department of community and economic resources. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of trade and economic development shall be made available to the department of community and economic resources. All funds, credits, or other assets held by the department of trade and economic development shall be assigned to the department of community and economic resources.

Any appropriations made to the department of trade and economic development shall, on the effective date of this section, be transferred and credited to the department of community and economic resources.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 27. All employees of the department of trade and economic development are transferred to the jurisdiction of the department of community and economic resources. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community and economic resources to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 28. All rules and all pending business before the department of trade and economic development shall be continued and acted upon by the department of community and economic resources. All existing contracts and obligations shall remain in full force and shall be performed by the department of community and economic resources.

NEW SECTION. Sec. 29. The transfer of the powers, duties, functions, and personnel of the department of trade and economic development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 30. If apportionments of budgeted funds are required because of the transfers directed by sections 26 through 29 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 31. Nothing contained in sections 25 through 30 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 32. RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" has the meaning given in ((RCW 43.31.025(4))) section 3 of this act.

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one three-digit standard industrial classification as published by the United States department of commerce.

Sec. 33. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163 ((RCW and chapters 43.31, 43.63A), 43.-- (sections 1 through 8, 10 through 14, and 76 of this act), and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(dd) Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought.

No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 34. RCW 42.17.319 and 1989 c 312 s 7 are each amended to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by investors or entrepreneurs under chapter ((43.34)) 43.-- RCW (sections 1 through 8, 10 through 14, and 76 of this act) shall be made available to the public.

Sec. 35. RCW 43.17.065 and 1991 c 314 s 28 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of ((trade)) community and economic ((development)) resources, and any other state officials, when such officials request timely action on the part of the issuing department.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in timber impact areas, as defined in RCW 43.31.601, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application approved; and

(b) The assistance that will be made available to the applicant by the agency to expedite the application process.

(3) The agency timber task force established in RCW 43.31.621 shall oversee implementation of this section.

(4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

Sec. 36. RCW 43.20A.750 and 1992 c 21 s 4 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, and, where appropriate, under an interagency agreement with the department of community ((development)) and economic resources, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 37. RCW 43.31.057 and 1986 c 183 s 2 are each amended to read as follows:

The department of ((trade)) community and economic ((development)) resources is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

Sec. 38. RCW 43.31.085 and 1989 c 430 s 2 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

- (2) Coordinate the delivery of state programs to assist businesses.
- (3) Provide comprehensive referral services to businesses requiring government assistance.
- (4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.
- (5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.
- (6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.
- (7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.
- (8) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) ~~((the department of community development, (d)))~~ the employment security department, ~~((e))~~ (d) the department of ~~((trade))~~ community and economic ~~((development))~~ resources, ~~((f))~~ (e) the small business development center, and ~~((g))~~ (f) the department of social and health services.
- (9) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.
- (10) Actively seek public and private money to support the child care facility fund described in RCW 43.31.502, staff and assist the child care facility fund committee as described in RCW 43.31.504, and work to promote applications to the committee for loan guarantees, loans, and grants.

Sec. 39. RCW 43.31.205 and 1992 c 228 s 2 are each amended to read as follows:

In an effort to enhance the economy of the Tri-Cities area, the department of ~~((trade))~~ community and economic ~~((development))~~ resources is directed to promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease. When promoting the existence of the lease, the department shall work in cooperation with any associate development organization~~(s)~~ located in or near the Tri-Cities area.

Sec. 40. RCW 43.31.409 and 1989 c 312 s 3 are each amended to read as follows:

There is created in the business assistance center of the department of ~~((trade))~~ community and economic ~~((development))~~ resources the Washington investment opportunities office.

Sec. 41. RCW 43.31.411 and 1989 c 312 s 4 are each amended to read as follows:

The Washington investment opportunities office shall:

- (1) Maintain a list of all entrepreneurs engaged in manufacturing, wholesaling, transportation services, development of destination tourism resorts, or traded services throughout the state seeking capital resources and interested in the services of the investment opportunities office.
- (2) Maintain a file on each entrepreneur which may include the entrepreneur's business plan and any other information which the entrepreneur offers for review by potential investors.
- (3) Assist entrepreneurs in procuring the managerial and technical assistance necessary to attract potential investors. Such assistance shall include the automatic referral to the small business innovators opportunity program of any entrepreneur with a new product meriting the services of the program.
- (4) Provide entrepreneurs with information about potential investors and provide investors with information about those entrepreneurs which meet the investment criteria of the investor.
- (5) Promote small business securities financing.
- (6) Remain informed about investment trends in capital markets and preferences of individual investors or investment firms throughout the nation through literature surveys, conferences, and private meetings.
- (7) Publicize the services of the investment opportunities office through public meetings throughout the state, appropriately targeted media, and private meetings. Whenever practical, the office shall use the existing services of local associate development organizations in outreach and identification of entrepreneurs and investors.
- (8) Report to the ways and means committees and ~~((commerce and labor))~~ appropriate economic development committees of the senate and the house of representatives by December 1, 1989, and each year thereafter, on the accomplishments of the office. Such reports shall include:
 - (a) The number of entrepreneurs on the list referred to in subsection (1) of this section, segregated by standard industrial classification codes;
 - (b) The number of investments made in entrepreneurs, segregated as required by (a) of this subsection, as a result of contact with the investment opportunities office, the dollar amount of each such investment, the source, by state or nation, of each investment, and the number of jobs created as a result of each investment;
 - (c) The number of entrepreneurs on the list referred to in subsection (1) of this section segregated by counties, the number of investments, the dollar amount of investments, and the number of jobs created through investments in each county as a result of contact with the investment opportunities office;
 - (d) A categorization of jobs created through investments made as a result of contact with the investment opportunities office, the number of jobs created in each such category, and the average pay scale for jobs created in each such category;
 - (e) The results of client satisfaction surveys distributed to entrepreneurs and investors using the services of the investment opportunities office; and
 - (f) Such other information as the managing director finds appropriate.

Sec. 42. RCW 43.31.422 and 1991 c 272 s 19 are each amended to read as follows:

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used pursuant to the recommendations of the committee created in RCW 43.31.425 and the approval of the director of the

department of ~~((trade))~~ community and economic ~~((development))~~ resources for Hanford area revolving loan funds, Hanford area infrastructure projects, or other Hanford area economic development and diversification projects, but may not be used for government or nonprofit organization operating expenses. Up to five percent of moneys in the fund may be used for program administration. For the purpose of this chapter "Hanford area" means Benton and Franklin counties. Disbursements from the fund shall be on the authorization of the director of ~~((trade))~~ community and economic ~~((development))~~ resources or the director's designee after an affirmative vote of at least six members of the committee created in RCW 43.31.425 on any recommendations by the committee created in RCW 43.31.425. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

Sec. 43. RCW 43.31.504 and 1989 c 430 s 4 are each amended to read as follows:

The child care facility fund committee is established within the business assistance center of the department of ~~((trade))~~ community and economic ~~((development))~~ resources. The committee shall administer the child care facility fund, with review by the director of the department of ~~((trade))~~ community and economic ~~((development))~~ resources.

(1) The committee shall have five members. The director of the department of ~~((trade))~~ community and economic ~~((development))~~ resources shall appoint the members, who shall include:

- (a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;
- (b) One person representing a philanthropic organization with experience in evaluating funding requests;
- (c) One child care services expert; and
- (d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The department of ~~((trade))~~ community and economic ~~((development))~~ resources may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 44. RCW 43.31.522 and 1990 c 57 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524 and 43.31.526:

- (1) "Department" means the department of ~~((trade))~~ community and economic ~~((development))~~ resources.
- (2) "Center" means the business assistance center established under RCW 43.31.083.
- (3) "Director" means the director of ~~((trade))~~ community and economic ~~((development))~~ resources.
- (4) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

Sec. 45. RCW 43.31.524 and 1990 c 57 s 3 are each amended to read as follows:

There is established a Washington marketplace program within the business assistance center established under RCW 43.31.083. The program shall assist businesses to competitively meet their needs for goods and services within Washington state by providing information relating to the replacement of imports or the fulfillment of new requirements with Washington products produced in Washington state. The program shall place special emphasis on strengthening rural economies in economically distressed areas of the state meeting the criteria of an "eligible area" as defined in RCW 82.60.020(3). ~~((The Washington marketplace program shall consult with the community revitalization team established pursuant to chapter 43.165 RCW.))~~

Sec. 46. RCW 43.31.526 and 1990 c 57 s 4 are each amended to read as follows:

(1) The department shall contract with local nonprofit organizations in at least three economically distressed areas of the state that meet the criteria of an "eligible area" as defined in RCW 82.60.020(3) to implement the Washington marketplace program in these areas. The department, in order to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas, may enter into joint contracts with multiple nonprofit organizations. Contracts with economic development organizations to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas shall be structured by the department and the distressed area marketplace programs. Contracts with economic development organizations shall:

- (a) Award contracts based on a competitive bidding process, pursuant to chapter 43.19 RCW;
- (b) Give preference to nonprofit organizations representing a broad spectrum of community support; and
- (c) Ensure that each location contain sufficient business activity to permit effective program operation.

The department may require that contractors contribute at least twenty percent local funding.

(2) The contracts with local nonprofit organizations shall be for, but not limited to, the performance of the following services for the Washington marketplace program:

(a) Contacting Washington state businesses to identify goods and services they are currently buying or are planning in the future to buy out-of-state and determine which of these goods and services could be purchased on competitive terms within the state;

(b) Identifying locally sold goods and services which are currently provided by out-of-state businesses;

(c) Determining, in consultation with local business, goods and services for which the business is willing to make contract agreements;

(d) Advertising market opportunities described in (c) of this subsection; and

(e) Receiving bid responses from potential suppliers and sending them to that business for final selection.

(3) Contracts may include provisions for charging service fees of businesses that profit as a result of participation in the program.

(4) The center shall also perform the following activities in order to promote the goals of the program:

(a) Prepare promotional materials or conduct seminars to inform communities and organizations about the Washington marketplace program;

(b) Provide technical assistance to communities and organizations interested in developing an import replacement program;

(c) Develop standardized procedures for operating the local component of the Washington marketplace program;

(d) Provide continuing management and technical assistance to local contractors; and

(e) Report by December 31 of each year to the ~~((senate))~~ appropriate economic development ~~((and labor committee and to))~~ committees of the senate and the house of representatives ~~((trade and economic development committee))~~ describing the activities of the Washington marketplace program.

Sec. 47. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

(1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of ~~((trade))~~ community and economic ~~((development, department of community development))~~ resources, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, 1993.

Sec. 48. RCW 43.31.641 and 1991 c 314 s 7 are each amended to read as follows:

The department of ~~((trade))~~ community and economic ~~((development))~~ resources, as a member of the agency timber task force and in consultation with the board, shall:

(1) Implement an expanded value-added forest products development industrial extension program. The department shall provide technical assistance to small and medium-sized forest products companies to include:

(a) Secondary manufacturing product development;

(b) Plant and equipment maintenance;

(c) Identification and development of domestic market opportunities;

(d) Building products export development assistance;

(e) At-risk business development assistance;

(f) Business network development; and

(g) Timber impact area industrial diversification.

(2) Provide local contracts for small and medium-sized forest product companies, start-ups, and business organizations for business feasibility, market development, and business network contracts that will benefit value-added production efforts in the industry.

(3) Contract with local business organizations in timber impact areas for development of programs to promote industrial diversification. ~~((In addition, the department shall develop an interagency agreement with the department of community development for local capacity-building grants to local governments and community-based organizations in timber impact areas, which may include long-range planning and needs assessments.))~~

(4) Implement a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The program shall provide resources and technical assistance to timber impact areas.

(5) Develop and administer a program for local capacity-building grants for local governments and community-based organizations in timber impact areas that may include assistance for long-range planning and needs assessments.

For the 1991-93 biennium, the department of ~~((trade))~~ community and economic ~~((development))~~ resources shall use funds appropriated for this section for contracts and for no more than two additional staff positions.

Sec. 49. RCW 43.31.830 and 1987 c 195 s 7 are each amended to read as follows:

(1) It shall be the duty of the director of community and economic resources to certify, from the applications received, the state international trade fair or fairs qualified and entitled to receive funds under RCW ~~((43.31.790 through 43.31.850 and))~~ 67.16.100, ~~((as now or hereafter amended))~~ and under rules established by the director. (2) To be eligible for state financed aid an organization shall:

(a) Have had at least two or more years of experience in the presentation of or participation in state international trade fairs; and

(b) Be able to provide, from its own resources derived from general admission or otherwise, funds sufficient to match at least one-half of the amount of state financial aid allotted.

(3) The director shall make annual allotments to state international trade fairs determined qualified to be entitled to participate in the state trade fair fund and shall fix times for the division of and payment from the state trade fair fund: PROVIDED, That total payment to any one state international trade fair shall not exceed sixty thousand dollars in any one year, where participation or presentation occurs within the United States, and eighty thousand dollars in any one year, where participation or presentation occurs outside the United States: PROVIDED FURTHER, That a state international trade fair may qualify for the full allotment of funds under either category. Upon certification of the allotment and division of fair funds by the director ~~((of trade and economic development))~~ the treasurer shall proceed to pay the same to carry out the purposes of RCW ~~((43.31.790 through 43.31.850 and))~~ 67.16.100 ~~((, as now or hereafter amended))~~.

Sec. 50. RCW 43.31.840 and 1975 1st ex.s. c 292 s 6 are each amended to read as follows:

The director of community and economic resources shall at the end of each year for which an annual allotment has been made, ~~((cause to be conducted,))~~ conduct a post audit of all of the books and records of each state international trade fair

participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state international trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state international trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations.

Sec. 51. RCW 43.31.850 and 1987 c 195 s 9 are each amended to read as follows:

State international trade fair as used in RCW ((~~43.31.790 through 43.31.840 and~~) 67.16.100(~~, as now or hereafter amended,~~)) shall mean a fair supported by public agencies basically for the purpose of introducing and promoting the sale of manufactured or cultural products and services of a given area, whether presented in this state, the United States or its territories, or in a foreign country.

Sec. 52. RCW 43.160.020 and 1992 c 21 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of ((~~trade~~) community and economic ((~~development or its successor with respect to the powers granted by this chapter~~) resources).

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 53. RCW 43.168.020 and 1991 c 314 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community ((~~development~~) and economic resources).

(3) "Director" means the director of the department of community ((~~development~~) and economic resources).

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under RCW 43.31.601 if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

Sec. 54. RCW 43.210.110 and 1991 c 314 s 12 are each amended to read as follows:

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under RCW 43.210.100(3):

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in RCW 43.31.601. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of ~~((trade))~~ community and economic ~~((development))~~ resources and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in RCW 43.210.070 and 43.210.100 through 43.210.120; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific

Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

Sec. 55. RCW 43.63A.066 and 1990 c 33 s 579 are each amended to read as follows:

The department of community ~~((development))~~ and economic resources shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.200 and 28A.215.900 through 28A.215.908.

Sec. 56. RCW 43.63A.075 and 1985 c 466 s 53 are each amended to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) Develop expertise in federal, state, and local community and economic development programs; and (2) assist communities and businesses to secure available financing ~~((; and (3) work closely with the department of trade and economic development on financial and technical assistance programs available to small and medium sized businesses))~~. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

Sec. 57. RCW 43.63A.115 and 1990 c 156 s 1 are each amended to read as follows:

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall be a delivery system for federal and state anti-poverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network. The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the department of community ~~((development))~~ and economic resources.

(3) Funds for anti-poverty programs may be distributed to the community action agencies by the department of community ~~((development))~~ and economic resources and other state agencies in consultation with the authorized representatives of community action agency networks.

Sec. 58. RCW 43.63A.155 and 1989 c 225 s 5 are each amended to read as follows:

The department of community ~~((development))~~ and economic resources shall retain the bond information it receives under RCW 39.44.210 and 39.44.230 and shall publish summaries of local government bond issues at least once a year.

The department of community ~~((development))~~ and economic resources shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210 and 39.44.230.

Sec. 59. RCW 43.63A.220 and 1987 c 505 s 34 are each amended to read as follows:

(1) The department of community ~~((development))~~ and economic resources is directed to undertake a study as to the best means of providing encouragement and assistance to the formulation of employee stock ownership plans providing for the partial or total acquisition, through purchase, distribution in lieu of compensation, or a combination of these means or any other lawful means, of shares of stock or other instruments of equity in facilities by persons employed at these facilities in cases in which operations at these facilities would, absent employee equity ownership, be terminated, relocated outside of the state, or so reduced in volume as to entail the permanent layoff of a substantial number of the employees.

(2) In conducting its study, the department shall:

(a) Consider federal and state law relating directly or indirectly to plans proposed under subsection (1) of this section, and to the organization and operation of any trusts established pursuant to the plans, including but not limited to, the federal internal revenue code and any regulations promulgated under the internal revenue code, the federal securities act of 1933 as amended and other federal statutes providing for regulation of the issuance of securities, the federal employee retirement income and security act of 1974 as amended, the Chrysler loan guarantee legislation enacted by the United States congress in 1979, and other federal and state laws relating to employment, compensation, taxation, and retirement;

(b) Consult with relevant persons in the public sector, relevant persons in the private sector, including trustees of any existing employee stock ownership trust, and employees of any firm operating under an employee stock ownership trust, and with members of the academic community and of relevant branches of the legal profession;

(c) Examine the experience of trusts organized pursuant to an employee stock ownership plan in this state or in any other state; and

(d) Make other investigations as it may deem necessary in carrying out the purposes of this section.

(3) Pursuant to the findings and conclusions of the study conducted under subsection (2) of this section, the department of community ~~((development))~~ and economic resources shall develop a plan to encourage and assist the formulation of employee stock ownership plans providing for the acquisition of stock by employees of facilities in this state which are subject to closure or drastically curtailed operation. The department shall determine the amount of any costs of implementing the plan.

(4) The director of community ~~((development))~~ and economic resources shall, within one year of July 28, 1985, report the findings and conclusion of the study, together with details of the plan developed pursuant to the study, to the legislature, and shall include in the report any recommendations for legislation which the director deems appropriate.

(5) The department of community ~~((development))~~ and economic resources shall carry out its duties under this section using available resources.

Sec. 60. RCW 43.63A.230 and 1988 c 186 s 17 are each amended to read as follows:

(1) The department of community ~~((development))~~ and economic resources shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of ~~((the department of trade and economic development,))~~ the employment security department~~((;))~~ and state institutions of higher education to promote employee ownership.

(3) The department shall report to the governor, the ~~((trade and))~~ appropriate economic development ~~((committee of))~~ committees of the senate and the house of representatives, ~~((the commerce and labor committee of the senate,))~~ and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(4) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

Sec. 61. RCW 43.63A.245 and 1992 c 63 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.63A.240 through 43.63A.270.

"Agency" means one of the agencies or organizations participating in the activities of the senior environmental corps.

"Coordinator" means the person designated by the director of the department of community ~~((development))~~ and economic resources with the advice of the council to administer the activities of the senior environmental corps.

"Corps" means the senior environmental corps.

"Council" means the senior environmental corps coordinating council.

"Department" means the department of community ~~((development))~~ and economic resources.

"Director" means the director of the department of community ~~((development))~~ and economic resources or the director's authorized representative.

"Representative" means the person who represents an agency on the council and is responsible for the activities of the senior environmental corps in his or her agency.

"Senior" means any person who is fifty-five years of age or over.

"Volunteer" means a person who is willing to work without expectation of salary or financial reward, and who chooses where he or she provides services and the type of services he or she provides.

Sec. 62. RCW 43.63A.247 and 1992 c 63 s 3 are each amended to read as follows:

The senior environmental corps is created within the department of community ~~((development))~~ and economic resources. The departments of agriculture, community ~~((development))~~ and economic resources, employment security, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority shall participate in the administration and implementation of the corps and shall appoint representatives to the council.

Sec. 63. RCW 43.63A.260 and 1992 c 63 s 5 are each amended to read as follows:

The department shall convene a senior environmental corps coordinating council to meet as needed to establish and assess policies, define standards for projects, evaluate and select projects, develop recruitment, training, and placement procedures, receive and review project status and completion reports, and provide for recognition of volunteer activity. The council shall include representatives appointed by the departments of agriculture, community ~~((development))~~ and economic resources, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority. The council shall develop bylaws, policies and procedures to govern its activities.

The council shall advise the director on distribution of available funding for corps activities.

Sec. 64. RCW 43.63A.275 and 1992 c 65 s 2 are each amended to read as follows:

(1) Each biennium the department of community ~~((development))~~ and economic resources shall distribute such funds as are appropriated for retired senior volunteer programs (RSVP) as follows:

(a) At least sixty-five percent of the moneys may be distributed according to formulae and criteria to be determined by the department of community ~~((development))~~ and economic resources in consultation with the RSVP directors association.

(b) Up to twenty percent of the moneys may be distributed by competitive grant process to develop RSVP projects in counties not presently being served, or to expand existing RSVP services into counties not presently served.

(c) Ten percent of the moneys may be used by the department of community ~~((development))~~ and economic resources for administration, monitoring of the grants, and providing technical assistance to the RSVP projects.

(d) Up to five percent of the moneys may be used to support projects that will benefit RSVPs state-wide.

(2) Grants under subsection (1) of this section shall give priority to programs in the areas of education, tutoring, English as a second language, combating of and education on drug abuse, housing and homeless, and respite care, and shall be distributed in accordance with the following:

(a) None of the grant moneys may be used to displace any paid employee in the area being served.

(b) Grants shall be made for programs that focus on:

(i) Developing new roles for senior volunteers in nonprofit and public organizations with special emphasis on areas targeted in section 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of the local senior population and shall respect their life experiences;

(ii) Increasing the expertise of volunteer managers and RSVP managers in the areas of communication, recruitment, motivation, and retention of today's over-sixty population;

(iii) Increasing the number of senior citizens recruited, referred, and placed with nonprofit and public organizations; and

(iv) Providing volunteer support such as: Mileage to and from the volunteer assignment, recognition, and volunteer insurance.

Sec. 65. RCW 43.63A.300 and 1986 c 266 s 54 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community ((development)) and economic resources and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy.

Sec. 66. RCW 43.63A.320 and 1986 c 266 s 56 are each amended to read as follows:

Except for matters relating to the statutory duties of the director of community ((development)) and economic resources which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

- (1) Adopt a state fire protection master plan;
- (2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;
- (3) Establish and promote state arson control programs and ensure development of local arson control programs;
- (4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;
- (5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;
- (6) Promote mutual aid and disaster planning for fire services in this state;
- (7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;
- (8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;
- (9) Adopt a state fire training and education master plan;
- (10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;
- (11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;
- (12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;
- (13) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;
- (14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule.

Sec. 67. RCW 43.63A.330 and 1986 c 266 s 57 are each amended to read as follows:

In regards to the statutory duties of the director of community ((development)) and economic resources which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

- (1) Advise the director of community ((development)) and economic resources and the director of fire protection on matters pertaining to their duties under law; and
- (2) Advise the director of community ((development)) and economic resources and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

Sec. 68. RCW 43.63A.340 and 1986 c 266 s 58 are each amended to read as follows:

- (1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.
- (2) The director of community ((development)) and economic resources shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.
- (3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.
- (4) The director of community ((development)) and economic resources, through the director of fire protection, shall, after consultation with the board, prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.
- (5) The director of community ((development)) and economic resources, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community ((development)) and economic resources which are to be carried out through the director of fire protection.
- (6) The director of community ((development)) and economic resources, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

Sec. 69. RCW 43.63A.400 and 1987 c 308 s 2 are each amended to read as follows:

The department of community ((development)) and economic resources shall distribute grants to eligible public radio and television broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with programming, operations, and capital needs.

Sec. 70. RCW 43.63A.410 and 1987 c 308 s 3 are each amended to read as follows:

- (1) Eligibility for grants under this section shall be limited to broadcast stations which are:

(a) Licensed to Washington state organizations, nonprofit corporations, or other entities under section 73.621 of the regulations of the federal communications commission; and

(b) Qualified to receive community service grants from the federally chartered corporation for public broadcasting. Eligibility shall be established as of February 28th of each year.

(2) The formula in this subsection shall be used to compute the amount of each eligible station's grant under this section.

(a) Appropriations under this section shall be divided into a radio fund, which shall be twenty-five percent of the total appropriation under this section, and a television fund, which shall be seventy-five percent of the total appropriation under this section. Each of the two funds shall be divided into a base grant pool, which shall be fifty percent of the fund, and an incentive grant pool, which shall be the remaining fifty percent of the fund.

(b) Each eligible participating public radio station shall receive an equal share of the radio base grant pool, plus a share of the radio incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating radio stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(c) Each eligible participating public television station shall receive an equal share of the television base grant pool, plus a share of the television incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating television stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(3) Annual financial reports to the corporation for public broadcasting by eligible stations shall also be submitted by the stations to the department of community ~~((development))~~ and economic resources.

Sec. 71. RCW 43.63A.440 and 1989 c 424 s 7 are each amended to read as follows:

(1) The department of community ~~((development))~~ and economic resources shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The department of community ~~((development))~~ and economic resources shall utilize existing state technical and financial assistance programs, and shall aid communities in seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community ~~((development))~~ and economic resources for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

Sec. 72. RCW 43.63A.450 and 1990 c 278 s 2 are each amended to read as follows:

The community diversification program is created in the department of community ~~((development))~~ and economic resources. The program shall include:

(1) The monitoring and forecasting of shifts in the economic prospects of major defense employers in the state. This shall include but not be limited to the monitoring of defense contract expenditures, other federal contracts, defense employment shifts, the aircraft and aerospace industry, computer products, and electronics;

(2) The identification of cities, counties, or regions within the state that are primarily dependent on defense or other federal contracting and the identification of firms dependent on federal defense contracts;

(3) Assistance to communities in broadening the local economic base through the provision of management assistance, assistance in financing, entrepreneurial training, and assistance to businesses in using off-the-shelf technology to start new production processes or introduce new products;

(4) Formulating a state plan for diversification in defense dependent communities in collaboration with the employment security department ~~((the department of trade and economic development;))~~ and the office of financial management. The plan shall use the information made available through carrying out subsections (1) and (2) of this section; and

(5) The identification of diversification efforts conducted by other states, the federal government, and other nations, and the provision of information on these efforts, as well as information gained through carrying out subsections (1) and (2) of this section, to firms, communities, and ~~((workforces))~~ work forces that are defense dependent.

The department shall, beginning January 1, 1992, report annually to the governor and the legislature on the activities of the community diversification program.

Sec. 73. RCW 43.63A.460 and 1990 c 176 s 2 are each amended to read as follows:

Beginning on July 1, 1991, the department of community ~~((development))~~ and economic resources shall be responsible for performing all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of community ~~((development))~~ and economic resources may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the department of community ~~((development))~~ and economic resources to assume these new functions.

The directors of the department of community ~~((development))~~ and economic resources and the department of labor and industries shall immediately take such steps as are necessary to ensure that this act is implemented on June 7, 1990.

Sec. 74. RCW 43.63A.600 and 1991 c 315 s 23 are each amended to read as follows:

(1) The department of community ~~((development))~~ and economic resources, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery coordinator to develop the program in timber impact areas. Organizations eligible to receive funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage or rental assistance loans on behalf of dislocated forest products workers in timber impact areas who are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

Sec. 75. RCW 43.105.020 and 1990 c 208 s 3 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community ((development)) and economic resources under chapter ((43-63A)) 43.-- RCW (sections 1 through 8, 10 through 14, and 76 of this act).

NEW SECTION. Sec. 76. (1) All references to the director or department of community development in the Revised Code of Washington shall be construed to mean the director or department of community and economic resources.

(2) All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director or department of community and economic resources.

Sec. 77. RCW 43.31.091 and 1990 c 297 s 9 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, ((1993)) 1995, as provided in RCW 43.31.092.

Sec. 78. RCW 43.31.092 and 1990 c 297 s 10 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1994)) 1996:

(1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;

(3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and

(4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

NEW SECTION. Sec. 79. The following acts or parts of acts are each repealed:

(1) RCW 43.31.005 and 1990 1st ex.s. c 17 s 68 & 1985 c 466 s 1;

(2) RCW 43.31.015 and 1985 c 466 s 2;

(3) RCW 43.31.025 and 1987 c 348 s 8 & 1985 c 466 s 3;

(4) RCW 43.31.035 and 1990 1st ex.s. c 17 s 69 & 1985 c 466 s 4;

(5) RCW 43.31.045 and 1985 c 466 s 5;

(6) RCW 43.31.055 and 1985 c 466 s 6;

(7) RCW 43.31.065 and 1985 c 466 s 9;

(8) RCW 43.31.075 and 1985 c 466 s 10;

(9) RCW 43.31.095 and 1985 c 466 s 12;

(10) RCW 43.31.097 and 1990 1st ex.s. c 17 s 71;

(11) RCW 43.31.105 and 1985 c 466 s 13;

(12) RCW 43.31.115 and 1985 c 466 s 14;

(13) RCW 43.31.130 and 1975-'76 2nd ex.s. c 34 s 110 & 1965 c 8 s 43.31.130;

(14) RCW 43.31.135 and 1987 c 505 s 30 & 1985 c 466 s 17;

(15) RCW 43.31.373 and 1988 c 35 s 1, 1985 c 466 s 24, & 1984 c 175 s 1;

(16) RCW 43.31.375 and 1985 c 466 s 25 & 1984 c 175 s 2;

(17) RCW 43.31.377 and 1988 c 35 s 2, 1985 c 466 s 26, & 1984 c 175 s 3;

(18) RCW 43.31.379 and 1988 c 35 s 3, 1985 c 466 s 27, & 1984 c 175 s 4;

(19) RCW 43.31.381 and 1988 c 35 s 4, 1985 c 466 s 28, & 1984 c 175 s 5;

(20) RCW 43.31.383 and 1985 c 466 s 29 & 1984 c 175 s 6;

(21) RCW 43.31.387 and 1985 c 466 s 31 & 1984 c 175 s 8;

- (22) RCW 43.31.430 and 1989 c 423 s 2;
- (23) RCW 43.31.432 and 1989 c 423 s 3;
- (24) RCW 43.31.434 and 1989 c 423 s 6;
- (25) RCW 43.31.436 and 1989 c 423 s 7;
- (26) RCW 43.31.438 and 1989 c 423 s 8;
- (27) RCW 43.31.440 and 1989 c 423 s 9;
- (28) RCW 43.31.442 and 1989 c 423 s 10;
- (29) RCW 43.31.651 and 1991 c 314 s 9;
- (30) RCW 43.31.790 and 1975 1st ex.s. c 292 s 2 & 1965 c 148 s 1;
- (31) RCW 43.31.800 and 1987 c 195 s 4 & 1965 c 148 s 2;
- (32) RCW 43.31.810 and 1987 c 195 s 5, 1975 1st ex.s. c 292 s 3, & 1965 c 148 s 3;
- (33) RCW 43.31.820 and 1987 c 195 s 6, 1975 1st ex.s. c 292 s 4, & 1965 c 148 s 4;
- (34) RCW 43.63A.020 and 1986 c 266 s 136, 1984 c 125 s 2, & 1967 c 74 s 2;
- (35) RCW 43.63A.030 and 1984 c 125 s 1 & 1967 c 74 s 3;
- (36) RCW 43.63A.040 and 1984 c 125 s 3, 1975 c 40 s 10, & 1967 c 74 s 4;
- (37) RCW 43.63A.050 and 1967 c 74 s 5;
- (38) RCW 43.63A.060 and 1987 c 505 s 32, 1984 c 125 s 4, & 1967 c 74 s 6;
- (39) RCW 43.63A.065 and 1992 c 198 s 7, 1990 1st ex.s. c 17 s 70, 1986 c 266 s 137, & 1984 c 125 s 5;
- (40) RCW 43.63A.078 and 1987 c 505 s 33 & 1984 c 125 s 7;
- (41) RCW 43.63A.095 and 1984 c 125 s 8;
- (42) RCW 43.63A.100 and 1984 c 125 s 9 & 1967 c 74 s 10;
- (43) RCW 43.63A.130 and 1983 c 52 s 6, 1981 c 157 s 6, & 1967 c 74 s 13;
- (44) RCW 43.63A.140 and 1967 c 74 s 14;
- (45) RCW 43.63A.210 and 1985 c 85 s 1;
- (46) RCW 43.63A.560 and 1990 1st ex.s. c 17 s 67;
- (47) RCW 43.165.020 and 1985 c 229 s 2;
- (48) RCW 43.165.030 and 1987 c 195 s 13 & 1985 c 229 s 3;
- (49) RCW 43.165.040 and 1985 c 229 s 4;
- (50) RCW 43.165.050 and 1985 c 229 s 5;
- (51) RCW 43.165.060 and 1985 c 229 s 6;
- (52) RCW 43.165.070 and 1985 c 229 s 7;
- (53) RCW 43.165.080 and 1987 c 195 s 14 & 1985 c 229 s 8;
- (54) RCW 43.165.090 and 1985 c 229 s 9;
- (55) RCW 43.165.100 and 1985 c 229 s 10;
- (56) RCW 43.165.900 and 1985 c 229 s 14; and
- (57) RCW 43.165.901 and 1985 c 229 s 15.

NEW SECTION. **Sec. 80.** Sections 1 through 8, 10 through 14, and 76 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 81.** Sections 1 through 8 and 10 through 80 of this act shall take effect July 1, 1994.

NEW SECTION. **Sec. 82.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF INQUIRY

Senator Bluechel: "Senator Skratek, what is the difference in this striking amendment that you are proposing with the substitute bill that we passed out of committee?"

Senator Skratek: "The primary difference--what we are trying to accomplish as this particular piece of legislation emerges--is to make sure that there is a balance between the economic and community development aspects of each of the agencies. We are also trying to address the concerns that are being raised by many of the current stakeholders in the existing agencies to make sure that we are not through this legislation essentially saying, 'this should be eliminated, this should be added,' but rather that we allow the agency heads to be making that determination, as they move toward the development of their plan. Then, we do change the title to 'Community and Economic Resources.' In the original version, it was, 'Community and Economic Development.'"

Senator Bluechel: "Senator Skratek, a further question, if you would. Could you give us some specifics other than the name change that are different than what we studied in committee?"

Senator Skratek: "Quite frankly, Senator Bluechel, I don't think substantively there have been major changes. We still maintain the elements that we had in the committee bill--about the economic development perspectives. We have balanced it by including more of the community development perspectives. We still require a strategic plan to be developed by the agencies. We've done some fine-tuning, as to who will participate in the development of that plan, including the stakeholders, which was always intended in the original version of the bill."

POINT OF INQUIRY

Senator Cantu: "Senator Skratek, it is a fairly substantial change, I mean in terms of the volume of the striking amendment. Has that been worked with the, for example, the new appointed director of the Department of Trade and Economic Development and some of the people that are going to be affected by it?"

Senator Skratek: "Yes, the agency heads have been involved in the development of the evolving legislation and actually, although it is a very thick document, the major substantive changes take place in the first few sections of the document. The rest of

the document is simply clean-up language, changing the name from the currently existing name to the Community and Economic Resources."

Senator Cantu: "Thank you. Most of us have had an opportunity to meet with our new director and think we understand what the intent is, and I just wanted to insure myself, at least, that this striking amendment was something that had been worked in cooperation with, and a full understanding, by the appropriate people."

Senator Skratek: "Absolutely, and they will continue to be involved in the process as this legislation continues to, I am sure evolve, as it moves through the House of Representatives."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Skratek to Substitute Senate Bill No. 5868.

The motion by Senator Skratek carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 28C.18.060, 43.17.010, 43.17.020, 19.85.020, 42.17.319, 43.17.065, 43.20A.750, 43.31.057, 43.31.085, 43.31.205, 43.31.409, 43.31.411, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.526, 43.31.621, 43.31.641, 43.31.830, 43.31.840, 43.31.850, 43.160.020, 43.168.020, 43.210.110, 43.63A.066, 43.63A.075, 43.63A.115, 43.63A.155, 43.63A.220, 43.63A.230, 43.63A.245, 43.63A.247, 43.63A.260, 43.63A.275, 43.63A.300, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.450, 43.63A.460, 43.63A.600, 43.105.020, 43.31.091, and 43.31.092; reenacting and amending RCW 42.17.310; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.31.005, 43.31.015, 43.31.025, 43.31.035, 43.31.045, 43.31.055, 43.31.065, 43.31.075, 43.31.095, 43.31.097, 43.31.105, 43.31.115, 43.31.130, 43.31.135, 43.31.373, 43.31.375, 43.31.377, 43.31.379, 43.31.381, 43.31.383, 43.31.387, 43.31.430, 43.31.432, 43.31.434, 43.31.436, 43.31.438, 43.31.440, 43.31.442, 43.31.651, 43.31.790, 43.31.800, 43.31.810, 43.31.820, 43.63A.020, 43.63A.030, 43.63A.040, 43.63A.050, 43.63A.060, 43.63A.065, 43.63A.078, 43.63A.095, 43.63A.100, 43.63A.130, 43.63A.140, 43.63A.210, 43.63A.560, 43.165.020, 43.165.030, 43.165.040, 43.165.050, 43.165.060, 43.165.070, 43.165.080, 43.165.090, 43.165.100, 43.165.900, and 43.165.901; and providing an effective date."

On motion of Senator Skratek, Engrossed Substitute Senate Bill No. 5868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5868.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Haugen, Loveland and McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I would like the Journal to reflect that the reason for my excused vote on Engrossed Substitute Senate Bill No. 5050 was due to timely negotiations on Senate Bill No. 5305, relating to school/library elections and Senate Joint Resolution No. 8209, also relating to school/library elections.

If you need further clarification or information, please let me know.

Thank you for your assistance.

SENATOR DEAN SUTHERLAND, 17th District

SECOND READING

SENATE BILL NO. 5050, by Senator Haugen

Revising reimbursement provisions for local government officials.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5050 was substituted for Senate Bill No. 5050 and the substitute bill was placed on second reading and read the second time.

Senator West moved that the following amendment be adopted:

On page 20, line 10, after "planning," insert the following:

"NEW SECTION. Sec. 31. A new section is added to chapter 36.100 RCW to read as follows:

The board of directors of the district shall adopt a resolution to establish methods and amounts of reimbursement payable to such district officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and requirements governing the use of credit cards issued in the name of the district. Such resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as provided by general law, cooperate with the district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

NEW SECTION. Sec. 32. A new section is added to chapter 36.100 RCW to read as follows:

The board of directors may authorize payment of actual and necessary expenses of officers and employees for lodging, meals, and travel-related costs incurred when attending meetings or conferences on behalf of the district and strictly in the public interest and for public purposes. Officers and employees may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

NEW SECTION. Sec. 33. A new section is added to chapter 36.100 RCW to read as follows:

Each member of the board of directors of the district may receive compensation of sixty-six dollars per day for attending meetings or conferences on behalf of the district, not to exceed three thousand dollars per year, if the district board of directors has authorized by board resolution, at a regularly scheduled meeting, the provision of such compensation. Any director may waive all or any portion of his or her compensation under this section as to any month or months during his or her term of office, by a written waiver filed with the district. The compensation provided in this section shall be in addition to any reimbursement for expenses paid to such directors by the district.

NEW SECTION. Sec. 34. A new section is added to chapter 36.100 RCW to read as follows:

The board of directors of the district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting and holding personally harmless district officers and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 35. A new section is added to chapter 36.100 RCW to read as follows:

Whenever any action, claim or proceeding is instituted against any person who is or was an officer or employee of the district arising out of the performance of duties for or employment with the district, the district may grant a request by such person that the attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payments arising from such action may be paid from the district's funds: PROVIDED, That costs of defense and/or judgment or settlement against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of employment with or duties for the district.

NEW SECTION. Sec. 36. A new section is added to chapter 36.100 RCW to read as follows:

The district shall have authority to create and fill positions, to fix wages, salaries and bonds therefor, to pay costs involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement benefits, medical, life, accident, or health disability insurance, as approved by the board. District board members, at their own expense, shall be entitled to medical, life, accident or health disability insurance: PROVIDED, That said insurance for employees and board members shall not be considered compensation. District coverage for the board is not to exceed that provided district employees."

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 20, line 10, to Substitute Senate Bill No. 5050.

The motion by Senator West carried and the amendment was adopted.

MOTIONS

On motion of Senator Pelz, the following amendment was adopted:

On page 20, after line 36, insert the following:

Sec. 32. RCW 43.52.374 and 1983 1st ex.s. c 3 s 3 are each amended to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Five members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the five members of the executive board elected from among the members of the board of directors so as to reflect the member public utility districts' and cities' participation in the joint operating agency's projects. Members elected to the executive board from the board of directors are ineligible for continued membership on the executive board if they cease to be members of the board of directors. The board of directors may also provide by rule for the removal of a member of the executive board, except for the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board. Members elected to the executive board from the board of directors shall receive a salary of one thousand eighty-five dollars per month from the operating agency ((at a rate set by the board of directors)). Members of the executive board are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. Due to the additional responsibilities of the chairperson of the executive board, the chairperson shall be entitled to twice the salary and compensation available to other board members.

(b) Six members of the executive board shall be outside directors. Three shall be selected and appointed by the board of directors, and three shall be selected and appointed by the governor and confirmed by the senate. All outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors and the governor shall each appoint one outside director to serve a two-year term, one outside director to serve a three-

year term, and one outside director to serve a four-year term. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Receive travel expenses on the same basis as the five members elected from the board of directors. The outside directors shall also receive a salary from the operating agency (~~as fixed by the governor~~) of one thousand eighty-five dollars per month;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency as an underwriter or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science, or have expertise in the construction or management of such facilities as the operating agency is constructing or operating, or have expertise in the termination, disposition, or liquidation of corporate assets.

(c) The governor may remove outside directors from the executive board for incompetency, misconduct, or malfeasance in office in the same manner as state appointive officers under chapter 43.06 RCW. For purposes of this subsection, misconduct shall include, but not be limited to, nonfeasance and misfeasance.

(2) In addition to salary, the board of directors of the operating agency may provide by resolution for the payment of per diem compensation to each member of the executive board at a rate of sixty-six dollars for each day or major part thereof devoted to the business of the operating agency and days upon which he or she attends meetings on behalf of the operating agency, but such compensation paid during any one year to a member of the executive board shall not exceed nine thousand nine hundred dollars.

(3) Nothing in this chapter shall be construed to mean that an operating agency is in any manner an agency of the state. Nothing in this chapter alters or destroys the status of an operating agency as a separate municipal corporation or makes the state liable in any way or to any extent for any preexisting or future debt of the operating agency or any present or future claim against the agency.

~~((3))~~ (4) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. All members of the executive board shall conduct their business in a manner which in their judgment is in the interest of all ratepayers affected by the joint operating agency and its projects.

~~((4))~~ (5) The executive board shall elect from its members a chairman, vice chairman, and secretary, who shall serve at the pleasure of the executive board. The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business. All proceedings shall be by motion or resolution and shall be recorded in the minute book, which shall be a public record. A majority of the executive board shall constitute a quorum for the transaction of business.

~~((5))~~ (6) With respect to any operating agency existing on April 20, 1982, to which the provisions of this section are applicable:

(a) The board of directors shall elect five members to the executive board no later than sixty days after April 20, 1982; and

(b) The board of directors and the governor shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than sixty days after April 20, 1982, and the powers and duties prescribed in this chapter shall devolve upon the executive board at that time.

~~((6))~~ (7) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

~~((7))~~ (8) Members of the executive board shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion. This grant of immunity shall not be construed as modifying the liability of the operating agency.

The operating agency shall undertake the defense of and indemnify each executive board member made a party to any civil proceeding including any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact he or she is or was a member of the executive board, against judgments, penalties, fines, settlements, and reasonable expenses, actually incurred by him or her in connection with such proceeding if he or she had conducted himself or herself in good faith and reasonably believed his or her conduct to be in the best interest of the operating agency.

In addition members of the executive board who are utility employees shall not be fired, forced to resign, or demoted from their utility jobs for decisions they make while carrying out their duties as members of the executive board involving the exercise of judgment and discretion."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Linda Smith moved that the following amendment be adopted:

On page 20, after line 36, insert the following:

"NEW SECTION. Sec. 32. It is the policy of the legislature that citizens have a right to know the total compensation that is paid to local government officials.

NEW SECTION. Sec. 33. A new section is added to chapter 42.16 RCW to read as follows:

(1) All local agencies shall fully disclose at least annually the total compensation paid (a) to members of the legislative authority, council or commission of the agency, (b) to managers and directors of the agency, and (c) to each employee whose total compensation exceeds one hundred thousand dollars in any one calendar year. The disclosure must include the employee's name, title, and a list of the compensation elements and their respective dollar amounts or values.

(2) Compensation or changes to compensation must be the subject of open public meetings and must be published at least annually in each local government's newspaper or newspapers of record. Disclosure must occur at an open public meeting held within sixty days after the end of the local governments' fiscal year.

(3) Compensation includes, but is not limited to, the dollar value of the following cash and noncash compensation.

(a) Base salary and benefits;

(b) Additional income earned, paid, or received for services to the local government, including, but not limited to:

(i) Perquisites and other personal benefits;

(ii) Deferred compensation;
(iii) Deferred tax annuities;
(iv) Performance incentives;
(v) Trust contributions;
(c) An amount paid, payable, or accrued in connection with a hiring, resignation, retirement, or termination of employment;
(d) A signing bonus;
(e) Contributions to trusts that are paid on behalf of the employee;
(f) Insurance premiums paid;
(g) Vehicle allowances or vehicles furnished to the employee;
(h) Tax or financial planning services;
(i) Health and recreation membership dues;
(j) Annuities;
(k) Child and elder care services;
(l) Moving and relocation expenses.
(4) For purposes of this section, "local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other public agency."

Renumber remaining sections accordingly.

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 20, after line 36, to Substitute Senate Bill No. 5050.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Smith, L. and Sutherland - 17.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 31.

Absent: Senator West - 1.

MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 5 of the title, after "41.04.180," insert "43.52.374,"

On page 1, line 13 of the title, after "35.63 RCW;" strike "and" and after "36.17 RCW" insert "; and adding new sections to chapter 36.100 RCW"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Linda Smith: "Senator Haugen, I am going to read to you just a part of a contract that was given to the commissioners in my area and I'll ask you a question about the contract and whether it applies to this bill. 'The three commissioners are provided with extra group term insurance. The amounts are fifty thousand dollars plus cash. This group insurance coverage is higher than that available to other employees.'

"Now, setting aside the issue of the manager, because we have already decided that he doesn't have to disclose.

Senator Haugen, in Section 37 of your bill, there is language that provides that the amount and type of insurance made available to PUD commissioners may not exceed the insurance made available to employees except for liability insurance. My question is whether or not the language at page 26 of your bill would prevent the extraordinary situation that has occurred in Clark County with the commissioners giving themselves side cash payments?"

Senator Haugen: "Well, first of all, I'm not an attorney. I can't make any judgements on any contracts. Being I haven't seen it, I can't tell you what that contract says. As far as what I can tell you what it says in here, it says that they have to give the same--they cannot give any more insurance than they give employees. I guess my answer to you is that I really can't say that. I would ask that you speak to a counsel, an attorney, who could probably give you a better definition."

Senator Linda Smith: "I would like to clarify the question, Senator Haugen. If I could just ask one more and then maybe it is still the same answer. The commissioners currently have a contract and it is only like the managers, otherwise only the PUD manager has any contract like this where you have a side pocket where you take cash. Given that information, would the manager's one contract that is higher than the rest of the employees qualify as an employee that they would have the same as?"

Senator Haugen: "Well, Senator Smith, again, not being an attorney, I cannot answer that. At this point, it does say 'employees.' It has an 's' on the end and I assume that that is employees. We all know how attorneys interpret things and sometimes they do differently than we do, so I would say just read the bill and it has to be the same as you offer all employees."

Senator Linda Smith: "Thank you, Senator Haugen."

Further debate ensued.

MOTIONS

On motion of Senator Spanel, Senator Sutherland was excused.

On motion of Senator Oke, Senator Moyer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5050.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5050 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 1; Excused, 2.

Voting yea: Senators Barr, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, West, Williams and Winsley - 35.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, McCaslin, Nelson, Oke, Roach, Smith, L., von Reichbauer and Wojahn - 11.

Absent: Senator Vognild - 1.

Excused: Senators Moyer and Sutherland - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:17 p.m., on motion of Senator Jesernig, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:36 p.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Due to a meeting on health care reform, I missed the vote on Substitute Senate Bill No. 5736. I would have voted 'aye.'

SENATOR PHIL TALMADGE, 34th District

MOTIONS

On motion of Senator Spanel, Senator Skratek was excused.

On motion of Senator Oke, Senators McDonald, Moyer and West were excused.

SECOND READING

SENATE BILL NO. 5736, by Senators Moore, Pelz and Fraser

Regulating chiropractic care for industrial insurance.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5736 was substituted for Senate Bill No. 5736 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5736 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5736.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5736 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 4; Absent, 3; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, Williams and Winsley - 38.

Voting nay: Senators Barr, Cantu, McCaslin and Wojahn - 4.

Absent: Senators Niemi, Talmadge and Vognild - 3.

Excused: Senators McDonald, Moyer, Skratek and West - 4.

SUBSTITUTE SENATE BILL NO. 5736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5044, by Senators Haugen and Winsley

Revising incorporation procedures for cities and towns.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5044 was substituted for Senate Bill No. 5044 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Roach: "Senator Haugen, I am just reading in the summary and it allows that the term 'qualified voters' is changed to 'registered voters.' I am wondering the reason for that Senator Haugen."

Senator Haugen: "I think we are just trying to make language uniform in the laws, with others."

Senator Roach: "I think if a person is registered to vote, they should be a qualified voter and that there are some people who are registered to vote who are, in fact, not qualified voters. I was wondering if it would be objectionable to you or to the members of the body to change it back?"

Senator Haugen: "We'll certainly talk to the House when the bill gets over there."

Senator Roach: "I'd appreciate it. Thank you very much."

Senator Haugen: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5044.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Moyer - 1.

SUBSTITUTE SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5910, by Senator Sutherland

Assisting public drinking water systems.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5910 was substituted for Senate Bill No. 5910 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the following amendment by Senators Williams, Sutherland, Newhouse and Hochstatter was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that a state-wide assessment of water systems has shown that public drinking water systems have a critical need for financial assistance to assure safe, reliable, and viable water supplies, meet the requirements of the federal safe drinking water act, provide for comprehensive planning and regional planning of public water systems, assess the status of the state's drinking water quality, develop least-cost solutions to public water systems through consolidation of small systems into larger and financially viable utilities, and implement demand management strategies to more effectively use the state's financial resources and water resources.

The federal government has indicated an intention to provide new funding for water system needs on a national basis within a program of federal investment in infrastructure intended to provide a significant number of jobs nation-wide this year. The state of Washington does not have the broad-based authority and ability to promptly receive and disburse federal assistance to eligible water systems.

It is the intent of the legislature to provide for a system of grants and/or loans, in addition to existing state financial assistance programs, that will: (1) Receive and utilize federal funding to provide assistance for planning, design, acquisition, construction, consolidation, and improvement of public water systems facilities and activities; (2) meet the short-term and long-term needs identified and prioritized in the state-wide assessment; and (3) encourage responsible and efficient water system management throughout the state.

It is the further intent of the legislature to use existing state funding programs for the administrative and financial mechanisms necessary to ensure prompt and coordinated delivery of the financial assistance to public water systems authorized under this chapter.

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

- (1) "Board" means the public works board.
- (2) "Department" means the department of health.
- (3) "Private water purveyor" means a public water system not owned by a governmental body.
- (4) "Public water purveyor" means a governmental body, including a public or quasi-public organization, that owns and operates a public water system, or the authorized agent of such an entity.
- (5) "Public water system" has the meaning prescribed in the Washington state safe drinking water act, chapter 70.119A RCW.

NEW SECTION. Sec. 3. The drinking water assistance account is established in the state treasury. Money may be placed in the account from the proceeds of bonds when authorized by the legislature, transfers from other state funds or accounts, federal financial assistance, or any other lawful source. Moneys from the account may be spent only by the secretary of health or the public works board after appropriation. Expenditures from the account may be used only to meet the purposes of this chapter.

NEW SECTION. Sec. 4. The department shall, by January 1, 1994, in consultation with the board, purveyors, local health departments, and other interested parties, establish guidelines and requirements for the provision of grants and/or loans to public water systems that are consistent with the findings and intent contained in section 1 of this act. The department shall ensure that guidelines and requirements:

- (1) Utilize, to the maximum extent, all available federal financial assistance;
- (2) Are consistent with existing water resource planning and management, including coordinated water supply plans, regional water resource plans, and comprehensive plans under the growth management act, chapter 36.70A RCW;
- (3) Prioritize least-cost solutions, including consolidation and restructuring of small systems into more economical units and the provision of regional facilities;
- (4) Assure implementation of water conservation and other demand management measures consistent with state guidelines for water utilities;
- (5) Provide assistance for the necessary planning and engineering to assure that consistency, coordination, and proper professional review are incorporated into projects or activities proposed for funding;
- (6) Include minimum standards for financial viability and water system planning;
- (7) Provide for testing and evaluation of the water quality of the state's public water systems to assure that priority for financial assistance is provided to systems and areas with threats to public health from contaminated supplies and reduce in appropriate cases the substantial increases in costs and rates that customers of small systems would otherwise incur under the monitoring and testing requirements of the federal safe drinking water act; and
- (8) Are coordinated, to the maximum extent possible, with other state programs that provide financial assistance to public water systems and state programs that address existing or potential water quality or drinking water contamination problems.

NEW SECTION. Sec. 5. The board shall develop a financial assistance program using appropriated funds from the drinking water assistance account to meet the purposes and implement the guidelines authorized in this chapter. The board shall consult with the department and water purveyors in developing the financial assistance program.

The board shall develop criteria for grants and/or loans to be made to public water systems. The criteria shall emphasize public water systems with the most critical public health needs; the capacity of the water system to effectively manage its resources; the ability to promptly commence the project; and the relative benefit to the community served. Priority shall be given to those systems that are ready to proceed, that will provide water system improvements to the greatest number of people, and any other criteria that the board shall develop in consultation with the department and water system purveyors.

NEW SECTION. Sec. 6. The department and the board shall be entitled to reasonable administrative expenses in developing and implementing the programs authorized under this chapter.

In all cases where the department, board, and any other department, agency, board, or commission of state government interact or provide service under this chapter, the administering government body shall endeavor to provide cost-effective services. The provision of services shall include: (1) The use of policy statements or guidelines instead of administrative rules; (2) using existing management mechanisms rather than creating new administrative structures; (3) investigating the use of service contracts, either with other governmental entities or with nongovernmental service providers; (4) the use of joint or combined financial assistance applications; and (5) any other method or practice designed to streamline the delivery of services.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW."

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and declaring an emergency."

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5191, by Senators Moore and Prentice

Regulating impaired or insolvent life and disability insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5191 was substituted for Senate Bill No. 5191 and the substitute bill was placed on second reading and read the second time.

Senator Moore moved that the following amendment be adopted:

On page 11, after line 24, insert:

"NEW SECTION. Sec. 9. The amendatory language contained in this act shall expire July 1, 1996."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moore on page 11, line 24, to Substitute Senate Bill No. 5191.

The motion by Senator Moore carried and the amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 5191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Amondson, I noticed on the bill report from the Committee on Commerce and Labor that you signed the bill out. I wondered if you could explain why you signed it out and now why you are speaking against it on the floor?"

Senator Amondson: "I'd be happy to, Senator Wojahn. There is an opportunity for this issue to be resolved among the insurance companies themselves, which would not require a bill or legislation by the state. This issue can be resolved amongst themselves without us taking any action."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5191.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5191 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, Williams and Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, Jesernig, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Rasmussen, M., Roach, Sellar, Smith, L., Sutherland, von Reichbauer, West and Winsley - 26.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5191, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Jesernig served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5191 failed to pass the Senate.

MOTION

At 2:12 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 3:38 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5779, by Senators Haugen, Drew, Owen, Deccio and Oke (by request of Productivity Board)

Clarifying productivity awards programs.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5779.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz,

Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5514, by Senators Sheldon, Bluechel, Williams, Erwin, Skratek, M. Rasmussen, Deccio and Snyder

Creating the economic development grants program.

MOTIONS

On motion of Senator Sheldon, Second Substitute Senate Bill No. 5514 was substituted for Senate Bill No. 5514 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Second Substitute Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5514.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Voting nay: Senator McCaslin - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8009, by Senators Bluechel, Snyder, Sellar, Skratek, M. Rasmussen, Erwin, Gaspard, Fraser, McDonald, Franklin, Winsley and Oke

Supporting Guam in its quest for commonwealth status.

MOTIONS

On motion of Senator Skratek, Substitute Senate Joint Memorial No. 8009 was substituted for Senate Joint Memorial No. 8009 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Substitute Senate Joint Memorial No. 8009 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8009 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Rinehart - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009, having received the constitutional majority, was declared passed.

POINT OF INFORMATION

Senator Talmadge: "Mr. President, a point of information. Substitute Senate Joint Memorial No. 8009, did that originate in the Committee on Foreign Relations?"

REPLY BY THE PRESIDENT

President Pritchard: "It probably did in somebody's mind, yes."

Senator Talmadge: "Will we be soon seeing the Treaty of Non-Aggression with the Republic of Botswana, as well?"

President Pritchard: "Well, I don't know. We'll probably have to have a few trips to those areas to see."

SECOND READING

SENATE BILL NO. 5652, by Senators Hargrove, A. Smith and Nelson (by request of Department of Corrections)

Revising provisions relating to offenders under the jurisdiction of the department of corrections.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5652 was substituted for Senate Bill No. 5652 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5652.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5896, by Senators M. Rasmussen, Amondson, Haugen, Winsley, Sheldon, Gaspard and Snyder

Authorizing counties to use the hotel-motel tax for public restroom facilities.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5896 was substituted for Senate Bill No. 5896 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5896 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5896.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5896 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Barr and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 5896, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5221, by Senators Skratek, Erwin, M. Rasmussen, Deccio and Barr

Establishing the Washington rural development council.

MOTIONS

On motion of Senator Skratek, Substitute Senate Bill No. 5221 was substituted for Senate Bill No. 5221 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Skratek, the rules were suspended, Substitute Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5324, by Senator Pelz (by request of Law Revision Commission)

Correcting a double amendment related to reimbursement of school transportation costs.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Senate Bill No. 5324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5324.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5324 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5329, by Senators Haugen, A. Smith and Talmadge

Changing provisions relating to port districts.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5329 was substituted for Senate Bill No. 5329 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 9, after line 2, insert the following:

"**NEW SECTION. Sec. 10.** A new section is added to chapter 53.12 RCW to read as follows:

(1) Resolutions of port districts with a population of one million or more shall not go into effect before thirty days from the time of final passage and are subject to referendum during the interim except:

(a) Resolutions necessary for the immediate preservation of the public peace, health, or safety that contain a statement of urgency and are passed by unanimous vote of the commission;

(b) Resolutions providing for local improvement districts;

(c) Resolutions providing for or approving collective bargaining;

(d) Resolutions providing for the compensation of or working conditions of port employees; and

(e) Resolutions authorizing or repealing the levy of taxes.

(2)(a) If within the thirty-day period a petition is filed with the county auditor containing the signatures of fifteen percent of the registered voters of the district who voted in the last general election of the jurisdiction, the county auditor shall canvass the signatures in the same manner as prescribed in RCW 29.79.200 and certify their sufficiency to the port commission within thirty days. The operation of the resolution shall be suspended until the results of the special election are certified.

(b) Immediately after the auditor's certificate of sufficiency is issued, the auditor shall call a special election on the date specified in RCW 29.13.020 that immediately follows a forty-five day period beginning on the date the certificate of sufficiency is issued. The special election shall be conducted as provided by law. If a majority of the voters voting on the resolution favor the resolution, it shall become effective immediately upon certification of the election.

(3) This section does not apply to resolutions subject to the election procedures in RCW 53.36.100 or 53.54.040."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 9, after line 2, to Substitute Senate Bill No. 5329.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Voting nay: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5341, by Senators A. Smith, Quigley, McCaslin, Vognild, Winsley, Deccio, von Reichbauer, M. Rasmussen, Roach and Oke

Providing for confiscation of registration and license plates and forfeiture of the vehicle upon conviction for driving while under the influence of intoxicating liquor or drugs.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5341 was substituted for Senate Bill No. 5341 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following amendments were considered simultaneously and were adopted:

On page 2, line 1, after "shall" insert "immediately"

On page 2, at the beginning of line 3, strike "vehicle registrations" and insert "vehicle registration"

On page 4, line 10, after "secured party" strike all material through "omission" on line 12

MOTIONS

Senator Nelson moved that the following amendment be adopted:

On page 4, after line 12, insert the following:

NEW SECTION. Sec. 2. The purpose of sections 2 through 16 of this act is:

(1) To provide safety for all persons using the highways of this state by quickly suspending or revoking the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies; and

(2) To guard against the potential for any erroneous deprivation of the driving privilege by providing an opportunity for administrative review prior to the effective date of the suspension or revocation.

NEW SECTION. Sec. 3. A new section is added to chapter 46.04 RCW to read as follows:

"Alcohol concentration" means (1) the grams of alcohol per two hundred ten liters of a person's breath, or (2) the percent by weight of alcohol in a person's blood.

NEW SECTION. Sec. 4. A new section is added to chapter 46.04 RCW to read as follows:

"Test" means the test of a person's breath for alcohol concentration by infrared test method consisting of the person insufflating deep lung air samples at least twice into the instrument sufficient to allow two separate measurements. There must be sufficient time between the provision of each sample by the person to permit the instrument to measure each sample individually. The two breath samples supplied by the individual shall constitute one test. An accurate test is presumed if the results of each measurement is within plus or minus ten percent of the average of the two measurements.

Sec. 5. RCW 46.04.580 and 1990 c 250 s 22 are each amended to read as follows:

"Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. However, under RCW 46.61.515 and section 7 of this act the invalidation may last for more than one calendar year.

Sec. 6. RCW 46.20.308 and 1989 c 337 s 8 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: ((a)) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or ((b) as a result of a traffic accident)) the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, ((and)) (b) ((that)) his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood meets or exceeds the limits set forth in RCW 46.61.502 (1) and (2), and (c) his or her refusal to take the test may be used in criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be

administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.10 or more, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department if the arrest is the result of a blood test, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing. Within ten days after the notice has been given, the person may, in writing, request a formal hearing as provided by subsection (8) of this section. If such request is made by mail it must be postmarked within ten days after the notice has been given;

(c) Confiscate the person's Washington state license or permit to drive, if any;

(d) Issue a temporary license to be effective twelve hours after the time of arrest and valid for forty-five days from the date of arrest or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces;

(e) Immediately notify the department of licensing of the arrest and transmit to the department of licensing any confiscated license or permit and a sworn report that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.10 or more; and

(iii) Any other information that the director may require by rule or regulation.

(7) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that (a) the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, or (b) a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.10 or more, shall suspend, revoke, or deny the person's license or permit to drive or any nonresident operating privilege, such suspension, revocation, or denial to be effective forty-five days from the date of arrest or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

~~((7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing.))~~

~~(8) Upon timely receipt of ((such)) a request for a formal hearing, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. For the purposes of this section, the scope of ((such)) the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether (a) the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive or, (b) if a test was administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.10 or more. The sworn report submitted by a law enforcement officer shall be prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, that the officer complied with the requirements of this section, and that the testing instrument was in proper working condition. ((The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.))~~

~~(8)) (9) Failure of the person to request a hearing within the time limit established by subsection (6) of this section, or failure to attend or participate in such a hearing, constitutes a default and results in the loss of that person's right to a hearing.~~

~~(10) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of suspension, revocation, or denial by the department in the manner provided in RCW 46.20.334. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that:~~

~~(a) The petitioner is likely to prevail when the court finally disposes of the matter;~~

~~(b) Without relief the petitioner will suffer irreparable injury; and~~

(c) The threat to the safety of persons on the public highways is not sufficiently serious to justify the department's action in the circumstances.

~~((9))~~ (11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

NEW SECTION. Sec. 7. A new section is added to chapter 46.20 RCW to read as follows:

(1) Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit to drive, driving privilege, or any nonresident privilege as follows:

(a) In the case of a person who has refused a test or tests:

(i) For a first refusal within five years preceding the date of refusal, revocation or denial for one year;

(ii) For a second or subsequent refusal within five years preceding the date of refusal, revocation or denial for two years.

(b) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.10 or more:

(i) For a first incident within five years, where there has been no previous conviction of RCW 46.61.502 or 46.61.504 within the five-year period preceding the current incident, suspension or denial until the person reaches age nineteen or for ninety days, whichever is longer;

(ii) For a second incident within five years, revocation or denial for one year. A previous conviction under RCW 46.61.502 or 46.61.504 within the five-year period preceding the current incident, that did not result in a suspension or denial under this subsection, shall be considered a previous incident for purposes of this subsection;

(iii) For a third or subsequent incident within five years, revocation or denial for two years. Previous convictions under RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522 within the five-year period preceding the current incident, that did not result in a suspension, revocation, or denial under this subsection, shall be considered previous incidents for purposes of this subsection.

(2) A diagnostic evaluation and treatment recommendation shall be prepared by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. The department shall not grant or reinstate a person's privilege to drive that has been suspended, revoked, or denied under subsection (1) of this section until it has determined the person's eligibility for licensing based upon the report provided by an approved alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified.

Sec. 8. RCW 46.20.311 and 1990 c 250 s 45 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reissue fee shall be ~~((fifty))~~ one hundred dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be ~~((fifty))~~ one hundred dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test or tests of the driver's breath or blood alcohol content, the reissue fee shall be ~~((fifty))~~ one hundred dollars.

Sec. 9. RCW 46.20.311 and 1993 c ... s 8 (section 8 of this act) are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 ~~((or)),~~ 46.61.515, or section 7 of this act. Except for a suspension under section 7(1)(b)(i) of this act, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 ((or 46.20.308)), the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under RCW 46.20.308, the reissue fee shall be one hundred dollars. If the suspension was imposed under section 7(1)(b)(i) of this act, the suspension shall remain in effect and the department shall not issue any new, duplicate, or renewal license until the person pays a reinstatement fee of one hundred dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of ~~((one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f)))~~ the applicable revocation period provided by section 7 of this act; or (e) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 or was imposed under RCW 46.20.308, the reissue fee shall be one hundred dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test or tests of the driver's breath or blood alcohol content, the reissue fee shall be one hundred dollars.

Sec. 10. RCW 46.20.391 and 1985 c 407 s 5 are each amended to read as follows:

(1) Any person licensed under this chapter whose driving privilege has been suspended under section 7(1)(b)(i) of this act or who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 or section 7(1)(b)(i) of this act. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction or administrative action, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction or administrative action, the applicant has not been convicted of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522, or had a license administratively suspended or revoked under section 7(1)(b)(i) of this act; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW, unless the suspension was imposed under section 7(1)(b)(i) of this act.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has had a driver's license administratively suspended or revoked under RCW 46.20.308 or has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

NEW SECTION. Sec. 11. A new section is added to chapter 46.20 RCW to read as follows:

(1) Any person licensed under this chapter or any nonresident granted the privilege of driving a motor vehicle on the highways of this state, whose driver's license or driving privilege has been suspended or revoked, other than for vehicular homicide, vehicular assault, or under section 7(1)(a) of this act, or for a physical or mental disability that would affect that person's ability to operate a motor vehicle with safety upon the highways, may submit to the department an application for a provisional driver's license for purposes of participation in an alcohol or drug abuse treatment program approved by the department of social and health services. The department, upon receipt of the fee prescribed by this section and upon determining that the applicant is engaged in a treatment program approved by the department of social and health services that makes it essential that the applicant operate a motor vehicle, may issue a provisional driver's license. No person may petition for, and the department shall not issue, a provisional driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 or section 7 of this act.

(2) An applicant for a provisional driver's license is eligible to receive such license only if:

(a) The applicant is engaged in a program of treatment that makes it essential that he or she operate a motor vehicle; and

(b) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW, unless the suspension was imposed under section 7(1)(b)(i) of this act; and

(c) The applicant pays to the department a treatment assessment fee of twenty-five dollars, such fee to be deposited in a special sober or suspended account, within the department of social and health services, to be administered by the division of alcohol and substance abuse, to be used to pay the cost of the diagnostic evaluation or assessment required under section 7(2) of this act for indigent or low-income individuals.

(3) In issuing a provisional driver's license under this section, the department shall set forth in detail the specific hours of the day during which the person may drive to and from his or her place of treatment; the days of the week during which the license may be used; the general routes over which the person may travel; and the expiration date of the license, such date to correspond to the ending date of any suspension or revocation of the person's driver's license or driving privilege, or the date the person's

treatment program is to be concluded, whichever occurs first. These restrictions shall be prepared in written form by the department, such document to be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the provisional driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

(4) The department shall cancel a provisional driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to this chapter would warrant suspension or revocation of a regular driver's license, or upon the recommendation of a treatment agency for nonparticipation in a treatment program. The cancellation is effective as of the date of the conviction, or the date a recommendation is accepted from a treatment agency, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 12. RCW 46.61.515 and 1985 c 352 s 1 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than two hundred fifty dollars and not more than one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.05 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than five hundred dollars and not more than two thousand dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, where there has been no previous suspension or denial imposed under section 7(1)(b) of this act for the incident upon which the conviction is based, or where there has been no previous incident resulting in a suspension, revocation, or denial under section 7(1)(b) of this act within the five-year period preceding the current conviction, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency, drug treatment center, or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, where there has been no previous revocation or denial imposed under section 7(1)(b) of this act for the incident upon which the conviction is based, be revoked by the department for one year. A previous incident resulting in a suspension, revocation, or denial under section 7(1)(b) of this act within the five-year period preceding the current conviction shall be considered a previous conviction for purposes of this subsection. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency, drug treatment center, or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, where there has been no previous revocation or denial imposed under section 7(1)(b) of this act for the incident upon which the conviction is based, be revoked by the department for two years. Previous incidents resulting in suspension, revocation, or denial under section 7(1)(b) of this act within the five-year period preceding the current conviction shall be considered previous convictions for purposes of this subsection.

(4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

Sec. 13. RCW 46.68.060 and 1969 c 99 s 11 are each amended to read as follows:

(1) There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records ~~((and))~~, maintaining ~~((such))~~ the case records~~((and))~~ necessary to carry out the purposes set forth in RCW 43.59.010, and as otherwise provided in subsection (2) of this section.

(2) The sum of ten dollars shall be paid from the highway safety fund to law enforcement agencies for each reissue fee collected under RCW 46.20.311 due to a suspension or revocation arising from an arrest under RCW 46.61.502 or 46.61.504 as reimbursement for the required administrative procedures.

NEW SECTION. **Sec. 14.** The traffic safety commission shall undertake a study of the effectiveness of this act and shall report its finding to the governor and the appropriate legislative committees within thirty months of the effective date of this section.

NEW SECTION. **Sec. 15.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 16.** The department of licensing may adopt rules necessary to carry out this act.

NEW SECTION. **Sec. 17.** Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately. Sections 2 through 7 and 9 through 16 of this act shall take effect July 1, 1994. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates."

Senator Adam Smith moved that the following amendment to the amendment be adopted:

On page 7, line 24 of the amendment, after "(2)" insert the following and renumber the subsections accordingly:

"The department shall stay the suspension, revocation, or denial action pursuant to this subsection against any person, for whom it receives evidence of a court order for deferred prosecution, in accordance with chapter 10.05 RCW. The stay shall remain in effect for the term of the order: PROVIDED, That the department shall remove the stay upon receipt of evidence of new charges in violation of section 6 of this act or that the terms of the deferred prosecution order have been violated."

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. If I wish to raise a point of order with respect to scope and object of Senator Nelson's amendment, do I waive my right to raise the point of order as to scope and object if Senator Smith's amendment to the amendment is adopted?"

REPLY BY THE PRESIDENT

President Pritchard: "No."

The President declared the question before the Senate to be the adoption of the amendment by Senator Adam Smith on page 7, line 24, to the amendment by Senator Nelson on page 4, after line 12, to Substitute Senate Bill No. 5341.

The motion by Senator Adam Smith carried and the amendment to the amendment was adopted.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe that the amendment by Senator Nelson expands the scope and object of the bill. The original version of Substitute Senate Bill No. 5341 deals with circumstances of removal of the registration of the vehicle and the plates of the vehicle upon a conviction in court of the individual who is driving while intoxicated. The amendment by Senator Nelson, as he candidly admits, is of the license revocation process to the administrative procedures. I believe that an administrative revocation of a driver's license as opposed to a court revocation of vehicle registration and the plates of the vehicle expands the scope and object of Substitute Senate Bill No. 4351."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5341 was deferred.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of Senate Bill No. 5130.

SECOND READING

SENATE BILL NO. 5130, by Senators Talmadge and A. Smith

Clarifying conditions for granting attorneys' fees.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5130 was substituted for Senate Bill No. 5130 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5130.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Hochstatter, McDonald, Newhouse, Oke, Sellar and Smith, L. - 10.

Absent: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5477, by Senators Prentice, McDonald and Skratek

Eliminating school levy lids.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5477 was substituted for Senate Bill No. 5477 and the substitute bill was placed on second reading and read the second time.

Senator Barr moved that the following amendment be adopted:

On page 4, after line 5, insert the following:

"Sec. 2. RCW 28A.500.010 and 1992 c 49 s 2 are each amended to read as follows:

(1) Commencing with taxes assessed in ~~((1988))~~ 1993 to be collected in calendar year ~~((1989))~~ 1994 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. ~~((For the first distribution of local effort assistance funds provided under this section in calendar year 1989, state funds may be prorated according to the formula in this section.))~~

(2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The "state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate" shall mean ~~((ten))~~ thirteen and three-tenths percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "~~((ten))~~ thirteen and three-tenths percent levy rate" of a district shall mean:

(i) ~~((Ten))~~ Thirteen and three-tenths percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) "Eligible districts" shall mean those districts with a ~~((ten))~~ thirteen and three-tenths percent levy rate which exceeds the state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ~~((ten))~~ thirteen and three-tenths percent levy rate and the state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate; to (ii) the state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ~~((ten))~~ thirteen and three-tenths percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ~~((ten))~~ thirteen and three-tenths percent levy rate and the state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate; divided by (ii) the district's ~~((ten))~~ thirteen and three-tenths percent levy rate.

~~((4))~~ ~~((a))~~ Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.

~~((b))~~ In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows:

((#)) (a) Thirty percent in April;
((#)) (b) Twenty-three percent in May;
((#)) (c) Two percent in June;
((#)) (d) Twenty-six percent in October;
((#)) (e) Seventeen percent in November; and
((#)) (f) Two percent in December."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Barr on page 4, after line 5, to Substitute Senate Bill No. 5477.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 30; Nays, 18; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Erwin, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Quigley, Rasmussen, M., Roach, Sellar, Skratek, Smith, L., Snyder, von Reichbauer, West and Winsley - 30.

Voting nay: Senators Cantu, Drew, Franklin, Fraser, Gaspard, Moore, Niemi, Pelz, Prentice, Rinehart, Sheldon, Smith, A., Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 18.

Absent: Senator Owen - 1.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "RCW" insert "28A.500.010 and"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5477.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5477 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Barr, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Loveland, McDonald, Moore, Moyer, Nelson, Niemi, Pelz, Prentice, Quigley, Rinehart, Skratek, Smith, A., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Bauer, Cantu, Deccio, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, Newhouse, Oke, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Smith, L., Snyder, West and Williams - 20.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5494, by Senators Talmadge and Deccio (by request of Department of Social and Health Services)

Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders".

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 5494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5494.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5494 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 5494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5556, by Senators Bauer, Snyder, Deccio and Sutherland (by request of Washington State School for the Blind and Washington State School for the Deaf)

Changing provisions relating to state schools for the blind, deaf, and sensory impaired.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5556 was substituted for Senate Bill No. 5556 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5330, by Senators Haugen, Moore and Amondson

Exempting auction sold property from a statutory holding period.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5330.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5870, by Senators Haugen and McCaslin

Concerning the tax value of new construction.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5870.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5870 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Barr, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Hochstatter, McDonald, Moore, Moyer, Nelson, Newhouse, Roach, Vognild and Williams - 13.

SENATE BILL NO. 5870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:15 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 5:34 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5425 and the pending amendment by Senators Fraser and Vognild on page 13, line 17, deferred March 12, 1993.

MOTION

On motion of Senator Fraser, and there being no objection, the amendment on page 13, line 17, to Substitute Senate Bill No. 5425 was withdrawn.

MOTIONS

On motion of Senator Fraser, the following amendment by Senator Hochstatter was adopted:

On page 1, after line 4, insert the following:

Sec. 1. RCW 47.17.001 and 1990 c 233 s 1 are each amended to read as follows:

In considering whether to make additions, deletions, or other changes to the state highway system, the legislature shall be guided by the following criteria as contained in the Road Jurisdiction Committee Phase I report to the legislature dated January 1987:

(1) A rural highway route should be designated as a state highway if it meets any of the following criteria:

(a) Is designated as part of the national system of interstate and defense highways (popularly called the interstate system); or

(b) Is designated as part of the system of numbered United States routes; or

(c) Contains an international border crossing that is open twelve or more hours each day.

(2) A rural highway route may be designated as a state highway if it is part of an integrated system of roads and:

(a) Carries in excess of three hundred thousand tons annually and provides primary access to a rural port or intermodal freight terminal;

(b) Provides a major cross-connection between existing state highways; or

(c) Connects places exhibiting one or more of the following characteristics:

(i) A population center of one thousand or greater;

(ii) An area or aggregation of areas having a population equivalency of one thousand or more, such as, but not limited to, recreation areas, military installations, and so forth;

(iii) A county seat;

(iv) A major commercial-industrial terminal in a rural area with a population equivalency of one thousand or greater.

(d) Is designated as a scenic and recreational highway.

- (3) An urban highway route that meets any of the following criteria should be designated as part of the state highway system:
- (a) Is designated as part of the interstate system;
 - (b) Is designated as part of the system of numbered United States routes;
 - (c) Is an urban extension of a rural state highway into or through an urban area and is necessary to form an integrated system of state highways;
 - (d) Is a principal arterial that is a connecting link between two state highways and serves regionally oriented through traffic in urbanized areas with a population of fifty thousand or greater, or is a spur that serves regionally oriented traffic in urbanized areas.
- (4) The following guidelines are intended to be used as a basis for interpreting and applying the criteria to specific routes:
- (a) For any route wholly within one or more contiguous jurisdictions which would be proposed for transfer to the state highway system under these criteria, if local officials prefer, responsibility will remain at the local level.
 - (b) State highway routes maintain continuity of the system by being composed of routes that join other state routes at both ends or to arterial routes in the states of Oregon and Idaho and the Province of British Columbia.
 - (c) Public facilities may be considered to be served if they are within approximately two miles of a state highway.
 - (d) Exceptions may be made to include:
 - (i) Rural spurs as state highways if they meet the criteria relative to serving population centers of one thousand or greater population or activity centers with population equivalencies or an aggregated population of one thousand or greater;
 - (ii) Urban spurs as state highways that provide needed access to Washington state ferry terminals, state parks, major seaports, and trunk airports; and
 - (iii) Urban connecting links as state highways that function as needed bypass routing of regionally oriented through traffic and benefit truck routing, capacity alternative, business congestion, and geometric deficiencies.
 - (e) In urban and urbanized areas:
 - (i) Unless they are significant regional traffic generators, public facilities such as state hospitals, state correction centers, state universities, ferry terminals, and military bases do not constitute a criteria for establishment of a state highway; and
 - (ii) There may be no more than one parallel nonaccess controlled facility in the same corridor as a freeway or limited access facility as designated by the metropolitan planning organization.
 - (f) When there is a choice of two or more routes between population centers, the state route designation shall normally be based on the following considerations:
 - (i) The ability to handle higher traffic volumes;
 - (ii) The higher ability to accommodate further development or expansion along the existing alignment;
 - (iii) The most direct route and the lowest travel time;
 - (iv) The route that serves traffic with the most interstate, state-wide, and interregional significance;
 - (v) The route that provides the optimal spacing between other state routes; and
 - (vi) The route that best serves the comprehensive plan for community development in those areas where such a plan has been developed and adopted.
- (5) A route designated in chapter 47.39 RCW as a scenic and recreational highway is not eligible for removal from the scenic and recreational system without the prior consent of the local jurisdiction in which the highway is located."
- Renumber the remaining sections consecutively and correct internal references accordingly.

Senator Roach moved that the following amendment by Senators Roach and Fraser be adopted:

On page 12, after line 16, insert the following:

"Sec. 6. RCW 47.42.040 and 1991 c 94 s 2 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

- (1) Directional or other official signs or notices that are required or authorized by law;
- (2) Signs advertising the sale or lease of the property upon which they are located;
- (3) Signs advertising activities conducted on the property on which they are located;
- (4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;
- (5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;
- (6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW;
- (7) Public service signs, located on school bus stop shelters, which:
 - (a) Identify the donor, sponsor, or contributor of said shelters;
 - (b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;
 - (c) Contain no other message;
 - (d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and
 - (e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters.

(8) Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise sign;

(c) Signs shall not be placed within an incorporated city or town;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections;

(f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;

(g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080;

(9) Temporary political signs are signs that do not exceed eight square feet in area, are on private property, and solicit votes for candidates or ballot propositions at a scheduled election. Temporary political signs visible to the primary system and scenic system may be erected or maintained without a permit issued by the department. Temporary political signs shall not be erected or maintained outside city limits or zoned commercial and industrial areas having development visible to the highway as determined by the department prior to September 1st during a campaign for a general election, and must be removed within seven days after the election. When the candidate or proposition will be voted upon in a primary or special election, temporary political signs may not be erected or maintained more than 30 days prior to the election, and must be removed within seven days after the election. If temporary political signs are not removed within seven days after any election, the department is authorized to remove them. This subsection provides the exclusive means for posting temporary political signs which are visible from the main traveled way of the primary system and scenic system. The department may adopt rules to implement this subsection.

Only signs of types 1, 2, 3, 7, ~~((and))~~ 8, and 9 may be erected or maintained within view of the scenic system. Signs of types 7 and 8 may also be erected or maintained within view of the federal aid primary system."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach and Fraser on page 12, after line 26, to Substitute Senate Bill No. 5425.

The motion by Senator Roach carried and the amendment was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title after "RCW" insert "47.17.001,"

On page 1, line 2 of the title, after "47.42.025," insert "47.42.040,"

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5425.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5425 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator McCaslin - 1.

Absent: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5843, by Senators Moyer, Talmadge, Hochstatter, Deccio, Prentice, Quigley, McAuliffe, Erwin, Pelz, Winsley and M. Rasmussen

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following amendment was adopted:
On page 2, line 12, strike the words "a majority" and insert "three fifths"

On motion of Senator Barr, the following amendment by Senators Barr and Haugen was adopted:
On page 5, after line 24, insert the following:

"**Sec. 5.** RCW 84.52.069 and 1991 c 175 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

~~((7) No taxing district may levy under this section more than twenty-five cents per thousand dollars of assessed value of property if reductions under RCW 84.52.010(2) are made for the year within the boundaries of the taxing district.))"~~

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 4 of the title, after "84.52.043" strike "and 84.52.010" and insert ", 84.52.010, and 84.52.069"

On motion of Senator Moyer, the rules were suspended, Engrossed Senate Bill No. 5843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

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

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5843.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5843 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 1; Excused, 1.

Voting yea: Senators Barr, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratck, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Erwin, Hochstatter, McCaslin, Moore, Newhouse, Roach, Sellar, Vognild, von Reichbauer and West - 15.

Absent: Senator McDonald - 1.

Excused: Senator Smith, L. - 1.

ENGROSSED SENATE BILL NO. 5843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 5387, by Senators Fraser, Talmadge and Haugen (by request of Department of Ecology)

Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5387.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Smith, L. - 2.

SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5226, by Senators Skratek, Haugen, Talmadge, Winsley, M. Rasmussen and Quigley

Providing for additional evaluation of state programs.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5226 was substituted for Senate Bill No. 5226 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Franklin, the following amendment by Senators Franklin, Quigley and Skratek was adopted:

On page 11, line 14, after "financial audit" insert ": PROVIDED. That the auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report"

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5226.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5226 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Cantu, Deccio, Hochstatter, Loveland, McCaslin, McDonald, Moyer, Newhouse and Oke - 10.

Excused: Senator Smith, L. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5341 and the pending amendment by Senator Nelson on page 4, after line 12, as amended, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 5341 is a measure which establishes additional penalties and related procedures for driving while under the influence of intoxicating liquor or drugs.

"The amendment by Senator Nelson, as amended, would add to the penalties and procedures related to suspension, revocation or denial of driving privileges as a result of driving while under the influence of intoxicating liquor or drugs.

"The President, therefore, finds that the proposed amendment, as amended, does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Nelson, as amended, on page 4, after line 12, to Substitute Senate Bill No. 5341 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson, as amended, on page 4, after line 12, to Substitute Senate Bill No. 5341.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Nelson, as amended, on page 4, after line 12, to Substitute Senate Bill No. 5341.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Pelz, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Spanel, von Reichbauer, West and Winsley - 28.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, Moore, Niemi, Owen, Prentice, Quigley, Rinehart, Skratek, Snyder, Sutherland, Talmadge, Vognild, Williams and Wojahn - 20.

Excused: Senator Smith, L. - 1.

MOTION

Senator Nelson moved that the following amendment be adopted:

On page 4, after line 12, insert the following:

Sec. 2. RCW 46.20.285 and 1990 c 250 s 43 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years;
- (8) A felony violation of chapter 69.50 RCW. Upon a showing that the conviction is the second such conviction within a period of five years, the period of revocation shall be two years."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

At 6:24 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 7:10 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5702, by Senators Prentice, Wojahn and Franklin (by request of Employment Security Department)

Regulating unemployment insurance.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment by Senators Vognild, Gaspard, Moore and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 50.04 RCW to read as follows:

"Misconduct" means an employee's act or failure to act in willful disregard of his or her employer's interest where the effect of the employee's act or failure to act is to harm the employer's business.

Sec. 2. RCW 50.04.323 and 1983 1st ex.s. c 23 s 7 are each amended to read as follows:

(1) The amount of benefits payable to an individual for any week which begins after October 3, 1980, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week ~~((: PROVIDED, That))~~. However:

(a) The requirements of this subsection shall apply to any pension, retirement or retired pay, annuity, or other similar periodic payment only if--

(i) Such pension, retirement or retired pay, annuity, or similar payment is under a plan maintained (or contributed to) by a base period employer; and

(ii) In the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or corresponding provisions of prior law), services performed for such employer by the individual after the beginning of the base period (or remuneration for such services) affect eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment; ~~((and))~~

(b) The amount of any such a reduction shall take into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar periodic payment, in accordance with regulations prescribed by the commissioner; and

(c) No deduction shall be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals' contributions to the pension program.

(2) In the event that a retroactive pension or retirement payment covers a period in which an individual received benefits under the provisions of this title, the amount in excess of the amount to which such individual would have been entitled had such retirement or pension payment been considered as provided in this section shall be recoverable under RCW 50.20.190.

(3) A lump sum payment accumulated in a plan described in this section paid to an individual eligible for such payment shall be prorated over the life expectancy of the individual computed in accordance with the commissioner's regulation.

(4) The resulting weekly benefit amount payable after reduction under this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(5) Any ambiguity in subsection (1) of this section should be construed in a manner consistent with 26 U.S.C. Sec. 3304 (a)(15) as last amended by P.L. 96-364.

Sec. 3. RCW 50.06.010 and 1984 c 65 s 1 are each amended to read as follows:

This chapter is enacted for the purpose of providing the protection of the unemployment compensation system to persons who have suffered a temporary total disability ~~((compensable under industrial insurance or crime victims compensation laws))~~ and is a recognition by this legislature of the economic hardship confronting those persons who have not been promptly reemployed after a prolonged period of temporary total disability.

Sec. 4. RCW 50.06.020 and 1984 c 65 s 2 are each amended to read as follows:

The benefits of this chapter shall be allowed only to:

(1) Individuals who have suffered a temporary total disability and have received compensation under the industrial insurance or crime victims compensation laws of this state, any other state or the United States for a period of not less than thirteen consecutive calendar weeks by reason of such temporary total disability ((shall be allowed the benefits of this chapter)); or

(2) Individuals who are reentering the work force after an absence of not less than thirteen consecutive calendar weeks resulting from temporary total physical disability because of a nonwork-related injury or illness: PROVIDED, That individuals authorized to receive benefits under this subsection are required to meet other eligibility requirements under Title 50 RCW.

Sec. 5. RCW 50.06.030 and 1987 c 278 s 3 are each amended to read as follows:

(1) In the case of individuals eligible under RCW 50.06.020(1), an application for initial determination made pursuant to this chapter, to be considered timely, must be filed in writing with the employment security department within twenty-six weeks following the week in which the period of temporary total disability commenced. Notice from the department of labor and industries shall satisfy this requirement. The records of the agency supervising the award of compensation shall be conclusive evidence of the fact of temporary disability and the beginning date of such disability.

(2) In the case of individuals eligible under RCW 50.06.020(2), an application for initial determination must be filed in writing with the employment security department within twenty-six weeks following the week in which the period of temporary total

physical disability commenced. This filing requirement is satisfied by filing a signed statement from the attending physician stating the date that the disability commenced and stating that the individual was unable to reenter the work force during the time of the disability. The department may examine any medical information related to the disability. If the claim is appealed, a base year employer may examine the medical information related to the disability and require, at the employer's expense, that the individual obtain the opinion of a second health care provider selected by the employer concerning any information related to the disability.

(3) The employment security department shall process and issue an initial determination of entitlement or nonentitlement as the case may be.

(4) For the purpose of this chapter, a special base year is established for an individual consisting of either the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately prior to the first day of the calendar week in which the individual's temporary total disability commenced, and a special individual benefit year is established consisting of the entire period of disability and a fifty-two consecutive week period commencing with the first day of the calendar week immediately following the week or part thereof with respect to which the individual received his final temporary total disability compensation under the applicable industrial insurance or crime victims compensation laws, or the week in which the individual reentered the work force after an absence under subsection (2) of this section, as applicable, except that no special benefit year shall have a duration in excess of three hundred twelve calendar weeks: PROVIDED HOWEVER, That such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the ~~((disability and filing))~~ eligibility requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year provided by this chapter, notwithstanding the provisions in RCW 50.04.030 relating to the establishment of a subsequent benefit year and RCW 50.40.010 relating to waiver of rights, may elect to establish a special benefit year under this chapter: PROVIDED FURTHER, that the unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish such special benefit year.

(5) For the purposes of establishing a benefit year, the department shall initially use the first four of the last five completed calendar quarters as the base year. If a benefit year is not established using the first four of the last five calendar quarters as the base year, the department shall use the last four completed calendar quarters as the base year.

Sec. 6. RCW 50.13.040 and 1977 ex.s. c 153 s 4 are each amended to read as follows:

(1) An individual shall have access to all records and information concerning that individual held by the department of employment security, unless the information is exempt from disclosure under RCW 42.17.310.

(2) An employing unit shall have access to its own records and to any records and information relating to a benefit claim by an individual if the employing unit is either the individual's last employer or is the individual's base year employer.

(3) An employing unit shall have access to any records and information relating to any decision to allow or deny benefits

if:

(a) The decision is based on employment or an offer of employment with the employing unit; or

(b) If the decision is based on material information provided by the employing unit.

(4) An employing unit shall have access to general summaries of benefit claims by individuals whose benefits are chargeable to the employing unit's experience rating or reimbursement account.

Sec. 7. RCW 50.16.010 and 1991 sp.s. c 13 s 59 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW ((74.09.035, 74.09.510, 74.09.520, and 74.09.700)) 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

Sec. 8. RCW 50.20.050 and 1982 1st ex.s. c 18 s 6 are each amended to read as follows:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left the most recent work voluntarily without good cause and thereafter for five calendar weeks and until he or she has obtained bona fide work and earned wages ((~~of not less than his or her suspended weekly benefit amount in each of five calendar weeks~~)) equal to five times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (a) The duration of the work;
- (b) The extent of direction and control by the employer over the work; and
- (c) The level of skill required for the work in light of the individual's training and experience.

(2) An individual shall not be considered to have left the most recent work voluntarily without good cause when:

(a) He or she has left work to accept a bona fide offer of bona fide work as described in subsection (1) of this section; ((~~or~~))

(b) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; or

(c) He or she has left work to relocate for employment outside the existing labor market area with his or her spouse if the claimant remained employed as long as was reasonable prior to the move.

(3)(a) In determining under this section whether an individual has left the most recent work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, distance to work and transportation available and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. ((~~Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related~~))

(b) Good cause shall be established whenever an individual quits work because hours of work offered, pay, or any other significant work factor has deteriorated to the detriment of the employee by more than ten percent, unless the reduction has been specifically agreed to in writing by the individual and the employer.

(c) Notwithstanding the requirement for written agreements in (b) of this subsection, good cause may be established when work-related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(4) Subsections (1) and (3) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left the most recent work without good cause and thereafter for five calendar weeks and until he or she has requalified, either by obtaining bona fide work and earning wages ((~~of not less than the suspended weekly benefit amount in each of five calendar weeks~~)) equal to five times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by subsection (2)(c) of this section.

Sec. 9. RCW 50.20.060 and 1982 1st ex.s. c 18 s 16 are each amended to read as follows:

((~~(1)~~)) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her most recent work and thereafter for five calendar weeks and until he or she has obtained work and earned wages ((~~of not less than the suspended weekly benefit amount in each of five calendar weeks~~)) equal to five times his or her benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

((~~(2)~~)) An individual who has been discharged because of a felony or a gross misdemeanor of which he or she has been convicted, or has admitted committing to a competent authority, and which is connected with his or her work shall be disqualified from receiving any benefits for which base year credits are earned in any employment prior to the discharge. Such disqualification begins with the first day of the calendar week in which he or she has been discharged, and all benefits paid during the period the individual was disqualified shall be recoverable, notwithstanding RCW 50.20.190, 50.24.020, or any other provision of this title.)

Sec. 10. RCW 50.20.080 and 1959 c 321 s 1 are each amended to read as follows:

An individual is disqualified for benefits, if the commissioner finds that ((~~he~~)) the individual has failed without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner, or to accept suitable work when offered ((~~him~~)) the individual, or to return to his or her customary self-employment (if any) when so directed by the commissioner. Such disqualification shall begin with the week of the refusal and thereafter for five calendar weeks and continue until ((~~he~~)) the individual has obtained work and earned wages therefor of not less than five times his or her suspended weekly benefit amount ((~~in each of five weeks~~)).

NEW SECTION. **Sec. 11.** A new section is added to chapter 50.20 RCW to read as follows:

CANCELLATION OF WAGE/HOUR CREDITS. (1) An individual who has been discharged from his or her most recent work because of a felony or gross misdemeanor of which he or she has been convicted, or has admitted committing to a competent authority, and that is connected with his or her work shall have all hourly wage credits based on that employment canceled.

(2) The employer shall notify the department of such an admission or conviction, not later than six months following the admission or conviction.

(3) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(4) All benefits that are paid in error based on wage/hour credits that should have been removed from the claimant's base year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

Sec. 12. RCW 50.20.120 and 1984 c 205 s 1 are each amended to read as follows:

(1) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title: PROVIDED, That as to any week beginning on and after March 31, 1981, which falls in an extended benefit period as defined in RCW 50.22.010(1), as now or hereafter amended, an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020, as now or hereafter amended.

(2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest. The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be ~~((fifty-five))~~ seventy percent of the "average weekly wage" for the calendar year preceding such June 30th ~~(= PROVIDED, That if as of the first December 31st on which the ratio of the balance in the unemployment compensation fund to total remuneration paid by all employers subject to contributions during the calendar year ending on such December 31st and reported to the department by the following March 31st is 0.024 or more, the maximum amount payable weekly for benefit years beginning with the first full calendar week in July next following, and thereafter, shall be sixty percent of the "average weekly wage").~~ The computation for this ratio shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded: PROVIDED FURTHER, That for benefit years beginning before July 7, 1985, the maximum amount payable weekly shall not exceed one hundred eighty-five dollars. The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th. If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Sec. 13. RCW 50.20.190 and 1991 c 117 s 3 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of the individual's benefit year in which the purported overpayment was made unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that said overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee of five dollars. The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance (~~for each month that payments are not made in a timely fashion~~). Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of their monthly payments either partially or in full. The interest penalty shall be used to fund detection and recovery of overpayment and collection activities.

NEW SECTION. Sec. 14. A new section is added to chapter 50.20 RCW to read as follows:

All receipts from interest assessed against unemployment insurance claimants shall be deposited in the administrative contingency account and shall be used for the purpose of RCW 50.20.190(3).

Sec. 15. RCW 50.22.010 and 1985 ex.s. c 5 s 10 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks((:));

(a) The rate of insured unemployment ((:)), not seasonally adjusted((-either:

(a))_ equalled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equalled or exceeded five percent; or

(b) ((Equalled or exceeded six percent: -PROVIDED, That the six percent trigger shall apply only until December 31, 1985)) For benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent; and

(ii) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (b)(i) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3) "High unemployment period" means any period of unemployment beginning after March 6, 1993, during which an extended benefit period would be in effect if:

(a) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent; and

(b) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (a) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) There is an "off" indicator for this state for a week ((if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) was either:

(a) Less than five percent; or

(b) Five percent or more but less than six percent and the rate of insured unemployment was less than one hundred twenty percent of the average of the rates for the corresponding thirteen-week period ending in each of the two preceding calendar years: -PROVIDED, That the six percent trigger shall apply only until December 31, 1985)) only if, for the period consisting of such week and immediately preceding twelve weeks, none of the options specified in subsection (2) or (3) of this section result in an "on" indicator.

((4)) (5) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

~~((5))~~ (6) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

~~((6))~~ (7) "Additional benefits" are benefits totally financed by the state and payable under this title to exhautees by reason of conditions of high unemployment or by reason of other special factors.

~~((7))~~ (8) "Eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

~~((8))~~ (9) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

~~((9))~~ (10) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d)(i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

~~((10))~~ (11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

Sec. 16. RCW 50.22.020 and 1981 c 35 s 8 are each amended to read as follows:

When the result would not be inconsistent with the other provisions of this chapter, the provisions of this title and commissioner's regulations enacted pursuant thereto, which apply to claims for, or the payment of, regular benefits, shall apply to claims for, and the payment of, extended benefits: PROVIDED, That

(1) Payment of extended compensation under this chapter shall not be made to any individual for any week of unemployment in his or her eligibility period--

(a) During which he or she fails to accept any offer of suitable work (as defined in subsection (3) of this section) or fails to apply for any suitable work to which he or she was referred by the employment security department; or

(b) During which he or she fails to actively engage in seeking work.

(2) If any individual is ineligible for extended compensation for any week by reason of a failure described in subsections (1)(a) or (1)(b) of this section, the individual shall be ineligible to receive extended compensation for any week which begins during a period which--

(a) Begins with the week following the week in which such failure occurs; and

(b) Does not end until such individual has been employed during at least four weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of four multiplied by the individual's weekly benefit amount (as determined under RCW 50.20.120) for his or her benefit year.

(3) For purposes of this section, the term "suitable work" means, with respect to any individual, any work which is within such individual's capabilities and which does not involve conditions described in RCW 50.20.110: PROVIDED, That if the individual furnishes evidence satisfactory to the employment security department that such individual's prospects for obtaining work in his or her customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with RCW 50.20.100.

(4) Extended compensation shall not be denied under subsection (1)(a) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if:

(a) The gross average weekly remuneration payable to such individual for the position does not exceed the sum of--

(i) The individual's weekly benefit amount (as determined under RCW 50.20.120) for his or her benefit year; plus

(ii) The amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954, 26 U.S.C. Sec. 501(c)(17)(D)), payable to such individual for such week;

(b) The position was not offered to such individual in writing and was not listed with the employment security department;

(c) Such failure would not result in a denial of compensation under the provisions of RCW 50.20.080 and 50.20.100 to the extent such provisions are not inconsistent with the provisions of subsections (3) and (5) of this section; or

(d) The position pays wages less than the higher of--

(i) The minimum wage provided by section (6)(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

(ii) Any applicable state or local minimum wage.

(5) For purposes of this section, an individual shall be treated as actively engaged in seeking work during any week if:

(a) The individual has engaged in a systematic and sustained effort to obtain work during such week; and

(b) The individual provides tangible evidence to the employment security department that he or she has engaged in such an effort during such week.

(6) The employment security department shall refer applicants for benefits under this chapter to any suitable work to which subsections (4)(a) through (4)(d) of this section would not apply.

(7) No provisions of this title which terminates a disqualification for voluntarily leaving employment, being discharged for misconduct, or refusing suitable employment shall apply for purposes of determining eligibility for extended compensation unless such termination is based upon employment subsequent to the date of such disqualification.

(8) The provisions of subsections (1) through (7) of this section shall apply with respect to weeks of unemployment beginning after March 31, 1981. However, the provisions of subsections (1) through (7) of this section shall not apply to those weeks of unemployment beginning after March 6, 1993, and before January 1, 1995.

Sec. 17. RCW 50.22.030 and 1982 1st ex.s. c 18 s 4 are each amended to read as follows:

(1) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his or her eligibility period only if the commissioner finds with respect to such week that:

(a) The individual is an "exhaustee" as defined in RCW 50.22.010;

(b) He or she has satisfied the requirements of this title for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; and

(c) He or she has earned wages in the applicable base year of at least:

(i) Forty times his or her weekly benefit amount; or

(ii) One and one-half times his or her insured wages in the calendar quarter of the base period in which the insured wages are the highest, for weeks of unemployment on or after July 3, 1992.

(2) An individual filing an interstate claim in any state under the interstate benefit payment plan shall not be eligible to receive extended benefits for any week beyond the first two weeks claimed for which extended benefits are payable unless an extended benefit period embracing such week is also in effect in the agent state.

Sec. 18. RCW 50.22.050 and 1982 1st ex.s. c 18 s 5 are each amended to read as follows:

(1) The total extended benefit amount payable to any eligible individual with respect to his or her applicable benefit year shall be the least of the following amounts:

(a) Fifty percent of the total amount of regular benefits which were payable to him or her under this title in his or her applicable benefit year;

(b) Thirteen times his or her weekly benefit amount which was payable to him or her under this title for a week of total unemployment in the applicable benefit year; or

(c) Thirty-nine times his or her weekly benefit amount which was payable to him or her under this title for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him or her under this title with respect to the benefit year.

(2) Notwithstanding any other provision of this chapter, if the benefit year of any eligible individual ends within an extended benefit period, the extended benefits which the individual would otherwise be entitled to receive with respect to weeks of unemployment beginning after the end of the benefit year and within the extended benefit period shall be reduced (but not below zero) by the product of the number of weeks for which the individual received any amount as a trade readjustment allowance within that benefit year, multiplied by the individual's weekly extended benefit amount.

(3) Effective for weeks beginning in a high unemployment period as defined in RCW 50.22.010(3) the total extended benefit amount payable to any eligible individual with respect to his or her applicable benefit year shall be the least of the following amounts:

(a) Eighty percent of the total amount of regular benefits that were payable to him or her under this title in his or her applicable benefit year;

(b) Twenty times his or her weekly benefit amount that was payable to him or her under this title for a week of total unemployment in the applicable benefit year; or

(c) Forty-six times his or her weekly benefit amount that was payable to him or her under this title for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid, or deemed paid, to him or her under this title with respect to the benefit year.

Sec. 19. RCW 50.29.020 and 1991 c 129 s 1 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make

payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual under the provisions of RCW 50.12.050 shall not be charged to the account of any contribution paying employer if the wage credits earned in this state by the individual during his or her base year are less than the minimum amount necessary to qualify the individual for unemployment benefits.

(c) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer.

(d) Benefits paid which represent the state's share of benefits payable under chapter 50.22 RCW shall not be charged to the experience rating account of any contribution paying employer.

(e) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(f)(i) Benefits paid to an individual as the result of a determination by the commissioner that no stoppage of work exists, pursuant to RCW 50.20.090, shall not be charged to the experience rating account of any contribution paying employer.

(ii) Benefits paid to an individual under RCW 50.20.090(1) for weeks of unemployment ending before February 20, 1987, shall not be charged to the experience rating account of any base year employer.

(g) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

(h) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 may not be charged to the experience rating account of the contribution-paying employer who provided the approved on-the-job training.

(i) Beginning July 1, 1985, a contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) ~~((The benefit charges result from payment to an individual who))~~ Last left the employ of such employer voluntarily for reasons not attributable to the employer ~~((or was discharged for misconduct connected with his or her work; and));~~

(ii) ~~((The employer requests relief of charges in writing within thirty days following mailing to the last known address of the notification of the initial determination of such a claim, stating the date and reason for the last leaving; and~~

~~(iii) Upon investigation of the separation, the commissioner rules that the relief should be granted.~~

~~(i) An employer who employed a claimant during the claimant's base year, and who continues to employ the claimant, is eligible for relief of benefit charges if relief is requested in writing within thirty days of notification by the department of the claimant's application for initial determination of eligibility. Relief of benefit charges shall cease when the employment relationship with the claimant ends. This subsection shall not apply to shared work employers under chapter 50.60 RCW.~~

~~(j) Benefits paid to an individual who does not successfully complete an approved on-the-job training program under RCW 50.12.240 shall not be charged to the experience rating account of the contribution paying employer who provided the approved on-the-job training.~~

~~(k) Benefits paid resulting from a closure or severe curtailment of operations at the employer's plant, building, work site, or facility due to damage caused by fire, flood, or other natural disaster shall not be charged to the experience rating account of the employer if:~~

~~(i)) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;~~

~~(ii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, work site, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or~~

~~(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between that employer and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.~~

~~(i) The employer ~~((petitions for))~~ requests relief of charges ~~((; and~~~~

~~(ii) The commissioner approves granting relief of charges))~~ in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment, and, upon investigation of the request, the commissioner rules that relief should be granted.

Sec. 20. RCW 50.24.014 and 1987 c 171 s 4 are each amended to read as follows:

A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at ~~((the))~~ a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

For the first calendar quarter of 1994 only, this basic two one-hundredths of one percent shall be increased by one hundredth of one percent to a total rate of three one-hundredths of one percent. The proceeds of this incremental one-hundredth of one percent shall be used solely for the purposes described in section 22 of this act. Any surplus will be deposited in the unemployment compensation trust fund.

Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

Sec. 21. RCW 50.29.025 and 1990 c 245 s 7 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

3.90 and above AA
3.40 (~~and above~~) to 3.89 A
2.90 to 3.39 B
2.40 to 2.89 C
1.90 to 2.39 D
1.40 to 1.89 E
Less than 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

		Percent of Cumulative Schedule of Contribution Rates for Taxable Payrolls Effective Tax Schedule									
		Rate									
From	To	Class	AA	A	B	C	D	E	F		
0.00	5.00	1	<u>0.48</u>	0.48	0.58	0.98	1.48	1.88	2.48		
5.01	10.00	2	<u>0.48</u>	0.48	0.78	1.18	1.68	2.08	2.68		
10.01	15.00	3	<u>0.58</u>	0.58	0.98	1.38	1.78	2.28	2.88		
15.01	20.00	4	<u>0.58</u>	0.78	1.18	1.58	1.98	2.48	3.08		
20.01	25.00	5	<u>0.78</u>	0.98	1.38	1.78	2.18	2.68	3.18		
25.01	30.00	6	<u>0.98</u>	1.18	1.58	1.98	2.38	2.78	3.28		
30.01	35.00	7	<u>1.08</u>	1.38	1.78	2.18	2.58	2.98	3.38		
35.01	40.00	8	<u>1.28</u>	1.58	1.98	2.38	2.78	3.18	3.58		
40.01	45.00	9	<u>1.48</u>	1.78	2.18	2.58	2.98	3.38	3.78		
45.01	50.00	10	<u>1.68</u>	1.98	2.38	2.78	3.18	3.58	3.98		
50.01	55.00	11	<u>1.98</u>	2.28	2.58	2.98	3.38	3.78	4.08		
55.01	60.00	12	<u>2.18</u>	2.48	2.78	3.18	3.58	3.98	4.28		
60.01	65.00	13	<u>2.38</u>	2.68	2.98	3.38	3.78	4.18	4.48		
65.01	70.00	14	<u>2.58</u>	2.88	3.18	3.58	3.98	4.38	4.68		
70.01	75.00	15	<u>2.88</u>	3.08	3.38	3.78	4.18	4.58	4.78		
75.01	80.00	16	<u>3.08</u>	3.28	3.58	3.98	4.38	4.68	4.88		
80.01	85.00	17	<u>3.28</u>	3.48	3.78	4.18	4.58	4.88	4.98		
85.01	90.00	18	<u>3.68</u>	3.88	4.18	4.58	4.88	4.98	5.18		
90.01	95.00	19	<u>4.08</u>	4.28	4.58	4.98	5.08	5.18	5.38		
95.01	100.00	20	<u>5.40</u>	5.40	5.40	5.40	5.40	5.40	5.40		

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and ~~((four-tenths))~~ six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and ~~((four-tenths))~~ six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

NEW SECTION. Sec. 22. (1) There is hereby created a joint task force on unemployment insurance composed of the following members:

(a) Four members of the senate labor and commerce committee, two from each of the major caucuses, to be appointed by the president of the senate;

(b) Four members of the house of representatives commerce and labor committee, two from each of the major caucuses, to be appointed by the speaker of the house of representatives; and

(c) Up to eight members appointed jointly by the president of the senate and the speaker of the house of representatives representing business and labor in equal numbers. The business representatives shall be selected from nominations submitted by state-wide business organizations representing a cross-section of industries. The labor representatives shall be selected from nominations submitted by state-wide labor organizations representing a cross-section of industries.

(2) The employment security department unemployment insurance advisory committee shall act as an advisory body to the task force.

(3) The senate committee services and the office of program research shall provide the staff support as mutually agreed by the cochair of the task force. The task force shall designate the cochair.

(4) The members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The task force shall study the following issues:

(a) Financing and administration of unemployment insurance;

(b) Social costs;

(c) Administrative costs;

(d) Experience rating systems;

(e) Tax rates;

(f) Trust fund adequacy;

(g) Accountability and administrative funding of employment security department programs; and

(h) Any other issues deemed appropriate by the task force.

(6) The task force shall report its findings to the legislature by December 31, 1993.

NEW SECTION. Sec. 23. (1) Sections 1 and 8 through 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 3, 1993, and shall be effective as to separations occurring after July 3, 1993.

(2) Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 3, 1993, and is effective as to weeks claimed after July 3, 1993.

(3) Section 12 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 3, 1993, and is effective as to new claims filed after July 3, 1993.

(4) Section 19 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 3, 1993, and is effective as to requests for relief of charges received after July 3, 1993.

(5) Sections 15, 17, and 18 of this act shall be effective to new extended benefit claims filed after October 2, 1993.

(6) Sections 13 and 14 of this act shall take effect January 1, 1994.

(7) Sections 3, 4, 5, and 13 of this act shall take effect January 2, 1994.

(8) Sections 20 and 21 of this act shall take effect for tax year 1994.

(9) Section 16 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 24. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Vognild, Gaspard, Moore and Prentice to Substitute Senate Bill No. 5702.

The motion by Senator Vognild carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 50.04.323, 50.06.010, 50.06.020, 50.06.030, 50.13.040, 50.16.010, 50.20.050, 50.20.060, 50.20.080, 50.20.120, 50.20.190, 50.22.010, 50.22.020, 50.22.030, 50.22.050, 50.29.020, 50.24.014, and 50.29.025; adding a new section to chapter 50.04 RCW; adding new sections to chapter 50.20 RCW; creating new sections; providing effective dates; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, von Reichbauer and West - 21.

Excused: Senator Smith, L. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:34 p.m., on motion of Senator Jesernig, the Senate adjourned until 8:00 a.m., Wednesday, March 17, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY, MARCH 16, 1993

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

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 17, 1993

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Moyer, Niemi and Wojahn. On motion of Senator Oke, Senators Barr and Moyer were excused. On motion of Senator Spanel, Senators Niemi and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ben Easling and Bryce Fisher, presented the Colors. Reverend Sandra Gilgoly Lee, pastor of the Unitarian Universalist Church of Olympia, offered the prayer.

MOTION

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

ST. PATRICK'S DAY SINGER

With permission of the Senate, business was suspended to permit Senate Staff member Patrick Woods to sing Irish ballads in honor of St. Patrick's Day.

Senators Gaspard and McCaslin thanked Mr. Woods for his appropriate and entertaining songs.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John M. Franklin, appointed February 15, 1993, for a term ending at the Governor's pleasure, as Director of the Department of General Administration.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Government Operations.

March 4, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Senator Dean Sutherland, reappointed March 4, 1993, for a term ending June 12, 1995, as a member of the Pacific Marine Fisheries Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

MESSAGE FROM THE HOUSE

March 15, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1156,
HOUSE BILL NO. 1168,
HOUSE BILL NO. 1203,
SUBSTITUTE HOUSE BILL NO. 1375,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1583,
SUBSTITUTE HOUSE BILL NO. 1686,
HOUSE BILL NO. 1731,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734,
HOUSE BILL NO. 1751,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
SUBSTITUTE HOUSE BILL NO. 1767,
SUBSTITUTE HOUSE BILL NO. 1792,
HOUSE BILL NO. 1804,
HOUSE BILL NO. 1832,
HOUSE BILL NO. 1842,
SUBSTITUTE HOUSE BILL NO. 1877,
SUBSTITUTE HOUSE BILL NO. 1886,
ENGROSSED HOUSE BILL NO. 1925,
HOUSE BILL NO. 1940,
SUBSTITUTE HOUSE BILL NO. 2007,
HOUSE BILL NO. 2008,
HOUSE BILL NO. 2049,
HOUSE JOINT MEMORIAL NO. 4008,
HOUSE JOINT MEMORIAL NO. 4009,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1156 by House Committee on Local Government (originally sponsored by Representatives H. Myers, Ludwig, Scott, Riley, Cothorn, R. Meyers, L. Johnson and Ogden)

Transferring county sheriff's office employees.

Referred to Committee on Government Operations.

HB 1168 by Representatives King, Chappell, Basich, Orr, Fuhrman, Flemming, Springer and Wood

Leasing beds of tidal waters.

Referred to Committee on Natural Resources.

HB 1203 by Representatives Leonard, Cooke, Riley and Wood

Modifying provisions of the department of social and health services' job training program.

Referred to Committee on Health and Human Services.

SHB 1375 by House Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick, Padden, Heavey, Ballard, Ludwig, Vance, Forner, Wineberry, Jones, Roland, Horn, Casada, Sheahan, Long, Foreman, Rayburn, Brumsickle, Van Luven, Springer, Wood, Johanson, Miller, Schoesler, Reams and Silver)

Imposing liability for furnishing liquor to minors.

Referred to Committee on Law and Justice.

SHB 1507 by House Committee on Transportation (originally sponsored by Representatives Zellinsky, Ballard, Chappell, Van Luven, R. Johnson, Campbell, R. Meyers, Springer and Sheldon)

Penalizing owners of abandoned, unauthorized, or junk vehicles.

Referred to Committee on Transportation.

SHB 1543 by House Committee on Appropriations (originally sponsored by Representatives Zellinsky, Mielke, Tate, Dellwo, Scott, Sommers, G. Cole, R. Johnson, Dyer, R. Meyers, Jones and Basich)

Insuring longshore and harbor workers.

Referred to Committee on Labor and Commerce.

SHB 1583 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Carlson, Quall, Bray, Rayburn, Kessler, J. Kohl, Shin, Wood, Basich, Ogden, Brumsickle, King, Van Luven and L. Johnson)

Clarifying eligibility requirements for state-funded benefits for part-time academic employees of community and technical colleges.

Referred to Committee on Higher Education.

SHB 1686 by House Committee on State Government (originally sponsored by Representatives Anderson, Ludwig, R. Meyers, Foreman, Dorn, Orr, Vance, Brough, Tate, Casada, Edmondson, Horn, Wood, Carlson, Ballard, Brumsickle, Ballasiotes, Van Luven, Mielke, Sheahan, Long, Thomas, Cooke, Forner, Morton and Lisk)

Defining a term for the administrative procedure act.

Referred to Committee on Government Operations.

HB 1731 by Representatives Jones, Chandler, Kessler and Brumsickle

Exempting certain public works involving electrical generating systems from bid laws.

Referred to Committee on Energy and Utilities.

ESHB 1734 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Dellwo, Silver, Padden, Peery, Ogden, Mastin, Scott and Johanson) (by request of Administrator for the Courts)

Adding new judges to the court of appeals.

Referred to Committee on Law and Justice.

HB 1751 by Representatives Anderson and Reams

Modifying compensation of forest practices board members.

Referred to Committee on Natural Resources.

ESHB 1758 by House Committee on Appropriations (originally sponsored by Representatives Chappell, Brumsickle, Orr, Springer, Riley and Sheldon)

Including public safety directors in the definition of "law enforcement officer."

Referred to Committee on Ways and Means.

SHB 1767 by House Committee on Higher Education (originally sponsored by Representatives Basich, Jacobsen, Brumsickle, Dellwo, Leonard, J. Kohl, Ogden, Quall, Bray, Kessler, Shin and Johanson)

Encouraging minimum standards for intercollegiate coaches at community and technical colleges.

Referred to Committee on Higher Education.

SHB 1792 by House Committee on State Government (originally sponsored by Representatives Zellinsky, Schmidt, King and Ballasiotes) (by request of Secretary of State)

Providing state flags and mementos for certain official purposes.

Referred to Committee on Government Operations.

HB 1804 by Representatives Campbell, Mastin and Flemming

Clarifying procedures for temporary remedies from agency action.

Referred to Committee on Government Operations.

HB 1832 by Representatives Dyer, R. Meyers, Mielke, Schmidt, R. Johnson, Zellinsky, Tate, Anderson, Reams, Dellwo, Foreman and Long

Regulating medical malpractice insurance.

Referred to Committee on Labor and Commerce.

HB 1842 by Representatives R. Fisher, Wood, King, Scott, Conway, Karahalios, Roland and Flemming

Authorizing exemptions from county vehicle license fees.

Referred to Committee on Transportation.

SHB 1877 by House Committee on Health Care (originally sponsored by Representatives Flemming, Eide, Mastin and Morris)

Providing for examination of nursing home care and charges.

Referred to Committee on Health and Human Services.

SHB 1886 by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, Miller, Kessler, Horn, Kremen and Casada)

Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers.

Referred to Committee on Energy and Utilities.

EHB 1925 by Representatives Orr, Pruitt and King

Requiring registration of persons carrying passengers for hire on whitewater river sections.

Referred to Committee on Natural Resources.

HB 1940 by Representatives Orr, King, Springer and Morris

Establishing fishing guide licenses for Oregon residents.

Referred to Committee on Natural Resources.

SHB 2007 by House Committee on Revenue (originally sponsored by Representatives Ogden, Wood and H. Myers)

Allowing tax proceeds to be used for low-income housing.

Referred to Committee on Labor and Commerce.

HB 2008 by Representative Dunshee

Affecting withdrawal of territory by special districts.

Referred to Committee on Government Operations.

HB 2049 by Representative R. Fisher

Restructuring statutes on state participation in rail freight service.

Referred to Committee on Transportation.

HJM 4008 by Representatives Mastin, Campbell, Horn, Pruitt, Kremen and Long

Requesting a full deduction for sales taxes on federal tax returns.

Referred to Committee on Ways and Means.

HJM 4009 by Representatives R. Johnson, Quall, Veloria, Rust, Kremen and J. Kohl

Petitioning for consistency and flexibility of actions of the United States Army Corps of Engineers and the Federal Emergency Management Agency with regard to flood projects.

Referred to Committee on Natural Resources.

ESHJM 4015 by House Committee on State Government (originally sponsored by Representatives Veloria, Wineberry, Leonard, Johanson, Wang, Chandler, Miller, Wood, Shin, Quall, Rayburn, J. Kohl, Kessler, Dyer and Anderson)

Requesting the Philippines to keep its consulate open.

Referred to Committee on Trade, Technology and Economic Development.

SECOND READING

SENATE BILL NO. 5693, by Senators Vognild, Drew and Quigley

Authorizing exemptions from county vehicle license fees.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5693.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5693 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 45.

Excused: Senators Barr, Moyer, Niemi and Wojahn - 4.

SENATE BILL NO. 5693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:28 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 10:03 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5159, by Senators Talmadge, Owen and Fraser

Encouraging landscaping for energy conservation.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5159 was substituted for Senate Bill No. 5159 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5159.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Voting nay: Senator Prince - 1.

SUBSTITUTE SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5310, by Senator Owen

Modifying prosecutions for trespass or waste of public lands.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5310 was substituted for Senate Bill No. 5310 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Owen, I understand that there is a terrible problem right now with the damage and, also, I think another thing that would cover this, is people who dump garbage and create a real problem that way. The part that I am concerned about in reading this bill is on line 7 of the bill, which says, 'Every person who occupies public land is liable to the state,' and then further down it says, 'Damages recoverable under this section include the market value of occupancy.' I guess I am worried if people are camping on public land and, you know, may even bring to mind the people who don't have homes and are homeless--if they are camping on public lands--are they going to be liable to the state and have to pay damages and have to pay, basically, a rent for being there under this language?"

Senator Owen: "Well, they would if they were there without authorization and they did damage. I don't believe that the Department of Natural Resources would hold someone liable if they camped there, however, and did no damage. The purpose of this act is to get at those people who will come and do, as you say, and then damage the Department of Natural Resources facilities, equipment, trees, and cause significant damage."

Senator Anderson: "Thank you, Senator Owen, for that clarification and I certainly hope that this is the way that this is interrupted. It is meant to take care of the damage and not to harass people who are merely on public lands."

POINT OF INQUIRY

Senator Roach: "Senator Owen, in just looking at this, what is the definition of 'damages'? Is there an exact monetary--the valuation on what damages will be pursuant to this?"

Senator Owen: "The bill does not define what 'damages' are. It could be, I suspect, any amount of damage."

Senator Roach: "I am just wondering if individuals--the children of certain individuals camping were to pull off dead branches or twigs to start fires and whatnot, it could be arguable that that is damage. Could we possibly--would you allow an amendment to this bill to maybe put a set figure? I think I would like to offer one."

Senator Owen: "I'm not really sure how we would set a figure on that and the example that you used would not be, I don't think in anybody's estimation, considered damage."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5310.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5310 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Hochstatter, McDonald, Newhouse, Roach and Sellar - 9.

SUBSTITUTE SENATE BILL NO. 5310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5411, by Senators Vognild, Prince, Prentice, Drew, Sheldon and Sellar (by request of Department of Licensing)

Modifying provisions regarding fuel taxes.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:
On page 3, line 28, after "penalty of" strike "~~((ten))~~ two" and insert "up to ten"

On motion of Senator Vognild, the following amendment was adopted:
On page 2, line 6, after "exports it" insert "by commercial motor vehicle as defined in RCW 82.37.020"

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5411.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5411 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5423, by Senators Skratek and Prince (by request of Department of Transportation)

Developing a public transportation policy plan.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 2, line 2, after "services" insert "and modes"

On page 2, line 11, after "services," insert "nonmotorized interests,"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5423.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5596, by Senator Loveland (by request of State Treasurer)

Destroying redeemed warrants.

MOTIONS

On motion of Senator Drew, Substitute Senate Bill No. 5596 was substituted for Senate Bill No. 5596 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Drew, the rules were suspended, Substitute Senate Bill No. 5596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5596.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5665, by Senators Talmadge, Prentice and Moore

Enacting the Washington state false claims act.

MOTIONS

On motion of Senator Adam Smith, Substitute Senate Bill No. 5665 was substituted for Senate Bill No. 5665 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the rules were suspended, Substitute Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5665.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5667, by Senators Talmadge, Fraser, Moore, Sutherland, Bluechel, A. Smith and Haugen

Creating a water trail recreation program.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 3, line 2, after "issued." insert "The casual or noncommercial user of the state-wide water trail shall be exempt from the permit requirements."

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Talmadge, I tried to locate a fiscal note and was unable to do so. Could you tell me what the fiscal impact will be?"

Senator Talmadge: "The fiscal impact, Senator, is the grand sum of twelve thousand five hundred dollars over a biennium."

Senator Roach: "I'm talking about the individuals who will be taxed to use the casual--"

Senator Talmadge: "Senator, that would be up to an advisory committee made up of individuals from the water trail community--the people who do ocean kayaking and ocean canoeing. Your concern, I suspect, is somewhat misplaced. The people who simply go out and kayak or use a canoe on Puget Sound do not need to pay anything. If there are individuals who want to camp someplace where they would need to stop because they are out on the water for a long period of time and actually staying somewhere overnight--for those individuals they would get this permit and have access to a guaranteed place to stop."

Senator Roach: "Well, thank you Senator Talmadge, but I do understand the intent, know it is not to stop people from casual kayaking on the body, but what it is is a fee for anyone who would want to use a campsite--every campsite. I am not sure how you would enforce this. I did inquire of OFM this morning and they said, just this morning, that a fiscal note was not available."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, line 2, to Senate Bill No. 5667.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 3, after line 2, insert the following:

"Casual users are those who use the state-wide water trails less than five times yearly. Casual users are exempt from the provisions of this bill."

Senator Roach demanded a roll call and the demand was not sustained.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, after line 2, to Senate Bill No. 5667.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5667.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5667 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Anderson, Cantu, Nelson, Roach and Smith, L. - 5.

SENATE BILL NO. 5667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5695, by Senators Bauer, Gaspard, Sellar, Pelz, Drew, Prince and M. Rasmussen (by request of State Board for Community and Technical Colleges)

Changing provisions relating to GED tests.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5695.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5695 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE BILL NO. 5695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Sellar was excused.

SECOND READING

SENATE BILL NO. 5876, by Senators Prentice, Skratek, Sellar, M. Rasmussen and Winsley

Extending incentives for ride sharing and vanpools.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5876 was substituted for Senate Bill No. 5876 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5876.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5876 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Barr, Newhouse and Smith, L. - 3.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5918, by Senators Drew, Sellar, Vognild, Bluechel and Winsley

Allowing ride-sharing incentives to include cars.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5918 was substituted for Senate Bill No. 5918 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5918 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5918.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5918 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Skratek - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 5918, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8016, by Senators M. Rasmussen, Spanel, Haugen, Prince, Loveland, Barr, Erwin, McDonald, Roach, Bauer, Drew, Gaspard, Skratek, McAuliffe, Sheldon, Prentice, Fraser, Rinehart, Deccio, Jesernig, Winsley, Pelz, McCaslin, Sellar, von Reichbauer, Vognild, Moyer, A. Smith, West, Franklin, Wojahn, Hochstatter, Quigley, Anderson, Amondson and Oke

Requesting investigation and reporting on the E. Coli outbreak.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Joint Memorial No. 8016 was substituted for Senate Joint Memorial No. 8016 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Rasmussen, the following amendment was adopted:
On page 2, line 22, delete "county" and insert "country"

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Joint Memorial No. 8016 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Joint Memorial No. 8016.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Memorial No. 8016 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Newhouse - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5395, by Senators Skratek and Erwin

Involving the public in transportation planning.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5395 was substituted for Senate Bill No. 5395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5395.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senators Anderson and Barr - 2.

SUBSTITUTE SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5503, by Senators Vognild, Newhouse, Sutherland, Moore, Amondson, McAuliffe, Fraser, Pelz, Cantu, Snyder, Deccio and Hochstatter

Providing injured workers with an increased incentive to return to work.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5503 was substituted for Senate Bill No. 5503 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5503.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5503 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Prince - 1.

SUBSTITUTE SENATE BILL NO. 5503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Prince was excused.

SECOND READING

SENATE BILL NO. 5720, by Senator Rinehart (by request of Office of Financial Management)

Repealing the natural resources conservation areas stewardship account endowment.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Owen and McDonald be adopted:

On page 1, after line 3, insert the following:

"Sec. 1. RCW 43.84.092 and 1993 c 4 s 9 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources conservation areas stewardship account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart, Owen and McDonald on page 1, after line 3, to Senate Bill No. 5720.

The motion by Senator Rinehart carried and the amendment was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "areas;" insert "amending RCW 43.84.092;"

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Prince - 1.

ENGROSSED SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5580, by Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer (by request of Department of Community Development)

Modifying the regulation of manufactured housing.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following amendment by Senators Williams and Moore was adopted:

On page 4, line 3, strike all of section 6.

Renumber the remaining section

On motion of Senator Williams, the following amendment by Senators Williams and Moore was adopted:

On page 4, after line 14, insert the following new section:

"NEW SECTION. Sec. 7. This act shall expire and be of no force and effect on January 1 in any year following the failure of the United States department of housing and urban development to reimburse the state for the duties described in this act."

Renumber remaining section

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 5580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Nelson: "Senator Moore, I notice in Section 4 of this measure that we have a fine that can be imposed by the department--a penalty not to exceed one thousand dollars for each violation up to a total of a million dollars in total fines. I am wondering whether or not this is something now that is in our state law or is this a carry-over from the federal law and The National Manufactured Housing Construction and Safety Standards Act?"

Senator Moore: "It is my understanding that we are just adopting what is already in the federal statute and we have to mention it in our legislation."

Senator Nelson: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5580.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SENATE BILL NO. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5773, by Senators Fraser and Barr

Allowing counties to establish coordinated water resources programs.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5773 was substituted for Senate Bill No. 5773 and the substitute bill was placed on second reading and read the second time.

Senator Barr moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 20, after "planning," strike "management,"
On page 3, line 1, after "enhancing," strike "and managing,"
On page 3, at the beginning of line 28, strike "and management"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Barr on page 2, line 20; page 3, line 1; and page 3, at the beginning of line 28; to Substitute Senate Bill No. 5773.

The motion by Senator Barr failed and the amendments were not adopted.

MOTION

Senator Barr moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 28, after "ground water," strike "marine waters and the general aquatic ecosystem,"

On page 2, at the beginning of line 28, after "water" insert "and"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Barr on page 2, line 28, and page 2, at the beginning of line 28, to Substitute Senate Bill No. 5773.

The motion by Senator Barr failed and the amendments were not adopted.

MOTION

Senator Barr moved that the following amendment be adopted:

On page 3, at the beginning of line 23, strike "established by" and insert "stated in"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Barr on page 3, at the beginning of line 23, to Substitute Senate Bill No. 5773.

The motion by Senator Barr carried and the amendment was adopted.

MOTIONS

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Barr was adopted:

On page 6, after line 28, insert the following:

"(6) This section does not apply to assessments levied under RCW 89.08.400."

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute Senate Bill No. 5773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5773.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5773 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and Williams - 18.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5341 and the pending amendment by Senator Nelson on page 4, after line 12, deferred March 16, 1993.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 4, after line 12, to Substitute Senate Bill No. 5341.

The motion by Senator Nelson carried and the amendment was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "drugs;" insert "amending RCW 46.20.285;"

On page 1, line 2 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 46.04.580, 46.20.308, 46.20.311, 46.20.311, 46.20.391, 46.61.515, and 46.68.060; adding a new section to chapter 46.61 RCW; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.20 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5341.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Oke, Pelz, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vogniild, von Reichbauer, West, Winsley and Wojahn - 42.

Voting nay: Senators Newhouse, Niemi, Owen, Prentice, Rinehart, Talmadge and Williams - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Nelson was excused.

SECOND READING

SENATE BILL NO. 5515, by Senators Prentice and Sutherland

Changing provisions relating to industrial insurance claims.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5515 was substituted for Senate Bill No. 5515 and the substitute bill was placed on second reading and read the second time.

Senator Prentice moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.52.130 and 1982 c 63 s 23 are each amended to read as follows:

If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained ~~((by the court))~~, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation ((then)), or if in an appeal by the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty-five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department. In the case of self-insured employers, ~~((if the decision and order of the board is reversed or modified resulting in additional benefits by the litigation that would be paid from the accident fund if the employer were not self-insured, then))~~ the attorney fees fixed by the court, for services before the court~~((;))~~ only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

NEW SECTION. Sec. 2. (1) The self-insurer shall provide, when authorized under RCW 51.28.070, a copy of the employee's claim file at no cost within fifteen days of receipt of a request by the employee or the employee's representative. If the self-insured employer determines that release of the claim file to an unrepresented worker in whole or in part, may not be in the worker's best interests, the employer must submit a request for denial with an explanation along with a copy of that portion of the claim file not previously provided within twenty days after the request from the worker. In the case of second or subsequent requests, a reasonable charge for copying may be made. The self-insurer shall provide the entire contents of the claim file unless the request is for only a particular portion of the file. Any new material added to the claim file after the initial request shall be provided under the same terms and conditions as the initial request.

(2) The self-insurer shall transmit notice to the department of any protest or appeal by an employee relating to the administration of an industrial injury or occupational disease claim under this chapter within five working days of receipt. The date that the protest or appeal is received by the self-insurer shall be deemed to be the date the protest is received by the department for the purpose of RCW 51.52.050.

(3) The self-insurer shall submit a medical report with the request for closure of a claim under this chapter.

NEW SECTION. Sec. 3. The self-insurer shall request allowance or denial of a claim within sixty days from the date that the claim is filed. If the self-insurer fails to act within sixty days, the department shall promptly intervene and adjudicate the claim.

NEW SECTION. Sec. 4. Failure of a self-insurer to comply with sections 2 and 3 of this act shall subject the self-insurer to a penalty under RCW 51.48.080, which shall accrue for the benefit of the employee. The director shall issue an order conforming with RCW 51.52.050 determining whether a violation has occurred within thirty days of a request by an employee.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act are each added to chapter 51.14 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Substitute Senate Bill No. 5515.

The motion by Senator Prentice carried and the amendment was adopted.

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "claims;" strike the remainder of the title and insert "amending RCW 51.52.130; adding new sections to chapter 51.14 RCW; and prescribing penalties."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senator Newhouse requested that Senator Prentice yield to a question, but Senator Prentice did not yield.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5515.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5515 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Newhouse, Oke, Owen, Prince, Sellar, Smith, L. and West - 19.

Excused: Senator Nelson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5671, by Senators Owen, Sutherland, Amondson, Erwin, Hargrove, Oke, L. Smith and Fraser

Modifying the definition of a substantial development for the purposes of the shoreline management act.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5671 was substituted for Senate Bill No. 5671 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendments by Senators Spanel, Owen, Skratek, Haugen and Oke were considered simultaneously and were adopted:

On page 2, line 26, after "with" strike "~~((such)) the~~" and insert "such"

On page 2, line 28, after "with" strike "~~((such))~~" and insert "such"

On page 3, line 11, after "(A)" strike "~~((Any)) A~~" and insert "Any"

On page 3, line 14, after "(B)" strike "~~((Any)) An~~" and insert "Any"

On page 4, line 20, after "or" strike "~~((any)) a~~" and insert "any"

On page 4, line 29, after "or" strike "~~((any)) a~~" and insert "any"

On page 4, line 29, after "development" strike "~~((which)) that~~" and insert "which"

MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Skratek, Fraser, and Haugen be adopted:

On page 4, line 26, after "~~((two))~~" strike "~~eight~~" and insert "~~three~~"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Skratek, Fraser and Haugen to Substitute Senate Bill No. 5671.

The motion by Senator Spanel failed and the amendment was not adopted.

MOTIONS

On motion of Senator Owen, the following amendment was adopted:

On page 8, line 22, beginning with "This" strike everything down to and including the period on line 27, and insert the following:

"For hydraulic projects approved between January 1, 1989, and the effective date of this act for which a maintenance plan has not been submitted, the applicant may contact the department of fisheries or the department of wildlife to determine whether the conditions of the original permit are adequate for maintenance work. If the conditions of the original permit are adequate, the department shall issue a permit within fifteen days. If the original conditions are not adequate the applicant may submit a maintenance plan for review by the department. If either the department of fisheries or the department of wildlife denies approval of a maintenance plan, that department shall provide in writing a statement of the specific reasons how the maintenance plan adversely affects fish life and what changes would be necessary to adequately protect fish life and gain approval of the maintenance plan. Maintenance plans approved under this section may be approved for a period of five years and may be renewed upon request. After the effective date of this act, an applicant may apply for a hydraulic approval and a five-year maintenance plan simultaneously."

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5671.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, L., Snyder, Sutherland, Vognild, von Reichbauer, West, Williams and Winsley - 37.

Voting nay: Senators Drew, Fraser, Haugen, Niemi, Pelz, Rinehart, Roach, Skratek, Smith, A., Spanel, Talmadge and Wojahn - 12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5850, by Senators M. Rasmussen, Loveland and Barr

Clarifying definitions relating to farmers.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5850.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5034, by Senators Haugen and A. Smith

Authorizing rents from leased beds of navigable waters in a code city not within a port district to be paid to the municipal authority.

MOTIONS

On motion of Senator Sutherland, Substitute Senate Bill No. 5034 was substituted for Senate Bill No. 5034 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 43.

Voting nay: Senators Anderson, Barr, Bluechel, McDonald, Smith, L. and Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5879, by Senators A. Smith, Spanel, Deccio and Winsley

Conforming state law on child passenger restraint systems to the Uniform Vehicle Code.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendments by Senators Owen, Sutherland and Drew be considered simultaneously and be adopted:

On page 2, line 1, after "than" strike "four" and insert "two"

On page 2, line 6, after "least" strike "four" and insert "two"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Owen, Sutherland and Drew on page 2, lines 1 and 6, to Senate Bill No. 5879.

The motion by Senator Owen carried and the amendments were adopted on a rising vote.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 2, after line 24, insert a new subsection as follows:

"(4) When a child under age four is in a vehicle registered to an individual other than the child's parent or guardian the driver of the vehicle shall be exempt from this section."

Debate ensued.

Senator Roach requested that Senator Franklin yield to a question, but Senator Franklin did not yield.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 2, after line 24, to Senate Bill No. 5879.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Senate Bill No. 5879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5879.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5879 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Amondson - 1.
Absent: Senator Newhouse - 1.
ENGROSSED SENATE BILL NO. 5879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5203, by Senators Skratek, Gaspard and Sheldon

Providing for employment and training services.

MOTIONS

On motion of Senator Skratek, Second Substitute Senate Bill No. 5203 was substituted for Senate Bill No. 5203 and the second substitute bill was placed on second reading and read the second time.

Senator Nelson moved that the following amendment be adopted:

On page 1, line 9, after "(1)" strike all material through and including "employment." on page 1, line 15, and insert "A well-trained work force generates the productivity employers need in order to compete in the global economy and to pay workers good wages."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 1, line 9, to Second Substitute Senate Bill No. 5203.

The motion by Senator Nelson failed and the amendment was not adopted on a rising vote.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 2, beginning on line 10, strike all material through "citizens." on line 24

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Skratek, I was talking with people from my local technical college yesterday and quite frankly, in reading the bill, they were very concerned that the money that we intend to go to them, may in fact, never get there. As I read over this bill, trying to determine where it guarantees that, as we talk about this bill, that the technical and community colleges are going to be the ones assisting us in this training, I'm not sure that I see that that guarantee is there. They are very nervous that they are never going to get the money that we are promising in this bill. Is there any other language except for in Section 5 of the bill that guarantees that the technical colleges will get some of this workforce training money that we are now talking about them being a part of?"

Senator Skratek: "Well, Senator Anderson, this somewhat deviates from the issue that is in front of us at the moment and I am astonished to hear that your community college has this concern being raised at this late date. The large, and in fact, I thought, indeed, a hundred percent of the community colleges were supporting this particular bill. I would have to say that you would have to take a good look at it, because I think there are appropriate references throughout the bill as to how the money will be delegated to the community colleges and that it will be occurring through the workforce training board and, I think, we have built in the appropriate safeguards.

"We have, also, built in an annual evaluation to make sure that, indeed, this is occurring, because there were people that were concerned about a variety of things within this bill and making sure that we have the check points that were appropriate. I think we have taken care of the concerns if, indeed, there are legitimate concerns being raised. I do not think they have to worry. That money will be coming to them."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bluechel on page 2, beginning on line 10, to Second Substitute Senate Bill No. 5203.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Vognild, von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 28.

MOTION

Senator Deccio moved that the following amendment be adopted:
On page 2, line 26, after "to" strike "create an employment and training trust fund" and insert "levy new and additional taxes on Washington state businesses"
Debate ensued.
The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 2, line 26, to Second Substitute Senate Bill No. 5203.
The motion by Senator Deccio failed and the amendment was not adopted.

MOTION

Senator Deccio moved that the following amendments be considered simultaneously and be adopted:
On page 3, line 5, after "January 1," strike "1994" and insert "1996"
On page 4, line 12, before "seventy-eight" strike "1994" and insert "1996"
On page 4, line 12, after "year" strike "1995" and insert "1997"
On page 4, line 13, after "year" strike "1996" and insert "1998"
On page 4, line 14, after "year" strike "1997" and insert "1999"
On page 15, line 18, after "years" strike "1994 and 1995" and insert "1996 and 1997"
On page 15, line 19, after "rate year" strike "1996" and insert "1998"
On page 15, line 19, after "for rate year" strike "1997" and insert "1999"
On page 15, line 20, after "year" strike "1998" and insert "2000"
On page 16, line 23, after "Year" strike "1994" and insert "1996"
On page 17, line 32, after "Year" strike "1995" and insert "1997"
On page 18, line 21, after "Year" strike "1996" and insert "1998"
On page 19, line 10, after "Year" strike "1997" and insert "1999"
On page 19, line 36, after "Year" strike "1998" and insert "2000"
On page 28, line 23, strike "1995" and insert "1997"
On page 28, line 25, after "September 1, " strike "1994" and insert "1996"
On page 28, line 34, after "September 1," strike "1994" and insert "1996"
On page 29, line 6, after "December 31," strike "1997" and insert "1999"
On page 29, line 8, after "January 1," strike "1998" and insert "2000"
On page 29, line 24, after "year" strike "1994" and insert "1996"
Debate ensued.
The President declared the question before the Senate to be the adoption of the amendments by Senator Deccio on page 3, line 5; page 4, lines 12(2), 13, 14; page 15, lines 18, 19(2), 20; page 16, line 23; page 17, line 32; page 18, line 21; page 19, lines 10, 36; page 28, lines 23, 25, 34; page 29, lines 6, 8, 24; to Second Substitute Senate Bill No. 5203.
The motion by Senator Deccio failed and the amendments were not adopted on a rising vote.

Senator Deccio demanded a roll call.

REMARKS BY THE PRESIDENT

President Pritchard: "Well, it already failed Senator, and I hit the gavel. I'm sorry, I don't think we can call a roll call after it has been decided. I'm sorry, you have to get in there before I hit it."

MOTION

Senator Bluechel moved that the following amendment be adopted:
On page 4, after line 2, strike all of section 3 through and including "50.24.010." on line 15.
Debate ensued.
Senator Nelson demanded a roll call and the demand was sustained.
The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bluechel on page 4, after line 2, to Second Substitute Senate Bill No. 5203.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Vognild, von Reichbauer, West and Winsley - 22.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 27.

MOTION

On motion of Senator Jesernig, further consideration of Second Substitute Senate Bill No. 5203 was deferred.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of Senate Bill No. 5334.

SECOND READING

SENATE BILL NO. 5334, by Senators West and Moyer

Requiring bicycle helmets.

The bill was read the second time.

MOTION

Senator Jesernig moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 16, before "bicyclists" strike "all"

On page 1, line 19, after "for" strike "all"

On page 1, line 19, after "passengers" insert "under age eighteen"

On page 2, line 2, after "helmets" strike "by all ages"

On page 2, line 9, after "person" insert "under age eighteen"

On page 2, line 18, after "transport a person" insert "under age eighteen"

On page 2, line 34, after "by a person" insert "under age eighteen"

Debate ensued.

Senator Nelson demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendments by Senator Jesernig on page 1, lines 16, 19(2); and page 2, lines 2, 9, 18, and 34, to Senate Bill No. 5334.

The motion by Senator Jesernig failed and the amendments were not adopted on a rising vote.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5334.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5334 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Haugen, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Prentice, Prince, Rinehart, Sheldon, Smith, A., Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 27.

Voting nay: Senators Amondson, Barr, Cantu, Drew, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, Newhouse, Owen, Pelz, Quigley, Rasmussen, M., Roach, Sellar, Skratek, Smith, L., Snyder, Vognild and Williams - 22.

SENATE BILL NO. 5334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5739, by Senators Moore, Anderson, Oke and Winsley

Concerning the regulation of small businesses.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5739 was substituted for Senate Bill No. 5739 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5739.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5794, by Senators Moore, Amondson and Jesernig

Forbidding an agency from adopting a rule that will infringe on a business right unless specific guidelines are met.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 5794 was substituted for Senate Bill No. 5794 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendment by Senators Wojahn and McCaslin be adopted:

On page 2, line 32, after "guideline," insert "declaratory ruling."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wojahn and McCaslin on page 2, line 32, to Substitute Senate Bill No. 5794.

The motion by Senator Wojahn carried and the amendment was adopted.

MOTIONS

On motion of Senator Moore, the following amendment was adopted:

On page 4, beginning on line 8, strike all of section 4

Renumber the remaining sections consecutively and correct internal references accordingly

On motion of Senator Moore, the following amendment was adopted:

On page 7, line 3, beginning with "(1)" strike all material through "10;"

Renumber remaining subsections consecutively and correct internal references accordingly

MOTIONS

On motion of Senator Wojahn, the following amendment by Senators Wojahn and Moore was adopted:

On page 6, line 5, after "fee" insert ", by providing an opportunity for public review and comment on the program budget and instituting cost accounting measures to track revenues and expenditures"

On motion of Senator Moore, the following amendment was adopted:

On page 7, after line 5, insert the following:

"NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

Senator Deccio moved that the following amendment by Senators Deccio, Nelson, McCaslin, Oke, Winsley, Erwin and Sellar be adopted:

On page 1, after line 4, strike all of sections 1 and 2 and insert the following:

"Sec. 1. RCW 34.05.620 and 1988 c 288 s 602 are each amended to read as follows:

(1) The rules review committee shall maintain a continuous review of all rules proposed under RCW 34.05.320 to determine whether:

(a) The rule is within the intent of the legislature as expressed in the statute that the rule implements;

(b) The rule has been adopted in accordance with all applicable provisions of law, including section 6 of this act and chapter 19.85 RCW; and

(c) The statute that the rule purports to implement has been repealed or ruled invalid by the courts.

(2) Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, or that an agency may not be adopting a proposed rule in accordance with all applicable provisions of law, including section 6 of this act and chapter 19.85 RCW, the committee shall give the affected agency and the governor written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.05.320. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

(3) The rules review committee shall use existing legislative staff for the purposes of assisting the committee's reviewing of rules under this section.

Sec. 2. RCW 34.05.630 and 1988 c 288 s 603 are each amended to read as follows:

(1) All rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350, are subject to ((selective)) review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule.

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, ((or)) including section 6 of this act and chapter 19.85 RCW, (c) that the statute that the rule purports to implement has been repealed or ruled invalid by the courts, or (d) that an agency is using a policy statement, guideline, or issuance in place of a rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, including section 6 of this act and chapter 19.85 RCW, or (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule."

Senator Wojahn moved that the following amendment by Senators Wojahn and Moore to the amendment be adopted:

On page 2, line 31 of the amendment, after "guideline," insert "declaratory ruling."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wojahn and Moore on page 2, line 31, to the amendment by Senators Deccio, Nelson, McCaslin, Oke, Winsley, Erwin and Sellar on page 1, after line 4, to Substitute Senate Bill No. 5794.

The motion by Senator Wojahn carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators Deccio, Nelson, McCaslin, Oke, Winsley, Erwin and Sellar on page 1, after line 4, as amended, to Substitute Senate Bill No. 5794.

The motion by Senator Deccio carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Jesernig, the following title amendment was adopted:

On page 1, line 3 of the title, strike "34.05.660, 34.05.670," and insert "34.05.670"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 5794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5794.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5794 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Fraser and Talmadge - 2.

Absent: Senator Vognild - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5568, by Senators Jesernig, Amondson, Bauer, Roach, Moore, McDonald, Owen, Skratek, Snyder, Hargrove, M. Rasmussen, West, Hochstatter, Loveland, Vognild, Pelz, McAuliffe, Winsley, Deccio, Anderson, Erwin, Barr, Drew, Oke, Sheldon, Cantu, Bluechel, von Reichbauer and Quigley

Restricting the duration of agency rules.

MOTION

Senator Jesernig moved that Senate Bill No. 5568 not be substituted.

The President declared the question before the Senate to be the motion by Senator Jesernig that Senate Bill No. 5568 not be substituted.

The motion by Senator Jesernig carried and Senate Bill No. 5568 was not substituted.

Senate Bill No. 5568 was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5568.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Vognild, von Reichbauer, West, Winsley and Wojahn - 41.

Voting nay: Senators Fraser, Niemi, Prentice, Rinehart, Skratek, Sutherland, Talmadge and Williams - 8.

SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Jesernig, Senate Bill No. 5306 will be made a special order of business at 4:55 p.m. today.

MOTION

On motion of Senator Jesernig, and there being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5203, deferred earlier today.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. In the midst of all the Irish malarkey today about St. Patrick's Day, we need to be reminded that St. Patrick was an Italian who got lost while going north. In order to not be outdone, Senator Rosemary Veamonti, Senator Marguerite Lopez and Senator Alex Deccio would like to announce that there will be a taco and spaghetti feed to be held at St. Anthony's Catholic Church in Olympia--formerly St. Michael's--and the date will be announced later. Mr. President, if you are there, we are going to award you the order of the lasagna. Thank you."

MOTION

Senator McDonald moved that the following amendments be considered simultaneously and be adopted:

On page 5, beginning on line 14, strike "(6)" through and including "employment;" on line 16

On page 5, beginning on line 22, strike "(9)" through and including "technology" on line 26

Renumber the subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McDonald on page 5, beginning on line 14, and page 5, beginning on line 22, to Second Substitute Senate Bill No. 5203.

The motion by Senator McDonald carried and the amendments were adopted.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 4, beginning on line 37, after "solely for" strike all material through "technology" on page 5, line 26, and insert "providing training and related support services to individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bluechel on page 4, beginning on line 37, to Second Substitute Senate Bill No. 5203.

The motion by Senator Bluechel failed and the amendment was not adopted on a rising vote.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 5, line 31, after "system" delete "may" and insert "shall"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bluechel on page 5, line 31, to Second Substitute Senate Bill No. 5203.

The motion by Senator Bluechel failed and the amendment was not adopted.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 5, line 32, after "services" insert "and with employers, associations, or unions,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 5, line 32, to Second Substitute Senate Bill No. 5203.

The motion by Senator Erwin carried and the amendment was adopted.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 6, line 3, after "board" strike "for consistency with their work force priorities" and insert ". At least two business representatives and two labor representatives must vote for approval before any funds are spent"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 6, line 3, to Second Substitute Senate Bill No. 5203.

The motion by Senator Erwin failed and the amendment was not adopted.

MOTION

Senator Bluechel moved that the following amendments be considered simultaneously and be adopted:

On page 28, beginning on line 12, strike all of subsection (1), and insert the following:

"(1) The board shall conduct an annual evaluation of: (a) The state board for community and technical colleges in carrying out the purposes of chapter . . . , Laws of 1993 (this act); (b) the outcomes of the services provided by the state board for community and technical colleges under chapter . . . , Laws of 1993 (this act); and (c) the long-term impact of the services provided by the state board for community and technical colleges under chapter . . . , Laws of 1993 (this act) on service recipients. The board shall give the first annual evaluation to the appropriate standing committees of the legislature by January 1, 1995."

On page 28, beginning on line 24, after "(2)" strike all material through "(3)" on line 33

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Bluechel on page 28, beginning on line 12, and page 28, beginning on line 24, to Second Substitute Senate Bill No. 5203.

The motion by Senator Bluechel failed and the amendments were not adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, after line 24, strike all material through and including "1994." on page 29, line 24, and insert the following:

"Therefore, the legislature finds it necessary and in the public interest to provide state funding for employment and training services.

NEW SECTION. Sec. 2. The sum of twenty-six million dollars, or as much thereof as may be necessary, is appropriated from the general fund-state to the state board for community and technical colleges for the biennium ending June 30, 1995, to carry out training and related support services under this act. Of the amount appropriated by this section, twenty-three million three hundred thousand dollars shall provide for training enrollments, two million dollars shall provide for child care for dependents of individuals being trained under this section, and seven hundred thousand dollars shall provide for transportation costs to individuals being trained under this act."

Debate ensued.

POINT OF ORDER SPECIAL ORDER OF BUSINESS

Senator Jesernig: "Mr. President, I rise to a point of order. We have now reached the time of 4:56 p.m. for the Special Order of Business on Senate Bill No. 5306."

PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, a point of parliamentary inquiry. Will we be able to continue action on 5203 after we finish the business on 5306?"

REPLY BY THE PRESIDENT

President Pritchard: "That is my understanding. Yes, we will."

SECOND READING

SENATE BILL NO. 5306, by Senators Pelz, Gaspard, Moyer, Rinehart, McAuliffe, Spanel, A. Smith, Winsley, Skratek and Drew (by request of Council on Education Reform and Funding)

Reforming education.

MOTIONS

On motion of Senator Pelz, Second Substitute Senate Bill No. 5306 was substituted for Senate Bill No. 5306 and the second substitute bill was placed on second reading and read the second time.

Senator Moyer moved that the following amendment be adopted:

On page 2, line 5, after "lives." insert "Although schools, parents, and communities shall strive together in this mission, the legislature still believes that the primary functions of school and home differ: Ideally, school is where children learn to learn; home is where they learn to live."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 2, line 5, to Second Substitute Senate Bill No. 5306.

The motion by Senator Moyer carried and the amendment was adopted.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 2, beginning on line 8, after "community." strike all material through "age." on line 10

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 2, beginning on line 8, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu carried and the amendment was adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, line 21, after "be" strike "equal" and insert "primary"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, line 21, to Second Substitute Senate Bill No. 5306.

The motion by Senator Hochstatter carried and the amendment was adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, line 25, after "(3)" strike all material through and including "for students." on page 2, line 27

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, line 25, to Second Substitute Senate Bill No. 5306.

The motion by Senator Hochstatter carried and the amendment was adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, line 34, after "achievement." insert "In addition to a focused mission, other areas of paramount concern in school shall be the maintenance of order; the spending of time on the tasks; and maintenance of high expectations for all students."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, line 34, to Second Substitute Senate Bill No. 5306.

The motion by Senator Hochstatter carried and the amendment was adopted.

MOTION

Senator Anderson moved that the following amendment be adopted:

On page 4, after line 28, insert the following:

"(6) For schools not authorized or choosing to participate in the performance-based education system developed under RCW 28A.630.885, sections 501 through 507, chapter 141, Laws of 1992 shall not apply."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 4, after line 28, to Second Substitute Senate Bill No. 5306.

The motion by Senator Anderson carried and the amendment was adopted.

MOTION

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 4, beginning on line 31, after "201." strike all material through "communities." on page 5, line 13, and insert "The legislature finds that it should ensure that Washington's young are grounded in knowledge, appreciation, and understanding of our culture and those ideas and events that caused the birth of our nation, for a popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps, both. The legislature finds that knowledge will forever govern ignorance; and a people who mean to be their own governors, must arm themselves with the power that knowledge gives.

The following student learning goals for Washington's primary and secondary students are supported by the legislature. Students shall be able to perform the following:

- (1) A solid core academic curriculum that can truly be described as being rich in content, tough, solid, and stringent;
- (2) Reading skills taught using the intensive phonics method, a method that research has proven best develops reading literacy and dramatically decreases the need for remediation;
- (3) Reading comprehension using selections that are challenging and exciting using compelling narrative and telling things that matter, such as myths, fables, tales of heroes, drama, as well as examples of graceful and elegant use of the English language;
- (4) Essay and theme writing;
- (5) Penmanship;
- (6) Classical literature;
- (7) Basic arithmetic skills with an emphasis on mental and written computation and memorization as well as strategies for solving complicated math problems;
- (8) Math and sciences with basic concepts taught in the elementary grades;
- (9) Geography, beginning with the borders of the United States;
- (10) History and civics including American history, western civilization, principles of American democracy, and world history;
- (11) Economics, with an emphasis on the benefits of the free-market economic system in comparison to other economic systems;
- (12) Foreign languages;
- (13) Computer literacy;
- (14) Fine arts; and
- (15) Physical education and health."

On page 5, after line 21, strike all of section 203

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 4, line 31, and page 5, after line 21, to Second Substitute Senate Bill No. 5306.

The motion by Senator Hochstatter failed and the amendments were not adopted.

MOTION

Senator Cantu moved that the following amendments be considered simultaneously and be adopted:

On page 4, beginning on line 32, after "students" strike all material through "funding," on line 33

On page 5, beginning on line 4, after "(1)" strike all material through "communities." on line 13 and insert "Read, write, speak, listen, compute in order to communicate effectively and responsibly in a variety of ways and settings. This goal is established as the primary mission of the public schools;

- (2) Know and apply the basic elements and principles of English, mathematics, science, history, geography, government, foreign languages, arts, health, and fitness;
- (3) Be able to think critically and creatively using the knowledge and skills gained from goals one and two from subsections (1) and (2) of this section to form reasoned judgments, solve problems, and resolve conflicts;
- (4) Appreciate their own worth and importance and have the character to be accountable for themselves and to act responsibly toward others. This goal is the primary responsibility of families but can be assisted by schools, work groups, and communities.

It is the intent of the legislature that all students should demonstrate acquisition of these goals when they graduate from the public schools through an assessment system that is valid and reliable and has the confidence of the communities served."

Debate ensued.

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

MOTION

On motion of Senator Spanel, Senator Niemi was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Cantu on page 4, beginning on line 32, and page 5, beginning on line 4, to Second Substitute Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

Absent: Senator Deccio - 1.

Excused: Senator Niemi - 1.

MOTION

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

On page 5, line 16, after "funding." insert "Of these goals, goal two, in section 201(2) of this act, shall be primary. The legislature finds that from achievement of goal two, achievement of the other goals might follow. The legislature finds that students must above all else achieve mastery of knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics. The legislature also finds that families and communities bear the primary responsibility for seeing that children function as caring and responsible members of families, work groups, and communities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Anderson, McDonald, Nelson and Hochstatter on page 5, line 16, to Second Substitute Senate Bill No. 5306.

The motion by Senator Anderson carried and the amendment was adopted.

MOTION

Senator Moyer moved that the following amendment be adopted:

On page 7, line 17, after "1993." insert "At least one of the two members to be appointed no later than July 1, 1993, shall represent approved private schools under RCW 28A.195.010."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 7, line 17, to Second Substitute Senate Bill No. 5306.

The motion by Senator Moyer failed and the amendment was not adopted on a rising vote.

MOTION

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

On page 8, line 17, after "world." insert "In developing essential learning requirements and standards, the commission shall give effect to the legislature's intent (i) that student learning goal two is primary to the other goals; and (ii) that students must achieve world class knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Anderson, McDonald and Nelson on page 8, line 17, to Second Substitute Senate Bill No. 5306.

The motion by Senator Anderson carried and the amendment was adopted.

MOTION

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

On page 9, line 34, after "education students" strike all material through "status" on line 35

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Anderson, McDonald, Nelson and Hochstatter on page 9, line 34, to Second Substitute Senate Bill No. 5306.

The motion by Senator Anderson failed and the amendment was not adopted.

MOTION

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

On page 9, line 34, after "students" strike "and students who have demonstrated gaps in learning based on students" and insert "to accommodate a student's inability to understand examination questions based upon the student's"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and Anderson on page 9, line 34, to Second Substitute Senate Bill No. 5306.

The motion by Senator McDonald failed and the amendment was not adopted.

MOTION

Senator Cantu moved that the following amendments be considered simultaneously and be adopted:

On page 10, line 16, after "~~(h)~~" insert "Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;

~~(f)~~"

On page 10, line 23, after "~~((i))~~" strike "~~(f)~~" and insert "~~(g)~~"

On page 10, line 29, after "~~((j))~~" strike "~~(g)~~" and insert "~~(h)~~"

On page 11, line 1, after "~~((k))~~" strike "~~(h)~~" and insert "~~(i)~~"

On page 11, line 4, after "~~((l))~~" strike "~~(i)~~" and insert "~~(j)~~"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Cantu on page 10, lines 16, 23 and 29, and page 11, lines 1 and 4, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu failed and the amendments were not adopted on a rising vote.

MOTION

Senator Anderson moved that the following amendments be considered simultaneously and be adopted:

On page 10, line 23, after "~~(f)~~" insert "By December 1, 1994, develop alternatives for grade designations in elementary grades;

~~(g)~~"

On page 10, line 29, after "~~((j))~~" strike "~~(g)~~" and insert "~~(h)~~"

On page 11, line 1, after "~~((k))~~" strike "~~(h)~~" and insert "~~(i)~~"

On page 11, line 4, after "~~((l))~~" strike "~~(i)~~" and insert "~~(j)~~"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Anderson on page 10, lines 23 and 29, page 11, lines 1 and 4, to Second Substitute Senate Bill No. 5306.

The motion by Senator Anderson failed and the amendments were not adopted.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 12, line 2, after "program" insert "that significantly improves student learning"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 12, line 2, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu failed and the amendment was not adopted.

MOTION

Senator Moyer moved that the following amendment be adopted:

On page 12, line 12, after "districts" insert "shall authorize their schools to participate in the performance-based education system under RCW 28A.630.885, and"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Moyer on page 12, line 12, to Second Substitute Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild and Williams - 27.

Absent: Senator Wojahn - 1.

Excused: Senator Niemi - 1.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 12, line 23, after "(5)" insert "To be eligible for staff development program grants, districts must provide twenty-five percent local matching funds.

(6)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 12, line 23, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu failed and the amendment was not adopted.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Nelson be adopted:

On page 12, after line 29, insert the following:

"(7) The staff development grant program shall be renewable only if used as follows: (a) The second grant must be used to fund at least two additional student contact days in addition to three in-service days; (b) the third grant must be used to fund at least three additional student contact days in addition to two in-service days; (c) the fourth grant shall be used to fund at least four additional student contact days in addition to one in-service day; (d) the fifth and any further grants must be used to fund five additional student contact days only."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and Nelson on page 12, after line 29, to Second Substitute Senate Bill No. 5306.

The motion by Senator McDonald failed and the amendment was not adopted on a rising vote.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 13, line 1, after "(b)" insert "Procedures for termination of the existence of the school site-based council or certain authority delegated to the school site-based council;

(c)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 13, after line 1, to Second Substitute Senate Bill No. 5306.

The motion by Senator Hochstatter failed and the amendment was not adopted.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

MOTION

Senator Anderson moved that the following amendments by Senators Anderson and Nelson be considered simultaneously and be adopted:

Beginning on page 13, after line 11, strike everything through "balanced." on page 14, line 36

Renumber remaining parts and sections consecutively and correct internal references accordingly.

On page 37, line 11, after "202" strike ", 502,"

On page 37, line 14, strike all of subsection (5) and renumber the remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Anderson and Nelson on page 13, after line 11, and page 37, lines 11 and 14, to Second Substitute Senate Bill No. 5306.

The motion by Senator Anderson failed and the amendments were not adopted.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 16, after line 5, insert the following:

"Sec. 602. RCW 28A.405.210 and 1990 c 33 s 390 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. For purposes of this section, probable cause includes but is not limited to the failure of an experienced teacher to respond with significantly improved performance to the assistance of a mentor teacher provided under RCW 28A.415.250. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 16, after line 5, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu failed and the amendment was not adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 16, line 31, after "(4)" insert "Recognizing that Washington's schools are evolving toward a performance-based system for students, the legislature also recognizes that some future teachers may be able to demonstrate mastery of certain teaching knowledge and skills without having had to graduate from an approved teacher preparation program. The state board of education shall develop, for implementation by December 1, 1995, standards for certification of those persons who have not graduated from a program in a preparing institution but who are able to pass the subject matter knowledge component of the entrance to practice exam required under RCW 28A.410.030.

(5)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 16, line 31, to Second Substitute Senate Bill No. 5306.

The motion by Senator Hochstatter failed and the amendment was not adopted.

MOTION

Senator Anderson moved that the following amendment be adopted:

On page 16, after line 36, insert the following:

NEW SECTION. Sec. 702. It is the intent of the legislature that in an outcome-based education system, teachers must be professionals. As any other professional, teachers must be able to analyze a problem, in this case the reason for a particular student having difficulty progressing toward an essential learning requirement standard, know how to access information, and be able to apply the information to solve the problem. In addition, in a decentralized system, teachers will necessarily be involved in the management of their schools. The intent of the legislature is to provide the vehicle for teachers truly to become professionals.

NEW SECTION. Sec. 703. There is hereby created as an agency of the state, for the purpose and with the powers set forth in this chapter, an association to be known as the Washington state teachers' association that shall have a common seal and may sue and be sued, and that may, for the purpose of carrying into effect and promoting the objects of the association, enter into contracts and acquire, hold, encumber, and dispose of such real and personal property as is necessary thereto.

NEW SECTION. Sec. 704. The first members of the Washington state teachers' association shall be all persons certificated to teach in this state on the effective date of this section.

NEW SECTION. Sec. 705. All persons who are certificated in accordance with this chapter shall become active members of the Washington state teachers' association.

NEW SECTION. Sec. 706. There is hereby constituted a board of governors of the Washington state teachers' association which shall consist of not more than fifteen members, to include: The president of the state teachers' association elected as provided by the bylaws of the association, one member from each congressional district now or hereafter existing in the state elected by secret ballot by mail by the active members residing therein, and such additional members elected as provided by the bylaws of the association. The members of the board of governors shall hold office for three years and until their successors are elected and qualified. Any vacancies in the board of governors shall be filled by the continuing members of the board until the next election held in accordance with the bylaws of the association.

The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

NEW SECTION. Sec. 707. The terms of office of members of the board of governors of the Washington state teachers' association who are elected from the various congressional districts shall not be affected by the creation of either new boundaries for congressional districts or additional districts. In such an event, each board member so elected may continue to serve in office for the balance of the term for which he or she was elected or appointed if the board member continues to reside within the boundaries

of the congressional district as they existed at the time of his or her election or appointment. Vacancies that occur in a board member position during the balance of any such term shall be filled pursuant to section 705 of this act by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was elected as they existed at the time of his or her election. At the election immediately preceding expiration of the term of office of each board member provided for in this section following the creation of either new boundaries for congressional districts or additional districts, and thereafter, a successor shall be elected from the congressional district that corresponds in number with the congressional district from which the incumbent was appointed or elected.

NEW SECTION. Sec. 708. The Washington state teachers' association shall be governed by the board of governors which shall be charged with the executive functions of the state teachers' association and the enforcement of this chapter and all rules adopted under this chapter. The members of the board of governors shall receive no salary by virtue of their office.

NEW SECTION. Sec. 709. The board of governors shall have power, in its discretion, from time to time to adopt rules:

- (1) Concerning membership and the classification thereof into active, inactive, and honorary members;
- (2) Concerning the enrollment and privileges of membership;
- (3) Defining the other officers of the Washington state teachers' association, the time, place, and method of their selection, and their respective powers, duties, terms of office, and compensation;
- (4) Concerning annual and special meetings;
- (5) Concerning the collection, the deposit, and the disbursement of the membership and admission fees, penalties, and all other funds;
- (6) Providing for the organization and government of district and/or other local subdivisions of the state teachers' association;
- (7) Providing for all other matters affecting in any way whatsoever, the organization and functioning of the state teachers' association. Any such rule may be modified, or rescinded, or a new rule adopted, by a vote of the active members under rules prescribed by the board of governors.

NEW SECTION. Sec. 710. The board of governors may adopt rules fixing the qualifications, requirements and procedure for admission to the practice of teaching; and, with such approval, to establish and enforce rules of professional conduct for all members of the Washington state teachers' association; and with such approval, to appoint boards or committees to examine applicants for admission; and to investigate, prosecute, and hear all causes involving discipline, suspension, or reinstatement, and to prescribe rules establishing the procedure for the investigation and hearing of such matters, and establishing county or district agencies to assist therein to the extent provided by such rules. No person who has participated in the investigation or prosecution of any such cause may sit as a member of any board or committee hearing the same.

NEW SECTION. Sec. 711. The annual membership fees for active members shall be payable on or before February 1st of each year. The board of governors may establish the amount of such annual membership fee to be effective each year. Written notice of any proposed increase in membership fee shall be sent to active members not less than sixty days before the effective date of the increase. The board of governors may establish the fee at a reduced rate for those who have been active members for fewer than five years in this state or elsewhere.

NEW SECTION. Sec. 712. The annual membership fee for inactive members shall be the sum of two dollars, payable on or before the first day of February of each year.

NEW SECTION. Sec. 713. Applicants for admission to the Washington teachers' association upon accredited certificates or upon examination, not having been admitted to a teachers' association in another state or territory, shall pay a fee of twenty-five dollars and all other applicants a fee of fifty dollars. Admission fees shall be used to pay the expenses incurred in connection with examining and admitting applicants to the teachers' association, including salaries of examiners, and any balance remaining at the close of each biennium shall be paid to the state treasurer and be credited to the general fund.

NEW SECTION. Sec. 714. Any member failing to pay any fees after the same become due, and after two months' written notice of delinquency, shall be suspended from membership in the Washington state teachers' association, but may be reinstated upon payment of accrued fees and such penalties as may be imposed by the board of governors, not exceeding double the amount of the delinquent fee.

NEW SECTION. Sec. 715. No person may teach in this state after the first meeting of the state teachers' association unless he or she is an active member.

NEW SECTION. Sec. 716. Any person who, not being an active member of the state teachers' association, or who after losing membership rights or while suspended from membership in the state teachers' association, as provided for in this chapter, teaches or holds himself or herself out as entitled to teach is guilty of a misdemeanor. This section does not in any way affect the power of the courts to grant injunctive relief or to punish as for contempt.

NEW SECTION. Sec. 717. The board of governors shall adopt rules:

- (1) Establishing requirements to teach in this state;

- (2) For suspension or termination of membership in the Washington state teachers' association; and
- (3) For reinstatement into the state teachers' association.

NEW SECTION. Sec. 718. A new section is added to chapter 28A.305 RCW to read as follows:

The powers, duties, and functions of the state board of education relating to teacher certification are hereby transferred to the Washington state teachers' association. All references to the president or state board of education in the Revised Code of Washington relating to teacher certification shall be construed to mean the board of governors or Washington state teachers' association.

NEW SECTION. Sec. 719. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board of education relating to teacher certification shall be delivered to the custody of the state teachers' association. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board of education relating to teacher certification shall be made available to the state teachers' association. All funds, credits, or other assets held by the state board of education relating to teacher certification shall be assigned to the state teachers' association.

Any appropriations made to the state board of education relating to teacher certification shall, on the effective date of this section, be transferred and credited to the state teachers' association.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 720. All employees of the state board of education relating to teacher certification are transferred to the jurisdiction of the state teachers' association. All employees classified under chapter 41.06 RCW, the state civil service law, who are transferred under this section are assigned to the state teachers' association to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 721. All rules and all pending business before the state board of education relating to teacher certification shall be continued and acted upon by the state teachers' association. All existing contracts and obligations relating to teacher certification shall remain in full force and shall be performed by the state teachers' association.

NEW SECTION. Sec. 722. The transfer of any powers, duties, functions, and personnel of the state board of education shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 723. If apportionments of budgeted funds are required because of the transfers directed by sections 719 through 722 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 724. Nothing contained in sections 718 through 723 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 725. Sections 703 through 717 of this act shall constitute a new chapter in Title 28A RCW." Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 16, after line 36, to Second Substitute Senate Bill No. 5306.

The motion by Senator Anderson failed and the amendment was not adopted.

MOTION

Senator Cantu moved that the following amendments be considered simultaneously and be adopted:

On page 17, line 4, strike "eight" and insert "twelve"

On page 17, line 5, after "minimum of" strike all of material through and including "educators" on page 17, line 7, and insert "six parents"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Cantu on page 17, lines 4 and 5, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu carried and the amendments were adopted.

MOTION

Senator Anderson moved that the following amendment be adopted:

On page 17, after line 26, insert the following:

"NEW SECTION. Sec. 802. A new section is added to chapter 28A.615 RCW to read as follows:

(1) School site councils shall develop comprehensive student-educator-parent partnership programs to be known as STEPP programs that: (a) Involve parents as partners in school governance; (b) promote two-way communication between schools and parents or guardians regarding school programs, children's progress, and differing and diverse needs of families; and (c) include strategies for enabling parents and guardians to participate actively in their children's education.

(2) The superintendent of public instruction shall adopt rules for application for and distribution of STEPP program funds to school site councils.

NEW SECTION. Sec. 803. The sum of one million seven hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of this section."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Anderson on page 17, after line 26, to Second Substitute Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 18.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 28.

Excused: Senators Amondson, McCaslin and Niemi - 3.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 18, line 18, after "provide assistance" insert "other than monetary assistance"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 18, line 18, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu carried and the amendment was adopted.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 18, line 25, after "requirements." insert "The assistance program shall include a provision requiring that if a school or district in which the superintendent of public instruction has intervened continues to fail for two years following the date of intervention, then low-income students from the school or district shall be provided state vouchers to attend the private school of their choice. The superintendent of public instruction shall adopt rules necessary to implement the voucher program beginning in the 1996-97 school year."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 18, line 25, to Second Substitute Senate Bill No. 5306.

The motion by Senator Erwin failed and the amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendments by Senators Talmadge and Snyder be considered simultaneously and be adopted:

On page 20, line 5, after "**Sec. 1001.**" insert "A new section is added to chapter 74.14A RCW to read as follows:

(1) A children's services commission is created. The commission shall be composed of fourteen members, to be appointed by the governor. The membership of the commission shall include: The secretary of the department of social and health services, who shall chair the commission; a citizen; a youth; a consumer of social services; a representative of the department of health, the department of community development, and the office of the superintendent of public instruction; and one representative of a county, a city, a town, a federally recognized Indian tribe, a school district, an existing children's commission, and a private agency provider of children's services. The governor shall ensure the racial, ethnic, and geographic diversity in the commission's membership.

(2) The commission shall:

(a) Develop a proposal for the creation of regional councils whose primary purpose shall be the local coordination and administration of an integrated program of community support for children, youth, and family services;

(b) Develop recommendations regarding who should be represented on the membership of the regional councils;

(c) Develop recommendations regarding the number of regional councils that should be created and include the specific boundaries for the proposed regional councils;

(d) Identify programs and funds, which are currently appropriated to the department of social and health services, the department of health, the department of community development, and the office of the superintendent of public instruction, which should be transferred to the regional councils on a block grant basis;

(e) Develop a list of all state and federally funded prevention and early intervention programs for children, youth, and families, including a description and current budget for each program;

(f) Determine the information indicated in section 1002(4) of this act as necessary for the development of programs designed to assist children in school achievement;

(g) Review any other related matters as determined by the chair of the commission.

(3)(a) The commission shall submit a preliminary report to the legislature by January 1, 1994, containing: (i) Recommendations on the number of regional councils that should be created, the proposed membership of the councils, and the specific boundaries for the proposed regional councils; and (ii) a list of all state and federally funded prevention and early intervention programs for children, youth, and families, including a description and current budget for each program.

(b) The commission shall submit a final report containing all of its recommendations to the senate health and human services committee and the house of representatives human services committee by January 1, 1995.

(4) Members of the commission shall be reimbursed for travel expenses in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 1002."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 20, line 26 after "(4) The" strike "family policy council established in chapter 70.190 RCW" and insert "children's services commission created in section 1001 of this act"

On page 21, line 4 after "approved by the" strike "family policy council. The council" and insert "children's services commission. The commission"

On page 21, line 7 after "(6) The" strike "family policy council" and insert "children's services commission"

On page 37, line 16 after "(7) Sections" strike "1001" and insert "1002"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Talmadge and Snyder on page 20, lines 5 and 26; page 21, lines 4 and 7; and page 37, line 16; to Second Substitute Senate Bill No. 5306.

The motion by Senator Talmadge failed and the amendments were not adopted on a rising vote.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Nelson be adopted:

On page 26, line 30, after "expenditures." insert "Recognizing that Washington is shifting to a performance-based system for its students, the study shall also include an analysis of and recommendations for implementation of a performance-based salary schedule for certificated instructional staff, beginning July 1, 1997."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and Nelson on page 26, line 30, to Second Substitute Senate Bill No. 5306.

The motion by Senator McDonald failed and the amendment was not adopted.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 26, line 30, after "expenditures." insert "The study shall include an analysis of the ways in which school districts spend state appropriations and locally derived revenues, and, by December 1, 1994, recommendations for changing spending to meet the new demands of a performance-based education system."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 26, line 30, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu failed and the amendment was not adopted.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 26, after line 33, insert the following:

"NEW SECTION. Sec. 1205. A new section is added to chapter 28A.155 RCW to read as follows:

A school district shall transmit the full amount of state funds that it would have received to educate a handicapped child to any private school at which the child attends. For purposes of this chapter, the choice by a parent or guardian to have a handicapped child attend a private school shall be deemed authorized placement. The superintendent of public instruction shall adopt rules necessary to implement this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 26, after line 33, to Second Substitute Senate Bill No. 5306.

The motion by Senator Erwin failed and the amendment was not adopted.

MOTION

Senator Erwin moved that the following amendment be adopted:

On page 26, after line 33, insert the following:

"NEW SECTION. Sec. 1205. A new section is added to chapter 28A.155 RCW to read as follows:

The superintendent of public instruction shall adopt rules to meet clearly demonstrable extraordinary funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:

- (1) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;
- (2) Individualized education plans are properly and efficiently prepared and formulated;
- (3) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;
- (4) District programs are operated in a reasonably efficient manner;
- (5) No indirect costs are charged against the handicapped program; and
- (6) Any available federal funds are insufficient to address the additional needs.

NEW SECTION. Sec. 1206. The sum of two million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 1205 of this act."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Erwin on page 26, after line 33, to Second Substitute Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 28.

Excused: Senators McCaslin and Niemi - 2.

MOTION

Senator Moyer moved that the following amendment be adopted:

On page 27, line 2, after "each school" strike "district"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Moyer on page 27, line 2, to Second Substitute Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Excused: Senator Niemi - 1.

MOTION

Senator Moyer moved that the following amendment be adopted:

On page 27, after line 29, insert the following:

"(4) Each school shall have the annual school performance report delivered to the parents or guardians with whom children in attendance at the school reside. In addition to any periodic report concerning an individual student's progress, there shall be included with the annual school performance report an individual student report enabling a parent or guardian to determine whether his or her child is attaining mastery of the essential learning requirements."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Moyer on page 27, after line 29, to Second Substitute Senate Bill No. 5306.

The motion by Senator Moyer carried and the amendment was adopted.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 30, beginning on line 30, after "why" strike all material through "groups" on line 31

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 30, beginning on line 30, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu carried and the amendment was adopted.

MOTION

Senator Cantu moved that the following amendments be considered simultaneously and be adopted:

On page 31, line 4, strike "and"

On page 31, line 5, after "(g)" insert "The percentage and identification of schools that are either authorized to or opt to participate in the performance-based education system under section 101(2) of this act, and whether schools not opting into the system but submitting restructuring plans under section 401 of this act are setting learning standards that are higher or lower than those required in the performance-based system; and

(h)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Cantu on page 31, lines 4 and 5, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu carried and the amendments were adopted.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 37, line 31, after "**1609.**" insert "Collective bargaining at the local school district level shall not alter or undermine any of the policies or purposes adopted under this act.

NEW SECTION. Sec. 1610."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 37, line 31, to Second Substitute Senate Bill No. 5306.

The motion by Senator Cantu failed and the amendment was not adopted.

MOTIONS

Senator Anderson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the performance-based education act.

NEW SECTION. Sec. 2. (1)(a) The mission of Washington's K-12 education system is to enable people to be responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive lives. To these ends, schools, together with parents and communities, shall strive to help all students develop the knowledge, skills, and attributes essential to function effectively and lead successful lives. Although schools, parents, and communities shall strive together in this mission, the legislature still believes that the primary functions of school and home differ: Ideally, school is where children learn to learn; home is where they learn to live.

(b) This mission is based on the recognition that our education system needs to keep pace with societal changes, changes in workplace environments, and an ever-changing international community. It recognizes that the state and nation continue to experience a transformation into an information and service-oriented age. Finally, the mission recognizes that the education must be improved to prepare students better to meet the challenges of their future, including acquisition of certain skills and knowledge and the ability to act on information and conclusions once they have assimilated and analyzed information.

(c) This mission recognizes that students must achieve a thorough grounding in the core educational areas, and that the teaching of educational basics is the primary function of schools.

(d) This mission can be accomplished through a restructured system of world-class, performance-based education requiring all the elements in chapter . . . , Laws of 1993 (this act).

(2) The legislature believes that real improvement will come to student achievement when all parties responsible for education evaluate current behavior and modify it according to what is best for students. Creating a performance-based education system will require different ways of making decisions and completing work. Additional improvements envisioned will be brought about through different practices at the local level. Collaboration among parents, students, educators, community members, and elected officials will become a strong part of everyday effort. Parents should be the primary partners in this collaborative effort. All systems and programs will be focused on what is best for increasing student achievement. The purpose is to strive to help all students master the essential learning requirements.

(3) It is the intent of the legislature that all children will have the opportunity to achieve at significantly higher levels. This will require setting high expectations for all students. For all students, learning shall be the constant. Time spent on learning and gaining competence shall be the variable. The education system, from the schoolhouse to the state house, must be responsible and accountable to citizens for meeting specific goals and outcomes.

(4)(a) It is the intent of the legislature that any student, from those at-risk to students who may be developmentally delayed or disabled, who is having difficulty meeting the student learning goals under section 103 of this act be provided with ongoing instructional opportunities to help him or her meet the goals.

(b) Similarly, it is the intent of the legislature that any highly capable student who has met or exceeded the student learning goals under section 103 of this act be provided with instructional opportunities to help him or her advance his or her educational experience.

PART I STUDENT LEARNING GOALS

NEW SECTION. Sec. 101. The following student learning goals for Washington's primary and secondary students, as recommended by the governor's council on education reform and funding, are supported by the legislature:

The ultimate goal of Washington's K-12 education system is to enable people to be responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, schools, together with parents and communities, shall help all students develop the knowledge, skills, and attributes essential to:

- (1) Communicate effectively and responsibly in a variety of ways and settings;
- (2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; arts; humanities; and health and fitness;
- (3) Think critically and creatively and integrate experience and knowledge to form reasoned judgments, solve problems, and resolve conflicts;
- (4) Function as caring and responsible individuals and contributing members of families, work groups, and communities.

Of these goals, goal two shall be primary. The legislature finds that from achievement of goal two, achievement of the others might follow. The legislature finds that students must above all else achieve mastery of knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics. The legislature also finds that families and communities bear the primary responsibility for seeing that children function as caring and responsible members of families, work groups, and communities.

NEW SECTION. Sec. 102. It is the intent of the legislature that instruction in the broad subject areas of mathematics, social sciences, physical sciences, life sciences, arts, humanities, and health and fitness identified under student learning goal number two under section 101(2) of this act will be offered in ways that emphasize the primary importance of these basic areas of knowledge to the future success of students after they graduate.

NEW SECTION. Sec. 103. The state board of education shall by rule adopt the final student learning goals in section 101 of this act recommended by the governor's council on education reform and funding. The student learning goals shall be effective for all school districts beginning with the 1993-94 school year. The state board shall review the goals at least once every ten years and update them as necessary. Local school districts may add goals to the student learning goals in section 101 of this act.

PART II COMMISSION ON STUDENT LEARNING

Sec. 201. RCW 28A.630.884 and 1992 c 141 s 201 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.884 ~~((and)), 28A.630.885, and sections 101, 103, 301, 501, 601, 702, 703, 1001, and 1101 of this act.~~

(1) ~~("Academic assessment system" or)~~ "Assessment system" means ~~((a series of academic examinations and performance-based assessments developed by the commission on student learning to determine if students have mastered the)) methods of assessing student achievement that require demonstration of the essential ((academic)) learning requirements.~~

(2) "Commission" means the commission on student learning created in RCW 28A.630.885(1).

(3) "Essential ((academic)) learning requirements" means the academic and technical knowledge and skills ~~((identified by the commission on student learning, as reviewed and amended by the legislature and state board of education, that students are expected to know and be able to do at specified intervals in their schooling. The essential academic learning requirements, at a minimum, shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking)) that students are expected to know and be able to do at specified intervals in their schooling. The essential learning requirements at a minimum shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking.~~

(4) "Outcome" means an example or indicator of what a student knows or is able to do in relation to a student learning goal.

(5) "Performance-based" or "outcomes-based" education means a system designed to help students achieve specific goals and standards of what students should know and be able to do. The system provides flexibility for students as they proceed toward achieving and demonstrating the goals and standards. Students proceed through a performance-based or outcomes-based system by demonstrating competency.

(6) "Site-based decision making" means an administrative system in which school employees, parents, and others in the community exercise shared decision making on some aspects of school operations.

(7) "Standards" means criterion or an agreed upon level of performance or achievement that are linked to the state-wide student learning goals and that serve as a basis for decision making.

(8) "Student learning goals" means the goals listed under section 101 of this act.

Sec. 202. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the final student learning goals (of the governor's council on education reform and funding, to develop) adopted by the state board of education under section 103 of this act, cause the further development of student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system.

(2)(a) The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three)) five~~ members appointed ~~((no later than February 1, 1993,))~~ by the governor elected in the November 1992 election. ~~Three of the five members shall be appointed no later than February 1, 1993, and two of the five members shall be appointed no later than July 1, 1993. At least one of the two members to be appointed no later than July 1, 1993, shall represent approved private schools under RCW 28A.195.010.~~ In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ (b) The governor shall appoint a chair from the commission members. The governor shall fill vacancies that may occur on the commission except those vacancies determined by the state board of education.

(c) The commission shall begin its substantive work subject to ~~((subsection (1) of this section))~~ section 202(1), chapter 1, Laws of 1992.

~~((4))~~ (3) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (4) The commission, with the assistance of ~~((the)) any~~ technical advisory committees, shall:

(a) ~~((Identify what all elementary and secondary students need to know and be able to do. At a minimum, these))~~ Develop essential ~~((academic))~~ learning requirements ~~((shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding))~~ based on the student learning goals adopted by the state board of education under section 103 of this act. These requirements shall be implemented through the development of performance standards. The essential learning requirements and standards shall not be less than world class so that Washington, its students, and its businesses might more effectively and continuously compete in the world market. "World class standards" means standards set at levels that will enable Washington's students to compete successfully with students throughout the world. In developing essential learning requirements and standards, the commission shall give effect to the legislature's intent (i) that student learning goal two, in section 101(2) of this act, is primary to the other goals; (ii) that students must achieve world class knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics; and (iii) that families and communities bear the primary responsibility that children function as caring and responsible members of families, work groups, and communities. In developing the performance standards and assessment systems under this section, the commission shall consider the experiences and information from local districts and schools that are already involved in these areas;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide ~~((academic))~~ assessment system for use in the elementary grades designed to determine if each student has mastered the essential ~~((academic))~~ learning requirements identified in (a) of this subsection. The ~~((academic))~~ assessment system shall include a variety of methodologies, including performance-based measures that are criterion-referenced. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate

appropriate educational support for students who do not master the essential ((academic)) learning requirements. Mastery of each component of the essential ((academic)) learning requirements shall be required before students progress in subsequent components of the essential ((academic)) learning requirements. The state board of education and superintendent of public instruction shall implement the elementary ((academic)) assessment system beginning in the 1996-97 school year, if completed, unless the legislature takes action to delay or prevent implementation of the assessment system and essential ((academic)) learning requirements. The state board of education and superintendent of public instruction ((may)) shall review and modify the ((academic)) assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide ((academic)) assessment system for use in the secondary grades designed to determine if each student has mastered the essential ((academic)) learning requirements identified for secondary students in (a) of this subsection. The ((academic)) assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential ((academic)) learning requirements, and shall lead to a certificate of mastery at about age sixteen. The certificate of mastery shall be required for graduation but shall be based only on student learning goals one through three in section 101 of this act. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential ((academic)) learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements ((or be required for graduation in addition to graduation requirements)). The state board of education and superintendent of public instruction shall implement the secondary ((academic)) assessment system beginning in the 1997-98 school year, if completed, unless the legislature takes action to delay or prevent implementation of the assessment system and essential ((academic)) learning requirements. The state board of education and superintendent of public instruction ((may)) shall review and modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) ~~((Develop strategies that will assist educators in helping students master the essential academic learning requirements))~~ By December 1, 1994, develop alternatives for grade designations in elementary grades;

(f) ~~((Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;~~

(g) ~~Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;~~

(h)) ~~Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential ((academic)) learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary ((academic)) assessment systems during the 1995-97 biennium and beyond;~~

((i)) ~~(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that ((would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements))~~ are consistent with a performance-based education system;

((j)) ~~(h) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts((. The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section));~~

((k)) ~~(i) Report annually by December 1st to the governor and the legislature ((and the state board of education)) on the progress, findings, and recommendations of the commission; and~~

((l)) ~~(j) Complete other tasks, as appropriate.~~

((m)) ~~(5) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.~~

((n)) ~~(6) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.~~

~~((8))~~ (7) The commission shall select an entity to provide staff support and the office of ~~((financial management shall contract with that entity))~~ the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission on student learning. The superintendent shall report annually to the commission on student learning on the activities of the superintendent's office of educational restructuring, research, and technical assistance under RCW 28A.300.130. The commission may direct the ~~((office of financial management))~~ superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

~~((9))~~ (8) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

PART III PLANNING AND TIME FOR RESTRUCTURING

NEW SECTION. Sec. 301. (1) From appropriated funds, beginning with the 1994-95 school year, the office of the superintendent of public instruction shall provide staff development program grants, to the extent funds are appropriated, to local districts to provide certificated staff, classified staff with instructional responsibilities, and classified secretarial staff in each school in the district with the equivalent of an average of five additional days beyond the student school calendar year. These nonstudent days shall be used by schools for staff development, planning, and implementation activities as local districts and schools move toward a performance-based education program.

(2) The compensation for these days shall be at the regular salary rates and shall constitute supplemental compensation under RCW 28A.400.200(4).

(3) The staff development program grants shall be for two years for school building activities related to planning, curriculum development, instructional strategies, assessment, evaluation, the use of technology, and other approaches to restructuring. The funds may be used by schools to shift to school-based decision making.

(4)(a) To be eligible for staff development program grants beginning in fiscal year 1994-95, districts shall submit to the state board of education, school building applications to develop broad-based strategic restructuring plans. The applications shall be submitted under the provisions of RCW 28A.305.140(1). Grants shall be renewed on the same basis as waivers are provided under RCW 28A.305.140(2).

(b) The building plan shall involve broad participation. In addition to the provisions of RCW 28A.305.140(1), the plan shall include: Performance-based assessment, evaluation, and in-service in cultural diversity, including how to work with diverse populations. The plan may contain elements including but not limited to technology, curriculum development, and continuous quality improvement.

(5) For a school building to receive its share of the staff development program grant, a school site council for the building must exist meeting all requirements under the law, and must authorize the building plan and submit it to the school board.

(6) The school board shall conduct at least one public hearing on the building restructuring plans before the board votes to approve the plans and before the district files an application with the state for a staff development grant. Boards may hear more than one proposed plan at a hearing and may approve more than one plan at a hearing.

(7) The staff development grant program shall be renewable only if used as follows: (a) The second grant must be used to fund at least two additional student contact days in addition to three in-service days; (b) the third grant must be used to fund at least three additional student contact days in addition to two in-service days; (c) the fourth grant shall be used to fund at least four additional student contact days in addition to one in-service day; (d) the fifth and any further grants must be used to fund five additional student contact days only.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.240 RCW to read as follows:

(1) To be eligible for grants under section 301 of this act, a school district board of directors shall adopt a policy authorizing school site-based councils.

(2) The policy adopted by a school district board of directors shall include but is not limited to:

(a) Procedures for forming a school site-based council and official recognition of the council by the district;

(b) A requirement that membership of the school site-based council include at least one-third nonschool-affiliated parents, and also include staff, community members, and age-appropriate students. Existing organizations may be used to form the school site-based council;

(c) Designation of activities with which school site-based councils may become involved, including management, budget, personnel, and program decisions affecting instruction at the school level;

(d) Delegation of authority to school site-based councils to adopt their own bylaws and charters; and

(e) Provisions for educating members of school site-based councils to help all members to become knowledgeable about school funding, educational programs, and options for change.

PART IV MENTOR PROGRAM

Sec. 401. RCW 28A.415.250 and 1991 c 116 s 19 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a teacher assistance program. For the purposes of this section, the terms "mentor teachers," "beginning teachers," and "experienced teachers" may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW 28A.410.010. The program shall provide for:

- (1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers, or both, both in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW 28A.405.100 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;
- (2) Stipends for mentor teachers and beginning teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW ((28A.58.095)) 28A.400.200: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title;
- (3) Workshops for the training of mentor and beginning teachers;
- (4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom;
- (5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.405.010 through 28A.405.240, and who hold valid continuing certificates;
- (6) Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process; and
- (7) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public and private institutions of higher education, for the purposes of improving communication and cooperation and program review.

Any district may release a mentor teacher to work full time with beginning or experienced teachers, or both.

PART V CERTIFICATION REQUIREMENTS

NEW SECTION. **Sec. 501.** (1) In conducting its study on outcomes-based standards for the approval of educator preparation programs, the state board of education shall assure that the adoption of new program approval standards are consistent with and support the establishment of a performance-based education system under the provisions of chapter . . . , Laws of 1993 (this act). In addition, the new standards shall ensure that graduates from the preparing institutions of the state are appropriately prepared to enter the performance-based education system, including knowledge and skills to work with culturally diverse students. The new standards shall be adopted not later than the beginning of the 1996-97 school year.

(2) The state board shall report to the governor, the legislature, and the commission on student learning by December 31, 1993, on the progress and any findings of the board's study of outcomes-based program approval standards. When the study is completed, the board shall submit a final report to the governor, the legislature, and the commission on student learning. The final report shall include findings and recommendations regarding the impact of the new standards on the recruitment of culturally diverse candidates to the teaching profession.

(3) The state board shall adopt necessary rules under chapter 34.05 RCW to implement the recommendations of the certification study required under section 104, chapter 141, Laws of 1992.

(4) The state board of education shall develop, for implementation by December 1, 1995, standards for certification of those persons who have not graduated from a program in a preparing institution, but who are able to pass the admission to practice examination required under RCW 28A.410.030.

(5) The superintendent of public instruction and the state board of education shall review the provisions of chapter 28A.690 RCW, interstate agreement on qualifications of educational personnel, and make recommendations as necessary to the legislature and the governor to amend these provisions to be consistent with the new certification requirements to be implemented under subsection (3) of this section.

**PART VI
PARENT AND COMMUNITY INVOLVEMENT**

NEW SECTION. Sec. 601. (1) The superintendent of public instruction shall appoint an eight member parent and community advisory council whose membership shall include a minimum of three parents, at least two of whom shall be selected from a state-wide association representing parents, and a minimum of three educators.

(2) The parent and community advisory council shall advise the state superintendent on:

(a) How to increase parent and citizen involvement in education with a particular focus on reaching parents who have not previously been involved with their children's education;

(b) Identifying obstacles to greater parent and community involvement in school site-based decision making; and

(c) Recommend strategies for helping parents and community members to participate effectively in school site-based decision making, including understanding and respecting the roles of building administrators and staff.

(3) Through the office of educational restructuring, research, and technical assistance under RCW 28A.300.130, the superintendent shall, in consultation with the parent and community advisory council, on a request basis, provide or contract to provide to any school, district, or community, information, technical assistance, or training regarding citizen participation in education, including training to promote the effective participation of parents and community members on school site councils.

NEW SECTION. Sec. 602. (1) School site councils shall develop comprehensive student-educator-parent partnership programs to be known as STEPP programs that: (a) Involve parents as partners in school governance; (b) promote two-way communication between schools and parents or guardians regarding school programs, children's progress, and differing and diverse needs of families; and (c) include strategies for enabling parents and guardians to participate actively in their children's education;

(2) The superintendent of public instruction shall adopt rules for application for and distribution of STEPP program funds to school site councils.

**PART VII
INCENTIVE AND ASSISTANCE PROGRAM**

NEW SECTION. Sec. 701. From appropriated funds, the superintendent of public instruction shall provide incentive grants under section 702 of this act and provide assistance grants under section 703 of this act.

NEW SECTION. Sec. 702. (1) The commission on student learning shall develop an incentive program to provide rewards to schools that have a school site council and in which a large percentage of students significantly exceed the essential learning requirements. Each school shall be assessed individually against its own baseline for the incentive program. Data collected for the incentive program shall be collected and analyzed by gender, racial or ethnic background, and socioeconomic status and shall not be used to compare one school against another. Rewards shall be based on the rate of percentage change of students achieving the performance standards. An explicit account shall be taken of the rate of percentage change of special needs and at-risk students achieving the performance standards and the mobility of students.

(2) Staff at each school, in partnership with the school site council, shall decide how to spend the reward.

(3) The incentive program shall be administered by the superintendent of public instruction. The first incentive grants shall be awarded the 1997-98 school year. Incentive grants shall be awarded every two years to eligible schools, to the extent funds are appropriated.

NEW SECTION. Sec. 703. (1) The commission on student learning shall develop an assistance program to provide assistance to schools and districts experiencing difficulty in assisting a significant percentage of their students to achieve the essential learning requirements.

(2) The assistance program shall include a process for the superintendent of public instruction to intervene in the operation of districts or schools that dramatically and persistently fail to help students meet the essential learning requirements. It shall include vouchers.

(3) The assistance program shall be administered by the superintendent of public instruction. The first assistance grants shall be awarded the 1997-98 school year. Assistance grants shall be awarded every two years to schools or districts as determined by the state superintendent, to the extent funds are appropriated.

Sec. 704. RCW 28A.300.130 and 1986 c 180 s 1 are each amended to read as follows:

(1) ~~((Recent and))~~ Expanding activity in educational research and educational restructuring initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible, including school-based technical assistance coordinated by the office of the superintendent of public instruction. To facilitate access to information and materials on ~~((education))~~ educational restructuring and research, the superintendent of public instruction shall ~~((act as the state clearinghouse for educational information))~~ establish an office of educational restructuring, research, and technical assistance.

(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, ~~((screen,))~~ organize, analyze, synthesize, and disseminate, including technical assistance, information pertaining to the state's ~~((educational system from preschool through grade twelve, including but not limited to))~~ common school system. The primary duty to collect and disseminate information is not limited to but shall include information on:

(a) The work and activities of the commission on student learning;

(b) In-state research and development efforts, including restructuring initiatives in Washington schools and districts;

(c) Descriptions of exemplary, model, and innovative programs; and

(d) Related information that can be used in ~~((developing))~~ helping schools and districts with restructuring initiatives and developing more effective programs.

(3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, ~~((monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system,))~~ and other applicable materials as necessary in order that the office of educational restructuring, research, and technical assistance can provide timely information services and technical assistance to educational staff, students, parents, schools, districts, and other groups or agencies as appropriate. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost.

(4) The superintendent of public instruction shall coordinate technical assistance and the dissemination of information with the educational service districts ~~((and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state)).~~ In coordinating technical assistance services, the superintendent shall make every effort to use practitioners to assist both agency staff as well as educators and others in schools and districts.

PART VIII COORDINATED SOCIAL AND HEALTH SERVICES

NEW SECTION. Sec. 801. (1) The purpose of this section is to enhance the quantity, quality, efficiency, and effectiveness of services for children and families in order to enable children to learn while in school.

(2) Beginning with the 1993-94 school year, the office of the superintendent of public instruction, to the extent funds are appropriated, shall allocate funds for pilot programs in up to ten counties or municipalities to meet the needs of children and families better so that children can achieve in school.

(3) Beginning with the 1994-95 school year, the superintendent of public instruction, to the extent funds are appropriated, shall allocate funds annually for state-wide implementation for programs that assist children achieving in school. To qualify for funds, local districts and schools in partnership with existing site-based councils, local service providers, local governments, state agencies, and persons organized for the purpose of designing and providing services for children and families, shall develop plans for enhancing the flexibility, coordination, and responsiveness of the educational, social, and health services for students and families identified as at-risk. Plans shall address the needs of children and families in a county or multicounty area, or in a municipal or multimunicipal area.

(4) The family policy council established in chapter 70.190 RCW shall determine the information that must be included in the plans. At a minimum, plans shall include:

(a) A description of services, funding sources, intended outcomes, and measures to evaluate the programs implemented under the plan;

(b) Agreed upon responsibilities of participating agencies;

(c) Means to accommodate cultural diversity and changes in student populations and to ensure equity, access, and relevance in providing services;

(d) Means to ensure parental involvement in planning and the use of services. In schools with site councils, the means to ensure parental involvement shall include the requirement of evidence that the site council collaborated on the plan; and

(e) An identified lead agency to receive state funds allocated for the purposes of this section.

(5) Funds provided for the purposes of subsections (3) and (4) of this section shall be used only for those plans approved by the family policy council. The council shall review local plans by November 1, 1993, and the beginning of every school year thereafter.

(6) The family policy council shall coordinate the provision of technical assistance to local communities for the development of coordinated services for students.

PART IX TECHNOLOGY

NEW SECTION. Sec. 901. The legislature recognizes the ongoing necessity for public schools to use up-to-date tools for learning to meet goals for education. To participate successfully in the contemporary workplace, students should be able to use technology and be able to get information electronically. Workplace technology requirements will continue to change and students should learn the new requirements.

Furthermore, the legislature finds that the Washington systemic initiative is a broad-based effort to promote widespread public literacy in mathematics, science, and technology. A critical component of the systemic initiative is the electronic access to information by students. It is the intent of the legislature that components of sections 902 through 905 of this act will support the state-wide systemic reform effort in mathematics, science, and technology as planned through the Washington systemic initiative.

NEW SECTION. Sec. 902. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 901 through 905 of this act.

(1) "Education technology" means the effective use of electronic tools and electronic pathways in meeting goals established for education.

(2) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.

NEW SECTION. Sec. 903. (1) The superintendent of public instruction may establish an educational technology section, and through that section develop and implement a Washington state technology program, the coordination and development of which shall be consistent with the applicable provisions of chapter 43.105 RCW. The program shall include:

(a) State-wide support to help school districts plan, implement, and educate staff in the use of technology for educational and administrative purposes;

(b) Grants to school districts to help districts integrate technology into the learning process and to connect to the state-wide and national networks for educational purposes;

(c) Development of on-line information services for Washington state, with links to other services. These links shall provide avenues of communication between all levels of education;

(d) Staff support for on-line educational projects involving students throughout the state and nation; and

(e) Expansion of state-wide networks, including educational video teleconferences.

(2) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to educational service districts for:

(a) Establishing regional educational technology support centers to provide ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and other technical and program support. Each educational service district shall establish an advisory council to advise the educational service district about spending the grant moneys; and

(b) Establishing each educational service district as a site for video conferences on the network.

(3) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to school districts for:

(a) Support for school district personnel to become trainers on state-wide and national networks;

(b) Incentives to encourage school districts to plan for, implement, and evaluate the effective use of technology in the school curriculum; and

(c) Helping schools connect into the state-wide network for curricular purposes. The criteria for selection of schools to receive grants shall be based on schools' readiness to use network services and economic need.

(4) The superintendent of public instruction shall adopt rules requiring local districts to provide a twenty-five percent match of grant funds from other sources. However, the superintendent of public instruction shall adopt rules to waive all or part of the match requirement for districts that can demonstrate, based on the district's relative property tax wealth, that they would not be able to apply for the grant unless all or part of the match requirement was waived. A district capital levy for technology will satisfy the local match requirement under this section.

(5) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to the Washington school information processing cooperative, for equipment to expand the current state-wide network and to establish a system for video conferences.

NEW SECTION. Sec. 904. The superintendent of public instruction shall appoint an educational technology advisory committee. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, educational service districts, school directors, school administrators, school principals, teachers, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, the state library, and the department of information services.

The committee shall advise the superintendent of public instruction on the implementation of sections 901 through 903 of this act.

NEW SECTION. Sec. 905. (1) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of education technology and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(2) The education technology fund is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the fund all moneys received from gifts, grants, or endowments for education technology. Moneys in the fund may be spent only for education technology. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

PART X DEREGULATION

NEW SECTION. Sec. 1001. (1) The superintendent of public instruction and the state board of education shall review all laws pertaining to K-12 public education. Except those laws that protect the health, safety, and civil rights of students and staff, the intent of the review is to justify, modify, and maintain only those laws that support the new performance-based education system for all students. However, the tests required under RCW 28A.230.190, 28A.230.230, and 28A.230.240 shall be exempt from review and shall not be subject to a recommendation of repeal.

(2) The superintendent and the state board shall conduct the review in a manner that includes a broad representation of citizens, including parents, students, educators, and others, to assist in the review process.

(3) The superintendent shall determine a specific timetable for the review. Beginning January 1994, and each succeeding January until the review is done, but not later than January 1997, the superintendent shall submit to the governor and legislature a list of all laws reviewed during the preceding year and the laws to be reviewed the next year.

(4) Private schools and parents who home school their children are subject only to those minimum state controls necessary to ensure the health and safety of all students in the state and to ensure that students have a basic educational opportunity. Parents who are home schooling their children under chapter 28A.200 RCW and RCW 28A.225.010(4) and private schools under chapter 28A.195 RCW shall not be subject to:

(a) State-wide student learning goals and essential learning requirements under RCW 28A.150.210 and 28A.630.885(4)(a);

(b) The elementary assessment system under RCW 28A.630.885(4); or

(c) The secondary assessment system, including the certificate of mastery, under RCW 28A.630.885(4)(c).

(5) The review of statutes under subsections (1) and (2) of this section shall be conducted consistent with the exemptions provided under subsection (3) of this section for private schools and parents who home school their children.

Sec. 1002. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) ~~Beginning with the 1993-94 school year, school districts may establish annual transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. ((Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county~~

treasurer within thirty days of its collection for the credit of the district in which such students attend.) Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 1003. The superintendent of public instruction shall work with appropriate organizations to ensure that every teacher, district and building administrator, and school director is aware of the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015.

NEW SECTION. Sec. 1004. (1) A legislative fiscal study committee is hereby created. The committee shall be comprised of two members from each caucus of the senate, appointed by the president of the senate, and two members from each caucus of the house of representatives, appointed by the speaker. In consultation with the office of the superintendent of public instruction, the committee shall study the state operating budget for the common school system and other sections of the budget that have a direct or indirect impact on the common school system.

(2) At a minimum, the study shall include an analysis of all K-12 related appropriations to determine which might be classified as being investments in prevention and which might be classified as remedial expenditures. Recognizing that the state is shifting to a performance-based system for its students, the study shall also include an analysis of and recommendations for a performance-based salary schedule for certificated instructional staff, beginning July 1, 1997.

(3) By January 16, 1995, the committee shall report to the full legislature on its findings and any recommendations for a new funding model for the common school system.

(4) The study shall review performance-based education.

PART XI RESTRUCTURING REPORTS

NEW SECTION. Sec. 1101. (1) Beginning with the 1994-95 school year, each school shall publish an annual school performance report to the community. The annual report shall be published in a format that can be easily understood and be the basis of informed educational decisions by parents, guardians, and other members of the community who are not professional educators.

(2) Data and descriptive material included in the annual report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under section 103 of this act, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories. As data becomes available it shall include:

(a) The change in the percentage of students, including special education and gifted students, attaining mastery of the student learning goals;

(b) Attendance and completion rates;

(c) The use and condition of school facilities;

(d) The level of satisfaction by the community served by each school; and

(e) A brief description of the strategic restructuring plan for each school.

(3) The office of the superintendent of public instruction shall compile district data and report annually to the governor and the legislature beginning with the 1994-95 school year. The superintendent shall monitor the performance of districts and schools that demonstrate gaps in student learning based on students' gender, racial, and ethnic minority status.

(4) Each school shall have the annual school performance report delivered to the parents or guardians with whom children in attendance at the school reside. In addition to any periodic report concerning an individual student's progress, there shall be included with the annual school performance report delivered to parents and guardians an annual student performance report enabling a parent or guardian to determine whether his or her child is attaining mastery of the essential learning requirements.

Sec. 1102. RCW 28A.300.040 and 1992 c 198 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state. The superintendent's supervisory authority shall consist primarily of reviewing and analyzing the progress of school districts, schools, and school site councils, and of assisting districts, schools, and school site councils by offering services necessary to meet discerned difficulties.

(2) To give an annual address on the state of education in separate presentations to the house of representatives and the senate the week immediately following the second Monday in January.

(3) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools.

~~((3))~~ (4) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.305.130(9), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents.

~~((4))~~ (5) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials.

~~((5))~~ (6) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules and regulations related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount.

~~((6))~~ (7) To act as ex officio member and the chief executive officer of the state board of education.

~~((7))~~ (8) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to.

~~((8))~~ (9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

~~((9))~~ (10) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state.

~~((10))~~ (11) To issue certificates as provided by law.

~~((11))~~ (12) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education.

~~((12))~~ (13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction.

~~((13))~~ (14) To administer oaths and affirmations in the discharge of the superintendent's official duties.

~~((14))~~ (15) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office.

~~((15))~~ (16) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

~~((16))~~ (17) To perform such other duties as may be required by law.

NEW SECTION. Sec. 1103. (1) There is hereby created a joint select committee on education reform composed of twelve members as follows:

(a) Six members of the senate, three from each of the major caucuses, to be appointed by the president of the senate; and

(b) Six members of the house of representatives, three from each of the major caucuses, to be appointed by the speaker of the house of representatives.

(2) The cochaIRS shall be designated by the speaker of the house of representatives and the president of the senate.

(3) The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochaIRS of the joint select committee.

(4) The expenses of the committee members shall be paid by the legislature.

(5) The joint select committee on education reform shall monitor, review, and periodically report upon the enactment and implementation of education reform in Washington both at the state and local level, including the following:

(a) The progress of the commission on student learning in the completion of its tasks as designated by chapter 141, Laws of 1992, or any subsequent legislation relating to education reform;

(b) The progress of the commission on student learning in designing a state-wide assessment system that will accurately measure student mastery of essential academic learning requirements;

(c) The state board of education's implementation of teacher certification requirements that are required by law on the effective date of this section or subsequent to the effective date of this section, and whether such requirements as implemented are actually consistent with higher student achievement envisioned under a performance-based education system;

(d) Whether the shift to a performance-based education system is incurring or will incur resistance, and, if so, why, and by which group or groups;

(e) The progress and success of the commission on student learning in establishing essential learning requirements that accurately and clearly represent what students should know and be able to do at specified intervals in their schooling;

(f) The progress and success of the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges in carrying out such duties and completing tasks as designated by chapter 141, Laws of 1992, by the performance-based education act, chapter . . . , Laws of 1993 (House Bill No. 1209 or Senate Bill No. 5306), and any subsequent legislation relating to education reform; and

(g) Such other areas as the joint select committee may deem appropriate.

(6) The commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges shall each report to the joint select committee on education reform regarding their progress in completing tasks as designated by chapter 141, Laws of 1992, by the performance-based education act, chapter . . . , Laws of 1993 (House Bill No. 1209 or Senate Bill No. 5306), and any subsequent legislation relating to education reform.

(7) The joint select committee on education reform shall report its initial findings to the legislature by December 31, 1993, and shall report its findings annually thereafter until December 31, 1998, at which time the committee shall make its final report.

PART XII SCHOOL-TO-WORK TRANSITIONS

NEW SECTION. Sec. 1201. (1) The legislature finds that demonstrated relevancy and practical application of school work is essential to improving student learning and to increasing the ability of students to transition successfully to the world of work. Employers have an increasing need for highly skilled people whether they are graduating from high school, a community college, a four-year university, or a technical college.

(2) The legislature further finds that the school experience must prepare students to make informed career direction decisions at appropriate intervals in their educational progress. The elimination of rigid tracking into educational programs will increase students' posthigh school options and will expose students to a broad range of interrelated career and educational opportunities.

(3) The legislature further finds that student motivation and performance can be greatly increased by the demonstration of practical application of course work content and its relevancy to potential career directions.

(4) The legislature further finds that secondary schools should provide students with multiple, flexible educational pathways. Each educational pathway should:

(a) Prepare students to demonstrate both core competencies common for all students and competencies in a career or interest area;

(b) Integrate academic and vocational education into a single curriculum; and

(c) Provide both classroom and workplace experience.

(5) The purpose of RCW 28A.630.862 through 28A.630.880 and section 1211 of this act is to equip students with improved school-to-work transition opportunities through the establishment of school-to-work transition model projects throughout the state.

Sec. 1202. RCW 28A.630.862 and 1992 c 137 s 2 are each amended to read as follows:

There is established in the office of the superintendent of public instruction (~~(an academic and vocational integration development)~~) a school-to-work transitions program which shall fund and coordinate (~~(pilot)~~) projects to develop model secondary school (~~(projects)~~) programs. The projects shall combine academic and vocational education into a single instructional system that is responsive to the educational needs of all students in secondary schools and shall provide multiple educational pathway options for all secondary students. Goals of the projects within the program shall include at a minimum:

(1) Integration of vocational and academic instructional curriculum into a single curriculum;

(2) Providing each student with a choice of multiple, flexible educational pathways based on the student's career or interest area;

(3) Emphasis on increased vocational~~((, personal,))~~ and academic guidance and counseling for students as an essential component of the student's high school experience;

~~((3))~~ (4) Development of student essential academic learning requirements, methods of accurately measuring student performance, and goals for improved student learning;

(5) Partnership with local employers and employees to incorporate work sites as part of work-based learning experiences;

(6) Active participation of educators in the planning, implementation, and operation of the project, including increased opportunities for professional development and in-service training; and

~~((4))~~ (7) Active participation by employers, private and public community service providers, parents, and community members in the development and operation of the project.

Sec. 1203. RCW 28A.630.864 and 1992 c 137 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop a process for schools or school districts to apply to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program. The office of the superintendent of public instruction shall review and select projects for grant awards, and monitor and evaluate the ~~((academic and vocational integration development))~~ program.

(2) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include collaboration with middle schools or junior high schools to develop school-to-work transition objectives. Middle school or junior high school programs may include career awareness and exploration, preparation for school-to-school transition, and preparation for educational pathway decisions.

(3) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include a tech prep site selected under P.L. 101-392 or other articulation agreements with a community or technical college.

(4) The superintendent of public instruction and the state board of education may develop a process for teacher certification programs to apply to participate in the school-to-work transitions program. The office of the superintendent of public instruction and the state board of education may review and select projects for grant awards. Teacher preparation grants shall be used to improve teacher preparation in school-to-work transitions, including course work related to integrated curriculum, tech prep concepts, updating technical skills, improving school and private sector partnerships, and assessing students.

Sec. 1204. RCW 28A.630.866 and 1992 c 137 s 4 are each amended to read as follows:

The superintendent of public instruction shall appoint a ten-member task force on ~~((academic and vocational integration))~~ school-to-work transitions. The task force shall include at least one representative from the work force training and education coordinating board and the state board for community and technical colleges. The task force shall advise the superintendent of public instruction in the development of the process for applying to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program, in the review and selection of projects under RCW 28A.630.864, and the monitoring and evaluation of the projects.

Sec. 1205. RCW 28A.630.868 and 1992 c 137 s 6 are each amended to read as follows:

(1) The superintendent of public instruction shall administer RCW ~~((28A.630.860))~~ 28A.630.862 through ~~((RCW))~~ 28A.630.880.

(2) The ~~((academic and vocational integration development))~~ school-to-work transitions projects may be conducted for up to six years, if funds are provided.

Sec. 1206. RCW 28A.630.870 and 1992 c 137 s 7 are each amended to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW ~~((28A.630.860))~~ 28A.630.862 through 28A.630.880 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW ~~((28A.630.860))~~ 28A.630.862 through 28A.630.880.

(2) The ~~((academic and vocational integration development))~~ school-to-work transitions program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of ~~((28A.630.860))~~ RCW 28A.630.862 through 28A.630.880. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 1207. RCW 28A.630.874 and 1992 c 137 s 9 are each amended to read as follows:

(1) The superintendent of public instruction, in coordination with the state board of education, the state board for community and technical colleges, the work force training and education coordinating board, and the higher education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, secondary schools, junior high schools, middle schools, technical colleges, and colleges and universities.

(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW ~~((28A.630.860)) 28A.630.862~~ through ~~((RCW)) 28A.630.880.~~

Sec. 1208. RCW 28A.630.876 and 1992 c 137 s 10 are each amended to read as follows:

(1) The superintendent of public instruction shall report to the education committees of the legislature on the progress of the schools for the ~~((academic and vocational integration development))~~ school-to-work transitions program by December 15 of each odd-numbered year.

(2) Each school district selected to participate in the academic and vocational integration development program shall submit an annual report to the superintendent of public instruction on the progress of the ~~((pilot))~~ project as a condition of receipt of continued funding.

Sec. 1209. RCW 28A.630.878 and 1992 c 137 s 11 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the ~~((academic and vocational integration development pilot))~~ school-to-work transitions projects.

Sec. 1210. RCW 28A.630.880 and 1992 c 137 s 12 are each amended to read as follows:

RCW ~~((28A.630.860)) 28A.630.862~~ through 28A.630.880 may be known and cited as the ~~((academic and vocational integration development))~~ school-to-work transitions program.

NEW SECTION. Sec. 1211. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.862 through 28A.630.880.

(1) "Integration of vocational and academic instruction" means an educational program that combines vocational and academic concepts into a single curriculum to increase the relevancy of course work, to strengthen and increase academic standards, and to enable students to apply knowledge and skills to career and educational objectives.

(2) "School-to-work transition" means a restructuring effort which provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests.

(3) "Work-based learning" means a competency-based educational experience that coordinates and integrates classroom instruction with structured, work site employment in which the student receives occupational training that advances student knowledge and skills in essential academic learning requirements.

PART XIII

DESERVING STUDENT SCHOLARSHIPS

NEW SECTION. Sec. 1301. By December 1, 1998, the higher education coordinating board shall develop a two-year scholarship plan for deserving students who have achieved a certificate of mastery and have graduated from high school. Deserving students shall be those whose family income is below the state-wide median family income. Receiving students shall be allowed to use the scholarship at a community or technical college or a public, four-year institution of higher education.

PART XIV

MISCELLANEOUS

NEW SECTION. Sec. 1401. The superintendent of public instruction and the state board of education shall each adopt rules, as necessary, under chapter 34.05 RCW to implement the applicable provisions of chapter . . . , Laws of 1993 (this act).

NEW SECTION. Sec. 1402. RCW 28A.215.904 is decodified.

NEW SECTION. Sec. 1403. The following acts or parts of acts are each repealed:

(1) 1992 c 141 s 505; and

(2) RCW 28A.630.860 and 1992 c 137 s 1.

NEW SECTION. Sec. 1404. Part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 1405. (1) Sections 701 through 703, 901 through 905, 1003, and 1401 of this act are each added to chapter 28A.300 RCW;

(2) Sections 103 and 501 of this act are each added to chapter 28A.305 RCW;

(3) Section 1101 of this act is added to chapter 28A.320 RCW;

(4) Section 301 of this act is added to chapter 28A.415 RCW;

(5) Sections 801 and 1103 of this act are each added to chapter 28A.600 RCW;

(6) Section 601 of this act is added to chapter 28A.615 RCW;

(7) Section 1211 of this act is added to chapter 28A.630 RCW; and

(8) Section 1301 of this act is added to chapter 28B.80 RCW.

NEW SECTION. Sec. 1406. Section 1103 of this act shall expire January 1, 1999.

NEW SECTION. Sec. 1407. The sum of four million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 201 of this act.

NEW SECTION. Sec. 1408. The sum of three million seven hundred twenty-eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction specifically to support the pairing of mentor and beginning teachers under RCW 28A.415.250 and section 401 of this act.

NEW SECTION. Sec. 1409. The sum of one million one hundred sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction specifically to support the pairing of mentor and experienced teachers under RCW 28A.415.250 and section 401 of this act. The superintendent of public instruction shall select up to ten districts to develop and implement mentor programs to assist experienced teachers who are struggling in the classroom. At least one of the districts shall be in a class AA county with a city of the first class with a population of greater than four hundred thousand, if an application to participate is received from such district.

NEW SECTION. Sec. 1410. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 601 of this act.

NEW SECTION. Sec. 1411. The sum of one million seven hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 602 of this act.

NEW SECTION. Sec. 1412. The sum of seven hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 704 of this act.

NEW SECTION. Sec. 1413. (1) The sum of five million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 801(2) of this act.

(2) The sum of fifteen million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 801(3), (4), and (5) of this act.

NEW SECTION. Sec. 1414. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of sections 901 through 905 of this act.

NEW SECTION. Sec. 1415. The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purpose of section 1001 of this act.

NEW SECTION. Sec. 1416. The sum of two million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the superintendent of public instruction for the purposes of section 1203 of this act. The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of two hundred thousand dollars is provided solely for the purposes of section 1203(4) of this act.

(2) One hundred fifty thousand dollars is provided solely for the office of the superintendent of public instruction to provide administration and staffing to coordinate the program established under sections 1201 through 1211 of this act and to disseminate information on the model projects.

(3) Two hundred fifty thousand dollars is provided solely for the office of the superintendent of public instruction to provide grants to community and technical colleges for the development of integrated curriculum for tech prep programs. The superintendent shall award grants to community and technical colleges identified in selected schools to work transition projects as participants in the tech prep component of the project plan.

NEW SECTION. Sec. 1417. For the biennium ending June 30, 1995, the education enhancement program block grants shall be funded at no less than the amount they were funded for the biennium ending June 30, 1993.

NEW SECTION. Sec. 1418. For the biennium ending June 30, 1995, K-3 class size reduction funding shall not be reduced below the level for the biennium ending June 30, 1993. There shall be fifty-four and three-tenths certificated instructional staff per one hundred students.

NEW SECTION. Sec. 1419. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Hochstatter moved that the following amendment to the striking amendment be adopted:

On page 2, after line 30, insert the following:

"COMMUNITY SELECTION OF LOCAL EDUCATION PROGRAM

NEW SECTION. Sec. 101. (1) Each school district in the state shall develop educational programs designed to provide each student in the district with the opportunity to achieve the student learning goals under section 202 of this act.

(2) Each school district board of directors may authorize a school or schools in the district to participate in the performance-based education system developed under RCW 28A.630.885, following a public hearing by the school board and adoption of a motion stating the intent and scope of participation. The adopted motion shall require that schools authorized and choosing to participate in the performance-based education system shall administer the tests required under RCW 28A.230.190, 28A.230.230, and 28A.230.240 for at

least five school years following the date of first participation in the performance-based system. A copy of the adopted motion shall be transmitted to the superintendent of public instruction by the district board of directors. After a public hearing, the school board may repeal the motion stating the intent and scope of participation and shall transmit a copy of the motion repealing the intent and scope of participation to the superintendent of public instruction.

(3) The state schools for the deaf and blind, pursuant to subsection (2) of this section, may participate in the performance-based system developed under RCW 28A.630.885 and may apply for grants under section 401 of this act.

(4) Each school district board of directors may adopt procedures to permit parents to remove their children from courses of instruction offered primarily to meet student learning goal number four listed under section 201 of this act.

(5) Nothing under chapter . . . , Laws of 1993 (this act) shall affect the provisions of RCW 28A.230.070(4) that allow students not to participate in AIDS prevention education, and state board of education rules that allow students an excusal from planned instruction in sex education or human sexuality.

(6) For schools not authorized or choosing to participate in the performance-based education system developed under RCW 28A.630.885, sections 501 through 507 of chapter 141, Laws of 1992 shall not apply.

PART II"

Renumber remaining parts, sections and subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, after line 30, to the striking amendment by Senator Anderson to Second Substitute Senate Bill No. 5306.

The motion by Senator Hochstatter carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Anderson, as amended, to Second Substitute Senate Bill No. 5306.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Anderson, as amended, to Second Substitute Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll and the striking amendment, as amended, was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Absent: Senator West - 1.

Excused: Senator Niemi - 1.

MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5306 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, Moore, Moyer, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Winsley - 31.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Nelson, Newhouse, Roach, Sellar, Smith, L., West and Wojahn - 17.

Excused: Senator Niemi - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8621

By Senator McAuliffe

WHEREAS, The Washington State Senate recognizes the importance of promoting the arts in preserving our history and providing community enrichment projects; and

WHEREAS, The Bothell community historically has demonstrated a strong commitment to bringing its rich history to the forefront and preserving the arts through numerous local programs each year; and

WHEREAS, Community members are currently endeavoring to develop the Bothell Regional Arts Vision Organization (BRAVO) which will bring the historic Showboat Theatre to Bothell, thereby saving the glorious old theatre from an unceremonious demise;

NOW, THEREFORE, BE IT RESOLVED, That Bothell community members be commended and encouraged in their efforts to save and revitalize the Showboat and to bring a new thespian home to their city.

MOTION

At 7:40 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Thursday, March 18, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY, MARCH 17, 1993

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

SIXTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 18, 1993

The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 11, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Len McComb, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Revenue.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

February 3, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Warren A. Bishop, reappointed February 5, 1993, for a term ending at the Governor's pleasure, as Chair of the Energy Facility Site Evaluation Council.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Energy and Utilities.

February 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Reverend Leo Brown, reappointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ron Forest, appointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kevin M. Hughes, reappointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Harlan Douglass, reappointed February 23, 1993, for a term ending June 30, 1993, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry Kowbel, reappointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Josephine V. Tamayo Murray, reappointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

February 24, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RuthAnn Kurose, reappointed February 26, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

February 24, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Senator Harriet A. Spanel, appointed February 26, 1993, for a term ending June 12, 1995, as a member of the Pacific Marine Fisheries Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

February 24, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

G. Kirby White, appointed February 26, 1993, for a term ending January 21, 1997, as a member of the Board of Pharmacy.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

March 5, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donna E. Dilger, reappointed March 11, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

March 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Samuel R. Johnston, reappointed March 9, 1993, for a term ending September 25, 1995, as a member of the Clemency and Pardons Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 9, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Reginald T. Roberts, reappointed March 9, 1993, for a term ending September 25, 1996, as a member of the Clemency and Pardons Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ralph DiSibio, reappointed March 10, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ardith Divine, reappointed March 10, 1993, for a term ending June 30, 1997, as a member of the Gambling Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

March 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Yvonne Huggins-Mclean, appointed March 10, 1993, for a term ending September 25, 1996, as a member of the Clemency and Pardons Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 10, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Vickie McNeill, reappointed March 10, 1993, for a term ending June 30, 1995, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 10, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Wanda Mosbarger, reappointed March 10, 1993, for a term ending June 30, 1994, as a member of the Gambling Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Labor and Commerce.

March 10, 1993

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

I have the honor to submit the following appointment, subject to your confirmation.
Scott D. Oki, appointed March 10, 1993, for a term ending September 30, 1998, as a member of the Board of Regents for the University of Washington.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 10, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Gay V. Selby, reappointed March 10, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 10, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
David Tang, reappointed March 10, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 10, 1993

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

I have the honor to submit the following appointment, subject to your confirmation.
Wilfred Woods, appointed March 10, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Central Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

March 15, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1256,
SUBSTITUTE HOUSE BILL NO. 1258,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,
ENGROSSED HOUSE BILL NO. 1481,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
SUBSTITUTE HOUSE BILL NO. 1527,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,

ENGROSSED HOUSE BILL NO. 1653,
ENGROSSED HOUSE BILL NO. 1695,
SUBSTITUTE HOUSE BILL NO. 1733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739,
ENGROSSED HOUSE BILL NO. 1845,
ENGROSSED HOUSE BILL NO. 2009,
SUBSTITUTE HOUSE BILL NO. 2047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4003,
ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 16, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1128,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160,
SUBSTITUTE HOUSE BILL NO. 1190,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1343,
HOUSE BILL NO. 1394,
ENGROSSED HOUSE BILL NO. 1404,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412,
SUBSTITUTE HOUSE BILL NO. 1458,
SUBSTITUTE HOUSE BILL NO. 1518,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
HOUSE BILL NO. 1644,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1646,
HOUSE BILL NO. 1648,
SUBSTITUTE HOUSE BILL NO. 1690,
SUBSTITUTE HOUSE BILL NO. 1743,
SUBSTITUTE HOUSE BILL NO. 1752,
HOUSE BILL NO. 1757,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1781,
SUBSTITUTE HOUSE BILL NO. 1814,
SUBSTITUTE HOUSE BILL NO. 1817,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1871,
SUBSTITUTE HOUSE BILL NO. 1912,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
SUBSTITUTE HOUSE BILL NO. 1959, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 16, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862,
SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1128 by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Holm, Silver, Vance, Edmondson, Heavey, Foreman, Ballard, Brough, Long, Miller and Brumsickle) (by request of Washington State Patrol)

Funding blood and breath alcohol testing programs.

Referred to Committee on Law and Justice.

ESHB 1160 by House Committee on Judiciary (originally sponsored by Representatives R. Johnson, Ballasiotes, Padden, Long, Fuhrman, Campbell, Kremen, Brough, Jones, Quall, Pruitt, Rayburn, Sheahan, Horn, Brumsickle, Van Luven, Talcott, Lisk, Edmondson, Mielke, King, Miller, Wood, Foreman, Sehlin and Silver)

Providing for notification to crime victims of certain rights.

Referred to Committee on Law and Justice.

SHB 1190 by House Committee on State Government (originally sponsored by Representatives Anderson, Reams, Wang, Rust, J. Kohl, Thibaudeau, G. Cole, Appelwick, Leonard, Johanson and Pruitt)

Providing for voter registration by affidavit.

Referred to Committee on Government Operations.

ESHB 1236 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Rust, Pruitt and Sheldon) (by request of Department of Ecology)

Establishing fees for certain water rights.

Referred to Committee on Ecology and Parks.

EHB 1256 by Representatives Dellwo, Morris and Dyer (by request of Department of Health)

Modifying disciplining of health professionals under the uniform disciplinary act.

Referred to Committee on Health and Human Services.

SHB 1258 by House Committee on Agriculture and Rural Development (originally sponsored by Representative Rayburn)

Modifying water rights claims provision.

Referred to Committee on Energy and Utilities.

ESHB 1268 by House Committee on State Government (originally sponsored by Representatives Dunshee, Wolfe, Linville, Riley, Quall, Grant, Pruitt, Romero, R. Meyers, Zellinsky, Eide, Veloria, Karahalios, Brough, Brown, Kessler, Edmondson and Finkbeiner)

Creating a program of voluntary campaign spending limits for state offices.

Referred to Committee on Law and Justice.

ESHB 1298 by House Committee on Education (originally sponsored by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Pruitt, Rust, Cothorn, Jones, Long, Chappell, Holm, Eide, Linville, Johanson, Foreman, Riley, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Carlson, Brumsickle, Thomas, H. Myers, Rayburn and Orr) (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Providing for a simple majority of electors voting to authorize school district and library district levies and bonds.

Referred to Committee on Education.

ESHB 1338 by House Committee on Judiciary (originally sponsored by Representatives Thibaudeau, Appelwick, Ballasiotes, H. Myers, Flemming, Dyer, Eide, Cooke, Zellinsky, Johanson, Romero, Forner, Reams, Rust, Schmidt, Riley, Dunshee, Brough, Ogden, J. Kohl, Locke, Anderson, Ludwig, Edmondson, Horn, Heavey, Cothorn, R. Johnson, King, Veloria, Rayburn, Bray, Orr, Pruitt, Karahalios, Lemmon, Carlson, Kessler, Wolfe, R. Fisher, Hansen, Jacobsen, Morris, Quall, Franklin, L. Johnson, Leonard, Jones, Valle, G. Cole, Holm, Wang, Grant, Dorn, Sheldon, Sommers, Miller, Finkbeiner, Brown, Scott, Roland, Shin, R. Meyers, Springer, Basich, Campbell, Wood, Long, Wineberry and Dellwo)

Prohibiting interference with access to or from a health care facility.

Referred to Committee on Law and Justice.

SHB 1343 by House Committee on Corrections (originally sponsored by Representatives Morris, Ballasiotes, Brough, Leonard, Heavey, Scott, G. Cole, R. Fisher, Kremen, Long, Rust, Carlson, Veloria, Dellwo, Karahalios, Wang, Grant, Jones, Wolfe, Franklin, Forner, Jacobsen, Appelwick, Campbell, H. Myers, Kessler, Springer, Miller, Locke, Roland, Valle, Basich, Wood, Quall, King, Johanson, Hansen, L. Johnson, Ogden, J. Kohl, Wineberry and Anderson)

Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989.

Referred to Committee on Law and Justice.

HB 1394 by Representatives R. Fisher, R. Meyers, Pruitt, Campbell and Jacobsen

Strengthening penalties for improper use of HOV lanes.

Referred to Committee on Transportation.

EHB 1404 by Representatives Ogden, Silver, Chandler, Sommers, Fuhrman, Locke, Valle, Ballasiotes, Jones, Roland, Brough, Long, Foreman, Ballard, Wood, Miller, Forner, Tate, Schoesler, Reams, Morton and J. Kohl (by request of Legislative Budget Committee)

Regulating personal service contracts.

Referred to Committee on Government Operations.

ESHB 1412 by House Committee on Judiciary (originally sponsored by Representatives R. Meyers, Padden, Dellwo and Scott)

Changing provisions relating to prejudgment interest.

Referred to Committee on Law and Justice.

ESHB 1442 by House Committee on Natural Resources and Parks (originally sponsored by Representatives R. Johnson, Roland and J. Kohl)

Creating the water resources policy commission.

Referred to Committee on Energy and Utilities.

SHB 1458 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Dorn, R. Johnson and Fuhrman)

Regulating retail charge agreements.

Referred to Committee on Labor and Commerce.

EHB 1481 by Representatives G. Fisher, Foreman, Wang and Quall (by request of Department of Revenue)

Modifying taxation of ships and vessels.

Referred to Committee on Ways and Means.

ESHB 1493 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wineberry, Forner, Shin, Sheldon, Leonard, Basich, Locke, J. Kohl, Morris and Anderson)

Assisting minority and women-owned businesses.

Referred to Committee on Trade, Technology and Economic Development.

SHB 1518 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Valle, Dunshee, Pruitt, Rust, J. Kohl, Holm, Jacobsen, Linville and Eide)

Creating a water trail recreation program.

Referred to Committee on Ecology and Parks.

SHB 1527 by House Committee on Appropriations (originally sponsored by Representatives Linville and Locke) (by request of Office of Financial Management)

Modifying funding of the dependent care program.

Referred to Committee on Ways and Means.

ESHB 1529 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Springer, Morton, Chappell, Holm, Campbell, King, Jones, Basich, Rayburn, Sheldon and Kessler) (by request of Office of Financial Management)

Reauthorizing certain timber programs.

Referred to Committee on Trade, Technology and Economic Development.

ESHB 1562 by House Committee on Local Government (originally sponsored by Representatives Brown, Dellwo, H. Myers, Orr, Mastin and J. Kohl)

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.

Referred to Committee on Labor and Commerce.

ESHB 1569 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Veloria, Wineberry, Romero, Wang, Locke, Thibaudeau, Wolfe, Brough, Miller, Leonard, Campbell, Cothorn, L. Johnson, J. Kohl and Anderson)

Changing provisions relating to malicious harassment.

Referred to Committee on Law and Justice.

ESHB 1622 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Chappell, Chandler and Rayburn) (by request of Department of Agriculture)

Modifying the regulation of fertilizer.

Referred to Committee on Agriculture.

HB 1644 by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Patterson, Brough, King, Springer, Forner, Wineberry and J. Kohl

Changing provisions relating to voting by mail.

Referred to Committee on Government Operations.

HB 1645 by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, Wang, Cothorn, Wineberry and J. Kohl

Changing provisions relating to initiatives and referenda.

Referred to Committee on Government Operations.

HB 1646 by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, King, Miller, Springer, Forner, Wineberry and J. Kohl

Expanding eligibility for ongoing absentee voter status.

Referred to Committee on Government Operations.

HB 1648 by Representatives Wineberry, Anderson, Veloria, Pruitt, King, Springer, Leonard and J. Kohl

Extending the voter registration period.

Referred to Committee on Government Operations.

EHB 1653 by Representatives King, Lisk, G. Cole and Fuhrman

Regulating vocational rehabilitation services in industrial insurance.

Referred to Committee on Labor and Commerce.

SHB 1690 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Hansen, Chandler and Bray)

Changing provisions relating to hazardous waste permits.

Referred to Committee on Ecology and Parks.

EHB 1695 by Representatives G. Fisher, Heavey, Valle, Patterson and H. Myers

Changing provisions relating to port districts.

Referred to Committee on Government Operations.

SHB 1733 by House Committee on State Government (originally sponsored by Representatives Linville, Reams, Brumsickle, Anderson, Pruitt, Kremen, Wolfe, Sommers, Ballard, Peery, Jones, King, Basich, Roland, G. Fisher, L. Johnson, Romero, Lemmon, Ogden, Karahalios, Eide and H. Myers) (by request of Productivity Board)

Clarifying productivity awards programs.

Referred to Committee on Government Operations.

ESHB 1739 by House Committee on State Government (originally sponsored by Representatives Finkbeiner, Dyer, Heavey, Quall, Cothorn, Johanson, Springer, Brumsickle, Schoesler, Dunshee, H. Myers, Sheldon, Romero, Pruitt, G. Fisher, Orr, Roland, Lemmon and Anderson)

Creating the citizen suggestion program.

Referred to Committee on Government Operations.

SHB 1743 by House Committee on Environmental Affairs (originally sponsored by Representatives Flemming, Horn, Rust, Linville, Valle and J. Kohl)

Establishing a pilot multimedia program for pollution prevention.

Referred to Committee on Ecology and Parks.

SHB 1752 by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, Casada and Miller)

Changing telephone relay service provisions.

Referred to Committee on Energy and Utilities.

HB 1757 by Representatives Heavey, Veloria, Brumsickle, Lisk and King

Requiring continuing education for electricians.

Referred to Committee on Labor and Commerce.

SHB 1765 by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long, Cooke, Dellwo, Mastin, Thibaudeau, Campbell, Riley, Johanson, Karahalios, Eide, J. Kohl, Springer and Leonard)

Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington.

Referred to Committee on Law and Justice.

SHB 1781 by House Committee on Environmental Affairs (originally sponsored by Representatives Chandler, Hansen and Rust)

Requiring negotiation to mitigate probable adverse impacts of hazardous waste incinerators.

Referred to Committee on Ecology and Parks.

ESHB 1806 by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Horn and Rust)

Changing regulation and licensure of well contractors and operators.

Referred to Committee on Ecology and Parks.

SHB 1814 by House Committee on Environmental Affairs (originally sponsored by Representatives Hansen, Chandler, Rust and Bray)

Requiring additional financial responsibility for hazardous waste disposal facilities that incinerate hazardous wastes or substances.

Referred to Committee on Ecology and Parks.

SHB 1817 by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long, Edmondson, Valle, Rayburn, Karahalios, Riley, Springer, Campbell and Cothorn)

Directing the department of corrections to review the offender health care system.

Referred to Committee on Law and Justice.

EHB 1845 by Representatives Lemmon, Locke, R. Fisher, Forner, J. Kohl, Orr, Hansen, R. Meyers, Edmondson, Eide, Rayburn, Grant, Johanson, Leonard and Brough

Modifying certain horse racing purses.

Referred to Committee on Labor and Commerce.

ESHB 1862 by House Committee on Revenue (originally sponsored by Representatives Mastin, Grant, Ludwig, Bray and Jacobsen)

Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco.

Referred to Committee on Ways and Means.

ESHB 1871 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Kessler and Lemmon)

Regulating chiropractic care for industrial insurance.

Referred to Committee on Labor and Commerce.

SHB 1912 by House Committee on Corrections (originally sponsored by Representatives Morris and Long)

Establishing guidelines for allowing witnesses at an execution.

Referred to Committee on Law and Justice.

ESHB 1922 by House Committee on Corrections (originally sponsored by Representatives Lemmon, Mastin, Morris, Hansen, Basich, Kessler, Johanson, Scott, Tate, Bray, Campbell, Dunshee, Eide, Orr, Grant, Lisk, Ludwig, R. Meyers, Springer, Finkbeiner, Dorn, Vance, Quall, Kremen, Rayburn, Brough, Foreman, Riley, L. Johnson, Horn, King, Forner, Roland, Ogden, Thomas, Brumsickle, Long, Casada, Ballasiotes, Mielke, Cooke, Van Luven and Karahalios)

Creating a work ethic boot camp program within the department of corrections.

Referred to Committee on Law and Justice.

SHB 1959 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Springer)

Modifying the issuance of citations under the Washington industrial safety and health act.

Referred to Committee on Labor and Commerce.

EHB 2009 by Representatives J. Kohl, Wineberry, G. Cole and Holm

Including condominiums in parking and business improvement areas.

Referred to Committee on Trade, Technology and Economic Development.

SHB 2047 by House Committee on State Government (originally sponsored by Representatives Anderson, Wang, Reams, Veloria, Valle, R. Fisher, Springer, Orr and Conway) (by request of Department of General Administration)

Providing consolidated mail service for state agencies.

Referred to Committee on Government Operations.

ESHB 2054 by House Committee on Appropriations (originally sponsored by Representatives Peery, Reams, Anderson, Heavey, R. Fisher, G. Cole, Ogden and Lemmon) (by request of Governor Lowry)

Reforming public employment law.

Referred to Committee on Labor and Commerce.

SHB 2055 by House Committee on State Government (originally sponsored by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway) (by request of Governor Lowry)

Creating the department of fish and wildlife.

Referred to Committee on Natural Resources.

ESHB 2067 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Wolfe, Anderson, Schmidt, Locke, Pruitt, Kremen, Springer and Eide) (by request of Department of General Administration)

Encouraging commute trip reduction programs.

Referred to Committee on Transportation.

EHJM 4003 by Representatives Mastin, Rayburn, Lisk, Sheahan, Grant, Bray, Ludwig, Chandler, Schoesler, Ballard, Foreman, Roland, Edmondson, Lemmon and Hansen

Concerning the preservation of salmon.

Referred to Committee on Energy and Utilities.

ESHJR 4204 by House Committee on Education (originally sponsored by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Rust, Sheldon, Jones, Chappell, Holm, Shin, R. Johnson, Johanson, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Brumsickle, Thomas, H. Myers, Rayburn and King) (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district.

Referred to Committee on Education.

MOTION

At 12:01 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, March 19, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY, MARCH 18, 1993

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

SIXTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, March 19, 1993
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095

March 5, 1993

Mr. Marty Brown
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Marty:

Enclosed is our Report to the Legislature on Family Reconciliation Services Evaluation as required by Chapter 364, Section 1, Laws of 1991.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
JEAN T. SOLIZ, Secretary

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

MESSAGE FROM THE HOUSE

March 17, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1045,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1248,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1585,
ENGROSSED HOUSE BILL NO. 1824, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 17, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
ENGROSSED HOUSE BILL NO. 1152,
ENGROSSED HOUSE BILL NO. 1175,
SUBSTITUTE HOUSE BILL NO. 1287,
ENGROSSED HOUSE BILL NO. 1536,
HOUSE BILL NO. 1606,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,
HOUSE BILL NO. 1884,
SUBSTITUTE HOUSE BILL NO. 1893,
HOUSE BILL NO. 1975,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2004,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

March 17, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5961 by Senators A. Smith and Quigley

AN ACT Relating to judicial review of adjudicative proceedings; and amending RCW 34.05.518 and 34.05.514.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1045 by House Committee on Commerce and Labor (originally sponsored by Representatives Orr, Mastin, Riley, Zellinsky, Roland, Sheldon, Dorn, R. Meyers, Grant, Kremen, Ludwig, R. Fisher, Morris, R. Johnson, Scott, Bray, Talcott, Campbell, Rayburn, Padden, Foreman, Dyer, Sheahan, Ballasiotes, Long, Springer, Stevens, Brumsickle, Horn, Forner, Miller, Schmidt, Sehlin, Edmondson, Hansen, Lemmon, Schoesler, Morton, Fuhrman, Tate, Vance, Thomas, Mielke, Chandler, Lisk, Wood, Cooke, Sommers and Silver)

Limiting the working hours of minors.

Referred to Committee on Labor and Commerce.

ESHB 1135 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson)

Modifying the regulation of "alternative livestock."

Referred to Committee on Agriculture.

ESHB 1136 by House Committee on Appropriations (originally sponsored by Representatives Reams, Wineberry, Leonard, Brough, Sommers, Forner, Ludwig, Wolfe, Springer, Chandler, Shin, Silver, Mielke, Ballard, Karahalios, Foreman, Miller, Brumsickle, Vance, Thibaudeau, Horn, Wood, Quall, Kremen, Morton, Talcott, Tate, Cooke and Ogden)

Encouraging home matching.

Referred to Committee on Labor and Commerce.

EHB 1152 by Representatives Thibaudeau, Heavey, King, Vance, Veloria, G. Cole, Riley and J. Kohl

Denominating the Washington state bar association a public employer for collective bargaining purposes.

Referred to Committee on Labor and Commerce.

ESHB 1175 by Representatives Jacobsen, Dellwo, Dorn, J. Kohl, Brumsickle, Linville, Dunshee, Pruitt, Johanson, Wood, Leonard and Basich

Regarding the study of American Indian languages and cultures in the common schools.

Referred to Committee on Education.

ESHB 1197 by House Committee on Human Services (originally sponsored by Representatives Leonard, Cooke, Riley, Flemming, Valle, Brown, G. Cole, Mielke, Veloria, Wineberry, Dorn, Anderson, J. Kohl, Karahalios, H. Myers, Vance, Ogden, King, Jones, Eide, Johanson, R. Meyers, Cothorn, Roland, Holm, Wolfe, Franklin, Thibaudeau, Springer, Basich, Kremen, Foreman, Kessler, Campbell, Dunshee, Lemmon, Linville and Pruitt)

Allowing families to retain a greater percentage of income before public benefits are reduced or terminated.

Referred to Committee on Health and Human Services.

ESHB 1248 by House Committee on Appropriations (originally sponsored by Representatives King, Heavey, Franklin, Orr, Jones, G. Cole, Veloria and Johanson)

Regulating the increase of industrial insurance death and disability benefits.

Referred to Committee on Labor and Commerce.

SHB 1287 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Thibaudeau, Franklin, Flemming, G. Cole, Riley and H. Myers)

Providing for collective bargaining of agricultural employees.

Referred to Committee on Labor and Commerce.

ESHB 1372 by House Committee on State Government (originally sponsored by Representatives Pruitt, R. Fisher, Mielke, Sheldon, Dorn, Long, Veloria, Roland, Romero, Shin, R. Meyers, Finkbeiner, Jones, Dunshee, Jacobsen, Riley, Holm, Mastin, Kessler, Linville, Springer, Wolfe, Franklin, Kremen, Johanson, Karahalios, Flemming, Tate, L. Johnson, J. Kohl, Dellwo, G. Cole and Anderson) (by request of State Auditor)

Creating the government accountability task force.

Referred to Committee on Ways and Means.

ESHB 1393 by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole, Heavey, King, Franklin, Jones, Dunshee, Romero, Quall, Thibaudeau, Veloria, Appelwick, R. Johnson, Wolfe, Wood, Rust, Pruitt, Leonard, Basich, Wineberry, Ogden, R. Meyers, Wang, Scott, Cothorn, Kessler, Flemming, Johanson, Conway, J. Kohl and Anderson)

Providing for periodic adjustments of the state minimum wage.

Referred to Committee on Labor and Commerce.

ESHB 1441 by House Committee on Environmental Affairs (originally sponsored by Representatives R. Johnson, Rust, Quall, Linville, Dunshee, Basich, Finkbeiner, Karahalios, J. Kohl, R. Meyers, Roland, Romero and Johanson)

Providing for flood damage reduction.

Referred to Committee on Natural Resources.

ESHB 1445 by House Committee on Commerce and Labor (originally sponsored by Representatives J. Kohl, Brough, Wineberry, Romero, Veloria, Ogden, G. Cole, Thibaudeau, Anderson, Sheldon, Leonard, Shin, Wang and Heavey)

Modifying the scope of the state law against discrimination.

Referred to Committee on Law and Justice.

EHB 1536 by Representatives Wineberry, Casada, Leonard, Ogden, Morris, Quall, Valle, Brough, Vance, Pruitt, Forner and Flemming

Maintaining mobile home parks.

Referred to Committee on Labor and Commerce.

ESHB 1585 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Ogden, Long, Wolfe, Morris, Conway, Wineberry, Forner, Leonard, Valle, Pruitt and J. Kohl)

Creating the Washington housing policy act.

Referred to Committee on Labor and Commerce.

HB 1606 by Representatives Hansen, Cothorn, Brumsickle, King and Rayburn (by request of Superintendent of Public Instruction)

Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts.

Referred to Committee on Education.

ESHB 1672 by House Committee on Human Services (originally sponsored by Representatives Wineberry, J. Kohl, Wood, Anderson, Sheldon, Voloria, Scott, Jones, Ludwig, Brough and Foreman)

Creating the eye care for the homeless program in Washington.

Referred to Committee on Health and Human Services.

ESHB 1724 by House Committee on Education (originally sponsored by Representatives Kremen, Morris, Quall, Chandler, Rayburn, Springer, Edmondson, Mastin, Kessler, Finkbeiner, Grant, Dorn, Basich, Zellinsky, Ludwig, Campbell, Lemmon, Brough, Tate, Casada, Wood, Foreman, Holm, Roland, Fuhrman, Stevens, Sheahan, Schoesler, Long and Lisk)

Requiring the superintendent of public instruction to publicize and make available a listing of instructional materials on sexual abstinence.

Referred to Committee on Education.

EHB 1824 by Representatives Wolfe, Wineberry, Forner, Peery, Reams, Valle, Pruitt, Flemming, Leonard, Talcott, Anderson, J. Kohl, Thibaudeau, Jones, King, Quall, H. Myers, Cooke and Finkbeiner

Authorizing conversion of surplus public property to use for affordable housing.

Referred to Committee on Labor and Commerce.

HB 1884 by Representatives Holm, G. Fisher, Edmondson, Kremen and Rayburn

Exempting nonprofit organizations providing credit services from the business and occupation tax.

Referred to Committee on Ways and Means.

SHB 1893 by House Committee on Transportation (originally sponsored by Representatives Zellinsky, Forner, R. Fisher and Kremen)

Regulating motor vehicle dealers' buyer's agents relationships.

Referred to Committee on Transportation.

HB 1975 by Representatives Dunshee and Locke (by request of Department of Social and Health Services)

Modifying provisions relating to nursing home reimbursement overpayments.

Referred to Committee on Health and Human Services.

ESHB 2004 by House Committee on Corrections (originally sponsored by Representatives Morris, Long and Springer)

Changing provisions relating to criminal sentencing and correctional industries.

Referred to Committee on Law and Justice.

ESHB 2071 by House Committee on Health Care (originally sponsored by Representatives L. Johnson, Dellwo, Quall, Campbell and Karahalios)

Regulating access to tobacco.

Referred to Committee on Health and Human Services.

MOTION

At 12:02 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, March 22, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY, MARCH 19, 1993

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

SEVENTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 22, 1993
The Senate was called to order at 12:00 noon by President Pro Tempore Wojahn. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE

March 18, 1993
SB 5727 Prime Sponsor, Senator Rinehart: Financing school district health services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Moyer, Quigley, Snyder, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 9, 1993
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Dr. Anita M. Peterson, reappointed March 9, 1993, for a term ending September 25, 1993, as a member of the Clemency and Pardons Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 11, 1993
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Gwen Chaplin, appointed March 11, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 11, 1993
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Ronald Murphy, appointed March 11, 1993, for a term ending December 5, 1996, as a member of the Eastern State
Hospital Advisory Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Health and Human Services.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Napoleon Caldwell, reappointed March 12, 1993, for a term ending August 2, 1993, as a member of the Sentencing
Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Seth Dawson, reappointed March 12, 1993, for a term ending August 2, 1995, as a member of the Sentencing Guidelines
Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
L. Daniel Fessler, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing
Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Pleas Green, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing Guidelines
Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Judge Susan Hahn, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing
Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Judge Marcus M. Kelly, reappointed March 12, 1993, for a term ending August 2, 1995, as a member of the Sentencing
Guidelines Commission.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret Laidlaw, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Robert Lasnik, reappointed March 12, 1993, for a term ending August 2, 1995, as Chair of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Ricardo Martinez, reappointed March 12, 1993, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Spearman, reappointed March 12, 1993, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sally Storm, reappointed March 12, 1993, for a term ending August 2, 1994, as a member of the Sentencing Guidelines Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith Wiseman, reappointed March 12, 1993, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

March 15, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Daniel A. DiGuillio, reappointed March 15, 1993, for a term ending November 2, 1995, as a member of the Juvenile
Disposition Standards Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 15, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Judge Richard Hicks, reappointed March 15, 1993, for a term ending November 2, 1995, as a member of the Juvenile
Disposition Standards Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 15, 1993

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

I have the honor to submit the following appointment, subject to your confirmation.
Richard Kelly, appointed April 1, 1993, for a term ending June 30, 1996, as a member of the Pollution Control/Shorelines
Hearings Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

March 15, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Rufus McKee, reappointed March 15, 1993, for a term ending November 2, 1993, as a member of the Juvenile Disposition
Standards Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 15, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
William S. Pine, reappointed March 15, 1993, for a term ending November 2, 1995, as a member of the Juvenile
Disposition Standards Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 15, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Marilee Roloff, reappointed March 15, 1993, for a term ending November 2, 1995, as a member of the Juvenile
Disposition Standards Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 15, 1993

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

I have the honor to submit the following reappointment, subject to your confirmation.
Patricia Tobis, reappointed March 15, 1993, for a term ending November 2, 1993, as a member of the Juvenile
Disposition Standards Commission.

Sincerely,

MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

MESSAGE FROM THE HOUSE

March 19, 1993

MR. PRESIDENT:

The Speaker has adopted HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5962 by Senator Vognild (by request of Governor Lowry)

AN ACT Relating to transportation funding; amending RCW 46.16.070, 46.16.160, 46.44.0941, 46.44.095, 46.44.096, 46.68.035, 47.78.010, 81.104.170, 82.08.050, 82.14.045, 82.36.025, 82.36.415, 82.36.440, 82.38.280, 82.80.010, 82.80.090, 39.50.010, 81.104.015, 81.104.010, 81.104.020, 81.104.050, 81.104.060, 81.104.070, 81.104.100, 81.104.120, 81.104.130, 81.112.010, 81.112.030, 81.112.060, 81.112.070, and 81.112.080; reenacting and amending RCW 46.44.041, 82.08.0255, 82.12.0256, and 82.44.150; adding a new section to chapter 47.05 RCW; adding new sections to chapter 46.68 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 81.104 RCW; creating new sections; repealing RCW 46.44.160 and 82.36.225; repealing 1987 c 175 s 1 and 1980 c 166 s 5 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5963 by Senators Vognild, Loveland, Newhouse and Nelson (by request of Department of Transportation)

AN ACT Relating to priority programming of multimodal solutions to address state highway deficiencies; amending RCW 47.05.010, 47.05.021, 47.05.030, 47.05.035, and 47.05.051; adding a new section to chapter 47.05 RCW; and repealing RCW 47.05.040, 47.05.055, 47.05.070, and 47.05.085.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4416 by Representatives Peery and Ballard

Resolving that the House and Senate meet in Joint Session to receive the budget message from Governor Lowry.

MOTION

On motion of Senator Sheldon, the rules were suspended, House Concurrent Resolution No. 4416 was advanced to second reading and placed on the second reading calendar.

SECOND READING

HCR 4416 by Representatives Peery and Ballard

Resolving that the House and Senate meet in Joint Session to receive the budget message from Governor Lowry.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, House Concurrent Resolution No. 4416 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTION

At 12:08 p.m., on motion of Senator Sheldon, the Senate adjourned until 11:30 a.m., Tuesday, March 23, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY, MARCH 22, 1993

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SEVENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 23, 1993
The Senate was called to order at 11:30 a.m. by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 19, 1993
SB 5823 Prime Sponsor, Senator Rinehart: Funding the state auditor municipal corporation division. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5823 as recommended by Committee on Government Operations be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hochstatter, Moyer, Owen, Pelz, Quigley, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 19, 1993
SB 5957 Prime Sponsor, Senator Rinehart: Changing the tax rate on intermediate care facilities for the mentally retarded. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Moyer, Owen, Pelz, Quigley, Snyder, and Williams.

Passed to Committee on Rules for second reading.

March 19, 1993
SHB 1003 Prime Sponsor, House Committee on Local Government: Concerning judicial proceedings for involuntary commitment or detention. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, McAuliffe, McDonald, Moyer, Prentice, Quigley, and Winsley.

Passed to Committee on Rules for second reading.

March 19, 1993
HB 1038 Prime Sponsor, Representative Dellwo: Correcting a double amendment related to authorized functions of health care assistants. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, McAuliffe, McDonald, Moyer, Prentice, Quigley, and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1993

SHB 1169 Prime Sponsor, House Committee on Fisheries and Wildlife: Regulating marine finfish rearing facilities. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Oke, Sellar, and Snyder.

Referred to Committee on Ways and Means.

March 19, 1993

HB 1206 Prime Sponsor, Representative Leonard: Updating statutes for rehabilitation services for handicapped persons. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, McAuliffe, Moyer, Prentice, Quigley, and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1993

HB 1212 Prime Sponsor, Representative Dorn: Changing the approval authority for state allocations for youth shows and fairs. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 19, 1993

SHB 1254 Prime Sponsor, House Committee on Health Care: Modifying controlled substances definitions, standards, and schedule. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, McAuliffe, Moyer, Prentice, Quigley, and Winsley.

Passed to Committee on Rules for second reading.

March 19, 1993

HB 1479 Prime Sponsor, Representative G. Fisher: Modifying the uniform unclaimed property act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hochstatter, Moyer, Owen, Pelz, Quigley, Sutherland, Talmadge, and Williams.

Passed to Committee on Rules for second reading.

March 22, 1993

SHB 1612 Prime Sponsor, House Committee on Appropriations: Testing the feasibility of remote site incubators for salmon enhancement. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 22, 1993

EHB 1708 Prime Sponsor, Representative Peery: Increasing the membership of the commission on student learning. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1993

HJM 4007 Prime Sponsor, Representative Bray: Petitioning Congress and the Secretary of Energy to name the Hanford and Lands Ecology Reserve after Richard Fitzner and Les Eberhardt. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Owen, Roach, A. Smith, West, and Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 19, 1993

GA 9113 ANN E. DALEY, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Director of the Office of Financial Management.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, McDonald, Owen, Pelz, Quigley, Snyder, Williams, and Wojahn.

Passed to Committee on Rules.

March 19, 1993

GA 9130 SHERYL WILSON, appointed February 15, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Retirement Systems.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Hochstatter, McDonald, Owen, Pelz, Quigley, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules.

March 19, 1993

GA 9151 JIMMY CASON, reappointed February 9, 1993, for a term ending December 31, 1994, as a member of the Investment Board.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Hochstatter, McDonald, Owen, Pelz, Quigley, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules.

March 19, 1993

GA 9209 GARY MOORE, reappointed February 9, 1993, for a term ending December 31, 1993, as a member of the Investment Board.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Hochstatter, McDonald, Owen, Pelz, Quigley, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

March 22, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SJM 8024 by Senators Talmadge, Pelz, Prentice and Moore

Requesting the reordering of federal spending priorities towards education.

Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1435 by House Committee on Capital Budget (originally sponsored by Representatives Wang and Ogden) (by request of Office of Financial Management)

Adopting the supplemental capital budget.

Referred to Committee on Ways and Means.

MOTION

At 11:37 a.m., on motion of Senator Jesernig, the Senate adjourned until 11:30 a.m., Wednesday, March 24, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY, MARCH 23, 1993

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

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 24, 1993

The Senate was called to order at 11:30 a.m. by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 23, 1993

SHB 1019 Prime Sponsor, House Committee on Local Government: Changing provisions relating to the conduct of meetings in cities and towns. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1020 Prime Sponsor, Representative Springer: Clarifying the authority of towns to manage property. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1021 Prime Sponsor, House Committee on Local Government: Changing provisions relating to municipal ordinances. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1024 Prime Sponsor, Representative Rayburn: Extending the maturity date for general obligation bonds issued by fire protection districts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1026 Prime Sponsor, House Committee on Local Government: Excepting public defender services from county competitive bid requirements. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1036 Prime Sponsor, Representative H. Myers: Correcting a double amendment relating to funding bonds. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1037 Prime Sponsor, Representative Bray: Correcting a double amendment relating to auction sales of county property. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1061 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying irrigation district mergers. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 22, 1993

SHB 1064 Prime Sponsor, House Committee on Education: Requiring the adoption of a policy prohibiting corporal punishment in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Moyer, M. Rasmussen, Rinehart, Skratek, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1097 Prime Sponsor, Representative Jacobsen: Consolidating the state capital historical association and the state historical society. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1119 Prime Sponsor, House Committee on State Government: Prohibiting state agencies from accepting advertising from unregistered sellers. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1184 Prime Sponsor, Representative Edmondson: Modifying the requirements for the formation of a less than county-wide port district. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1316 Prime Sponsor, House Committee on Local Government: Authorizing city councilmembers to serve as reserve police officers. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1347 Prime Sponsor, Representative Forner: Authorizing the department of agriculture to control diseases in alpacas and llamas. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 23, 1993

ESHB 1399 Prime Sponsor, House Committee on Energy and Utilities: Prohibiting unauthorized liquified petroleum gas container use. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, and West.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1787 Prime Sponsor, House Committee on Natural Resources and Parks: Eliminating certain provisions about water resource inventory and planning areas. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1886 Prime Sponsor, House Committee on Energy and Utilities: Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, and West.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1977 Prime Sponsor, House Committee on Natural Resources and Parks: Clarifying authorization for water right certificate holders to participate in acreage expansion programs. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

March 22, 1993

GA 9228 CYNTHIA L. RONEY, reappointed February 6, 1993, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Rasmussen, Rinehart, Skratek, and A. Smith.

Passed to Committee on Rules.

March 22, 1993

GA 9232 RUBY N. RYLES, reappointed February 5, 1993, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Rasmussen, Rinehart, Skratek, and A. Smith.

Passed to Committee on Rules.

March 22, 1993

GA 9134 KAY ADAMSON, reappointed February 1, 1993, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Rasmussen, Rinehart, Skratek, and A. Smith.

Passed to Committee on Rules.

MOTION

At 11:35 a.m., on motion of Senator Jesernig, the Senate recessed for the purpose of a Joint Session and will reconvene at 1:30 p.m.

JOINT SESSION

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

The Speaker instructed the Sergeant at Arms of the House and the Senate to escort the President of the Senate Joel Pritchard to his seat on the rostrum and to escort President Pro Tempore of the Senate R. Lorraine Wojahn, Vice President Pro Tempore of the Senate Al Williams, Majority Leader Marcus S. Gaspard and Republican Leader George L. Sellar to seats on the rostrum.

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

The Speaker presented the gavel to President Pritchard.

The Secretary of the Senate called the roll of the Senate.

The Clerk of the House called the roll of the House.

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Hochstatter and Loveland and Representatives Ruth Fisher and Silver as a special committee to advise His Excellency, Governor Mike Lowry, that the Joint Session had assembled and to escort him from this office to the House Rostrum.

The President of the Senate appointed Senators Franklin, Moore, Winsley, and West and Representatives Morris, Ogden, Sheahan and Foreman as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Drew, Fraser, Hargrove, Bluechel, Erwin, and Roach and Representatives H. Myers, Veloria, Wolfe, Chandler, Schoesler and Thomas as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices and the State Elected Officials.

INTRODUCTION OF SPECIAL GUESTS

The President of the Senate introduced the Austrian Ambassador to the United States Helmut Turk, Austrian Consul General Christian Prosol from the Los Angeles Consulate and Honorary Consul General Walter Weber from the Seattle Consulate, who were seated in the gallery.

INTRODUCTION OF GOVERNOR LOWRY'S FAMILY

The President of the Senate introduced Governor Lowry's wife Mary, his Mother Helen, and his daughter Diane, who were seated in the gallery.

The President of the Senate presented Speaker Ebersole to introduce Governor Lowry.

REMARKS BY SPEAKER EBERSOLE

Speaker Ebersole: "Thank you, Mr. President, there are many points in the life of our state that mark the crossroads of our history. Today is one of those points. Today the Governor will open both a legislative and a public discussion about how we shape our future by balancing our budget. The proposals we are about to hear will set the course of our state for years to come. How we deal with our budget is not just a matter of making the numbers add up. It is a matter of making choices. Choices about what we value most and where we want to go.

"The most difficult the budget--and this budget is extremely difficult--the more important the quality of leadership in the Governor's office. At this crossroad in our history, we are very fortunate. We have a Governor who is passionately optimistic, a Governor who has immense faith in the goodness of our citizens and a Governor who will work all day and all night to make his vision of our future come true. No matter how difficult the challenge, this Governor will rise to meet it, so now let all of us rise to meet him. Ladies and Gentlemen, the twentieth Governor of the state of Washington, the Honorable Mike Lowry."

GOVERNOR LOWRY'S BUDGET ADDRESS

Governor Lowry: "Thank you, Mr. Speaker. Mr. President, distinguished members of the Supreme Court, distinguished state elected officials, distinguished members of the Legislature, my family and friends, hard working public employees and citizens of the state of Washington, thank you for this opportunity.

"I wish we met today under happier conditions for both the state government and for the state's economy. You've all read the bad news. In the next biennium, state government will face a shortfall of \$1.8 billion and the private sector is not much better off. The national recession saved our state for the last, but not the least. The official estimate for the Washington State revenues for the next biennium dropped six hundred and ten million dollars in just the last four months.

"Washington's unemployment rate is running over nine percent, and we have over one hundred and fifty thousand of our neighbors out of work and looking for jobs. This is a terrible waste and it is a great challenge, but I am confident that we can meet this challenge and overcome these adversities.

"Let me tell you why I'm so optimistic about the future of this state. I'm optimistic because when you look beyond all the bleak headlines and statistics, you see the tremendous assets of Washington State--assets that we have only begun to tap. First, of course, there is our great beauty, the variety of Washington's natural resources. In Washington, you can find virtually every kind of environment, from deserts to ocean beaches, from farmlands to forests, from deepest gorges to the highest peaks. And most of it is still unspoiled. "Second, there is Washington's strategic location. We stand literally on the leading edge of the continent. On the Pacific Rim of the global economy, we stand in the best strategic position and we stand physically, intellectually, and economically on the frontier of the future.

"Third, Washington enjoys the great investments made by previous generations--public investments in our schools, and our ports, and our energy systems, and our highways, and our universities, and private investments in new technology and modern factories. These investments have created an infrastructure of opportunity for everything that exists today and is possible tomorrow.

"Fourth, in Washington we enjoy the freedom to think, to create, to experience different cultures and ideas, to apply our energies as we choose. Ours is still a very young state, barely a hundred years old. We are not gripped by the prejudices and intolerances, and rigid interest groups, and hostile classes, and the old elites and cliques that hobble so many other regions and states.

"Fifth, and most importantly, I'm optimistic about the future because of the quality of Washington's people--because of you--people who are good partners, good workers, good employees, good managers, good professionals, good citizens, good elected officials and a very good Legislature.

"I want to salute this Legislature for the tremendous progress it is making on health care reform, on education reform, on civil service reform, on law and justice reform, on consolidating and streamlining state government and in developing a state wide approach to our infrastructure needs. Each of these high priority items is an important component of getting our fiscal house in order and I thank you for your leadership in making that happen. History will record that the politics of avoidance ended with this Legislature.

"We have a great challenge and a great opportunity with this budget. We face some fundamental choices--not just between cuts and adds, but between reform and stagnation, between action and neglect, between progress and decay. We can choose to balance this budget without any new general fund revenues, but the deepness of the cuts required to do that would devastate our state's future and it would endanger the lives of our people and especially our children. Or we can choose a balanced combination of cuts and new revenues--a responsible budget that will move us to a bright future. That is the budget I have chosen.

"Some argue that projected revenues may grow nine hundred million dollars over the next two years and that should be enough. That sounds reasonable, except that those that argue that fail to note that costs that are out of our immediate control will increase twice that amount, just within four factors. K-12 enrollments--the fact that we are going to have more than fifty thousand more children in K-12 next biennium over this biennium, that cost alone is seven hundred and ninety-nine million dollars more next biennium than this biennium. That cost alone, K-12 increased enrollment, almost eats up that entire nine hundred million dollars. That seven hundred ninety-nine million dollars is not because of government inefficiency, it is because of the baby boom echo. There are more children--more kids in those schools. A tremendous thing for our state, but that costs that amount of money.

"Health care costs, next biennium, will be five hundred and thirty-four million dollars more than this biennium for the same level of health care as a result of this continuing escalating out-of-control health care costs. Now, you are working on a real solution to that. In the future, ten years from now, the future legislators aren't going to be sitting with that same type of problem, because of your leadership for health care reform, which I know we are going to pass this legislative session. The fact is in the next biennium it is going to cost five hundred and thirty-four million dollars more than this biennium, a cost out of your control.

"Corrections--prisons--are going to cost two hundred million dollars more next biennium than this biennium as that prison population continues to go up. Debt service on capital decisions already made before this legislative session got here are going to cost an additional one hundred fifty-nine million dollars more next biennium than this biennium. Just add up those four components of what's driving costs of this budget--those four components that are out of your immediate control--and you will see those are double that nine hundred million dollars. That's the answer why that those that say, 'Hey, you ought to be able to simply use a nine hundred million dollar revenue increase to handle this problem' are not telling the full story.

"Then, in addition to that, the fact that the national recession has now reached our state means that the projected growth in state revenues for the coming biennium is less than one-third the thirty-year average for state revenue growth. So we face, at the same time, rapidly escalating costs and significantly slower revenues. This is the challenge that this Legislature and I inherited, but this is the challenge that we ask for the opportunity to meet. I am confident that the fortitude and the courage and the vision that this Legislature has already shown will mean that we will meet this challenge with great success.

"In preparing this budget, I committed to three fundamental principles: We would restructure, we would invest and we would save. We would restructure for the future by consolidating agencies and programs and eliminating functions and reforming civil service and reducing management and improving service delivery and bringing health care costs under control. We would invest in the future by protecting services for children, by reforming education, by expanding work force training, by increasing aid to low income students, by building local economic development capacity and by improving our stewardship of our state lands. We would save for the future by throwing away the old budget tricks and gimmicks and by building up our cash reserve to guard against future economic adversities. Before we achieved a single reform, before you came, before there was one reform, one investment, one savings, we faced a \$1.8 billion shortfall over the next biennium.

"In this budget I am presenting to you today, we have eliminated that shortfall. Today I am presenting a balanced general fund budget totaling \$16.3 billion for the next biennium. This budget is six hundred and thirty-four million dollars less than the one proposed by Governor Gardner in December--six hundred and thirty-four million dollars less general fund budget than the one proposed by Governor Gardner in December.

"We have cut programs and costs by six hundred and forty-two million dollars and many of those are tough cuts. We have identified two hundred and thirty-one million dollars in alternative sources to pay for vital services. We have intensified collections to cover another one hundred and three million dollars in service costs. We have eliminated the equivalent of twenty-one hundred full-time general fund state jobs, including five hundred managers. We have consolidated agencies such as Fisheries and Wildlife and Community Development and Trade and Economic Development. We have asked our hard-working and dedicated public employees to live for two years without a cost-of-living raise, which is really a net pay cut to them. It is a savings of over four hundred million dollars in this budget and we all need to thank our hard-working public employees for, again, shouldering such a large amount of handling this deficit.

"We have reduced higher education budgets by one hundred forty-eight million dollars. We have reduced K-12 administration programs by one hundred twenty-three million dollars. We have reduced general fund expenditures for social and health services programs by two hundred sixty-one million dollars. People will complain loudly and, in some cases, legitimately that these cuts to their programs are too deep. If you have a better way, tell me. Others will say I have cut too little. If you have a better way, tell me, but the fact is there are some cuts that cost too much.

"While it is important that we cut government spending and streamline operations and make government more efficient, it is also important that we invest for the future. In this budget, we have placed a high priority on investing in the future and in protecting programs for children. We have added funding to feed hungry school kids. We have paid for the first phase of education reform. We have increased spending on children's mental health and prenatal care. While we call for tough management savings in higher education, we refuse to make the penny-wise and pound-foolish mistake of some other states that are presently dismantling their higher education systems.

"We realize that the quality of education that's available to our work force is critical to our economic recovery, and we refuse to make the devastating higher education cuts that a 'no new taxes' budget would require. Because no qualified students should be stopped from achieving their education goals because of income limitations, we will double the number of students getting financial aid and significantly expand work study programs. Again, because of the importance to our economic vitality, we will put new money into retraining our work force and we will put new money into employing dislocated workers to help restore and maintain public lands.

"Now, no responsible budget would be complete without a savings plan and I'm sure the people of this state agree with that. That's why I am proposing that we increase the state's 'rainy day' fund to one hundred forty-four million dollars and also to build an additional cash reserve to raise the state's total reserves to three hundred and sixty-six million dollars, which is more than two percent of the general fund budget. I know the State Treasurer, Dan Grimm, likes that and I suspect that the financial markets will like that, also, and that we will see that that fiscal prudence approach is very good for our state. Unfortunately, however, we cannot set aside this emergency reserve, maintain essential services and pay for new investments without additional revenues.

"After starting with a \$1.8 billion shortfall and making significant and tough cuts, tuition increases, and increased fees for special services, we were still short eight hundred forty-eight million dollars. I am proposing to raise that short fall by closing loopholes on those that are exempted from paying sales taxes on services mostly used by the higher-income. I chose this alternative, because it has the least effect on middle-income and low-income people and families in this state. In choosing this

alternative, I rejected tax alternatives, such as raising the general sales tax, which is unfair to consumers and very regressive, or raising the B and O tax, which is unfair to employers and hurts our small businesses. In fact, I proposed that we reduce B and O taxes to help small businesses and expand sales tax deferrals to help spur new business and investment.

"By closing loopholes as our choice by which to raise this necessary revenue, we are able to greatly reduce the tax effect on the general public. As a matter of fact, this revenue proposal will cost the average family of four only a little over two dollars a month. Let me repeat that--because we choose to raise this needed revenue by closing the loopholes on the high income, we are able to reduce the revenue impact of raising this money on the forty-five thousand dollar family of four to two dollars a month. In Seattle, that's the price of one latte--there went the Seattle vote. For the rest of us, that's less than the price of one 'Grand Slam Breakfast' at Denny's.

"In exchange, we will protect and enhance our most important resource, our children. We will be able to move forward with education reform. We will maintain our excellent higher education system, we will do a better job of stewarding our state lands, we will train and employ dislocated workers and teenagers and we will launch new strategies for economic development. This, I submit, is a grand slam for two dollars a month.

"I know that we will spend the coming weeks debating pennies on the dollar in the budget cuts and new reforms and the size and the fairness of various tax rates. That is part of the job that the people elected us to do, but it is not the whole task entrusted to us. People also expect us to look beyond politics. They ask us to be wise as well as smart; they ask us to be responsible as well as accountable.

"After the gavel falls Sine Die on this session of the Legislature, memory of who won and lost various debates will quickly fade into oblivion, but if we fail to maintain and fund vital services for this state, the people will not forget. If we fail to seize the unique opportunity for reform and investment which faces us today, the generations to come will not forgive us. More than a budget hangs in the balance today. The whole future of our state hangs in the balance. Join with me in this budget. Let's make it a great future. Thank you very much."

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

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

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

MOTION

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

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

The Speaker instructed the Sergeant at Arms of the House and the Senate to escort the President of the Senate Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus S. Gaspard, Republican Leader George L. Sellar and members of the Senate from the House Chamber.

The Senate was called to order at 1:33 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8625

By Senator Gaspard

WHEREAS, Dr. Vishnu N. Bhatia has dedicated forty-one years of his life in service to the people of the state of Washington as a distinguished member of the faculty of Washington State University; and

WHEREAS, Dr. Bhatia currently serves as Director of the Honors Program, Assistant to the President, and Professor of Pharmacy, after previously serving as Director of Washington State University's Office of International Education, and will retire from his position this summer; and

WHEREAS, Among his many honors and accomplishments, Dr. Bhatia was bestowed the Danish Knighthood (Knight's Cross of the Order of Dannebrog) by Her Majesty Queen Margrethe II of Denmark in 1990 for his contributions to education, culture, and business in Denmark; and

WHEREAS, During his years at Washington State University, Dr. Bhatia has enhanced international relations and the intellectual atmosphere on campus through his vision and high standards for himself, his colleagues, his students, and his university; and

WHEREAS, Washington State University has recognized Dr. Bhatia by establishing the "V.N. Bhatia Lecture on Excellence in Education"; and

WHEREAS, The first V.N. Bhatia Lecture on Excellence in Education will be presented on the Pullman campus on Wednesday, March 24, 1993, by Dr. C. Peter Magrath, President of the National Association of State Universities and Land-Grant Colleges;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Dr. Vishnu N. Bhatia for his work, and his years of dedicated service to Washington State University; and

BE IT FURTHER RESOLVED, That the Washington State Senate joins with the people of our state in recognizing the legacy of Dr. Bhatia's academic labors and his unmatched contributions to understanding our place in the world.

MOTION

At 1:38 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, March 25, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY, MARCH 24, 1993

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

SEVENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 25, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Linda Smith and von Reichbauer. On motion of Senator Oke, Senators Linda Smith and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lucy Ruesto and Roland Watson, presented the Colors. Jim Cammack, a member of the Bahi Faith of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5680 Prime Sponsor, Senator Winsley: Funding the office of minority and women's business enterprises. Reported by
Committee on Ways and Means March 19, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Jesernig, Moyer, Niemi, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

SB 5958 Prime Sponsor, Senator Rinehart: Modifying financial responsibility for juvenile offenders. Reported by Committee on
Ways and Means March 22, 1993

MAJORITY recommendation: That Substitute Senate Bill No. 5958 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Hochstatter, Jesernig, McDonald, Moyer, Pelz, Quigley, Roach, Snyder, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

EHB 1022 Prime Sponsor, Representative Morris: Adjusting the membership of the sentencing guidelines commission. Reported
by Committee on Law and Justice March 24, 1993

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1025 Prime Sponsor, Representative Ludwig: Regarding the limitation of actions brought by prisoners. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

EHB 1033 Prime Sponsor, Representative H. Meyers: Establishing a procedure for developing local jail industries programs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1035 Prime Sponsor, Representative Appelwick: Correcting double amendments relating to support obligations. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1051 Prime Sponsor, House Committee on Judiciary: Providing for restitution for certain emergency responses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1058 Prime Sponsor, Representative Franklin: Providing for public hospital district chaplains. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Deccio, Franklin, McAuliffe, McDonald, Moyer, Prentice, Quigley, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Niemi.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1068 Prime Sponsor, Representative Padden: Providing for registration of transfer on death securities. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1072 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to guardians ad litem. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1075 Prime Sponsor, Representative Padden: Updating references in probate and trust law to the Internal Revenue Code. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1076 Prime Sponsor, Representative Ludwig: Allowing a personal representative with nonintervention powers to determine time and manner of distributing income. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1077 Prime Sponsor, House Committee on Judiciary: Providing for the revocation of nonprobate asset arrangements for divorce or invalidation of marriage. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, and Roach.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1078 Prime Sponsor, Representative Appelwick: Regulating the passing of interests at death. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1079 Prime Sponsor, Representative Appelwick: Correcting an error in procedure for review of eminent domain judgments. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

ESHB 1084 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to jury source lists. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, and Spanel.

Referred to Committee on Ways and Means.

March 24, 1993

SHB 1108 Prime Sponsor, House Committee on State Government: Extending the filing period for local nonpartisan offices when no candidate or one candidate files for an office. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1993

EHB 1115 Prime Sponsor, House Committee on Human Services: Allowing law enforcement agencies to have access to children's records in cases of reported child abuse and neglect. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1118 Prime Sponsor, House Committee on Judiciary: Classifying the criminal use of explosives. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1130 Prime Sponsor, Representative Ludwig: Modifying furlough notification requirements. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

ESHB 1157 Prime Sponsor, House Committee on Human Services: Specifying a procedure for emancipation of minors. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Hargrove, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1188 Prime Sponsor, Representative Morton: Requiring delivery of a copy of a lien document to the owner of the property subject to the lien. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1195 Prime Sponsor, House Committee on Judiciary: Allowing a person to dictate the disposition of his or her remains. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1204 Prime Sponsor, Representative Leonard: Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders". Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 24, 1993

HB 1218 Prime Sponsor, Representative Ludwig: Changing requirements for claims against local governmental agencies. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

EHB 1228 Prime Sponsor, Representative Jones: Allowing information exchange of all agencies, including schools, with youth in their care. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 24, 1993

EHB 1238 Prime Sponsor, Representative R. Johnson: Requiring notice be given to various parties before release from confinement of a juvenile who has committed stalking. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 24, 1993

HB 1315 Prime Sponsor, Representative H. Myers: Specifying the uses for the tax on the sale of real property. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules for second reading.

March 24, 1993

ESHB 1320 Prime Sponsor, House Committee on Natural Resources and Parks: Modifying the forest fire protection assessment. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Referred to Committee on Ways and Means.

March 22, 1993

SHB 1336 Prime Sponsor, House Committee on Revenue: Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Hochstatter, Jesernig, McDonald, Moyer, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1428 Prime Sponsor, House Committee on Energy and Utilities: Removing the expiration date and correcting references for the Washington telephone assistance program. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1447 Prime Sponsor, Representative Appelwick: Authorizing the filing of foreign judgments in district court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 24, 1993

EHB 1484 Prime Sponsor, Representative King: Creating a wildlife violator compact. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1532 Prime Sponsor, House Committee on Health Care: Creating an interim permit for physical therapist licensure candidates. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, and Winsley.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1535 Prime Sponsor, Representative Johanson: Authorizing counties to charge a fee for juvenile court diversion services. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1544 Prime Sponsor, House Committee on Judiciary: Requiring that criminal penalties set by cities and counties be the same as those set in state law. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

SHB 1545 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to municipal courts. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1578 Prime Sponsor, House Committee on Corrections: Revising provisions relating to offenders under the jurisdiction of the department of corrections. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 22, 1993

HB 1651 Prime Sponsor, Representative Anderson: Removing the sunset provisions from the naturopathy statutes. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 24, 1993

ESHB 1662 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Reauthorizing the community economic revitalization board. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1678 Prime Sponsor, House Committee on Appropriations: Continuing funding for Operation New Market. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 24, 1993

ESHB 1776 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Creating the office of science and technology. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 22, 1993

HB 1790 Prime Sponsor, Representative Patterson: Authorizing public works board project loans. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Hochstatter, Jesernig, McDonald, Moyer, Pelz, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1993

ESHB 1818 Prime Sponsor, House Committee on Appropriations: Providing for military dependent communities. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 22, 1993

ESHB 1862 Prime Sponsor, House Committee on Revenue: Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Jesernig, McDonald, Moyer, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1993

HB 1956 Prime Sponsor, Representative Cothorn: Requiring computerized collection of health insurance coverage provided by certain state entities. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1993

HB 2032 Prime Sponsor, Representative Appelwick: Authorizing counties with a population of one million or more to have family court and mental health commissioners. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 23, 1993

EHJM 4000 Prime Sponsor, Representative Locke: Honoring Homer M. Hadley. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, and Winsley.

Passed to Committee on Rules for second reading.

March 22, 1993

HJM 4008 Prime Sponsor, Representative Mastin: Requesting a full deduction for sales taxes on federal tax returns. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Hochstatter, Jesernig, McDonald, Moyer, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1993

HJM 4016 Prime Sponsor, Representative Valle: Requesting the federal government to enhance the promotion of mathematics, science, and technology. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 23, 1993

HJR 4200 Prime Sponsor, Representative Franklin: Amending the Constitution to permit municipalities and state agencies to employ chaplains. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Deccio, Franklin, McAuliffe, McDonald, Moyer, Prentice, Quigley, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Niemi.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 19, 1993

GA 9267 LAWRENCE KENNEY, appointed March 15, 1993, for a term ending March 1, 1999, as a member of the Tax Appeals Board.

Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Niemi, Pelz, Quigley, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules.

March 24, 1993

GA 9283 THOMAS M. BURNS, reappointed February 19, 1993, for a term ending January 4, 1997, as a member of the Personnel Board.

Reported by Committee on Government Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5964 by Senator Sutherland

AN ACT Relating to the building code council; amending RCW 19.27.042, 19.27.085, 19.27.113, 19.27.120, 19.27.170, 19.27.180, 19.27.190, 19.27.192, 19.27.470, 19.27.480, 19.27A.020, 19.27A.025, 19.27A.045, 29.57.030, 35.68.076, 43.22.480, 70.92.130, 70.92.140, 70.92.150, 70.94.455, 70.94.457, 70.162.030, and 90.76.020; reenacting and amending RCW 19.27.031 and 19.27.060; adding a new section to chapter 19.27 RCW; and repealing RCW 19.27.035, 19.27.070, 19.27.074, 19.27.078, 19.27.175, and 19.27A.050.

Referred to Committee on Energy and Utilities.

SB 5965 by Senator Sutherland

AN ACT Relating to transferring the Washington state energy office to the department of community development; amending RCW 43.21F.025, 43.21F.035, and 42.17.2401; and creating new sections.

Referred to Committee on Energy and Utilities.

MOTION

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

SENATE RESOLUTION 1993-8624

By Senator Hargrove

WHEREAS, For many years it has been the custom of the city of Port Townsend to arrange an annual program calling attention to the beauty of our State Flower, the Rhododendron; and

WHEREAS, This is an event that pays appropriate tribute to the Rhododendron, which blooms in such great profusion during the months of May and June; and

WHEREAS, The city will observe its fifty-eighth annual Rhododendron Festival during the week of May 8 through 16, 1993;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington request that Mike Lowry, Governor of the state of Washington, proclaim the week of May 8 through 16, 1993, as Rhododendron Week in Washington and request the citizens of Washington State to study the beauty and significance of this flower, and whenever possible to join the residents of the city of Port Townsend and Jefferson County as they honor the stately Rhododendron.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following Rhododendron Festival Royalty candidates who were seated on the rostrum: Kari Dills, Erin Meacham, Adrienne Olson and Amanda Steurer.

MOTION

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

SENATE RESOLUTION 1993-8619

By Senators Wojahn and Rasmussen

WHEREAS, Many Washington state women have demonstrated leadership and provided direction as positive role models for Washington citizens; and

WHEREAS, Exceptional coaching enhances positive self-esteem and the development of pride and confidence; and

WHEREAS, Washington women coaches have encouraged, motivated, and enhanced the lives of our state's citizens by opening doors for participation in athletics; and

WHEREAS, These individuals have selflessly dedicated time, energy, emotions, and efforts into the sports arena, and successfully provided exceptional environments for all athletes; and

WHEREAS, Womens' athletics is one of the most effective avenues available for women in the United States to develop self-discipline, initiative, confidence, and leadership skills; and

WHEREAS, Female athletes need women role models as coaches, administrators, and athletic directors. There are many outstanding women serving in these positions including: Barbara Hedges as the University of Washington's Athletic Director, Chris Gobrecht as head womens' basketball coach at the University of Washington, Doris Heritage Brown with the Seattle Pacific University Athletic Department, Dr. Sue Durrant with Washington State University, Sandy Neeley with Everett Community College, Marie Sather with Western Washington University, and Joann Neil as a Federal Way High School coach; and

WHEREAS, These and other women have exercised remarkable leadership by: Encouraging females to enroll in coaching courses, administration courses, officiating courses, and in athletic training programs in college; have spent extra time to work with and teach young women who are interested in learning about coaching, athletic training, officiating, and athletic administration; and created networks among women coaches, officials, sports information directors, and athletic directors to promote the interest of females in all aspects of sport;

NOW, THEREFORE, BE IT RESOLVED, In recognition of the outstanding leadership of women in athletic leadership positions, the Washington State Senate honor the female coaches, administrators, and athletic directors in Washington State.

MOTION

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

SENATE RESOLUTION 1993-8620

By Senator McCaslin

WHEREAS, The degree of competition and interest in girls' and womens' basketball is growing in the state of Washington at all scholastic levels; and

WHEREAS, The state high school girls' tournaments completed March 13, 1993, demonstrated with spirited play and exemplary sportsmanship the appeal of the sport among the players, students, parents, and fans of Washington; and

WHEREAS, The most difficult accomplishment in the world of sports is to live up to the high expectations created by an undefeated record and to successfully advance to the ultimate goal of a tournament championship; and

WHEREAS, The members of the Central Valley Bears Girls' Basketball Team are Lindsay Donaldson, Lisa Lentz, Laura Fralich, Aimee Turner, Alicia Lyon, Emily Spear, Kristen Hepton, Suzanne Boots, Reagan McClement, Tanya Kirk, Joey Asan, and Jacqueline Clark; and

WHEREAS, The Central Valley High School Bears Girls' Basketball Team from the Spokane Valley triumphed on March 13 in the Class AAA championship game and by winning 44-35 over a worthy opponent from Snohomish High School, thereby completed a perfect season record of twenty-nine wins and no losses; and

WHEREAS, The Central Valley Bears, under the leadership of Coach Dale Poffenroth and Assistant Coach Judy Walters, have brought distinction and pride to Central Valley High School, its students, its supporters, and the entire community;

NOW, THEREFORE, BE IT RESOLVED, That in recognition of the outstanding accomplishments of team members and the coach, the Senate honor the Central Valley Girls' Basketball Team.

MOTION

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

SENATE RESOLUTION 1993-8622

By Senator Sutherland

WHEREAS, The State Class AA Girls Basketball Tournament traditionally showcases exceptionally talented high school teams from throughout the state; and

WHEREAS, The Prairie High School Falcons have an outstanding academic and athletic tradition; and

WHEREAS, The Falcons capped an excellent 1993 season by winning the Class AA state basketball title on Saturday, March 13, 1993; and

WHEREAS, The Falcons showed their courage and fortitude by snapping the fifty-six game winning streak of the defending state champions in the semi-final game; and

WHEREAS, The final game showcased the exceptional talent of the team, in an exciting 46-44 last second victory; and

WHEREAS, The entire community has rallied around this team, and the school, in appreciation of the outstanding academic and athletic tradition of all of its teams; and

WHEREAS, The Falcons displayed their prominent team spirit, athletic skill, intensity, and determination in winning the state crown;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize winning team members Shawna Rosa, Missy Moss, Danielle Dettore, Beth Hamrick, Brook Spence, Mandy Lapsley, Aimee Brockway, Angie Bennett, Sonja Curtis, Rose Adkins, Kelly Bradstreet, and Lisa Maylone; and

BE IT FURTHER RESOLVED, That the Senate also recognize and applaud the leadership of Coach Al Aldridge, Assistant Coaches Steve Rhodes and Tracy Grimes, Athletic Director Dennis Gillingham, Team Managers Malene Schjoening, Terri Donaldson, and Nicole Nelson, and Principal Charles Elliott; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Falcons Head Coach, Al Aldridge, Prairie High School's Principal, Charles Elliott, and to the Student Body President at Prairie High School.

MOTION

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

SENATE RESOLUTION 1993-8623

By Senators Sutherland and Bauer

WHEREAS, The Northwest Athletic Association of Community Colleges Womens' Basketball Tournament traditionally showcases exceptionally talented community college teams from throughout the Northwest; and

WHEREAS, The Clark College Penguins have an outstanding academic and athletic tradition; and

WHEREAS, The Penguins capped an excellent 1993 season by winning the Northwest Athletic Association of Community Colleges basketball title on Saturday, March 6, 1993; and

WHEREAS, The Clark College Penguins finished the 1993 season with a perfect 33-0 record to become the first Northwest Athletic Association of Community Colleges team ever to go unbeaten in a season; and

WHEREAS, The final game showcased the exceptional talent of the team, in an exciting 66-60 victory; and

WHEREAS, The entire community has rallied around this team, and the college, in appreciation of the outstanding academic and athletic tradition of all of its teams; and

WHEREAS, The Penguins displayed their prominent team spirit, athletic skill, intensity, and determination in winning the Northwest Athletic Association of Community Colleges Championship;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize winning team members Amy Carter, Dracy Church, Janie Hogan Corbett, Jennifer Ferres, Shari Di Leasy, Liz Linster, Ann Phillips, Jennifer Rhone, Shannon Taylor, and Jennifer Kuykendall; and

BE IT FURTHER RESOLVED, That the Senate also recognize and applaud the leadership of Head Coach Ken Trapp, Assistant Coaches Randy Myers, David Waldow, and Erin Tharp, Athletic Director Roger Daniels, and President Dr. Joe Johnson; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Penguins Head Coach, Ken Trapp, Clark College President, Dr. Joe Johnson, and to the Student Body President at Clark College.

MOTION

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

SENATE RESOLUTION 1993-8626

By Senator Cantu

WHEREAS, The high level of competition and the enduring tradition of boys' high school basketball is well established in the state of Washington; and

WHEREAS, The state high school boys' AAA basketball championship tournament completed March 13, 1993, demonstrated with spirited play and exemplary sportsmanship the appeal of the sport among the players, students, parents, and fans of Washington; and

WHEREAS, The most difficult accomplishment in the world of sports is to live up to the high expectations and to reach the ultimate goal of a tournament championship; and

WHEREAS, The members of the Mercer Island Islanders' Boys' Basketball Team are David Arigbabu, Terik Brown, Jason Cooper, Grant Farmer, Bobby Fielder, Markus Hallgrimson, Jamal Hill, Steve Howard, Albert Jones, Jeff Knoll, Javier Marin, Keith Passe, Landon Porter, Matt Schreck, Nate Snyder, and Peter Spear; and

WHEREAS, The Mercer Island High School Islanders' Boys' Basketball Team triumphed on March 13 in the Class AAA championship game and by winning 59-54 over a worthy opponent from Ferris High School, thereby completed a championship season; and

WHEREAS, The Mercer Island Islanders, under the leadership of Coach Ed Pepple, and Assistant Coaches Omar Parker, Aaron Clifford, Bob Sagerson, and Scott Reid, have brought distinction and pride to Mercer Island High School, its students, its supporters, and the entire community;

NOW, THEREFORE, BE IT RESOLVED, That in recognition of the outstanding accomplishments of team members and the coach, the Senate honor the Mercer Island High School Boys' Basketball Team.

MOTION

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

SENATE RESOLUTION 1993-8627

By Senator McDonald, Gaspard, Sutherland and Rasmussen

WHEREAS, On March 22, 1993, Washington State Patrol Officer Steven L. Frink tragically lost his life in the line of duty following a motorcycle accident the Thursday before; and

WHEREAS, Steven Frink was born in Norfolk, Nebraska, thirty-nine years ago, attended Kent Ridge High School in Kent and earned an Associate of Arts degree from Green River Community College; and

WHEREAS, Trooper Frink, began his career on June 28, 1985, as a cadet assigned to Bellevue Communications, was enrolled in the Washington State Patrol Academy on August 17, 1985, was commissioned as a Washington State Trooper on December 20, 1985, and on January 1, 1987, was assigned to Motorcycles in Bellevue; and

WHEREAS, Steve Frink answered the call of his country as an Army reservist and was activated by the United States Army during Operation Desert Storm in 1991, after which he returned to duty with the State Patrol; and

WHEREAS, Officer Frink served the people of the state of Washington with courage, honor, and distinction and was the pride of his family and friends; and

WHEREAS, All Washington citizens acknowledge and appreciate the invaluable service all members of the Washington State Patrol provide and all citizens mourn the loss of any trooper in the line of duty;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate joins with the people of our state in paying tribute to the courageous life and distinguished career of Officer Steven L. Frink; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate do hereby express our heartfelt condolences to the family and friends of Steven L. Frink; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Mrs. Gayle Frink and her two children Kari and Christian, and to Chief Roger Bruett of the Washington State Patrol.

MOMENT OF SILENCE

At the request of Senator McDonald, the members stood for a moment of silence in memory of Washington State Patrol Officer Steven L. Frink.

MOTION

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

SENATE RESOLUTION 1993-8628

By Senators Gaspard, Wojahn, Franklin, Rasmussen, Winsley and von Reichbauer

WHEREAS, Clyde Hupp's commitment to public service has spanned more than forty years, benefitted countless lives, and enriched the people of the state of Washington; and

WHEREAS, Clyde Hupp's leadership on the Pierce County Central Labor Council and the Washington State Labor Council has inspired trust, respect, and affection across a broad spectrum of business, labor, and political leaders; and

WHEREAS, Clyde Hupp's tireless efforts as a member and past chair of the L.H. Bates General Advisory Council have contributed to significant improvements in the curriculum and facilities of L.H. Bates Technical College; and

WHEREAS, Clyde Hupp's outstanding service on the State Board for Community and Technical Colleges and the Governor's Advisory Committee on Investment in Human Capital has helped to enhance the opportunities for training of our state's workforce; and

WHEREAS, Clyde Hupp's distinguished tenure as Vice-President and President of United Way of Washington, and as a respected leader of the Tacoma Urban League Board of Directors, signify his lifelong commitment to community service; and

WHEREAS, Clyde Hupp's renowned fairness, honesty, integrity, sincerity, ability, and likability is a tribute to his character and an inspiration to others; and

WHEREAS, Clyde Hupp has announced his decision to retire as Secretary-Treasurer of the Pierce County Central Labor Council, where his excellent leadership will be long remembered and sorely missed;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Clyde Hupp and hereby declare and proclaim March 26, 1993, as Clyde Hupp Day, and urge all citizens to join in this observance; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Clyde Hupp, his wife Lula Mae, and to his daughters, Marilou Gadley and Barbara McCulloch.

Senators Gaspard, Rasmussen, Franklin, Wojahn and Winsley spoke to Senate Resolution 1993-8628.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. Clyde Hupp and Mr. John Thompson, his successor as Secretary-Treasurer of the Pierce County Central Labor Council, who were seated on the rostrum.

MOTION

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

SENATE RESOLUTION 1993-8629

By Senators Pelz and Rasmussen

WHEREAS, It is important to recognize the special abilities of all students; and

WHEREAS, Through the arts, students develop imagination, initiative, creativity, self-expression, self-confidence, and aesthetic sensitivity; and

WHEREAS, The arts are an essential part of the human experience, providing communication across cultures and providing an historical record; and

WHEREAS, Because of the arts, many students who may otherwise lose interest in school, become invigorated in learning because of the opportunity to pursue the arts; and

WHEREAS, The Twentieth Annual High School Art Show is being conducted by the Superintendent of Public Instruction on Thursday, March 25, 1993, recognizing the talents of our students, supporting arts education in our schools and communities, and marking the beginning of "A Year Dedicated to Arts Education, 1993-94";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes the contribution of the arts to education and honors the winners of the Twentieth Annual High School Art Show and their teachers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Superintendent of Public Instruction Judith Billings, and through her to the state winners of the 1993 High School Art Show.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Jesernig, the following bills remaining on the second reading calendar were referred to the Committee on Rules:

SB 5085 Hydraulic project approval
2SSB 5203 Employment/training services
SB 5305 School/library elections
SB 5342 Alcohol used as fuel tx crdt
SB 5347 Agricultural labor relations
SB 5400 Campaign contribtns/spending
SB 5468 Public assist/businesses
SB 5476 HIV testing/juven sex offndr
SB 5506 Administrative rule making
SB 5587 Nonprofit organ property tax
SB 5614 Commercial crab fishery
SB 5648 Alien offenders/deportation
SB 5662 Metals mining
SB 5668 Assistance to businesses
SB 5742 Transportation facilities
SB 5755 State flags and mementos
SB 5760 Bail bond agents
SB 5777 Trickle irrigation systems
SB 5786 Public housing authorities

SB 5816 Auto insurnc territory ratng
SB 5848 Orchard crops/consignment
SB 5862 Competitive strategies task
SJM 8019 International trade agreemnts
SJR 8209 School/library elections

MOTION

At 10:38 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, March 26, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-FOURTH DAY, MARCH 25, 1993

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

SEVENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, March 26, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 22, 1993
SB 5502 Prime Sponsor, Senator Sutherland: Revising mining reclamation laws. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5502 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Anderson, Bauer, Gaspard, Hargrove, Jesernig, Moyer, Owen, Pelz, Roach, Sutherland, Talmadge, and West.

Passed to Committee on Rules for second reading.

March 24, 1993
ESHB 1018 Prime Sponsor, House Committee on Local Government: Making the office of sheriff nonpartisan. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, Owen, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

March 24, 1993
HB 1041 Prime Sponsor, Representative Zellinsky: Altering a limit on family member group life insurance coverage. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1993
HB 1053 Prime Sponsor, Representative Heavey: Making technical changes to the statute governing athlete agents. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1057 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Correcting double amendments relating to regulation of mobile and manufactured homes. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 25, 1993

HB 1062 Prime Sponsor, Representative Rayburn: Repealing the sunset provisions for the IMPACT center. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1063 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying provisions regarding the Washington wine commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 24, 1993

ESHB 1086 Prime Sponsor, House Committee on Environmental Affairs: Modifying littering penalties. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1100 Prime Sponsor, Committee on Environmental Affairs: Imposing a fee on waste transported without a cover. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1122 Prime Sponsor, House Committee on Local Government: Changing provisions relating to excess levies in park and recreation districts and service areas. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, and Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1993

HB 1151 Prime Sponsor, Representative G. Cole: Changing the definition of keg for purpose of the state liquor code. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 25, 1993

HB 1227 Prime Sponsor, Representative R. Johnson: Changing misbranding and adulteration provisions for meat and poultry products. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1266 Prime Sponsor, House Committee on Agriculture and Rural Development: Regulating veterinary medication clerks. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 24, 1993

EHB 1271 Prime Sponsor, Representative R. Fisher: Prescribing allowed vehicle lengths. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1275 Prime Sponsor, House Committee on Environmental Affairs: Exempting site exploration from shorelines management regulation. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Franklin, Haugen, Oke, and Snyder.

Passed to Committee on Rules for second reading.

March 23, 1993

HB 1277 Prime Sponsor, Representative R. Fisher: Articulating desirable land use patterns in transit plans. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prince, M. Rasmussen, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Loveland, Vice Chairman.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1308 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying beef commission membership. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 24, 1993

HB 1317 Prime Sponsor, Representative Pruitt: Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 22, 1993

HB 1324 Prime Sponsor, Representative Cothorn: Providing property tax exemptions for charitable fund-raising organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Gaspard, Jesernig, Moyer, Quigley, Roach, Snyder, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1357 Prime Sponsor, House Committee on Environmental Affairs: Modifying certification of public water supply system operators. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 25, 1993

HB 1361 Prime Sponsor, Representative H. Myers: Revising the statute of limitations for certain sex offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Roach.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1367 Prime Sponsor, House Committee on State Government: Providing for mandatory election recounts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 25, 1993

HB 1401 Prime Sponsor, Representative Dunshee: Describing when tax foreclosed property may be disposed of by private negotiations. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

March 24, 1993

HB 1411 Prime Sponsor, Representative Pruitt: Allowing metropolitan park districts to acquire open space, land, or rights to future development. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1429 Prime Sponsor, House Committee on Agriculture and Rural Development: Exempting licensed domestic wineries from commission merchant requirements. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 25, 1993

ESHB 1461 Prime Sponsor, House Committee on Energy and Utilities: Extending the prohibition on mandatory local measured service. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Roach, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

March 22, 1993

EHB 1481 Prime Sponsor, Representative G. Fisher: Modifying taxation of ships and vessels. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hochstatter, Jesernig, Moyer, Pelz, Quigley, Snyder, Sutherland, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1993

SHB 1527 Prime Sponsor, House Committee on Appropriations: Modifying funding of the dependent care program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Gaspard, Jesernig, Moyer, Niemi, Pelz, Roach, Snyder, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1993

SHB 1528 Prime Sponsor, House Committee on Appropriations: Modifying the state's cash management system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Cantu, Hochstatter, Jesernig, McDonald, Moyer, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 19, 1993

SHB 1595 Prime Sponsor, House Committee on Appropriations: Concerning elected officials as members of the public employee retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hochstatter, Moyer, Owen, Pelz, Quigley, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1993

EHB 1621 Prime Sponsor, Representative Rayburn: Modifying the regulation of apiaries. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1673 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Creating the aerospace industry legislative task force. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 24, 1993

HB 1689 Prime Sponsor, Representative Chappell: Making it a misdemeanor to impersonate a law enforcement officer. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1707 Prime Sponsor, House Committee on Transportation: Regulating motor carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, M. Rasmussen, Sheldon, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Loveland, Vice Chairman.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1837 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating credit for reinsurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1993

HB 1838 Prime Sponsor, Representative R. Johnson: Requiring minimum standards for benefits in medicare supplement insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 1839 Prime Sponsor, House Committee on Financial Institutions and Insurance: Investing by domestic insurers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 24, 1993

ESHB 1849 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing for security of automated teller machines and night depositories. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Pelz, and Sutherland.

Passed to Committee on Rules for second reading.

March 22, 1993

SHB 1973 Prime Sponsor, House Committee on Appropriations: Allowing people to take early retirement who filed late applications. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Cantu, Gaspard, Hochstatter, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 24, 1993

SHB 2023 Prime Sponsor, House Committee on Transportation: Transferring jurisdiction for certain roads and highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1993

HJM 4013 Prime Sponsor, Representative Kessler: Petitioning the federal government for coastal economic recovery investment. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

HOLD.

March 24, 1993

EHC 4403 Prime Sponsor, Representative Heavey: Advocating the creation of a task force to study issues on gambling. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 19, 1993

GA 9124 JAMES P. SEABECK, appointed January 22, 1993, for a term ending January 17, 1995, as a member of the Horse Racing Commission.

Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, and Newhouse.

Passed to Committee on Rules.

March 19, 1993

GA 9125 BARBARA SHINPOCH, appointed January 22, 1993, for a term ending January 17, 1997, as a member of the Horse Racing Commission.

Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, and Newhouse.

Passed to Committee on Rules.

March 19, 1993

GA 9268 ROBERT PLUT, appointed February 5, 1993, for a term ending January 17, 1999, as a member of the Horse Racing Commission.

Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, and Newhouse.

Passed to Committee on Rules.

March 24, 1993

GA 9272 MARY RIVELAND, appointed February 8, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Ecology.

Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser; Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

MOTION

On motion of Senator Jesernig, the rules were suspended, House Joint Memorial No. 4013 was advanced to second reading and placed on the second reading calendar.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 18, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Turner, reappointed March 18, 1993, for a term ending November 1, 1995, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Law and Justice.

March 24, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kelly White, appointed March 24, 1993, for a term ending January 19, 1997, as a member of the Wildlife Commission.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

MESSAGE FROM THE HOUSE

March 26, 1993

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4416.

INTRODUCTION AND FIRST READING

SB 5966 by Senators Rinehart, Haugen and M. Rasmussen (by request of Department of Veterans Affairs)

AN ACT Relating to state institutions; amending RCW 72.36.020, 72.36.030, 72.36.035, 72.36.120, and 74.09.120; adding new sections to chapter 72.36 RCW; repealing RCW 72.36.080 and 72.36.130; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

At 12:06 p.m., on motion of Senator Jesernig, the Senate adjourned until 8:00 a.m., Saturday, March 27, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIFTH DAY, MARCH 26, 1993

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

SEVENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 27, 1993

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge and West. On motion of Senator Oke, Senators Hochstatter, McCaslin, Moyer, Nelson and West were excused. On motion of Senator Spanel, Senators Fraser, Skratek and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Sergeant at Arms Bob Christenson and Clifford Morrisson, presented the Colors. Jim Cammack, a member of the Bahi Faith of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SHB 1006 Prime Sponsor, House Committee on Transportation: Enabling public-private transportation initiatives. Reported by
Committee on Transportation March 24, 1993

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

SHB 1103 Prime Sponsor, House Committee on Transportation: Changing the model traffic ordinance from statute to rule. Reported by
Committee on Transportation March 25, 1993

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

HB 1143 Prime Sponsor, Representative Van Luven: Providing a procedure for consolidating cities or towns. Reported by
Committee on Government Operations March 26, 1993

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

HB 1255 Prime Sponsor, Representative Dellwo: Requiring podiatric physicians and surgeons to have one year of postgraduate podiatric medical training. Reported by Committee on Health and Human Services March 25, 1993

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1260 Prime Sponsor, House Committee on Environmental Affairs: Modifying review of solid waste collection company tariff filings. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Chairman; Barr, Deccio, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1521 Prime Sponsor, Representative Valle: Funding the state auditor municipal corporation division. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, von Reichbauer, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

March 25, 1993

ESHB 1541 Prime Sponsor, House Committee on Health Care: Modifying emergency medical technician recertification. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1555 Prime Sponsor, House Committee on Local Government: Concerning the use of funds by a public corporation formed by a municipality. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1618 Prime Sponsor, Representative Shin: Terminating defunct boards, commissions, and committees. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1635 Prime Sponsor, House Committee on Transportation: Establishing procedures for bidding construction of jumbo ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1752 Prime Sponsor, House Committee on Energy and Utilities: Changing telephone relay service provisions. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Vognild, West, and Williams.

Referred to Committee on Ways and Means.

March 26, 1993

SHB 1879 Prime Sponsor, House Committee on Local Government: Affording local firms a meaningful opportunity to compete for and obtain public contracts for architectural and engineering services. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1910 Prime Sponsor, House Committee on Capital Budget: Creating an inventory system for state-owned or leased facilities. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 26, 1993

GA 9132 JEAN H. ADAMS, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Walla Walla Community College District No. 20. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9152 CHARLOTTE CHALKER, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

March 26, 1993

GA 9161 WAYNE H. EHLERS, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules.

March 26, 1993

GA 9171 WARREN J. GILBERT, reappointed January 29, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9177 DONALD J. HALE, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9179 F. MURRAY HASKELL, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9183 M. J. HRDLICKA, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9184 BETTY HOGAN, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Pierce Community College District No. 11.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9185 DONALD JACOBSON, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Renton Technical College District No. 27.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9190 ROD KAWAKAMI, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Renton Technical College District No. 27.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9201 JOHN LANTZ, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Tacoma Community College District No. 22.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9210 WILLIAM G. MORRIS, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9215 JOHN M. NETTLETON, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Tacoma Community College District No. 22.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9230 JOSE G. RUIZ, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9248 ALEXANDER SWANTZ, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 26, 1993

GA 9252 JULIAN TORRES, JR., reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5967 by Senator Rinehart (by request of Governor Lowry)

AN ACT Relating to taxation; amending RCW 82.04.050, 82.04.190, 82.04.4282, 82.04.460, 82.04.060, 82.08.020, 82.12.020, 82.04.480, 82.08.090, 82.12.0252, 82.12.0255, 82.12.0259, 82.12.035, 82.12.060, 82.08.100, 82.14.020, 82.14.030, 82.14.045, 82.14.048, 82.14.050, 82.14.060, 82.32.030, 70.95E.020, 83.100.010, 83.100.020, 83.100.030, 83.100.040, 83.100.045, 83.100.050, 83.100.070, 83.100.080, 83.100.090, 83.100.130, 83.100.150, 82.03.190, 82.60.020, 82.60.050, 82.60.060, 82.61.010, 82.61.040, 82.61.060, 82.61.070, 82.62.010, 82.62.040, 48.32.145, 48.32A.090, 82.04.470, 82.08.050, 82.04.417, and 82.45.060; reenacting and amending RCW 82.12.010; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 82.04 RCW; adding new sections to chapter 83.100 RCW; adding new sections to chapter 48.14 RCW; adding a new chapter to Title 82 RCW; repealing RCW 82.04.300, 83.100.160, 83.100.170, 83.100.180, and 83.100.190; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5968 by Senators Rinehart and Gaspard (by request of Office of Financial Management)

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995; amending RCW 28A.500.010 and 43.08.250; reenacting and amending RCW 43.51.280; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

At 8:10 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 8:38 a.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Due to business in Port Townsend, I missed the votes on HJM 4013, as amended by the Senate, EHB 1022, HB 1035, HB 1036, HB 1037, HB 1038, HB 1079, HB 1130, EHB 1238, SHB 1578, HB 1790, HB 1956 and HB 2032. I would have voted 'yes' on all of the bills.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

HOUSE JOINT MEMORIAL NO. 4013, by Representatives Kessler, Basich, Riley, Jones, Holm and J. Kohl

Petitioning the federal government for coastal economic recovery investment.

The joint memorial was read the second time.

MOTIONS

On motion of Senator Sheldon, the following Committee on Trade, Technology and Economic Development amendment was adopted:

On page 1, after line 7, strike the remainder of the joint memorial and insert the following:

"WHEREAS, The Washington State House of Representatives and Senate recognize that the permanent loss of jobs in natural resource-based industries has gravely and irreversibly impacted the coastal economies of Pacific and Grays Harbor counties and parts of Jefferson and Clallam counties; and

WHEREAS, The loss of timber-related jobs has created a further erosion of jobs in coastal communities which presently do not have alternative employment opportunities; and

WHEREAS, Hard-working families are losing their homes, automobiles, and other possessions and are going without adequate food, critically needed medical care, educational, and social services previously earned with wages from their jobs; and

WHEREAS, The loss of sales tax, property tax, and other local revenues by local coastal communities resulting from the devastating economic dislocation is accompanied by a heavy additional burden placed on public services provided by local police, prosecutors, public health, and social service providers that manifestly precludes local government from financing an economic recovery program; and

WHEREAS, In 1991 the federal government received an estimated one hundred forty-three million dollars in general tax revenue, exclusive of social security and unemployment insurance taxes, from Pacific and Grays Harbor counties; and

WHEREAS, In 1991 the State of Washington received an estimated seventy-seven million dollars in general fund taxes from the two-county area; and

WHEREAS, Implementation of the Coastal Economic Recovery Plan will provide jobs and improve the coastal economy so that at the end of ten years the federal government tax revenues will increase from one hundred forty-three million dollars a year

to two hundred five million dollars and the Washington State general fund revenues will increase from seventy-seven million dollars a year to one hundred thirteen million dollars over the ten-year period; and

WHEREAS, The millions of dollars monthly spent by the federal and state government for public assistance, unemployment compensation, medical assistance, food, retraining, and other social service programs can be sharply reduced through implementation of the coastal economy which emphasizes tourism, outdoor recreation, and commercial and sports fishing;

NOW, THEREFORE, Your Memorialists respectfully pray that the federal government invest, along with the State of Washington, in a Coastal Economic Recovery Plan by funding the following elements of the plan:

(1) Habitat restoration jobs, including Olympic peninsula, Grays Harbor and Willapa Bay drainages. The primary beneficiaries of the work will be wild stocks of salmon: Fifty million dollars;

(2) Federal share of new coastal hatcheries including wild stock supplementation facilities: Seventeen million five hundred thousand dollars;

(3) Federal share of coastal tourism infrastructure facilities: Twelve million dollars;

(4) Federal funding of educational facilities at Grays Harbor College for Dislocated Timber Workers: Five million dollars;

and

(5) Federal share of coastal transportation facilities for tourism and outdoor recreation: Ten million dollars.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

On motion of Senator Sheldon, the rules were suspended, House Joint Memorial No. 4013, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4013, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4013, as amended by the Senate, and the joint memorial passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognilid, von Reichbauer, Williams, Winsley and Wojahn - 40.

Absent: Senator Niemi - 1.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Skratek, Talmadge and West - 8.

HOUSE JOINT MEMORIAL NO. 4013, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 1022, by Representatives Morris, Long, King and L. Johnson (by request of Sentencing Guidelines Commission)

Adjusting the membership of the sentencing guidelines commission.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed House Bill No. 1022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1022.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1022 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognilid, von Reichbauer, Williams, Winsley and Wojahn - 40.

Absent: Senator Niemi - 1.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Skratek, Talmadge and West - 8.

ENGROSSED HOUSE BILL NO. 1022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Niemi was excused.

SECOND READING

HOUSE BILL NO. 1035, by Representatives Appelwick, Padden and Ludwig (by request of Law Revision Commission)

Correcting double amendments relating to support obligations.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1035.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1035 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge and West - 9.

HOUSE BILL NO. 1035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1036, by Representatives H. Myers, Bray, Edmondson and Springer (by request of Law Revision Commission)

Correcting a double amendment relating to funding bonds.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1036.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1036 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge and West - 9.

HOUSE BILL NO. 1036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1037, by Representatives Bray, H. Myers and Edmondson (by request of Law Revision Commission)

Correcting a double amendment relating to auction sales of county property.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1037.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1037 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vogniild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge and West - 9.

HOUSE BILL NO. 1037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1038, by Representative Dellwo (by request of Law Revision Commission)

Correcting a double amendment related to authorized functions of health care assistants.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, House Bill No. 1038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1038.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1038 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vogniild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge and West - 9.

HOUSE BILL NO. 1038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1079, by Representatives Appelwick, Padden, Ludwig, Orr, Basich and Johanson (by request of Law Revision Commission)

Correcting an error in procedure for review of eminent domain judgments.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1079.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1079 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley,

Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge and West - 9.

HOUSE BILL NO. 1079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1130, by Representatives Ludwig, Riley, Ballasiotes, Basich, Brough and Orr (by request of Washington State Patrol)

Modifying furlough notification requirements.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1130.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1130 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge and West - 9.

HOUSE BILL NO. 1130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1238, by Representatives R. Johnson, Ballasiotes, Ludwig, King, Karahalios, Johanson, Jones, Sheahan, Schoesler, Brumsickle, Roland, Long, Flemming, Horn, Mielke, Tate, Wood, Kremen, Foreman and Pruitt (by request of Department of Social and Health Services)

Requiring notice be given to various parties before release from confinement of a juvenile who has committed stalking.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed House Bill No. 1238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1238.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1238 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge, Vognild and West - 10.

ENGROSSED HOUSE BILL NO. 1238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1578, by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, G. Cole, Padden, Riley, Edmondson, Mastin, Johanson, Jones, Basich, King, Valle, Campbell, Long, Shin, Springer, Karahalios, Roland, Rayburn, Conway, Kremen, Ogden, Cothorn and H. Myers) (by request of Department of Corrections)

Revising provisions relating to offenders under the jurisdiction of the department of corrections.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1578.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1578 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge, Vognild and West - 10.

SUBSTITUTE HOUSE BILL NO. 1578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1790, by Representatives Patterson, Ballard, Wood, Ogden, Pruitt, Jones, King, Jacobsen, Basich, Wang, Kremen, Rayburn, Sehlin, Schoesler, Karahalios, Lemmon, H. Myers, Reams, Schmidt, Cooke and Stevens (by request of Department of Community Development)

Authorizing public works board project loans.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 1790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1790.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1790 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge, Vognild and West - 10.

HOUSE BILL NO. 1790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1956, by Representatives Cothorn, Locke, Wolfe and Springer (by request of Department of Social and Health Services)

Requiring computerized collection of health insurance coverage provided by certain state entities.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, House Bill No. 1956 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1956.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1956 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge, Vognild and West - 10.

HOUSE BILL NO. 1956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2032, by Representatives Appelwick and R. Fisher (by request of Administrator for the Courts)

Authorizing counties with a population of one million or more to have family court and mental health commissioners.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 2032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2032.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2032 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Fraser, Hochstatter, McCaslin, Moyer, Nelson, Niemi, Skratek, Talmadge, Vognild and West - 10.

HOUSE BILL NO. 2032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:26 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Monday, March 29, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-SIXTH DAY, MARCH 27, 1993

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

SEVENTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 29, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE

March 25, 1993
HB 1942 Prime Sponsor, Representative R. Fisher: Facilitating state-wide transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 26, 1993
GA 9133 TIMOTHY J. ADAMS, reappointed February 9, 1993, for a term ending December 5, 1993, as a member of the Eastern Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993
GA 9155 WILFORD COLLINS, JR., reappointed February 9, 1993, for a term ending December 5, 1995, as a member of the Western Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993
GA 9158 NANCY J. DONIGAN, reappointed February 9, 1993, for a term ending December 5, 1995, as a member of the Western Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993

GA 9203 PAM LUCAS, reappointed February 9, 1993, for a term ending December 5, 1994, as a member of the Eastern Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993

GA 9212 ELIZABETH MUKTARIAN, reappointed January 29, 1993, for a term ending December 5, 1995, as a member of the Western Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993

GA 9227 THOMAS ROE, reappointed February 9, 1993, for a term ending December 5, 1994, as Chair of the Eastern Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993

GA 9237 MARK E. SOELLING, reappointed February 9, 1993, for a term ending December 5, 1995, as a member of the Western Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993

GA 9253 DENNIS TWIGG, reappointed February 9, 1993, for a term ending December 5, 1994, as a member of the Eastern Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

March 26, 1993

GA 9319 RONALD MURPHY, appointed March 11, 1993, for a term ending December 5, 1996, as a member of the Eastern Washington State Hospital Advisory Board.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

March 26, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1524 by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver and Valle) (by request of Office of Financial Management)

Making supplemental appropriations.

Referred to Committee on Ways and Means.

MOTION

At 12:03 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Tuesday, March 30, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-EIGHTH DAY, MARCH 29, 1993

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SEVENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 30, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bluechel, Hargrove, McAuliffe, Pelz, Sellar and Linda Smith.

The Sergeant at Arms Color Guard, consisting of Pages Sarah Beach and Tim Coleman, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SHB 1013 Prime Sponsor, House Committee on Judiciary: Adopting the revised uniform commercial code on bulk sales. Reported by Committee on Law and Justice
March 29, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

SHB 1144 Prime Sponsor, House Committee on Environmental Affairs: Establishing a field operations program in the office of marine safety. Reported by Committee on Ecology and Parks
March 26, 1993

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

HB 1150 Prime Sponsor, Representative Anderson: Repealing the sunset provisions of the counselor registration statute. Reported by Committee on Health and Human Services
March 26, 1993

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, McDonald, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

EHB 1152 Prime Sponsor, Representative Thibaudeau: Denominating the Washington state bar association a public employer for collective bargaining purposes. Reported by Committee on Labor and Commerce
March 26, 1993

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson and Newhouse.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1211 Prime Sponsor, House Committee on Education: Authorizing educational service districts to provide cooperative and informational services to local school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Pelz, Chairman; Hochstatter, McDonald, Moyer, M. Rasmussen, Skratek, and Winsley.

Passed to Committee on Rules for second reading.

March 25, 1993

HB 1216 Prime Sponsor, Representative Veloria: Regulating acceptance and disbursement of funds and grants by the liquor control board. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, Newhouse, Pelz, Prince, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1993

HB 1217 Prime Sponsor, Representative Springer: Allowing seized liquor to be used for training and investigations. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, Newhouse, Pelz, Prince, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1225 Prime Sponsor, Representative Zellinsky: Concerning the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1226 Prime Sponsor, House Committee on Financial Institutions and Insurance: Concerning amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, McAuliffe, Newhouse, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1244 Prime Sponsor, Representative Franklin: Providing for payments for time lost from work while attending a medical examination for industrial insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 25, 1993

EHB 1264 Prime Sponsor, Representative Heavey: Regulating third party recoveries in workers' compensation cases. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, Newhouse, Pelz, Prince, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1292 Prime Sponsor, Representative Anderson: Defining "employment" for unemployment compensation. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1295 Prime Sponsor, Representative Orr: Recodifying RCW 41.26.281. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, McAuliffe, Prince, Sutherland, and Vognild.

MINORITY recommendation: Do not pass. Signed by Senators Barr, Newhouse, and Pelz.

Referred to Committee on Ways and Means.

March 26, 1993

HB 1328 Prime Sponsor, Representative Heavey: Setting the minimum rate of compensation for certain salespeople. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1352 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions for fee schedules for industrial insurance medical aid. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1356 Prime Sponsor, House Committee on Environmental Affairs: Modifying penalties and compliance for public water systems. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1384 Prime Sponsor, Representative Chandler: Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; Hochstatter, McDonald, Moyer, M. Rasmussen, Skratek, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1443 Prime Sponsor, House Committee on State Government: Expanding the jurisdiction of the human rights commission. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Nelson, and Roach.

Referred to Committee on Ways and Means.

March 26, 1993

SHB 1452 Prime Sponsor, House Committee on Human Services: Specifying information that must be made available to parties affected by adoption. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, Moyer, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1458 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating retail charge agreements. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1476 Prime Sponsor, Representative Wineberry: Revising provisions relating to meeting federal fair housing act requirements for housing equivalency. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 25, 1993

SHB 1480 Prime Sponsor, House Committee on Revenue: Subjecting certain travel trailers and campers to ad valorem taxation. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, Newhouse, Pelz, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1993

ESHB 1569 Prime Sponsor, Committee on Judiciary: Changing provisions relating to malicious harassment. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, McCaslin, Nelson, and Roach.

Passed to Committee on Rules for second reading.

March 29, 1993

ESHB 1622 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying the regulation of fertilizer. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

March 26, 1993

ESHB 1670 Prime Sponsor, House Committee on Appropriations: Providing service credit for periods of paid leave. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognilid.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1751 Prime Sponsor, Representative Anderson: Modifying compensation of forest practices board members. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1809 Prime Sponsor, Representative Locke: Permitting the pooling of department of natural resources trust management accounts. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1815 Prime Sponsor, Representative Rust: Recodifying vessel operation provisions. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1870 Prime Sponsor, House Committee on Financial Institutions and Insurance: Licensing bail bond agents. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognilid.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

March 29, 1993

GA 9202 LUDWIG LOBE, reappointed February 9, 1993, for a term ending June 19, 1995, as a member of the Health Care Facilities Authority.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Haugen, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:
ENGROSSED SENATE BILL NO. 5351,
ENGROSSED SENATE BILL NO. 5362, and the same are herewith transmitted.

March 29, 1993

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5351,
ENGROSSED SENATE BILL NO. 5362.

INTRODUCTION AND FIRST READING

SB 5969 by Senators Vognild and Nelson (by request of Transportation Improvement Board)

AN ACT Relating to bond authorization for the transportation improvement board; and adding new sections to chapter 47.26 RCW.

Referred to Committee on Transportation.

SJM 8025 by Senators McDonald and Roach

Petitioning Congress to enact legislation to enact medical care savings account legislation.

Referred to Committee on Health and Human Services.

MOTION

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

SENATE RESOLUTION 1993-8631

By Senator Prince

WHEREAS, The State Class B Basketball Tournament traditionally showcases athletic ability, team talent, and competition at its best among participating high schools; and

WHEREAS, Both Oakesdale and Tekoa high schools exhibited a true sense of sportsmanship by joining their basketball teams together for the 1993 season; and

WHEREAS, The Tekoa-Oakesdale Nighthawks concluded their outstanding 25-3 season by winning the Class B state basketball title on Saturday, March 6, in a 63-46 victory; and

WHEREAS, In the face of championship competition and throughout the season, the Nighthawks embodied team spirit, determination, and talent; and

WHEREAS, The communities from both schools rallied around this team in a tribute to the power of positive support;
NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize winning team members Josh Brandt, Dan Brown, Carl Crider, Shane St. John, Jamie Cox, Travis Fox, Casey Lawson, Shawn Middleton, Chris Niles, Trevor Zehm, Joel French, and Nate Perrins;
and

BE IT FURTHER RESOLVED, That the Senate recognize and applaud the leadership of Coach Ron Cox, Assistant Coach Ken Lindgren, Volunteer Coach Dan Hutton, Team Manager Sean Crooks, Oakesdale High School Principal Buddy Gibson, and Tekoa High School Principal John Jaeger; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Tekoa-Oakesdale Nighthawks' Head Coach Ron Cox, Oakesdale High School Principal Buddy Gibson, Tekoa High School Principal John Jaeger, Oakesdale Student Body President Carl Crider, and Tekoa Student Body President Jamie Cox.

MOTION

At 10:14 a.m., on motion of Senator Jesernig, the Senate adjourned until 1:30 p.m., Wednesday, March 31, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SEVENTY-NINTH DAY, MARCH 30, 1993

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

EIGHTIETH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, March 31, 1993

The Senate was called to order at 1:30 p.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Bauer, Fraser, McDonald, Moore, Moyer, Quigley, Rinehart and Linda Smith. On motion of Senator Oke, Senators Anderson, McDonald, Moyer and Linda Smith were excused. On motion of Senator Spanel, Senators Bauer, Fraser, Moore and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shaun McFadden and Shawn O'Neill, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 29, 1993

HB 1174 Prime Sponsor, Representative Jacobsen: Regarding the study of American Indian languages and cultures. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Prince, Quigley, and Sheldon.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1219 Prime Sponsor, House Committee on Appropriations: Creating the public works administration account. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1253 Prime Sponsor, House Committee on Health Care: Modifying provisions regarding physician assistants. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1258 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying water rights claims provision.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, and Vognild.

MINORITY recommendation: Do not pass. Signed by Senator Williams.

Passed to Committee on Rules for second reading.

March 26, 1993

SHB 1318 Prime Sponsor, House Committee on Natural Resources and Parks: Changing boating safety provisions. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Deccio, Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

March 30, 1993

SHB 1325 Prime Sponsor, House Committee on Local Government: Giving local governments the option to acquire services or goods under arrangements by state agencies. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

ESHB 1326 Prime Sponsor, House Committee on Energy and Utilities: Relating to conservation tariffs allowing transfer of payment obligations to successive property owners. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Vognild, and Williams.

MINORITY recommendation: Do not pass. Signed by Senator McCaslin.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1344 Prime Sponsor, Representative Jones: Altering vehicle axle restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

SHB 1396 Prime Sponsor, House Committee on State Government: Creating a department of financial institutions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 1400 Prime Sponsor, Representative Heavey: Regulating real estate appraisers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1419 Prime Sponsor, Representative G. Fisher: Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Chairman; Barr, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1469 Prime Sponsor, House Committee on Corrections: Clarifying that the department of social and health services is not required to reimburse certain health care costs under the limited casualty program. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

ESHB 1496 Prime Sponsor, House Committee on Commerce and Labor: Regulating employment agencies. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1497 Prime Sponsor, House Committee on Higher Education: Adopting the approved foreign degree-granting institution branch campus act. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 29, 1993

ESHB 1500 Prime Sponsor, House Committee on Health Care: Modifying hearing aid regulatory authority. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

EHB 1501 Prime Sponsor, Representative Silver: Notifying students at public institutions of higher education of the amount their education is supported by the state. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1504 Prime Sponsor, House Committee on Capital Budget: Changing the disposition of certain normal school fund revenues. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 30, 1993

ESHB 1509 Prime Sponsor, House Committee on Appropriations: Increasing flexibility of institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Quigley, von Reichbauer, and West.

Referred to Committee on Ways and Means.

March 30, 1993

ESHB 1529 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Reauthorizing certain timber programs. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 29, 1993

HB 1530 Prime Sponsor, Representative Morris: Providing for continuation of property tax exemptions for senior citizens confined in hospitals and nursing homes. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 30, 1993

SHB 1580 Prime Sponsor, House Committee on Higher Education: Requiring strategies to shorten time to degree and improve graduation rates. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1587 Prime Sponsor, House Committee on Higher Education: Helping single parents obtain a higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 30, 1993

ESHB 1603 Prime Sponsor, House Committee on Higher Education: Reforming higher education tuition and financial aid. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Referred to Committee on Ways and Means.

March 29, 1993
SHB 1619 Prime Sponsor, House Committee on Higher Education: Creating the Washington Task Force on International Education and Cultural Exchanges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules for second reading.

March 30, 1993
HB 1637 Prime Sponsor, Representative Conway: Including municipal street railways in the definition of public work. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

March 30, 1993
HB 1643 Prime Sponsor, Representative King: Modifying licensure requirements for landscape architects. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

March 29, 1993
HB 1694 Prime Sponsor, Representative Dellwo: Modifying the examination of health profession candidates for credentialing. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993
EHB 1748 Prime Sponsor, Representative Shin: Changing financial aid provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 26, 1993
HB 1769 Prime Sponsor, Representative Linville: Expanding the authority of the interagency committee for outdoor recreation regarding recreational trails. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 29, 1993
SHB 1784 Prime Sponsor, House Committee on Appropriations: Allowing retired and disabled school employees to purchase health care insurance from the state health care authority. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Quigley, Sheldon, and Winsley.

Referred to Committee on Ways and Means.

March 29, 1993

HB 1857 Prime Sponsor, Representative Shin: Changing travel expense provisions for prospective employees of institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, and von Reichbauer.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1858 Prime Sponsor, Representative Brown: Providing for periodic case review for children in substitute care. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1993

HB 1867 Prime Sponsor, Representative Anderson: Designating the Washington park arboretum as an official state arboretum. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 1923 Prime Sponsor, Representative Veloria: Modifying provisions relating to the advisory council on historic preservation. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

SHB 1926 Prime Sponsor, House Committee on State Government: Regulating the sale and distribution of state publications. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1943 Prime Sponsor, Representative Brumsickle: Allowing community and technical college foundations to manage funds for their exceptional faculty awards. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1984 Prime Sponsor, Representative R. Fisher: Revising pilotage law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1993 Prime Sponsor, Representative Finkbeiner: Making technical amendments to the future teachers and the health professionals conditional scholarship programs to continue existing repayment regulations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 2001 Prime Sponsor, Representative H. Myers: Clarifying voter-approval procedures for transit agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 2048 Prime Sponsor, Representative Jacobsen: Allowing donations subject to conditions to be deposited in the American Indian scholarship endowment fund. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 2069 Prime Sponsor, Representative Mielke: Allowing institutions of higher education to cash student's and employee's checks. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules for second reading.

March 29, 1993

EHJM 4003 Prime Sponsor, Representative Mastin: Concerning the preservation of salmon. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Vognild, and Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 30, 1993

GA 9146 SCOTT BRUNDAGE, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9147 BRUCE L. CARDWELL, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9167 WENDELL GEORGE, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9170 MAY GERSTLE, reappointed January 29, 1993, for a term ending April 3, 1996, as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9173 LILA GIRVIN, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9178 FREDERICK T. HALEY, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9193 EDWARD KELLY, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9205 CHRISTINA MESERVE, reappointed January 29, 1993, for a term ending September 30, 1998, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9206 HOLLY ECHO-HAWK MIDDLETON, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9233 ANTONIO SANTOY, reappointed January 29, 1993, for a term ending April 3, 1996, as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9255 JAMES G. WALTON, reappointed January 29, 1993, for a term ending June 30, 1993, as a member of the Board of Trustees for Spokane Community College District No. 17.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

March 30, 1993

GA 9281 H. JON RUNSTAD, reappointed February 16, 1993, for a term ending September 30, 1998, as a member of the Board of Regents for the University of Washington.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 31, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE JOINT MEMORIAL NO. 4013 and passed the bill as amended by the Senate.

1ALAN THOMPSON, Chief Clerk

March 31, 1993

MR. PRESIDENT:

The Speaker has signed HOUSE JOINT MEMORIAL NO. 4013, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE JOINT MEMORIAL NO. 4013.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9124, James P. Seabeck, as a member of the Horse Racing Commission, was confirmed.

APPOINTMENT OF JAMES P. SEABECK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Absent: Senator Quigley - 1.

Excused: Senators Anderson, Bauer, Fraser, McDonald, Moore, Moyer, Rinehart and Smith, L. - 8.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9125, Barbara Shinpoch, as a member of the Horse Racing Commission, was confirmed.

APPOINTMENT OF BARBARA SHINPOCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Bauer, Fraser, McDonald, Moore and Smith, L. - 6.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4010, by Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen

Expressing opposition to sanctions on federal highway funds.

The joint memorial was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Joint Memorial No. 4010 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4010.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4010 and the joint memorial passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Deccio, Drew, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Erwin, McCaslin, Nelson, Oke, Roach, Sellar, von Reichbauer and West - 12.

Excused: Senators Anderson, Fraser, McDonald, Moore and Smith, L. - 5.

HOUSE JOINT MEMORIAL NO. 4010, having received the constitutional majority, was declared passed.

MOTION

At 2:05 p.m., on motion of Senator Jesernig, the Senate adjourned until 5:30 p.m., Thursday, April 1, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTIETH DAY, MARCH 31, 1993

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

EIGHTY-FIRST DAY

EVENING SESSION

Senate Chamber, Olympia, Thursday, April 1, 1993

The Senate was called to order at 5:30 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Erwin, Fraser, Moore, Niemi, Quigley, Linda Smith, Vognild and von Reichbauer. On motion of Senator Oke, Senators Anderson, Erwin, Linda Smith and von Reichbauer were excused. On motion of Senator Spanel, Senators Fraser, Moore, Niemi, Quigley and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dece Todd and Trevor Fingey, presented the Colors. Reverend Art Voltz, pastor of the Lacey Baptist Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 30, 1993

SB 5963 Prime Sponsor, Senator Vognild: Providing for priority programming of multimodal solutions to address state highway deficiencies. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5963 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

SB 5967 Prime Sponsor, Senator Rinehart: Implementing a comprehensive tax package. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5967 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Niemi, Owen, Pelz, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

HOLD.

March 31, 1993

SB 5968 Prime Sponsor, Senator Rinehart: Making appropriations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5968 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

HOLD.

March 30, 1993

EHB 1007 Prime Sponsor, Representative R. Fisher: Enhancing state-wide transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 1015 Prime Sponsor, Representative Appelwick: Adopting the Uniform Commercial Code article on leases. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1047 Prime Sponsor, House Committee on Environmental Affairs: Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

March 30, 1993

ESHB 1059 Prime Sponsor, House Committee on Judiciary: Revising provisions relating to areas where weapons are restricted. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 30, 1993

SHB 1069 Prime Sponsor, House Committee on Judiciary: Providing for seizure of property involved in a felony. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 1074 Prime Sponsor, Representative Ludwig: Regulating corporations. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Niemi, and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1993

ESHB 1085 Prime Sponsor, House Committee on Transportation: Authorizing institutions of higher education to develop and fund transportation demand management programs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

EHB 1107 Prime Sponsor, Representative R. Fisher: Requiring yielding right of way to buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

EHB 1110 Prime Sponsor, Representative Vance: Prescribing treatment for sexually aggressive youth. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1993

ESHB 1127 Prime Sponsor, House Committee on Transportation: Controlling vehicle tax or license fee evasion. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

SHB 1129 Prime Sponsor, House Committee on Transportation: Limiting commercial motor vehicle inspections. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1156 Prime Sponsor, House Committee on Local Government: Transferring county sheriff's office employees. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

SHB 1183 Prime Sponsor, House Committee on Judiciary: Making it a crime for a person under age twenty-one to be under the influence of intoxicating liquor or drugs in public. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, and Spanel.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1190 Prime Sponsor, House Committee on State Government: Providing for voter registration by affidavit. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Referred to Committee on Ways and Means.

March 30, 1993

ESHB 1259 Prime Sponsor, House Committee on Judiciary: Allowing for the destruction of forfeited firearms. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Spanel, and Niemi.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 1263 Prime Sponsor, Representative R. Fisher: Specifying testing for state patrol promotion. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

ESHB 1307 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Reauthorizing and modifying the Washington service corps. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 30, 1993

SHB 1343 Prime Sponsor, House Committee on Corrections: Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1993

HB 1355 Prime Sponsor, Representative R. Fisher: Increasing nonvoter-approved debt limit for metropolitan park districts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1379 Prime Sponsor, Representative R. Fisher: Making housekeeping changes in various service programs of the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1389 Prime Sponsor, House Committee on Corrections: Changing provisions relating to work crews. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 30, 1993

ESHB 1408 Prime Sponsor, House Committee on Human Services: Providing a comprehensive program for teen pregnancy prevention. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Referred to Committee on Ways and Means.

April 1, 1993

ESHB 1412 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to prejudgment interest. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1445 Prime Sponsor, House Committee on Commerce and Labor: Modifying the scope of the state law against discrimination. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Referred to Committee on Ways and Means.

March 31, 1993

SHB 1454 Prime Sponsor, House Committee on Commerce and Labor: Revising the definition of "acting in the course of employment." Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Cantu, McAuliffe, Newhouse, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

March 31, 1993

HB 1477 Prime Sponsor, Representative Wood: Creating a fuel tax exemption. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

ESHB 1493 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Assisting minority and women-owned businesses. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Erwin, M. Rasmussen, and Williams.

Referred to Committee on Ways and Means.

March 31, 1993

HB 1495 Prime Sponsor, Representative Dorn: Changing local effort assistance distribution. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Hochstatter, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, and A. Smith.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1507 Prime Sponsor, House Committee on Transportation: Penalizing owners of abandoned, unauthorized, or junk vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

ESHB 1519 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Creating an office of housing affordability and regulatory reform. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 30, 1993

SHB 1560 Prime Sponsor, House Committee on Judiciary: Adopting the uniform interstate family support act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, and Roach

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1602 Prime Sponsor, House Committee on Education: Changing election provisions for regional committee members. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, and A. Smith.

Referred to Committee on Ways and Means.

March 31, 1993

EHB 1617 Prime Sponsor, Representative R. Fisher: Planning high-speed ground transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

SHB 1631 Prime Sponsor, House Committee on Commerce and Labor: Regulating going out of business sales. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1644 Prime Sponsor, Representative Anderson: Changing provisions relating to voting by mail. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1645 Prime Sponsor, Representative Anderson: Changing provisions relating to initiatives and referenda. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1646 Prime Sponsor, Representative Anderson: Expanding eligibility for ongoing absentee voter status. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1648 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

ESHB 1672 Prime Sponsor, House Committee on Human Services: Creating the eye care for the homeless program in Washington. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 1713 Prime Sponsor, Representative Bray: Revising vehicular window tinting labels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Drew, Haugen, Oke, Prentice, Prince, M. Rasmussen, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1727 Prime Sponsor, House Committee on Corrections: Providing a procedure for releasing alien offenders for the purpose of deportation. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1733 Prime Sponsor, House Committee on State Government: Clarifying productivity awards programs. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1743 Prime Sponsor, House Committee on Environmental Affairs: Establishing a pilot multimedia program for pollution prevention. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1760 Prime Sponsor, House Committee on Judiciary: Regulating obligations for child support and spousal maintenance. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1785 Prime Sponsor, House Committee on Environmental Affairs: Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1795 Prime Sponsor, House Committee on Judiciary: Regulating vehicular pursuit. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

March 30, 1993

SHB 1802 Prime Sponsor, House Committee on Health Care: Modifying marriage and family therapist certification. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1808 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Creating the Washington council on international trade. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 1833 Prime Sponsor, Representative Jacobsen: Conforming statutes relating to firearm handling by minors. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1893 Prime Sponsor, House Committee on Transportation: Regulating motor vehicle dealers' buyer's agents relationships. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

HB 1911 Prime Sponsor, Representative Zellinsky: Regulating fire protection districts in newly incorporated cities and towns. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1912 Prime Sponsor, House Committee on Corrections: Establishing guidelines for allowing witnesses at an execution. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1915 Prime Sponsor, House Committee on Local Government: Allowing less restrictive easements concerning aircraft noise. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1922 Prime Sponsor, House Committee on Corrections: Creating a work ethic boot camp program within the department of corrections. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, and Roach.

Referred to Committee on Ways and Means.

March 30, 1993

SHB 1928 Prime Sponsor, House Committee on Transportation: Providing for more comprehensive regional transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1948 Prime Sponsor, House Committee on State Government: Modifying provisions regarding the state commission on Hispanic affairs. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1955 Prime Sponsor, House Committee on Local Government: Concerning hearings related to improvement districts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1966 Prime Sponsor, House Committee on Human Services: Implementing juvenile justice racial disproportionality study recommendations. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Referred to Committee on Ways and Means.

March 30, 1993

HB 1975 Prime Sponsor, Representative Dunshee: Modifying provisions relating to nursing home reimbursement overpayments. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, and Quigley.

Passed to Committee on Rules for second reading.

March 26, 1993

ESHB 1988 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Providing for employment and training services. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, M. Rasmussen, and Williams.

MINORITY recommendation: Do not pass. Signed by Senator Erwin.

Referred to Committee on Ways and Means.

April 1, 1993

SHB 2003 Prime Sponsor, House Committee on Human Services: Affecting juvenile offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

April 1, 1993

EHB 2009 Prime Sponsor, Representative J. Kohl: Including condominiums in parking and business improvement areas. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

March 31, 1993

EHB 2061 Prime Sponsor, Representative Chappell: Changing hunter education provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules for second reading.

March 30, 1993

HB 2073 Prime Sponsor, Representative Wang: Modifying eligibility requirements for the nonprofit homes for the aging property tax exemption. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

March 31, 1993

ESHJM 4015 Prime Sponsor, House Committee on State Government: Requesting the Philippines to keep its consulate open. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules for second reading.

April 1, 1993

HJR 4201 Prime Sponsor, Representative Ludwig: Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, and Rinehart.

Passed to Committee on Rules for second reading.

March 31, 1993

HCR 4412 Prime Sponsor, Representative Jacobsen: Appointing a poet laureate to be paid in Washington wine. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 31, 1993

GA 9121 MIKE FITZGERALD, appointed January 18, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Trade and Economic Development. Reported by Committee on Trade, Technology and Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Skratek, Chairman; Sheldon, Vice Chairman; Bluechel, Deccio, Erwin, M. Rasmussen, and Williams.

Passed to Committee on Rules.

March 31, 1993

GA 9156 LOIS M. CURTIS, reappointed February 1, 1993, for a term ending July 5, 1995, as a member of the Puget Sound Water Quality Authority.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules.

March 31, 1993

GA 9162 JAMES R. FOX, reappointed February 1, 1993, for a term ending December 31, 1995, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules.

March 31, 1993

GA 9251 SHERI TONN, reappointed February 1, 1993, for a term ending July 5, 1996, as a member of the Puget Sound Water Quality Authority.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules.

March 31, 1993

GA 9258 TERRY WILLIAMS, reappointed February 1, 1993, for a term ending July 5, 1996, as a member of the Puget Sound Water Quality Authority.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules.

March 31, 1993

GA 9262 ELIOT W. SCULL, reappointed February 1, 1993, for a term ending December 31, 1995, as Chair of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules.

April 1, 1993

GA 9293 JOHN M. FRANKLIN, appointed February 15, 1993, for a term ending at the Governor's pleasure as Director of the Department of General Administration.
Reported by Committee on Government Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5967 and Senate Bill No. 5968 were advanced to second reading and placed on the second reading calendar.

INTRODUCTION AND FIRST READING

SB 5970 by Senator Vognild (by request of Department of Transportation)

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial No. 9113, Ann E. Daley, as Director of the Office of Financial Management, was confirmed.

APPOINTMENT OF ANN E. DALEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Anderson, Erwin, Fraser, Moore, Niemi, Quigley, Smith, L., Vognild and von Reichbauer - 9.

MOTION

On motion of Senator Spanel, Gubernatorial No. 9130, Sheryl Wilson, as Director of the Department of Retirement Systems, was confirmed.

APPOINTMENT OF SHERYL WILSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Erwin, Moore, Niemi, Smith, L. and von Reichbauer - 6.

MOTION

On motion of Senator Talmadge, Gubernatorial No. 9117, Margaret T. Stanley, as Administrator of the Washington Health Care Authority, was confirmed.

APPOINTMENT OF MARGARET T. STANLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Erwin, Moore, Niemi, Smith, L. and von Reichbauer - 6.

CALL OF THE SENATE

Senators Jesernig, Wojahn and Gaspard demanded a Call of the Senate.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Anderson, Erwin, Niemi, Linda Smith and von Reichbauer who were excused earlier.

MOTION

At 6:05 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 6:49 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of Senate Bill No. 5968.

SECOND READING

SENATE BILL NO. 5968 by Senators Rinehart and Gaspard (by request of Office of Financial Management)

Making appropriations.

MOTIONS

On motion of Senator Jesernig, Substitute Senate Bill No. 5968 was substituted for Senate Bill No. 5968 and the substitute bill was placed on second reading and read the second time.

Senator Gaspard moved that the rules be suspended and Substitute Senate Bill No. 5968 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Gaspard to suspend the rules and advance Substitute Senate Bill No. 5968 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion to suspend the rules and advance Substitute Senate Bill No. 5968 to third reading and final passage, failed to receive a two-thirds majority by the following vote: Yeas, 28; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, West and Winsley - 17.

Excused: Senators Anderson, Erwin, Smith, L. and von Reichbauer - 4.

PARLIAMENTARY INQUIRY

Senator Newhouse: "By your action, then, the bill goes to the Rules Committee for third reading?"

REPLY BY THE PRESIDENT

President Pritchard: "That is correct. Passed to third reading."

MOTION

At 6:58 p.m., on motion Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 7:38 p.m. by President Pritchard.

At 7:39 p.m., and there being no objection, the President declared the Senate to be at ease for the purpose of a Rules Committee Meeting.

The Senate was called to order at 10:11 p.m. by President Pritchard.

DISPENSE WITH CALL OF THE SENATE

The Call of the Senate was dispensed with on motion of Senator Jesernig.

POINT OF ORDER

Senator West: "Mr. President, I rise to a point of order. Under Rule 15, I believe the next order of business is to adjourn. It is past 10:00 p.m. at night."

MOTION

On motion of Senator Snyder, Rule 15 was suspended.

EDITOR'S NOTE: Rule 15 states, 'The senate shall convene at 10:00 a.m., each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Adam Smith, Gubernatorial No. 9134, Kay Adamson, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF KAY ADAMSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Smith, L. - 1.

SECOND READING

HOUSE BILL NO. 1216, by Representatives Veloria, Heavey, Horn and King (by request of Liquor Control Board)

Regulating acceptance and disbursement of funds and grants by the liquor control board.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1216.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1216 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Smith, L. - 1.

HOUSE BILL NO. 1216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Skratek was excused.

SECOND READING

HOUSE BILL NO. 1217, by Representatives Springer, Heavey, Chandler, King and Shin (by request of Liquor Control Board)

Allowing seized liquor to be used for training and investigations.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1217.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1217 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator McCaslin - 1.

Absent: Senator Rinehart - 1.

Excused: Senators Skratek and Smith, L. - 2.

HOUSE BILL NO. 1217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1253, by House Committee on Health Care (originally sponsored by Representatives Dellwo, Morris, Dyer and Wood) (by request of Department of Health)

Modifying provisions regarding physician assistants.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1253.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1253 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Rinehart, Skratek and Smith, L. - 3.

SUBSTITUTE HOUSE BILL NO. 1253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1255, by Representatives Dellwo, Morris, Dyer, Flemming and Wood (by request of Department of Health)

Requiring podiatric physicians and surgeons to have one year of postgraduate podiatric medical training.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1255.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1255 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator McCaslin - 1.

Excused: Senators Rinehart, Skratek and Smith, L. - 3.

HOUSE BILL NO. 1255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1260, by House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn and Rust) (by request of Utilities and Transportation Commission)

Modifying review of solid waste collection company tariff filings.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 81.04.130 and 1984 c 143 s 1 are each amended to read as follows:

Whenever any public service company, other than a railroad company, files with the commission any schedule, classification, rule, or regulation, the effect of which is to change any rate, fare, charge, rental, or toll previously charged, the commission has power, either upon its own motion or upon complaint, upon notice, to hold a hearing concerning the proposed change and the reasonableness and justness of it. Pending the hearing and the decision the commission may suspend the operation of the rate, fare, charge, rental, or toll, if the change is proposed by a common carrier subject to the jurisdiction of the commission, ~~other than a solid waste collection company~~, for a period not exceeding seven months, and, if proposed by a ~~(public service company other than such a common carrier)~~ solid waste collection company, for a period not exceeding ten months from the time the change would otherwise go into effect. After a full hearing the commission may make such order in reference to the change as would be provided in a hearing initiated after the change had become effective.

At any hearing involving any change in any schedule, classification, rule, or regulation the effect of which is to increase any rate, fare, charge, rental, or toll theretofore charged, the burden of proof to show that such increase is just and reasonable is upon the public service company. When any common carrier subject to the jurisdiction of the commission files any tariff, classification, rule, or regulation the effect of which is to decrease any rate, fare, or charge, the burden of proof to show that such decrease is just and reasonable is upon the common carrier.

Sec. 2. RCW 81.28.050 and 1984 c 143 s 5 are each amended to read as follows:

Unless the commission otherwise orders, no change may be made in any classification, rate, fare, charge, rule, or regulation filed and published by a common carrier other than a rail carrier, except after thirty days' notice to the commission and to the public. In the case of a solid waste collection company, no such change may be made except after forty-five days' notice to the commission and to the public. The notice shall be published as provided in RCW 81.28.040 and shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rate, classification, fare, or charge will go into effect. All proposed changes shall be shown by printing, filing, and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. In the case of a change proposed by a rail carrier, except for changes to rail contracts between a rail carrier and a shipper authorized under RCW 81.34.070, which changes become effective in accordance with that section, a proposal resulting in a rate increase or a new rate shall not become effective for twenty days after the notice is published, and a proposal resulting in a rate decrease shall not become effective for ten days after the notice is published. The commission, for good cause shown, may by order allow changes in rates without requiring the notice and the

publication time periods specified in this section. When any change is made in any rate, fare, charge, classification, rule, or regulation, attention shall be directed to the change by some character on the schedule. The character and its placement shall be designated by the commission. The commission may, by order, for good cause shown, allow changes in any rate, fare, charge, classification, rule, or regulation without requiring any character to indicate each and every change to be made.

NEW SECTION. Sec. 3. A new section is added to chapter 70.95 RCW to read as follows:

To provide solid waste collection companies with sufficient time to prepare and submit tariffs and rate filings for public comment and commission approval, the owner or operator of a transfer station, landfill, or facility used to burn solid waste shall provide seventy-five days' notice to solid waste collection companies of any change in tipping fees and disposal rate schedules. The notice period shall begin on the date individual notice to a collection company is delivered to the company or is postmarked.

A collection company may agree to a shorter notice period: PROVIDED, That such agreement by a company shall not affect the notice requirements for rate filings under RCW 81.28.050.

The owner of a transfer station, landfill or facility used to burn solid waste may agree to provide companies with a longer notice period.

"Solid waste collection companies" as used in this section means the companies regulated by the commission pursuant to chapter 81.77 RCW."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 81.04.130 and 81.28.050; and adding a new section to chapter 70.95 RCW."

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1260, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1260, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1260, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Rinehart, Skratek, Smith, L. and Vognild - 4.

SUBSTITUTE HOUSE BILL NO. 1260, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1356, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Roland and Valle) (by request of Department of Health)

Modifying penalties and compliance for public water systems.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.119A.030 and 1991 c 304 s 3 are each amended to read as follows:

(1) The secretary or his or her designee or the local health officer may declare a public health emergency. As limited by RCW 70.119A.040, the department may impose penalties for violations of laws or regulations that are determined to be a public health emergency.

(2) As limited by RCW 70.119A.040, the department may impose penalties for ~~((failure to comply with an order of the department, or of an authorized local board of health, when the order:~~

(a) Directs any person to stop work on the construction or alteration of a public water system when plans and specifications for the construction or alteration have not been approved as required by the regulations, or when the work is not being done in conformity with approved plans and specifications;

(b) Requires any person to eliminate a cross-connection to a public water system by a specified time; or

(c) Requires any person to cease violating any regulation relating to public water systems, to take specific actions within a specified time to place a public water system in compliance with regulations adopted under chapters 43.20 and 70.119 RCW, to apply for an operating permit as required under RCW 70.119A.110 or to comply with any conditions or requirements imposed as part of an operating permit) violation of laws or rules regulating public water systems and administered by the department of health.

Sec. 2. RCW 70.119A.040 and 1990 c 133 s 8 are each amended to read as follows:

(1)(a) In addition to or as an alternative to any other penalty ((provided)) or action allowed by law, ((every)) a person who ((commits any of the acts or omissions in RCW 70.119A.030 shall be subjected)) violates a law or rule regulating public water systems and administered by the department of health is subject to a penalty ((in an amount of not less than five hundred dollars. The maximum penalty shall be) of not more than five thousand dollars per day for every such violation, or, in the case of a violation that has been determined to be a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation.

(b) In addition, a person who constructs, modifies, or expands a public water system or who commences the construction, modification, or expansion of a public water system without first obtaining the required departmental approval is subject to penalties of not more than five thousand dollars per service connection, or, in the case of a system serving a transient population, a penalty of not more than four hundred dollars per person based on the highest average daily population the system is anticipated to serve. The total penalty that may be imposed pursuant to this subsection (1)(b) is five hundred thousand dollars.

(c) Every person who, through an act of commission or omission, procures, aids, or abets ((in the)) a violation ((shall be)) is considered to have violated the provisions of this section and ((shall be)) is subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil ((fine)) penalty is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for ((remission or mitigation is made as provided in subsection (3) of this section or unless application for)) an adjudicative proceeding is filed as provided in subsection ((4)) (3) of this section.

(3) ~~Within fourteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall not mitigate the fines below the minimum penalty prescribed in subsection (1) of this section. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner as it may deem proper. When an application for remission or mitigation is made, a penalty incurred under this section is due twenty-eight days after receipt of the notice setting forth the disposition of the application, unless an application for an adjudicative proceeding to contest the disposition is filed as provided in subsection (4) of this section.~~

~~(4)) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.~~

~~((5)) (4) A penalty imposed by a final administrative order ((after an adjudicative proceeding)) is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served and such reasonable attorney's fees as are incurred in securing the final administrative order.~~

~~(5) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorney's fees for the cost of the attorney general's office in representing the department.~~

~~(6) ((The attorney general may bring an action in the name of the department in the superior court of Thurston county, or of any county in which such violator may do business, to collect a penalty.~~

~~(7)) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the public water system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.~~

~~(7) A judgment entered under subsection (5) or (6) of this section shall have the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.~~

~~(8) All penalties imposed under this section shall be payable to the state treasury and credited to the general fund.~~

~~(9) Except in cases of public health emergencies, the department may not impose monetary penalties under this section unless a prior effort has been made to resolve the violation informally.~~

Sec. 3. RCW 70.119A.050 and 1989 c 422 s 8 are each amended to read as follows:

Each local board of health that is enforcing the regulations under an agreement with the department allocating state and local responsibility is authorized to impose and collect civil penalties for violations within the area of its responsibility under the same limitations and requirements imposed upon the department by RCW 70.119A.030 and 70.119A.040, except that judgment shall be

~~entered in the name of the local board penalties shall be placed into the general fund of the county, city, or town operating the local board of health(, and the prosecuting attorney, or city, or town attorney shall bring the actions to collect the unpaid penalties)).~~

NEW SECTION. Sec. 4. A new section is added to chapter 70.119A RCW to read as follows:

(1)(a) Except as otherwise provided in (b) of this subsection, the secretary or his or her designee shall have the right to enter a premises under the control of a public water system at reasonable times with prior notification in order to determine compliance with laws and rules administered by the department of health to test, inspect, or sample features of a public water system and inspect, copy, or photograph monitoring equipment or other features of a public water system, or records required to be kept under laws or rules regulating public water systems. For the purposes of this section, "premises under the control of a public water system" does not include the premises or private property of a customer of a public water system past the point on the system where the service connection is made.

(b) The secretary or his or her designee need not give prior notification to enter a premises under (a) of this subsection if the purpose of the entry is to ensure compliance by the public water system with a prior order of the department or if the secretary or the secretary's designee has reasonable cause to believe the public water system is violating the law and poses a serious threat to public health and safety.

(2) The secretary or his or her designee may apply for an administrative search warrant to a court official authorized to issue a criminal search warrant. An administrative search warrant may be issued for the purposes of inspecting or examining property, buildings, premises, place, books, records, or other physical evidence, or conducting tests or taking samples. The warrant shall be issued upon probable cause. It is sufficient probable cause to show any of the following:

(a) The inspection, examination, test, or sampling is pursuant to a general administrative plan to determine compliance with laws or rules administered by the department; or

(b) The secretary or his or her designee has reason to believe that a violation of a law or rule administered by the department has occurred, is occurring, or may occur.

(3) The local health officer or the designee of a local health officer of a local board of health that is enforcing rules regulating public water systems under an agreement with the department allocating state and local responsibility is authorized to conduct investigations and to apply for, obtain, and execute administrative search warrants necessary to perform the local board's agreed-to responsibilities under the same limitations and requirements imposed on the department under this section."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 70.119A.030, 70.119A.040, and 70.119A.050; adding a new section to chapter 70.119A RCW; and prescribing penalties."

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1356, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1356, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1356, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Prince, Roach, Sellar, von Reichbauer and West - 18.

Excused: Senators Skratek, Smith, L. and Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 1356, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1400, by Representatives Heavey and Franklin (by request of Department of Licensing)

Regulating real estate appraisers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1400.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1400 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Loveland and Rinehart - 2.

Excused: Senators Skratek, Smith, L. and Vognild - 3.

HOUSE BILL NO. 1400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1480, by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Foreman, Wang and Springer) (by request of Department of Revenue)

Subjecting certain travel trailers and campers to ad valorem taxation.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1480.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1480 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, Nelson, Roach and Sellar - 7.

Absent: Senator Rinehart - 1.

Excused: Senators Skratek, Smith, L. and Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1481, by Representatives G. Fisher, Foreman, Wang and Quall (by request of Department of Revenue)

Modifying taxation of ships and vessels.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed House Bill No. 1481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1481.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1481 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 13; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Erwin, McCaslin, McDonald, Moyer, Roach, Sellar, von Reichbauer and West - 13.

Absent: Senators Loveland and Rinehart - 2.

Excused: Senators Skratek, Smith, L. and Vognild - 3.

ENGROSSED HOUSE BILL NO. 1481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1527, by House Committee on Appropriations (originally sponsored by Representatives Linville and Locke) (by request of Office of Financial Management)

Modifying funding of the dependent care program.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 1527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1527.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1527 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, McCaslin and Sellar - 3.

Absent: Senator Loveland - 1.

Excused: Senators Rinehart, Skratek, Smith, L. and Vognild - 4.

SUBSTITUTE HOUSE BILL NO. 1527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1528, by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Locke and R. Meyers) (by request of Office of Financial Management)

Modifying the state's cash management system.

The bill was read the second time.

MOTIONS

On motion of Senator Spanel, the following Committee on Ways and Means amendment was adopted:

On page 13, beginning on line 28, strike all material down to and including line 35 and insert the following:

"NEW SECTION. Sec. 10. The state treasurer shall submit a report to the fiscal committees of the legislature by January 1, 1995, and by January 1, 1996, on the costs, financial benefits, and staffing requirements of the following: (1) The use of electronic fund transfer mechanisms by state agencies for the previous fiscal year; (2) local account compliance for the previous fiscal year

with financial standards developed by the office of financial management; (3) compliance with the federal cash management improvement act of 1990; and (4) the total banking costs of treasury accounts during the previous two fiscal years. The report shall also identify the savings realized by agencies as a result of this act."

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 1528, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1528, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1528, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Rinehart, Skratek, Smith, L. and Vognild - 4.

SUBSTITUTE HOUSE BILL NO. 1528, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1643, by Representatives King, Veloria, Heavey, Reams and Jacobsen (by request of Department of Licensing)

Modifying licensure requirements for landscape architects

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1643.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1643 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Skratek and Smith, L. - 2.

HOUSE BILL NO. 1643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:13 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:59 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of Senate Bill No. 5967.

SECOND READING

SENATE BILL NO. 5967, by Senator Rinehart (by request of Governor Lowry)

Implementing a comprehensive tax package.

MOTIONS

On motion of Senator Jesernig, Substitute Senate Bill No. 5967 was substituted for Senate Bill No. 5967 and the substitute bill was placed on second reading and read the second time.

Senator McDonald moved that the following amendment be adopted:

On page 3, at the beginning of line 9, strike all material through "~~and~~)" on line 14, and insert "excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and"

MOTION

Senator Jesernig moved to lay on the table the amendment by Senator McDonald on page 3, at the beginning of line 9.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Jesernig to lay on the table the amendment by Senator McDonald on page 3, at the beginning of line 9, to Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll and the motion to lay the amendment on the table carried by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

POINT OF INFORMATION

Senator Nelson: "Mr. President, a point of information. Will the President rule on whether or not laying an amendment on the table carries with it the main motion, mainly the bill as reflected in Reed's Rule 114?"

RULING BY THE PRESIDENT

President Pritchard: "Senate Rule 21 states, 'A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.' The amendment is tabled."

MOTION

Senator Sellar moved that the following amendment by Senators Sellar and McDonald be adopted:

On page 4, after line 38, strike all materials through and including "services:" on line 39

Renumber remaining subsections accordingly

MOTION

Senator Jesernig moved to lay on the table the amendment by Senators Sellar and McDonald on page 4, after line 38.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Jesernig to lay on the table the amendment by Senators Sellar and McDonald on page 4, after line 38, to Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll and the motion to lay the amendment on the table carried by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Oke, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Absent: Senator Newhouse - 1.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Prince moved to immediately reconsider the vote by which the amendment by Senators Sellar and McDonald on page 4, after line 38, was laid on the table.

MOTION

Senator Jesernig moved that the motion for reconsideration of the amendment by Senators Sellar and McDonald on page 4, after line 38, be laid on the table.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Jesernig to lay on the table the motion for reconsideration of the amendment by Senators Sellar and McDonald on page 4, after line 38, to Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll and the motion to lay on the table the motion for reconsideration of the amendment carried by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

MOTION

Senator Jesernig moved that the Senate now consider the amendment by Senator Rinehart on page 11, after line 2.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. There are amendments preceding the amendment by Senator Rinehart on page 11, after line 2, that are ahead in the bill itself for consideration by the body."

RULING BY PRESIDENT

President Pritchard: "Well, it is the judgment of the body if you want to skip ahead."

Senator Nelson: "Mr. President, the tradition of the body is to take the amendments in order from the beginning of the bill to the end."

President Pritchard: "That is true. If the body wants to go against tradition why then that is a decision that can be made by the body."

Senator Nelson: "Mr. President, it would then be that the members on the floor would have the opportunity to move back to any preceding amendments that now have been by-passed by immediately considering the amendment by Senator Rinehart on page 11, after line 2?"

President Pritchard: "I believe that is right. This does not preclude the body taking up previous amendments or ones that come back in an earlier number."

The President declared the question before the Senate to be the motion by Senator Jesernig to now consider the amendment by Senator Rinehart on page 11, after line 2, to Substitute Senate Bill No. 5967.

The motion by Senator Jesernig carried and the Senate commenced consideration of the amendment by Senator Rinehart on page 11, after line 2.

MOTION

On motion of Senator Rinehart, the following amendment was adopted:

On page 11, after line 2, insert the following:

Sec. 103. RCW 82.04.280 and 1986 c 226 s 2 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national

and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(~~((6), as now or hereafter amended)) (7); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent.~~

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. I would like to raise the point of order that this bill and its title says, 'An act relating to taxation.' I would like to raise the point that in part seven, we have statutory law not related to taxation--insurance premium tax credit repeal--and that would violate the article of the Constitution subject to two matters in one bill."

RULING BY PRESIDENT

President Pritchard: "In ruling upon the point of order raised or the question that Senator Newhouse raised, the President believes that Substitute Senate Bill No. 5967 is a broad measure dealing with many areas of taxation and that part seven affects tax liability. The point of order is not well taken."

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 25, after line 9, strike all of section 120 and insert the following:

"Sec. 120. RCW 82.14.030 and 1989 c 384 s 6 are each amended to read as follows:

(1) The governing body of any county or city while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose a sales and use tax in accordance with the terms of this chapter. Such tax shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event within the county or city as the case may be(~~(: PROVIDED, That))~~. Except as provided in RCW 82.14.230, this sales and use tax shall not apply to natural or manufactured gas. This sales and use tax shall not apply to the sales of retail services as defined in RCW 82.04.050(3)(c) through (3)(t), (5)(c), and (5)(d). The rate of such tax imposed by a county shall be five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax imposed by a city shall not exceed five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax)(~~(: PROVIDED, HOWEVER, That))~~. In the event a county shall impose a sales and use tax under this subsection, the rate of such tax imposed under this subsection by any city therein shall not exceed four hundred and twenty-five one-thousandths of one percent.

(2) Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in addition to the tax authorized in subsection (1) of this section, the governing body of any county or city may by resolution or ordinance impose an additional sales and use tax in accordance with the terms of this chapter. Such additional tax shall be collected upon the same taxable events upon which the tax imposed under subsection (1) of this section is levied. The rate of such additional tax imposed by a county shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such additional tax imposed by a city shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax)(~~(: PROVIDED HOWEVER, That))~~. In the event a county shall impose a sales and use tax under this subsection at a rate equal to or greater than the rate imposed under this subsection by a city within the county, the county shall receive fifteen percent of the city tax(~~(: PROVIDED FURTHER, That))~~. In the event that the county shall impose a sales and use tax under this subsection at a rate which is less than the rate imposed under this subsection by a city within the county, the county shall receive that amount of revenues from the city tax equal to fifteen percent of the rate of tax imposed by the county under this subsection. The authority to impose a tax under this subsection is intended in part to compensate local government for any losses from the phase-out of the property tax on business inventories.

Sec. 121. RCW 82.14.045 and 1991 c 363 s 158 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a

county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be, except that no tax on retail services, as the term is defined in RCW 82.04.050(3)(c) through (3)(t), (5)(c), and (5)(d), may be imposed under this section. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273.

Sec. 122. RCW 82.14.048 and 1991 c 207 s 1 are each amended to read as follows:

The governing board of a public facilities district under chapter 36.100 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. This sales and use tax shall not apply to the sales of retail services as defined in RCW 82.04.050(3)(c) through (3)(t), (5)(c), and (5)(d). The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

Moneys received from any tax imposed under this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of sports or entertainment facilities and contiguous parking.

Sec. 123. RCW 82.14.340 and 1991 c 311 s 5 and 1991 c 301 s 16 are each amended and reenacted to read as follows:

The legislative authority of any county with a population of two hundred thousand or more, any county located east of the crest of the Cascade mountains with a population of one hundred fifty thousand or more, and any other county with a population of one hundred fifty thousand or more that has had its population increase by at least twenty-four percent during the preceding nine years, as certified by the office of financial management for the first day of April of each year, may and, if requested by resolution of the governing bodies of cities in the county with an aggregate population equal to or greater than fifty percent of the total population of the county, as last determined by the office of financial management, shall submit an authorizing proposition to the voters of the county and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. This sales and use tax shall not apply to the sales of retail services as defined in RCW 82.04.050(3)(c) through (3)(t), (5)(c), and (5)(d). The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

Moneys received from any tax imposed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures. Moneys received by the county and the cities within

the county from any tax imposed under this section may be expended for domestic violence community advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991, and prior to approval of the voters, the legislative authority of the county, which submitted an authorizing proposition to the voters of the county, adopted by ordinance a financial plan that included expenditure of a portion of the moneys received for domestic violence community advocates.

This section expires January 1, 1994.

Sec. 124. RCW 81.104.170 and 1992 c 101 s 28 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. This sales and use tax shall not apply to the sales of retail services as defined in RCW 82.04.050(3)(c) through (3)(t), (5)(c), and (5)(d). The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340."

POINT OF INQUIRY

Senator McDonald: "Senator Rinehart, this is taking away the local money--what you are counting on for some local criminal justice. From whence does it come now?"

Senator Rinehart: "It comes from the remainder of the taxes in the bill. The total will be ninety million dollars for criminal justice. The entire package will raise six hundred and eighteen million dollars. That's five hundred twenty-eight to fund the general fund budget and ninety million for criminal justice."

Senator McDonald: "So, the total tax package will now be six hundred and eighteen million?"

Senator Rinehart: "Because we are now funding criminal justice at the state level as opposed to the local level."

Senator McDonald: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 25, after line 9, to Substitute Senate Bill No. 5967.

The motion by Senator Rinehart carried and the amendment was adopted.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 26, after line 10, insert the following:

Sec. 121. RCW 82.04.290 and 1985 c 32 s 3 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.50 percent on persons engaging in banking, loan, security, or other financial businesses, from investments or the use of moneys as such, and by the rate of 2.00 percent on all other businesses. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section."

Renumber the sections consecutively and correct internal references accordingly.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rinehart on page 26, after line 10, to Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

MOTIONS

On motion of Senator Rinehart, the following amendments were considered simultaneously and were adopted:

On page 27, line 5, strike "and 82.60.040" and insert "~~((and 82.60.040))~~
On page 29, line 26, strike "and 82.61.030" and insert "~~((and 82.61.030))~~

On motion of Senator Rinehart, the following amendment was adopted:
On page 41, beginning on line 13, strike "miscellaneous tax division of the"

MOTIONS

On motion of Senator Rinehart, the following amendment was adopted:
On page 61, after line 2, strike all material down through line 11 on page 63 and insert the following:
"NEW SECTION. Sec. 601. A new section is added to chapter 48.14 RCW to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under section 335 of chapter Laws of 1993 (E2SSB 5304).

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund.

(6) A credit is allowed against the tax imposed in this section equal to the amount of any tax paid under section 301 of chapter Laws of 1993 (E2SSB 5304) during the same calendar year.

NEW SECTION. Sec. 602. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to any health maintenance organization, health care service contractor, or certified health plan in respect to premiums or prepayments that are taxable under section 601 of this act."

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Rinehart, the following amendment was adopted:

On page 68, line 19, after "82.08.060." insert "Collection agencies that are paid by commissions may collect the tax imposed under this chapter from the person owing or alleged to owe a claim as a collection cost in lieu of collecting the tax from the buyer."

MOTION

On motion of Senator Rinehart, the following amendment was adopted:
On page 74, line 19, strike "through 603" and insert "and 602"

MOTION

Senator Nelson moved that the following amendments be considered simultaneously and be adopted:

By Senator McDonald

On page 5, beginning on line 1, strike all material through and including "services:"
Renumber remaining subsections accordingly.

By Senator Roach

On page 5, after line 1, strike all material through and including "services:" on line 5
Renumber remaining subsections accordingly.

By Senator McDonald

On page 5, after line 18, strike all material through and including "made:" on line 22
Renumber remaining subsections accordingly.

By Senator Roach

On page 5, after line 22, strike all material through and including "services:" on line 24.
Renumber remaining subsections accordingly.

By Senator Roach

On page 5, after line 24, strike all material through and including "designing:" on line 27
Renumber remaining subsections accordingly.

By Senator Roach

On page 5, after line 27, strike all material through and including "architecture:" on line 29
Renumber remaining subsections accordingly.

By Senator Deccio

On page 5, after line 29, strike all material through and including "lobbying:" on line 37
Renumber remaining subsections accordingly.

By Senator McCaslin

On page 5, after line 37, strike all material through and including "services:" on page 6, line 3
Renumber remaining subsections accordingly.

By Senator McDonald

On page 6, after line 3, strike all material through and including "advertising:" on line 7
Renumber remaining subsections accordingly.

By Senator McCaslin

On page 6, after line 7, strike all material through and including "operator:" on line 8
Renumber remaining subsections accordingly.

By Senator Sellar

On page 6, line 9, after "(p)" strike "Boat, railroad," and insert "Railroad"

By Senator Nelson

On page 6, line 9, after "Boat" strike ", railroad,"

By Senator Barr

On page 6, after line 10, strike all material through and including "Surveying:" on line 11
Renumber remaining subsections accordingly.

By Senator Deccio

On page 6, after line 11, strike all material through and including "services:" on line 14
Renumber remaining subsections accordingly.

By Senator Amondson

On page 6, line 14, after "services:" insert "and"

On page 6, line 38, after "similar trusts" strike all material through "services:" on page 7, line 2

By Senator West

On page 7, line 30, after "Water" insert ":

(i) Security broker services"

By Senator West

On page 7, line 30, after "water" insert ":

(i) Photographic studios"

By Senator Sellar

On page 7, line 30, after "water" insert ":

(i) Motion pictures"

By Senator Nelson

On page 7, after line 32, strike all material through and including "others:" on line 36
Renumber remaining subsections accordingly.

By Senators Nelson, West and Winsley

On page 7, after line 37, strike all material through and including "services:" on line 38
Renumber remaining subsections accordingly.

By Senator Roach

On page 8, beginning on line 2, strike "beauty and barber services."

On page 8, line 4, after "including" insert "beauty and barber services and"

By Senator Moyer
On page 8, line 2, after "beauty and barber services." strike "tanning services."
On page 8, line 4, after "including" insert "tanning salons and"

By Senator Moyer
On page 8, line 3, after "dating services." strike "and health clubs or spa services."
On page 8, line 4, after "including" insert "health clubs or spa services and"

By Senator West
On page 34, beginning on line 1, strike all material down through line 27, on page 45
Renumber the parts and sections consecutively and correct any internal references accordingly.

By Senator Bluechel
On page 46, beginning on line 1, strike all material down through line 26, on page 60
Renumber the parts and sections consecutively and correct any internal references accordingly.
On page 74, strike all of lines 17 and 18 and renumber the subsections accordingly.

By Senator McDonald
On page 61, beginning on line 1, strike all material down through line 12, on page 63
Renumber the parts and sections consecutively and correct any internal references accordingly.
On page 74, strike all of lines 19 and 20 and renumber the subsections accordingly.

By Senator McDonald
On page 64, beginning on line 1, strike all material down through line 10, on page 65
Renumber the parts and sections consecutively and correct any internal references accordingly.

By Senator McDonald
On page 74, strike all of line 21
Renumber the remaining subsection accordingly.

By Senator Cantu
On page 71, beginning on line 1, strike all material down through line 3, on page 73
Renumber the parts and sections consecutively and correct any internal references accordingly.

By Senator Anderson
On page 5, after line 5, strike all material through and including "services:" on line 13
Renumber remaining subsections accordingly.

By Senator Anderson
On page 5, after line 13, strike all material through and including "commission:" on line 18
Renumber remaining subsections accordingly.

By Senator Hochstatter
On page 6, line 9, after "Boat" strike ", railroad, and air" and insert "and railroad"
Renumber remaining subsections accordingly.

By Senator Hochstatter
On page 7, after line 36, strike all material through and including "businesses:" on line 37
Renumber remaining subsections accordingly.

POINT OF ORDER

Senator Hargrove: "A point of order, Mr. President. I would like to know whether the three minute rule applies to making motions?"

REPLY BY THE PRESIDENT

President Pritchard: "There is not a three minute rule at this time."

MOTION

Senator Jesernig moved to lay on the table the motion by Senator Nelson to consider the group of amendments to Substitute Senate Bill No. 5967.

MOTION

Senator Nelson moved that the question be divided and the amendment by Senator McDonald on page 5, strike all of line 1, be considered separately.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Nelson to divide the question and consider the amendment by Senator McDonald on page 5, strike all of line 1, to Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll and the motion to divide the question failed by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

MOTION

Senator Nelson moved that the question be divided and the amendment by Senator Roach on page 5, after line 1, be considered separately.

POINT OF ORDER

Senator Vognild: "Mr. President, I rise to a point of order. Since Senator Nelson brought the motion to consider the following amendments himself, under one motion, and now requests that they be divided, I would ask the President to review Reed's Rules 225 and rule whether this is simply a matter of impeding the business of this body."

At 12:48 a.m., and there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 1:16 a.m. by President Pritchard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling on the point of order raised by Senator Vognild, the President is reluctant to rule that any member is employing tactics to create disorder and impede business at this point.

"In ruling on Senator Nelson's motion to divide the question, Senator Nelson's original motion was to consider a number of amendments in a specified order. Senator Jesernig moved to lay Senator Nelson's motion on the table. Senator Nelson then moved to divide the question and consider the amendment by Senator McDonald on page 5, strike all of line 1, separately, which motion failed.

"Senator Nelson then moved a second time to divide the question, as which point Senator Vognild raised a point of order.

"The President has reviewed Reed's Rules 151, 152 and 153.

"The President believes that Senator Nelson's motion is not in order. The motion to divide determines into how many parts the question should be divided. In this instance, Senator Nelson moved to divide the question into two parts. That motion having failed, the question before the body is now Senator Jesernig's motion to lay Senator Nelson's motion on the table in its entirety."

Senator von Reichbauer demanded a roll call and the demand was sustained.

POINT OF INFORMATION

Senator Nelson: "Mr. President, I have a point of information. With respect to the President's Ruling, in reading Reed's Rule 153, it appears to the maker of the motion that in Rule 153 it says that if the proposition to be considered by the body consists of two distinct propositions, as in the case of my original motion to take a number of amendments in sequence, we have more than two distinct conditions facing the body. We have each one individually and we don't effectively have an opportunity to now address them individually. You have divided one away from a group of others. There are not two distinct positions."

RULING BY THE PRESIDENT

President Pritchard: "Senator, I think you made the division in dividing one and the others. If you see Rule 152, it states-- the thing deals with 151, 152 and 153. It says in 152, 'It must be made pursuant to a motion stating precisely the division asked for.' So, the President does not rule in your favor."

The President declared the question before the Senate to be the roll call on the motion by Senator Jesernig to lay on the table the motion by Senator Nelson to consider certain amendments in a specified order to Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll and the motion to lay the motion on the table carried by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognoild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

MOTIONS

On motion of Senator Rinehart, the following amendments were considered simultaneously and were adopted:

On page 28, line 18, after "chapter" insert the following:

":
or

(e) Acquisition of all new or used machinery, equipment, or other personal property for use in the production of pulp and paper-related products if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management; or

(f) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after the effective date of this act and are intended to increase the operating efficiency of existing pulp and paper mills or facilities, if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management"

On page 29, after line 23, insert the following:

"Sec. 203. RCW 82.61.020 and 1987 c 497 s 2 are each amended to read as follows:

Application for deferral of taxes under this chapter shall be made before initiation of the construction of the investment project or acquisition of equipment or machinery or plant. Application for deferral of taxes for modernization projects as defined in RCW 82.61.010(4)(d) and (f) shall be made during the calendar year in which construction begins or acquisition of equipment or machinery occurs. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

Sec. 204. RCW 82.61.030 and 1987 c 497 s 3 are each amended to read as follows:

Except for eligible projects within the definitions in RCW 82.61.010(4) (c) ~~((or-(d)))~~ through (f), a tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, shall also be ineligible to receive a tax deferral certificate."

On motion of Senator Rinehart, the following amendment was adopted:

On page 74, after line 2, insert the following:

"NEW SECTION. Sec. 1101. If the revenues generated under this act during the biennium exceed the amounts projected to be generated, the department of revenue shall certify the excess to the state treasurer as soon as the excess is known and the state treasurer shall transfer an amount equal to the excess from the general fund to the budget stabilization account."

Renumber the sections consecutively

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 6, beginning on line 15, strike all of subsection (s) through and including "trusts:" on line 38

Renumber the remaining subsection accordingly

MOTION

Senator Jesernig moved to lay on the table the amendment by Senator McDonald on page 6, beginning on line 15.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Jesernig to lay on the table the amendment by Senator McDonald on page 6, beginning on line 15, to Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll and the motion to lay the amendment on the table carried by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

MOTIONS

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "82.04.190," insert "82.04.280,"

On page 1, line 4 of the title, after "82.61.010," insert "82.61.020, 82.61.030,"

On page 1, line 4 of the title, before "82.60.050" insert "82.04.290,"

On page 1, line 4 of the title, strike "82.14.020," and insert "82.14.030, 82.14.045, 82.14.048, 82.14.340, 81.104.170"

On page 1, line 14 of the title, strike "adding new sections" and insert "adding a new section"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Anderson: "Mr. President, a point of order. Could you say what the time is, please?"

REPLY BY THE PRESIDENT

President Pritchard: "I think that is a point of information, but it is right now--looks like it's--a quarter of two or 1:45."

Senator Anderson: "A.M.?"

President Pritchard: "1:46 a.m., yes."

Senator Anderson: "Thank you, Mr. President."

Further debate ensued.

POINT OF ORDER

Senator Gaspard: "A point of order, Mr. President. Senator Anderson rose to a point of information. She has now been recognized beyond the point of information."

Senators Gaspard, Snyder and Wojahn demanded the previous question.

The President declared the question before the Senate to be the demand for the previous question.

The motion for the previous question carried on a rising vote.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Skratek, Smith, L., von Reichbauer, West and Winsley - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Jesernig, the Senate resumed consideration of Substitute Senate Bill No. 5968, which was considered earlier today.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5968 by Senate Committee on Ways and Means (originally sponsored by Senators Rinehart and Gaspard) (by request of Office of Financial Management)

Making appropriations.

The bill was read the third time and placed on final passage.

MOTION TO LIMIT DEBATE

Senator Jesernig: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through April 25, 1993."

The President declared the question before the Senate to be the motion by Senator Jesernig to limit debate.

The motion by Senator Jesernig carried and debate was limited to three minutes through April 25, 1993.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5968.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5968 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

SUBSTITUTE SENATE BILL NO. 5968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:02 a.m., on motion of Senator Jesernig, the Senate adjourned until 12:00 noon, Friday, April 2, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIRST DAY, APRIL 1, 1993

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

EIGHTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Friday, April 2, 1993
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1993
SHB 1028 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Allowing live-in care at mobile home parks. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, McAuliffe, Pelz, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993
HB 1029 Prime Sponsor, Representative H. Myers: Purchasing manufactured homes. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993
ESHB 1135 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying the regulation of "alternative livestock." Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Bauer, Newhouse, and Snyder.

Passed to Committee on Rules for second reading.

April 1, 1993
HB 1142 Prime Sponsor, Representative Zellinsky: Requiring a bond for a license to sell checks, drafts, or money orders. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, McAuliffe, Newhouse, Pelz, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1243 Prime Sponsor, Representative King: Making technical changes to the statute governing reconsideration of industrial insurance orders. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Cantu, Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1248 Prime Sponsor, House Committee on Appropriations: Regulating the increase of industrial insurance death and disability benefits. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1249 Prime Sponsor, House Committee on Appropriations: Increasing industrial insurance partial disability awards. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1376 Prime Sponsor, Representative Brough: Allowing mobile home tenants to hold forums for candidates for public office. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1424 Prime Sponsor, Representative Heavey: Affecting insurance assessments notice. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Cantu, Fraser, McAuliffe, Pelz, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1442 Prime Sponsor, House Committee on Natural Resources and Parks: Creating the water resources policy commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, and Williams.

Referred to Committee on Ways and Means.

April 1, 1993

EHB 1456 Prime Sponsor, Representative King: Allowing self-insured employers to close disability claims after July 1990.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1505 Prime Sponsor, House Committee on Commerce and Labor: Requiring verification of registration of contractors.
Reported by House Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993

EHB 1510 Prime Sponsor, Representative Romero: Concerning the issuance of charge cards to employees of municipal corporations and political subdivisions. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Owen, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1562 Prime Sponsor, House Committee on Local Government: Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Barr, Fraser, McAuliffe, Pelz, Prince, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1766 Prime Sponsor, House Committee on Commerce and Labor: Concerning automotive repair. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1844 Prime Sponsor, House Committee on Natural Resources and Parks: Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Vognild, and West.

MINORITY recommendation: Do not pass as amended. Signed by Senators Roach, A. Smith, and Williams.

Passed to Committee on Rules for second reading.

April 1, 1993

EHB 1845 Prime Sponsor, Representative Lemmon: Modifying certain horse racing purses. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1999 Prime Sponsor, House Committee on Energy and Utilities: Requiring back-up power for public water systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, McCaslin, Owen, A. Smith, Vognild, and Williams.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 2007 Prime Sponsor, House Committee on Revenue: Allowing tax proceeds to be used for low-income housing. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

March 26, 1993

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

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

Richard R. Sonstelie, appointed March 26, 1993, for a term ending at the Governor's pleasure, as Chair of the Higher Education Coordinating Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

April 1, 1993

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1036,

HOUSE BILL NO. 1037,

HOUSE BILL NO. 1790,

HOUSE BILL NO. 1956,

HOUSE JOINT MEMORIAL NO. 4010, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5971 by Senators Pelz, Talmadge and Bauer (by request of Governor Lowry)

AN ACT Relating to child nutrition programs; adding new sections to chapter 28A.235 RCW; and creating new sections.

Referred to Committee on Ways and Means.

SB 5972 by Senator Vognild (by request of Office of Financial Management)

AN ACT Relating to transportation appropriations; adding a new section to Title 47 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1036,
HOUSE BILL NO. 1037,
HOUSE BILL NO. 1790,
HOUSE BILL NO. 1956,
HOUSE JOINT MEMORIAL NO. 4010.

MOTION

On motion of Senator Jesernig, Rule 46 was suspended to allow the members to attend committee hearings while the Senate is at ease.

EDITOR'S NOTE: Rule 46 reads 'No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.'

MOTION

At 12:09 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 6:26 p.m. by Senator Gaspard.
There being no objection, Senator Gaspard returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5605 Prime Sponsor, Senator Fraser: Funding roadside improvements. Reported by Committee on Transportation April 2, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Loveland, Vice Chairman.

Passed to Committee on Rules for second reading.

SHB 1012 Prime Sponsor, House Committee on Health Care: Adopting the uniform anatomical gift act. Reported by Committee on Health and Human Services April 1, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Niemi, Prentice, Quigley, and Sheldon.

Passed to Committee on Rules for second reading.

SHB 1014 Prime Sponsor, House Committee on Financial Institutions and Insurance: Updating uniform commercial code articles 1, 3, and 4. Reported by Committee on Labor and Commerce April 2, 1993

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

SHB 1017 Prime Sponsor, House Committee on Education: Concerning the employment of persons with a history of sexual exploitation of children. Reported by Committee on Education April 2, 1993

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1993

EHB 1067 Prime Sponsor, Representative Orr: Providing for correctional employees collective bargaining. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, McAuliffe, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1080 Prime Sponsor, House Committee on Health Care: Requiring nursing homes to refund deposits or minimum stay fees when not used by residents. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

EHB 1081 Prime Sponsor, Representative Heavey: Redefining uniformed personnel for public employee collective bargaining. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Barr, Cantu, and Newhouse.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1082 Prime Sponsor, House Committee on Commerce and Labor: Combating student alcohol abuse in colleges and universities.

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, and Sheldon.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1083 Prime Sponsor, Representative Scott: Using electrical contractors' licenses. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1089 Prime Sponsor, House Committee on Environmental Affairs: Changing air quality operating permit requirements. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

Referred to Committee on Ways and Means.

April 2, 1993

SHB 1093 Prime Sponsor, House Committee on Local Government: Revising provisions relating to compensation of local officials. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1111 Prime Sponsor, Representative Van Luven: Protecting pedestrians in crosswalks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1128 Prime Sponsor, House Committee on Revenue: Funding blood and breath alcohol testing programs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Referred to Committee on Ways and Means.

April 2, 1993

HB 1132 Prime Sponsor, Representative Kremen: Requiring certification of electric spa equipment. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1140 Prime Sponsor, House Committee on Local Government: Revising provisions relating to metropolitan municipal corporations. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1165 Prime Sponsor, Representative Riley: Revising provisions relating to guardians ad litem for juveniles. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Sheldon, and L. Smith.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1168 Prime Sponsor, Representative King: Leasing beds of tidal waters. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Amondson, Erwin, Franklin, Oke, Sellar, and Snyder.

MINORITY recommendation: Do not pass. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1175 Prime Sponsor, Representative Jacobsen: Regarding the study of American Indian languages and cultures in the common schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1197 Prime Sponsor, House Committee on Human Services: Allowing families to retain a greater percentage of income before public benefits are reduced or terminated. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, McAuliffe, Moyer, Niemi, Prentice, and Winsley.

Referred to Committee on Ways and Means.

April 1, 1993

ESHB 1198 Prime Sponsor, House Committee on Human Services: Implementing recommendations of the juvenile issues task force. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1209 Prime Sponsor, House Committee on Education: Reforming education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Moyer, M. Rasmussen, Rinehart, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1214 Prime Sponsor, House Committee on Health Care: Concerning health care information disclosure. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Hargrove, McDonald, Moyer, Niemi, Quigley, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1233 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating the mandatory offering of personal injury protection insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1246 Prime Sponsor, Representative G. Cole: Revising provisions for maintaining employee benefits for temporarily disabled workers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1256 Prime Sponsor, Representative Dellwo: Modifying disciplining of health professionals under the uniform disciplinary act. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1267 Prime Sponsor, House Committee on Financial Institutions and Insurance: Requiring liability insurance for motorcycles.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1287 Prime Sponsor, House Committee on Commerce and Labor: Providing for collective bargaining of agricultural employees. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson and Cantu.

Referred to Committee on Ways and Means.

April 2, 1993

HB 1290 Prime Sponsor, Representative Rust: Correcting a double amendment relating to appeals of orders of an air pollution control authority. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1298 Prime Sponsor, House Committee on Education: Providing for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Moyer, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

April 2, 1993

ESHB 1309 Prime Sponsor, House Committee on Fisheries and Wildlife: Protecting and recovering wild salmonids. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, and Snyder.

Referred to Committee on Ways and Means.

April 1, 1993

ESHB 1333 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Providing for youth gang violence reduction. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Referred to Committee on Ways and Means.

April 1, 1993

ESHB 1338 Prime Sponsor, House Committee on Judiciary: Prohibiting interference with access to or from a health care facility. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1993

HB 1346 Prime Sponsor, Representative G. Cole: Repealing enforcement and right of action provisions for family leave. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, and Newhouse.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1350 Prime Sponsor, House Committee on Fisheries and Wildlife: Requiring pink shrimp licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Franklin, Haugen, Oke, Sellar, and Snyder.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1351 Prime Sponsor, Representative Veloria: Defining hospital in regard to self-insurers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1353 Prime Sponsor, Representative G. Cole: Regulating asbestos disease benefits claims. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1363 Prime Sponsor, House Committee on Local Government: Requiring the county assessor to verify that all necessary building permits have been issued when conducting a physical appraisal. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1369 Prime Sponsor, House Committee on Higher Education: Changing provisions relating to vocational education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Referred to Committee on Ways and Means.

April 2, 1993

SHB 1370 Prime Sponsor, House Committee on Commerce and Labor: Restricting bid shopping. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1374 Prime Sponsor, House Committee on Education: Changing provisions relating to the teacher admission to practice examination. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1393 Prime Sponsor, House Committee on Commerce and Labor: Providing for periodic adjustments of the state minimum wage. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Cantu, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1395 Prime Sponsor, Representative Scott: Allowing counties to impose additional marriage license fees for funding family services. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Hargrove, McAuliffe, McDonald, Moyer, and Niemi.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1415 Prime Sponsor, Representative G. Cole: Modifying the imprinting law for over-the-counter medications in solid dosage form. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McDonald, Moyer, Niemi, Prentice, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1444 Prime Sponsor, Representative Schmidt: Requiring identification for driver's licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1460 Prime Sponsor, Representative Zellinsky: Regulating investment advisory contracts. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1464 Prime Sponsor, House Committee on Local Government: Making laws relating to local government office vacancies more uniform. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1466 Prime Sponsor, Representative Jacobsen: Regulating motorized wheelchair warranties. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1490 Prime Sponsor, Representative Wineberry: Providing for child care. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, McAuliffe, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1508 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating prescription claims for insurance coverage that were initially approved over the telephone or by other means. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1512 Prime Sponsor, House Committee on Human Services: Changing provisions relating to dependent children. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1514 Prime Sponsor, House Committee on Higher Education: Changing provisions relating to the Olympic natural resources center. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Prince, Sheldon, and West.

Referred to Committee on Ways and Means.

March 31, 1993

SHB 1518 Prime Sponsor, House Committee on Natural Resources and Parks: Creating a water trail recreation program. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Chairman; Barr, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1520 Prime Sponsor, House Committee on Education: Expanding the use of skill centers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Pelz, Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1536 Prime Sponsor, Representative Wineberry: Maintaining mobile home parks. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Sutherland, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1543 Prime Sponsor, House Committee on Appropriations: Insuring longshore and harbor workers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1559 Prime Sponsor, Representative Brown: Developing a plan for school-aged child care programs. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Hargrove, McAuliffe, Moyer, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1561 Prime Sponsor, Representative Brown: Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1566 Prime Sponsor, House Committee on Judiciary: Changing who gives notice of estate tax findings filings. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; McCaslin, Nelson, Niemi, Rinehart, and Roach.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1582 Prime Sponsor, House Committee on Financial Institutions and Insurance: Permitting certain transactions by insurance agent-brokers. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, and Sutherland.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1640 Prime Sponsor, House Committee on Judiciary: Making the property of a convicted person acquired as a result of the crime subject to seizure and forfeiture. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1650 Prime Sponsor, House Committee on State Government: Directing the attorney general to study the implementation of RCW 42.17.325. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1653 Prime Sponsor, Representative King: Regulating vocational rehabilitation services in industrial insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Newhouse, Pelz, Prince, and Sutherland.

Passed to Committee on Rules for second reading.

March 31, 1993

SHB 1667 Prime Sponsor, House Committee on Environmental Affairs: Prohibiting additives for on-site sewage disposal systems. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1686 Prime Sponsor, House Committee on State Government: Defining a term for the administrative procedure act. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1688 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Installing manufactured homes. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognilid.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1703 Prime Sponsor, House Committee on Energy and Utilities: Concerning alternate operator service companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognilid, and Williams.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1704 Prime Sponsor, House Committee on Revenue: Authorizing the secretary of state to set fees by rule. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1721 Prime Sponsor, House Committee on Financial Institutions and Insurance: Authorizing jointly administered health and welfare benefits trusts for local government employees. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Erwin, Franklin, Hargrove, McDonald, Moyer, Niemi, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1728 Prime Sponsor, House Committee on Judiciary: Correcting unconstitutional provisions relating to resident employees on public works. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1731 Prime Sponsor, Representative Jones: Exempting certain public works involving electrical generating systems from bid laws. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, A. Smith, Vognild, West, and Williams.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1734 Prime Sponsor, House Committee on Judiciary: Adding new judges to the court of appeals. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Referred to Committee on Ways and Means.

April 2, 1993

ESHB 1739 Prime Sponsor, House Committee on State Government: Creating the citizen suggestion program. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Referred to Committee on Ways and Means.

April 1, 1993

SHB 1741 Prime Sponsor, House Committee on Judiciary: Revising penalties for ignoring traffic tickets. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Rinehart, Roach, and Spanel.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1756 Prime Sponsor, Representative Veloria: Requiring the use of licensed or certified electricians for certain purposes. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1757 Prime Sponsor, Representative Heavey: Requiring continuing education for electricians. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1761 Prime Sponsor, House Committee on Local Government: Clarifying and extending dates established under the growth management act. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1765 Prime Sponsor, House Committee on Corrections: Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; McCaslin, Nelson, Niemi, and Rinehart.

Referred to Committee on Ways and Means.

April 2, 1993

SHB 1767 Prime Sponsor, House Committee on Higher Education: Encouraging minimum standards for intercollegiate coaches at community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, and Sheldon.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1773 Prime Sponsor, Representative Pruitt: Adding certain miniature models to boiler regulation exemptions. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1777 Prime Sponsor, Representative Karahalios: Attempting to ensure that teen parents receiving public benefits complete high school and gain economic independence. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, McAuliffe, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Referred to Committee on Ways and Means.

April 1, 1993

SHB 1778 Prime Sponsor, House Committee on Human Services: Establishing the office of state employee child care. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1792 Prime Sponsor, House Committee on State Government: Providing state flags and mementos for certain official purposes. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1801 Prime Sponsor, House Committee on Health Care: Granting temporary licenses to dental hygienists licensed in another state. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Quigley, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1804 Prime Sponsor, Representative Campbell: Clarifying procedures for temporary remedies from agency action. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1806 Prime Sponsor, House Committee on Environmental Affairs: Changing regulation and licensure of well contractors and operators. Reported by Committee on Ecology and Parks

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chairman; Moore, Sutherland, and Talmadge.

MINORITY recommendation: Do not pass as amended. Signed by Senators Barr, Deccio, and McCaslin.

Referred to Committee on Ways and Means.

April 2, 1993

HB 1812 Prime Sponsor, Representative Jones: Changing teacher evaluations for teachers with at least four years of satisfactory evaluations. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, Moyer, Nelson, Rinehart, and A. Smith.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1817 Prime Sponsor, House Committee on Corrections: Directing the department of corrections to review the offender health care system. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; McCaslin, Nelson, Niemi, Rinehart, and Roach.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1820 Prime Sponsor, House Committee on Education: Creating the school-to-work transitions program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, A. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1824 Prime Sponsor, Representative Wolfe: Authorizing conversion of surplus public property to use for affordable housing. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1832 Prime Sponsor, Representative Dyer: Regulating medical malpractice insurance. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1855 Prime Sponsor, House Committee on Financial Institutions and Insurance: Enabling accreditation of the insurance commissioner. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Vognild, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, Newhouse, and Prince.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1864 Prime Sponsor, Representative Finkbeiner: Affording accelerant detection dogs the same protection as police dogs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators A. Smith, Chairman; McCaslin, Nelson, Niemi, Rinehart, and Roach.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1865 Prime Sponsor, Representative Mielke: Preventing check cashers and sellers from operating without a license. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 1897 Prime Sponsor, House Committee on Human Services: Modifying provisions regarding mental health. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, McAuliffe, McDonald, Moyer, Niemi, Quigley, Sheldon, and Winsley.

Refereed to Committee on Ways and Means.

April 2, 1993

SHB 1907 Prime Sponsor, House Committee on Transportation: Penalizing carriers that exceed estimates for moving household goods. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

EHB 1925 Prime Sponsor, Representative Orr: Requiring registration of persons carrying passengers for hire on whitewater river sections. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Erwin, Franklin, Oke, Sellar, and Snyder.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 1929 Prime Sponsor, Representative R. Fisher: Adjusting requirements for regional transportation planning organizations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1931 Prime Sponsor, House Committee on Transportation: Regulating steamboat operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Nelson, Oke, Prentice, M. Rasmussen, and Sheldon.

MINORITY recommendation: Do not pass as amended. Signed by Senator Haugen.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1949 Prime Sponsor, House Committee on Revenue: Prohibiting tax exempt nonprofit organizations from political activity. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators A. Smith, Chairman; McCaslin, Nelson, Niemi, and Rinehart.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1957 Prime Sponsor, House Committee on Health Care: Creating the Washington health care coverage determination board. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 1993

SHB 1959 Prime Sponsor, House Committee on Commerce and Labor: Modifying the issuance of citations under the Washington industrial safety and health act. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, Vogndild, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 1969 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Creating the "Washington serves" voluntary service program. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Referred to Committee on Ways and Means.

April 2, 1993

SHB 1978 Prime Sponsor, House Committee on Local Government: Allowing counties to permit public libraries on county land used for park and recreation purposes. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

HB 1991 Prime Sponsor, Representative Flemming: Authorizing the home health visitor program to address child abuse and neglect. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Hargrove, McAuliffe, Moyer, Niemi, Prentice, Quigley, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 1997 Prime Sponsor, House Committee on Higher Education: Redefining the relationship between the state and its postsecondary institutions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Referred to Committee on Ways and Means.

April 2, 1993

HB 2008 Prime Sponsor, Representative Dunshee: Affecting withdrawal of territory by special districts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 2026 Prime Sponsor, House Committee on Commerce and Labor: Requiring notice about fetal alcohol syndrome. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 2036 Prime Sponsor, House Committee on Transportation: Providing multimodal transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Oke, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHB 2054 Prime Sponsor, House Committee on Appropriations: Reforming public employment law. Reported by Committee on Labor and Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Newhouse, Pelz, Sutherland, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1993

SHB 2055 Prime Sponsor, House Committee on State Government: Creating the department of fish and wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Sellar, L. Smith, and Snyder.

Passed to Committee on Rules for second reading.

April 2, 1993

HB 2066 Prime Sponsor, Representative J. Kohl: Changing school levy provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Referred to Committee on Ways and Means.

April 2, 1993

ESHB 2067 Prime Sponsor, House Committee on Transportation: Encouraging commute trip reduction programs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules for second reading.

April 1, 1993

ESHB 2071 Prime Sponsor, House Committee on Health Care: Regulating access to tobacco. Reported by Committee on Health and Human Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, McAuliffe, McDonald, Moyer, Quigley, Sheldon, L. Smith, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

HJM 4005 Prime Sponsor, Representative Basich: Asking the White House to condemn rape and ethnic cleansing in Bosnia and create a war crimes tribunal. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1993

ESHJR 4204 Prime Sponsor, House Committee on Education: Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Moyer, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

April 2, 1993

SHCR 4408 Prime Sponsor, House Committee on Higher Education: Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 2, 1993

GA 9139 GLEN BOCOCK, reappointed February 1, 1993, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules.

April 2, 1993

GA 9168 JOHN V. GERAGHTY, JR., reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9174 JULIE GRANT, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9181 GARY HEALEA, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9189 A.M. JORGENSEN, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Renton Technical College District No. 27.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9191 CAROLYN KECK, reappointed January 29, 1993, for a term ending September 30, 1993, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9196 JOHN P. KNISKERN, reappointed January 29, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9213 JOHN F. NADDY, III, reappointed January 29, 1993, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules.

April 2, 1993

GA 9217 THOMAS H. NIXON, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9219 LARRY PHILLIPS, reappointed February 1, 1993, for a term ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Sutherland, and Talmadge.

Passed to Committee on Rules.

April 2, 1993

GA 9220 BONNIE J. POLHAMUS, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9224 CYNTHIA K. REKDAL, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Seattle Community College District No. 6.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9225 SUSAN RINGWOOD, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Renton Technical College District No. 27.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9229 BONNIE ROTH, reappointed February 5, 1993, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules.

April 2, 1993

GA 9235 PATRICIA SCHROM, reappointed January 29, 1993, for a term ending September 30, 1995, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9240 KATHY SIMONIS, reappointed January 29, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9242 KATHERINE STEINER, reappointed February 1, 1993, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators McAuliffe, Vice Chairman; Gaspard, Hochstatter, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Passed to Committee on Rules.

April 2, 1993

GA 9250 MICHAEL R. THORP, reappointed February 1, 1993, for a term ending July 5, 1995, as a member of the Puget Sound Water Quality Authority.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Passed to Committee on Rules.

April 2, 1993

GA 9280 JEROME FARRIS, reappointed February 16, 1993, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9282 SAMUEL STROUM, reappointed February 16, 1993, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Jesernig, Prince, Sheldon, and West.

Passed to Committee on Rules.

April 2, 1993

GA 9285 MELVIN D. WORTHMAN, reappointed February 26, 1993, for a term ending December 31, 1998, as a member of the Parks and Recreation Commission.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Barr, Deccio, McCaslin, and Sutherland.

Passed to Committee on Rules.

April 2, 1993

GA 9286 JOHN L. SHREVE, reappointed February 26, 1993, for a term ending December 31, 1998, as a member of the Parks and Recreation Commission.
Reported by Committee on Ecology and Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chairman; Barr, Deccio, McCaslin, Sutherland, and Talmadge.

Passed to Committee on Rules.

MOTION

At 6:28 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Monday, April 5, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTY-SECOND DAY, APRIL 2, 1993

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EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 5, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Deccio, Erwin, Franklin, Fraser, Hargrove, McCaslin, Nelson, Pelz, Quigley, Linda Smith, von Reichbauer, Williams and Winsley. On motion of Senator Oke, Senators Barr, Deccio, Erwin, McCaslin, Nelson, Linda Smith, von Reichbauer and Winsley were excused. On motion of Senator Spanel, Senators Bauer, Franklin, Fraser, Hargrove, Pelz, Quigley and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shelley Baldwin and Craig Henninger, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9271, Kathy Baros Friedt, as Director of the Department of Licensing, was confirmed.

APPOINTMENT OF KATHY BAROS FRIEDT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 0; Excused, 15.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Drew, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West and Wojahn - 34.

Excused: Senators Barr, Bauer, Deccio, Erwin, Franklin, Fraser, Hargrove, McCaslin, Nelson, Pelz, Quigley, Smith, L., von Reichbauer, Williams and Winsley - 15.

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9283, Thomas M. Burns, as a member of the Personnel Board, was confirmed.

APPOINTMENT OF THOMAS M. BURNS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 0; Excused, 14.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Drew, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 35.

Excused: Senators Barr, Bauer, Deccio, Erwin, Franklin, Fraser, Hargrove, McCaslin, Nelson, Pelz, Quigley, Smith, L., von Reichbauer and Williams - 14.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1707, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers and Johanson) (by request of Utilities and Transportation Commission)

Regulating motor carriers.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1707 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Oke: "Senator Vognild, would you please explain to the Senators what the bingo stamp is? I thought that was just exciting to know and have that little piece of knowledge of the transportation area. I know you have a good example of that."

Senator Vognild: "The bingo stamp was a ten dollar stamp which was levied against each truck that operated in the intra-state trucking industry. It was levied in their home state and then the money was distributed on a proportional basis to each of the other states. I'm not sure where the name 'bingo stamp' came from, but I think that it came from the fact that some of the states--or some of the truckers had numerous stamps that fit in there and I guess they played a bingo game on their card."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1707.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1707 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 1; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bluechel, Cantu, Drew, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 37.

Voting nay: Senator Loveland - 1.

Excused: Senators Barr, Bauer, Deccio, Erwin, Franklin, Fraser, McCaslin, Quigley, Smith, L., von Reichbauer and Williams - 11.

SUBSTITUTE HOUSE BILL NO. 1707, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Roach was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1839, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Johnson, Mielke, R. Meyers, Jones and Wang) (by request of Insurance Commissioner)

Investing by domestic insurers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1839.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1839 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 40.

Excused: Senators Barr, Deccio, Erwin, Franklin, McCaslin, Roach, Smith, L., von Reichbauer and Williams - 9.

SUBSTITUTE HOUSE BILL NO. 1839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1857, by Representatives Shin, Brumsickle, L. Johnson, Wood and Romero (by request of State Board for Community and Technical Colleges)

Changing travel expense provisions for prospective employees of institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 1857 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1857.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1857 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 5; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West and Winsley - 36.

Voting nay: Senators Anderson, Moore, Oke, Talmadge and Wojahn - 5.

Excused: Senators Barr, Deccio, Erwin, Franklin, McCaslin, Roach, Smith, L. and Williams - 8.

HOUSE BILL NO. 1857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Cantu and Hochstatter were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9228, Cynthia L. Roney, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF CYNTHIA L. RONEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Barr, Cantu, Erwin, Franklin, Hochstatter, McCaslin, Roach and Smith, L. - 8.

MOTION

On motion of Senator Spanel, Senator Talmadge was excused.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9232, Ruby N. Ryles, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF RUBY N. RYLES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley,

Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Cantu, Erwin, Franklin, Hochstatter, McCaslin, Roach, Smith, L. and Talmadge - 8.

MOTION

At 9:41 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 12:00 noon by President Pritchard.

MOTION

On motion of Senator Jesernig, Rule 46 was suspended to permit the Senators to attend hearings while the Senate is at ease.

MOTION

At 12:01 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 7:25 p.m. by President Pritchard.

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

REPORTS OF STANDING COMMITTEES

April 5, 1993

SB 5343 Prime Sponsor, Senator Vognild: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

MINORITY recommendation: Do not substitute. Signed by Senators Loveland, Vice Chairman; and Oke.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5370 Prime Sponsor, Senator Vognild: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Loveland, Vice Chairman; and Oke.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5371 Prime Sponsor, Senator Vognild: Authorizing highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Loveland, Vice Chairman; and Oke.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5451 Prime Sponsor, Senator Hargrove: Revising sentencing and corrections for felons. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5451 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Moyer, Owen, Pelz, Quigley, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5962 Prime Sponsor, Senator Vognild: Implementing the transportation and economic development act of 1993. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5962 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

MINORITY recommendation: Do not substitute. Signed by Senators Loveland, Vice Chairman; Oke, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5969 Prime Sponsor, Senator Vognild: Issuing bonds for the transportation improvement board. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5969 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sheldon, and Winsley.

MINORITY recommendation: Do not substitute. Signed by Senators Loveland, Vice Chairman; and Oke.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5970 Prime Sponsor, Senator Vognild: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5970 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

MINORITY recommendation: Do not substitute. Signed by Senators Loveland, Vice Chairman; and Oke.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5972 Prime Sponsor, Senator Vognild: Adopting the transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5972 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Skratek, Vice Chairman; Drew, Haugen, Nelson, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

MINORITY recommendation: Do not substitute. Signed by Senators Loveland, Vice Chairman; and Oke.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1084 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to jury source lists. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SHB 1144 Prime Sponsor, House Committee on Environmental Affairs: Establishing a field operations program in the office of marine safety. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Quigley, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SHB 1169 Prime Sponsor, House Committee on Fisheries and Wildlife: Regulating marine finfish rearing facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Quigley, L. Smith, Snyder, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1298 Prime Sponsor, House Committee on Education: Providing for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Gaspard, Jesernig, Moyer, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1309 Prime Sponsor, House Committee on Fisheries and Wildlife: Protecting and recovering wild salmonids. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SHB 1318 Prime Sponsor, House Committee on Natural Resources and Parks: Changing boating safety provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Ecology and Parks. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1333 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Providing for youth gang violence reduction. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Health and Human Services. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1369 Prime Sponsor, House Committee on Higher Education: Changing provisions relating to vocational education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

HB 1407 Prime Sponsor, Representative Sommers: Changing duties of the legislative auditor and attorney general regarding the legislative budget committee. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1408 Prime Sponsor, House Committee on Human Services: Providing a comprehensive program for teen pregnancy prevention. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Moyer, Niemi, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1445 Prime Sponsor, House Committee on Commerce and Labor: Modifying the scope of the state law against discrimination. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Jesernig, Niemi, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Anderson, Bluechel, Cantu, Hochstatter, McDonald, Moyer, L. Smith, and West.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1493 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Assisting minority and women-owned businesses. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass with amendments to Committee on Trade, Technology and Economic Development amendments. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1509 Prime Sponsor, House Committee on Appropriations: Increasing flexibility of institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Snyder, West, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1529 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Reauthorizing certain timber programs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Trade, Technology and Economic Development. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

HB 1530 Prime Sponsor, Representative Morris: Providing for continuation of property tax exemptions for senior citizens confined in hospitals and nursing homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SHB 1602 Prime Sponsor, House Committee on Education: Changing election provisions for regional committee members. Reported by Committee on Ways and Means

MAJORITY recommendation: Without recommendation. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1603 Prime Sponsor, House Committee on Higher Education: Reforming higher education tuition and financial aid. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Quigley, Snyder, West, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1734 Prime Sponsor, House Committee on Judiciary: Adding new judges to the court of appeals. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1739 Prime Sponsor, House Committee on State Government: Creating the citizen suggestion program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Owen, Pelz, Quigley, L. Smith, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1744 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to the LEOFF system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Gaspard, Hargrove, Jesernig, McDonald, Moyer, Niemi, Owen, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SHB 1752 Prime Sponsor, House Committee on Energy and Utilities: Changing telephone relay service provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Energy and Utilities. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, Moyer, Niemi, Owen, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1758 Prime Sponsor, House Committee on Appropriations: Including public safety directors in the definition of "law enforcement officer." Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SHB 1765 Prime Sponsor, House Committee on Corrections: Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

SHB 1784 Prime Sponsor, House Committee on Appropriations: Allowing retired and disabled school employees to purchase health care insurance from the state health care authority. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Health and Human Services. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

HB 1884 Prime Sponsor, Representative Holm: Exempting nonprofit organizations providing credit services from the business and occupation tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1922 Prime Sponsor, House Committee on Corrections: Creating a work ethic boot camp program within the department of corrections. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators Rinehart, Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, Moyer, Owen, Quigley, Snyder, Sutherland, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHB 1966 Prime Sponsor, House Committee on Human Services: Implementing juvenile justice racial disproportionality study recommendations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

HB 2028 Prime Sponsor, Representative Orr: Requiring notice to retirement system members who are eligible to restore contributions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

HB 2066 Prime Sponsor, Representative J. Kohl: Changing school levy provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bluechel, Gaspard, Hargrove, McDonald, Moyer, Owen, Pelz, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

HB 2073 Prime Sponsor, Representative Wang: Modifying eligibility requirements for the nonprofit homes for the aging property tax exemption. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1993

ESHJR 4204 Prime Sponsor, House Committee on Education: Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Gaspard, Jesernig, Moyer, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Hochstatter, McDonald, Roach, L. Smith, and West.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 5, 1993

GA 9273 AUBREY DAVIS, reappointed February 11, 1993, for a term ending June 30, 1995, as a member of the Transportation Commission.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules.

April 5, 1993

GA 9274 CONNIE NIVA, reappointed February 11, 1993, for a term ending June 30, 1995, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, and Winsley.

Passed to Committee on Rules.

April 5, 1993

GA 9275 LAWRENCE N. WELDON, appointed February 11, 1993, for a term ending June 30, 1995, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules.

April 5, 1993

GA 9279 ALICE B. TAWRESEY, reappointed February 16, 1993, for a term ending June 30, 1998, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules.

April 5, 1993

GA 9284 LIINDA TOMPKINS, appointed February 17, 1993, for a term ending June 30, 1996, as a member of the Transportation Commission.

Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

Passed to Committee on Rules.

MOTION

At 7:26 p.m., on motion of Senator Gaspard, the Senate adjourned until 9:00 a.m., Tuesday, April 6, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIFTH DAY, APRIL 5, 1993

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

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 6, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Erwin, Hargrove, Pelz, Rinehart and Linda Smith. On motion of Senator Oke, Senators Erwin and Linda Smith were excused. On motion of Senator Spanel, Senators Bauer, Hargrove, Pelz and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jamie Knoblauch and John Roach, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

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

BIRTH TO SIX
STATE PLANNING PROJECT
GOVERNOR'S REPORT
JANUARY 1993

PREFACE

As a condition of the federal Part H grant award, the lead agency in each state is required to submit an Annual Performance Report. The statute also requires that the State Interagency Coordinating Council submit an annual report to the Governor and to the Secretary of Education on the status of early intervention programs for infants and toddlers with disabilities and their families operated within Washington State.

In addition, Washington's Substitute Senate Bill No. 6428 (SSB No. 6428) known as the Family Policy Initiative, requires a Report to the Legislature on the status of implementation of early intervention programs for infants and toddlers with disabilities and their families by January 15, 1993. This report covers the period of performance from January 1992 through December 1992.

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

MESSAGES FROM THE HOUSE

April 5, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SENATE BILL NO. 5351,
ENGROSSED SENATE BILL NO. 5362, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 5, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED HOUSE BILL NO. 1022,
HOUSE BILL NO. 1035,
HOUSE BILL NO. 1038,
HOUSE BILL NO. 1079,
HOUSE BILL NO. 2032, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 5, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5148, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 5, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SENATE BILL NO. 5217,
SENATE BILL NO. 5229, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 5, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5082,
SENATE BILL NO. 5125, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5082,
SENATE BILL NO. 5125,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SENATE BILL NO. 5217,
SENATE BILL NO. 5229.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 1022,
HOUSE BILL NO. 1035,
HOUSE BILL NO. 1038,
HOUSE BILL NO. 1079,
HOUSE BILL NO. 2032.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4007, by Representatives Bray, Ludwig, Lisk, Grant, Mastin and Rayburn

Petitioning Congress and the Secretary of Energy to name the Hanford and Lands Ecology Reserve after Richard Fitzner and Les Eberhardt.

The joint memorial was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, House Joint Memorial No. 4007 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4007.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4007 and the joint memorial passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Bauer, Erwin, Hargrove, Pelz, Rinehart and Smith, L. - 6.

HOUSE JOINT MEMORIAL NO. 4007, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 1115, by Representatives Riley, Mielke, R. Johnson, Jones, Brough, Van Luven and Karahalios

Allowing law enforcement agencies to have access to children's records in cases of reported child abuse and neglect.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally

disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report ~~((of incidents, conditions, or circumstances))~~ of child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department ~~((of social and health services))~~ shall ~~((, within funds appropriated for this purpose,))~~ use a risk assessment ~~((tool))~~ process when investigating child abuse and neglect referrals. ~~((The tool shall be used, on a pilot basis, in three local office service areas.))~~ The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the ~~((ways and means))~~ appropriate committees of the senate and house of representatives on the ~~((use))~~ effectiveness of the ~~((tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool))~~ risk assessment process.

(14) Upon receipt of ~~((such))~~ a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services striking amendment to Engrossed House Bill No. 1115.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and amending RCW 26.44.030."

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 1115, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Amondson, was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1115, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1115, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Rinehart and Smith, L. - 3.

ENGROSSED HOUSE BILL NO. 1115, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4000, by Representatives Locke, R. Fisher, Horn, Anderson, Wineberry, Ballasiotes, Thibaudeau, Eide, Flemming, Jacobsen and Ogden

Honoring Homer M. Hadley.

The joint memorial was read the second time.

MOTION

On motion of Senator Cantu, the rules were suspended, Engrossed House Joint Memorial No. 4000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial Bill No. 4000.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4000 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Barr - 1.

Excused: Senators Amondson and Rinehart - 2.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4000, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1118, by House Committee on Judiciary (originally sponsored by Representatives Orr, Scott, Shin, Dunshee, Silver, Mielke, Schoesler, Sheahan, Riley, Tate, Vance, Chappell, Ludwig, Forner, H. Myers, Johanson and Springer)

Classifying the criminal use of explosives.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.74.010 and 1972 ex.s. c 88 s 5 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) The terms "authorized", "approved" or "approval" shall be held to mean authorized, approved, or approval by the department of labor and industries.

(2) The term "blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

(3) The term "explosive" or "explosives" whenever used in this chapter, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as class A, class B, and class C explosives by the federal department of transportation(~~(- PROVIDED, That)~~). For the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives, unless possessed or used for a purpose inconsistent with small arms use or other lawful purpose.

(4) Classification of explosives shall include but not be limited to the following:

(a) CLASS A EXPLOSIVES: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.

(b) CLASS B EXPLOSIVES: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.

(c) CLASS C EXPLOSIVES: (Including certain types of manufactured articles which contain class A or class B explosives, or both, as components but in restricted quantities) blasting caps in quantities of 1000 or less.

(5) The term "explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

(6) The term "magazine", shall be held to mean and include any building or other structure, other than a factory building, used for the storage of explosives.

(7) The term "improvised device" means a device which is fabricated with explosives or destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and which is designed to disfigure, destroy, distract, or harass.

(8) The term "inhabited building", shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

(9) The term "explosives manufacturing plant" shall be held to mean and include all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

(10) The term "explosives manufacturing building", shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(11) The term "railroad" shall be held to mean and include any steam, electric, or other railroad which carries passengers for hire.

(12) The term "highway" shall be held to mean and include any public street, public alley, or public road.

(13) The term "efficient artificial barricade" shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

(14) The term "person" shall be held to mean and include any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(15) The term "dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

(16) The term "forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal department of transportation.

(17) The term "handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

(18) The term "handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

(19) The term "fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

(20) The term "motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

(21) The term "natural barricade" shall be held to mean and include any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

(22) The term "oxidizer" shall be held to mean a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

(23) The term "propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

(24) The term "public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(25) The term "public utility transmission system" shall mean power transmission lines over 10 KV, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

(26) The term "purchaser" shall be held to mean any person who buys, accepts, or receives any explosives or blasting agents.

(27) The term ("pyrotechnics") "pyrotechnic" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(28) The term "small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(29) The term "small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

(30) The term "smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

(31) The term "user" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

Words used in the singular number shall include the plural, and the plural the singular.

Sec. 2. RCW 70.74.022 and 1988 c 198 s 10 are each amended to read as follows:

(1) It is unlawful for any person to manufacture, purchase, sell, offer for sale, use, possess, transport, or store any explosive, improvised device, or components that are intended to be assembled into an explosive or improvised device without

having a validly issued license from the department of labor and industries, which license has not been revoked or suspended. Violation of this section is a ~~((gross misdemeanor))~~ class C felony.

(2) Upon notice from the department of labor and industries or any law enforcement agency having jurisdiction, a person manufacturing, purchasing, selling, offering for sale, using, possessing, transporting, or storing any explosive, improvised device, or components of explosives or improvised devices without a license shall immediately surrender ~~((any and all such))~~ those explosives, improvised devices, or components to the department or to the respective law enforcement agency.

(3) At any time that the director of labor and industries requests the surrender of explosives, improvised devices, or components of explosives or improvised devices, from any person pursuant to subsection (2) of this section, the director may in addition request the attorney general to make application to the superior court of the county in which the unlawful practice exists for a temporary restraining order or such other relief as appears to be appropriate under the circumstances.

Sec. 3. RCW 70.74.160 and 1969 ex.s. c 137 s 19 are each amended to read as follows:

No person, except ~~((an official as authorized herein))~~ the director of labor and industries or the director's authorized agent, the owner, the owner's agent, or a person authorized to ~~((do so by the owner thereof, or his agent, shall))~~ enter by the owner or owner's agent, or a law enforcement officer acting within his or her official capacity, may enter any explosives manufacturing building, magazine or car, vehicle or other common carrier containing explosives in this state. Violation of this section is a gross misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 4. Unless otherwise allowed to do so under this chapter, a person who exhibits a device designed, assembled, fabricated, or manufactured, to convey the appearance of an explosive or improvised device, and who intends to, and does, intimidate or harass a person, is guilty of a class C felony.

Sec. 5. RCW 70.74.191 and 1985 c 191 s 2 are each amended to read as follows:

The laws contained in this chapter and the ensuing regulations prescribed by the department of labor and industries shall not apply to:

(1) Explosives or blasting agents in the course of transportation by way of railroad, water, highway or air under the jurisdiction of, and in conformity with, regulations adopted by the federal department of transportation, the Washington state utilities and transportation commission and the Washington state patrol;

(2) The laboratories of schools, colleges and similar institutions if confined to the purpose of instruction or research and if not exceeding the quantity of one pound;

(3) Explosives in the forms prescribed by the official United States Pharmacopoeia;

(4) The transportation, storage and use of explosives or blasting agents in the normal and emergency operations of federal agencies and departments including the regular United States military departments on military reservations, or the duly authorized militia of any state or territory, or to emergency operations of any state department or agency, any police, or any municipality or county;

(5) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes;

(6) The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures as conducted by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosives and blasting agents for such use shall meet the requirements of regulations adopted by the director of labor and industries; and

(7) Any violation under this chapter if any existing ordinance of any city, municipality or county is more stringent than this chapter.

Sec. 6. RCW 70.74.270 and 1992 c 7 s 49 are each amended to read as follows:

Every person who maliciously places any explosive ~~((substance or material))~~ or improvised device in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure it if exploded, shall be punished as follows:

(1) If the circumstances and surroundings are such that the safety of any person might be endangered by the explosion, by imprisonment in a state correctional facility for not more than twenty years;

(2) In every other case by imprisonment in a state correctional facility for not more than five years.

Sec. 7. RCW 70.74.295 and 1972 ex.s. c 88 s 3 are each amended to read as follows:

It shall be unlawful for any person to abandon explosives or ~~((explosive substances))~~ improvised devices. Violation of this section is a gross misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 8. (1) Explosives, improvised devices, and components of explosives and improvised devices that are possessed, manufactured, stored, sold, purchased, transported, abandoned, detonated, or used in violation of a provision of this chapter are subject to seizure and forfeiture by a law enforcement agency and no property right exists in them.

(2) Seizure of explosives, improvised devices, and components of explosives and improvised devices under subsection (1) of this section may be made if:

(a) The seizure is incident to arrest or a search under a search warrant;

(b) The explosives, improvised devices, or components have been the subject of a prior judgment in favor of the state in an injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the explosives, improvised devices, or components are directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the explosives, improvised devices, or components were used or were intended to be used in violation of this chapter.

(3) A law enforcement agency shall destroy explosives seized under this chapter when it is necessary to protect the public safety and welfare. When destruction is not necessary to protect the public safety and welfare, and the explosives are not being held for evidence, a seizure pursuant to this section commences proceedings for forfeiture.

(4) The law enforcement agency under whose authority the seizure was made shall issue a written notice of the seizure and commencement of the forfeiture proceedings to the person from whom the explosives were seized, to any known owner of the explosives, and to any person who has a known interest in the explosives. The notice shall be issued within fifteen days of the seizure. The notice of seizure and commencement of the forfeiture proceedings shall be served in the same manner as provided in RCW 4.28.080 for service of a summons. The law enforcement agency shall provide a form by which the person or persons may request a hearing before the law enforcement agency to contest the seizure.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the explosives, improvised devices, or components within thirty days of the date the notice was issued, the seized explosives, devices, or components shall be deemed forfeited.

(6) If, within thirty days of the issuance of the notice, any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items seized, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement or the officer's designee of the seizing agency, except that the person asserting the claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the items seized is more than five hundred dollars. The hearing and any appeal shall be conducted according to chapter 34.05 RCW. The seizing law enforcement agency shall bear the burden of proving that the person (a) has no lawful right of ownership or possession and (b) that the items seized were possessed, manufactured, stored, sold, purchased, transported, abandoned, detonated, or used in violation of a provision of this chapter with the person's knowledge or consent.

(7) The seizing law enforcement agency shall promptly return the items seized to the claimant upon a determination that the claimant is entitled to possession of the items seized.

(8) If the items seized are forfeited under this statute, the agency shall destroy the explosives. When explosives are destroyed either to protect public safety or because the explosives were forfeited, the person from whom the explosives were seized loses all rights of action against the law enforcement agency or its employees acting within the scope of their employment, or other governmental entity or employee involved with the seizure and destruction of explosives.

(9) This section is not intended to change the seizure and forfeiture powers, enforcement, and penalties available to the department of labor and industries pursuant to chapter 49.17 RCW as provided in RCW 70.74.390.

NEW SECTION. Sec. 9. A person who knows of a theft or loss of explosives for which that person is responsible under this chapter shall report the theft or loss to the local law enforcement agency within twenty-four hours of discovery of the theft or loss. The local law enforcement agency shall immediately report the theft or loss to the department of labor and industries.

NEW SECTION. Sec. 10. Sections 4, 8, and 9 of this act are each added to chapter 70.74 RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "explosives;" strike the remainder of the title and insert "amending RCW 70.74.010, 70.74.022, 70.74.160, 70.74.191, 70.74.270, and 70.74.295; adding new sections to chapter 70.74 RCW; and prescribing penalties."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1118, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1118, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1118, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Amondson - 1.

SUBSTITUTE HOUSE BILL NO. 1118, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1635, by House Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, King, Ballard, Dorn, Sehlín, Heavey, Kremen, Brough, Sheldon, Wood, Jones, Jacobsen, J. Kohl, R. Johnson, Karahalios, Holm, Scott, Orr, Kessler, Pruitt, R. Fisher, Wang, Springer, Quall, Conway, Anderson, Shin, Veloria, Leonard, Campbell, R. Meyers, Ballasiotes, Vance, Foreman, Patterson, Valle, Johanson, Miller, Chandler, G. Fisher, Roland, Linville and Cothern)

Establishing procedures for bidding construction of jumbo ferries.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 3, beginning on line 12, strike all of "**NEW SECTION. Sec. 3.**"

Renumber the remaining sections accordingly.

On page 3, line 18, after "estimate" insert "of the cost to construct the vessels in the state of Washington"

On page 3, line 22, after "estimate." insert "In performing the independent review, the legislative transportation committee shall consult with persons not bidding on the construction of new jumbo ferry vessels in the state of Washington and who have experience in maritime bidding, ferry construction bid estimating, and are familiar with shipbuilding costs in the pacific northwest."

On page 3, line 28, after "estimate." strike all the material down to and including "act." on line 31 and insert "If the lowest responsible bid does not exceed the revised engineer's estimate by more than five percent, the department shall follow the procedures established under sections 5 through 7 of this act."

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1635, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1635, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1635, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 42.

Voting nay: Senators Barr, Bluechel, McCaslin, Newhouse, Niemi and Williams - 6.

Excused: Senator Amondson - 1.

SUBSTITUTE HOUSE BILL NO. 1635, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McDonald was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1064, by House Committee on Education (originally sponsored by Representatives G. Cole, Van Luven, G. Fisher, Cothorn, Dorn, Holm, Leonard, Jones, Rust, R. Fisher, Jacobsen, King, Dellwo, Scott, Morris, Wang, Thibaudeau, Romero, Valle, Pruitt, Appelwick, Basich, J. Kohl, Anderson, Ogden, H. Myers, Wineberry, Riley, Brown, Long, Orr, Shin, Horn, Forner, Eide, Wolfe, Johanson, Kessler and Veloria)

Requiring the adoption of a policy prohibiting corporal punishment in schools.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1064 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Cantu, Drew, Franklin, Fraser, Gaspard, Loveland, McAuliffe, Moore, Moyer, Nelson, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Anderson, Barr, Deccio, Erwin, Hargrove, Haugen, Hochstatter, Jesernig, McCaslin, Newhouse, Oke, Owen, Prince, Smith, L., Vognild and West - 16.

Excused: Senators Amondson and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 1064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

Regulating the passing of interests at death.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.62.010 and 1988 c 64 s 25 and 1988 c 29 s 2 are each reenacted and amended to read as follows:

(1) At any time after forty days from the date of a decedent's death, any person who is indebted to or who has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by said person which meets the requirements of subsection (2) of this section.

(2) An affidavit which is to be made pursuant to this section shall state:

(a) The claiming successor's name and address, and that the claiming successor is a "successor" as defined in RCW 11.62.005;

(b) That the decedent was a resident of the state of Washington on the date of his death;

(c) That the value of the decedent's entire estate subject to probate, not including the surviving spouse's community property interest in any assets which are subject to probate in the decedent's estate, wherever located, less liens and encumbrances, does not exceed ~~((the amount specified in RCW 6.13.030))~~ sixty thousand dollars;

(d) That forty days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) A description of the personal property and the portion thereof claimed, together with a statement that such personal property is subject to probate;

(h) That the claiming successor has given written notice, either by personal service or by mail, identifying his or her claim, and describing the property claimed, to all other successors of the decedent, and that at least ten days have elapsed since the service or mailing of such notice; and

(i) That the claiming successor is either personally entitled to full payment or delivery of the property claimed or is entitled to full payment or delivery thereof on the behalf and with the written authority of all other successors who have an interest therein.

(3) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to be the successor with respect to such security upon the presentation of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section. Any governmental agency required to issue certificates of ownership or of license registration to personal property shall issue a new certificate of ownership or of license registration to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section.

(4) No release from any Washington state or local taxing authority may be required before any assets or debts are paid or delivered to a successor of a decedent as required under this section.

NEW SECTION. Sec. 2. (1) An otherwise effective written instrument of transfer may not be deemed testamentary solely because of a provision for a nonprobate transfer at death in the instrument.

(2) "Provision for a nonprobate transfer at death" as used in subsection (1) of this section includes, but is not limited to, a written provision that:

(a) Money or another benefit up to that time due to, controlled, or owned by a decedent before death must be paid after the decedent's death to a person whom the decedent designates either in the instrument or a separate writing, including a will, executed at any time;

(b) Money or another benefit due or to become due under the instrument ceases to be payable in the event of the death of the promisee or the promisor before payment or demand; or

(c) Property, controlled by or owned by the decedent before death, that is the subject of the instrument passes to a person the decedent designates either in the instrument or in a separate writing, including a will, executed at any time.

(3) "Otherwise effective written instrument of transfer" as used in subsection (1) of this section means: An insurance policy; a contract of employment; a bond; a mortgage; a promissory note; a certified or uncertified security; an account agreement; a compensation plan; a pension plan; an individual retirement plan; an employee benefit plan; a joint tenancy; a community property agreement; a trust; a conveyance; a deed of gift; a contract; or another written instrument of a similar nature that would be effective if it did not contain provision for a nonprobate transfer at death.

(4) This section only eliminates a requirement that instruments of transfer comply with formalities for executing wills under chapter 11.12 RCW. This section does not make a written instrument effective as a contract, gift, conveyance, deed, or trust that would not otherwise be effective as such for reasons other than failure to comply with chapter 11.12 RCW.

(5) This section does not limit the rights of a creditor under other laws of this state.

NEW SECTION. Sec. 3. A provision in a lease of a safety deposit repository to the effect that two or more persons have access to the repository, or that purports to create a joint tenancy in the repository or in the contents of the repository, or that purports to vest ownership of the contents of the repository in the surviving lessee, is ineffective to create joint ownership of the contents of the repository or to transfer ownership at death of one of the lessees to the survivor. Ownership of the contents of the repository and devolution of title to those contents is determined according to rules of law without regard to the lease provisions.

NEW SECTION. Sec. 4. RCW 11.02.090 and 1974 ex.s. c 117 s 54 are each repealed.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each added to chapter 11.02 RCW."

On motion of Senator Adam Smith, the following title amendment was adopted:
On page 1, line 2 of the title, after "death;" strike the remainder of the title and insert "amending RCW 11.62.010; adding new sections to chapter 11.02 RCW; and repealing RCW 11.02.090."

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1078, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1078, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1078, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Amondson and McDonald - 2.

HOUSE BILL NO. 1078, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1264, by Representatives Heavey and Meyers

Regulating third party recoveries in worker's compensation cases.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1264.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Barr, Sellar and Smith, L. - 3.

Excused: Senators Amondson and McDonald - 2.

ENGROSSED HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, by House Committee on Revenue (originally sponsored by Representatives Mastin, Grant, Ludwig, Bray and Jacobsen)

Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco.

The bill was read the second time.

MOTIONS

On motion of Senator Jesernig, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 19, strike the remainder of the bill

On motion of Senator Deccio, the following amendment by Senators Deccio, Loveland and Jesernig was adopted:

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 67.28.240 and 1991 c 363 s 140 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of ~~((two))~~ three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section."

MOTIONS

On motion of Senator Jesernig, the following title amendment was adopted:

On page 1, line 2 of the title, after "charges;" insert "amending RCW 67.28.240;"

On motion of Senator Jesernig, the rules were suspended, Engrossed Substitute House Bill No. 1862, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1862, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1862, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 40.

Voting nay: Senators Anderson, Barr, Cantu, Erwin, Oke, Roach and Williams - 7.

Excused: Senators Amondson and McDonald - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1910, by House Committee on Capital Budget (originally sponsored by Representatives Silver, Wang, Sommers, Brough, Mielke, Foreman, Dyer, Brumsickle, Long, Edmondson, Horn, Casada, Wood, Flemming, Morton, Miller, Cooke, Forner and Anderson)

Creating an inventory system for state-owned or leased facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

On page 2, after line 7, insert the following:

"**NEW SECTION. Sec. 2.** It is the purpose of sections 3 and 4 of this act to give authority to the office of archaeology and historic preservation to identify, record, and evaluate all state-owned facilities to determine which of these facilities may be

considered historically significant, to require the office to provide copies of the inventory to departments, agencies, and institutions that have jurisdiction over the buildings and sites listed, and to authorize the office of archaeology and historic preservation to convene a task force of state agencies to develop guidelines for state agencies to identify, evaluate, and protect historic properties.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout section 4 of this act.

(1) "Agency" means the state agency, department, or institution that has ownership of historic property.

(2) "Historic properties" means those buildings, sites, objects, structures, and districts that are listed in or eligible for listing in the National Register of Historic Places.

(3) "Office" means the office of archaeology and historic preservation within the department of community development.

NEW SECTION. Sec. 4. (1) By January 2, 1994, the office shall provide each agency with a list of the agency's properties currently listed on the National Register of Historic Places. By January 2, 1995, agencies that own property shall provide to the office a list of those properties that are either at least fifty years old or that may be eligible for listing in the National Register of Historic Places. If funding is available, the office may provide grants to state agencies to assist in the development of the agency's list. By June 30, 1995, the office shall compile and disseminate an inventory of state-owned historic properties.

(2) The office shall provide technical historic preservation training for agency staff involved with the identification and management of historic properties.

NEW SECTION. Sec. 5. (1) The office shall convene a task force to develop recommendations on establishing state agency historic preservation guidelines to identify, evaluate, and protect historic properties. The task force may include but not be limited to representatives of affected state agencies and other interested or affected parties. Topics the task force shall address include the following:

(a) Recommendations on long-range management strategies for the protection of state-owned historic properties; and

(b) Development of a process to review and comment on state agency actions that might affect identified historic properties.

(2) The task force shall present its recommendations to the governor and the legislature no later than October 31, 1995.

NEW SECTION. Sec. 6. Sections 3 and 4 of this act are each added to chapter 27.34 RCW."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 43.82 RCW; adding new sections to chapter 27.34 RCW; and creating new sections."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1910, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1910, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1910, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1910, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1316, by House Committee on Local Government (originally sponsored by Representatives Springer, H. Myers and Thomas)

Authorizing city councilmembers to serve as reserve police officers.

The bill was read the second time.

MOTIONS

On motion of Senator Drew, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.21.770 and 1974 ex.s. c 60 s 1 are each amended to read as follows:

Notwithstanding any other provision of law, the legislative body of any city or town, by resolution adopted by ~~((unanimous))~~ a two-thirds vote of the full legislative body, may authorize any of its members to serve as volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers, or both, and to receive the same compensation, insurance and other benefits as are applicable to other volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers employed by the city or town.

Sec. 2. RCW 35A.11.110 and 1974 ex.s. c 60 s 2 are each amended to read as follows:

Notwithstanding any other provision of law, the legislative body of any code city, by resolution adopted by ~~((unanimous))~~ a two-thirds vote of the full legislative body, may authorize any of its members to serve as volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers, or both, and to receive the same compensation, insurance and other benefits as are applicable to other volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers employed by the code city."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 2 of the title, after "capacities;" strike the remainder of the title and insert "and amending RCW 35.21.770 and 35A.11.110."

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1316, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1316, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1316, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1316, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1544, by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Johanson)

Requiring that criminal penalties set by cities and counties be the same as those set in state law.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1544.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1544 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1033, by Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden

Establishing a procedure for developing local jail industries programs.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Cities and counties have a significant interest in ensuring that inmates in their jails are productive citizens after their release in the community. The legislature finds that there is an expressed need for cities and counties to uniformly develop and coordinate jail industries technical information and program and public safety standards state-wide. It further finds that meaningful jail work industries programs that are linked to formal education and adult literacy training can significantly reduce recidivism, the rising costs of corrections, and criminal activities. It is the purpose and intent of the legislature, through this chapter, to establish a state-wide jail industries program designed to promote inmate rehabilitation through meaningful work experience and reduce the costs of incarceration. The legislature recognizes that inmates should have the responsibility for contributing to the cost of their crime through the wages earned while working in jail industries programs and that such income shall be used to offset the costs of implementing and maintaining local jail industries programs and the costs of incarceration.

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

(1) "Board" means the state-wide jail industries board of directors.

(2) "City" means any city, town, or code city.

(3) "Cost accounting center" means a specific industry program operated under the private sector prison industry enhancement certification program as specified in 18 U.S.C. Sec. 1761.

(4) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior, district, or municipal court of the state of Washington for payment of restitution to a victim, a statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court appointed attorneys' fees and costs of defense, fines, and other legal financial obligations that are assessed as a result of a felony or misdemeanor conviction.

(5) "Free venture industries" means types of industries which produce products, goods, or services through two modalities: (a) Employer model: An agreement between city or county and a private sector business or industry or nonprofit organization to produce goods or services to both public and private sectors; (b) customer model: An industry operated and managed to provide Washington state manufacturers or businesses with products or services currently produced, provided, and assembled by out-of-state or foreign suppliers.

(6) "Jail inmate" means a preconviction or postconviction resident of a city or county jail who is determined to be eligible to participate in jail inmate work programs according to the eligibility criteria of the work program.

(7) "Private sector prison industry enhancement certification program" means that program authorized by the United States justice assistance act of 1984, 18 U.S.C. Sec. 1761.

NEW SECTION. Sec. 3. A state-wide jail industries board of directors is established. The board shall consist of the following members:

(1) One sheriff and one police chief, to be selected by the Washington association of sheriffs and police chiefs;

(2) One county commissioner or one county councilmember to be selected by the Washington state association of counties;

(3) One city official to be selected by the association of Washington cities;

(4) Two jail administrators to be selected by the Washington state jail association, one of whom shall be from a county or a city with an established jail industries program;

(5) One prosecuting attorney to be selected by the Washington association of prosecuting attorneys;

(6) One administrator from a city or county corrections department to be selected by the Washington correctional association;

(7) One county clerk to be selected by the Washington association of county clerks;

(8) Three representatives from labor to be selected by the governor. The representatives may be chosen from a list of nominations provided by state-wide labor organizations representing a cross-section of trade organizations;

(9) Three representatives from business to be selected by the governor. The representatives may be chosen from a list of nominations provided by state-wide business organizations representing a cross-section of businesses, industries, and all sizes of employers;

(10) The governor's representative from the employment security department;

(11) One member representing crime victims, to be selected by the governor;

(12) One member representing on-line law enforcement officers, to be selected by the governor;

(13) One member from the department of trade and economic development to be selected by the governor;

(14) One member representing higher education, vocational education, or adult basic education to be selected by the governor; and

(15) The governor's representative from the correctional industries division of the state department of corrections shall be an ex officio member for the purpose of coordination and cooperation between prison and jail industries and to further a positive relationship between state and local government offender programs.

NEW SECTION. Sec. 4. The board shall, at the request of a city or county, offer advice in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

The board may also develop guidelines and provide technical assistance for the coordination of jail industries programs with basic educational programs.

NEW SECTION. Sec. 5. The board shall require a city or a county that establishes a jail industries program to develop a local advisory group, or to use an existing advisory group of the appropriate composition, to advise and guide jail industries program operations. Such an advisory group shall include an equal number of representatives from labor and business. Representation

from a sheltered workshop, as defined in RCW 82.04.385, and a crime victim advocacy group, if existing in the local area, should also be included.

A local advisory group shall have among its tasks the responsibility of ensuring that a jail industry has minimal negative impact on existing private industries or the labor force in the locale where the industry operates and that a jail industry does not negatively affect employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385. In the event a conflict arises between the local business community or labor organizations concerning new jail industries programs, products, services, or wages, the city or county must use the arbitration process established pursuant to section 6 of this act.

NEW SECTION. Sec. 6. The board, in accordance with chapter 34.05 RCW, shall:

(1) Establish an arbitration process for resolving conflicts arising among the local business community and labor organizations concerning new industries programs, products, services, or wages;

(2) Encourage the development of the collection and analysis of jail industries program data, including long-term tracking information on offender recidivism;

(3) Determine, by applying established federal guidelines and criteria, whether a city or a county jail free venture industries program complies with the private sector prison industry enhancement certification program. In so doing, also determine if that industry should be designated as a cost accounting center for the purposes of the federal certification program; and

(4) Provide technical assistance with product marketing.

NEW SECTION. Sec. 7. The board may receive funds from local, county, state, or federal sources and may receive grants to support its activities. The board may establish a reasonable schedule of suggested fees that will support state-wide efforts to promote and facilitate jail industries that would be presented to cities and counties that have established jail industries programs.

NEW SECTION. Sec. 8. The board shall initially convene at the call of the representative of the correctional industries division of the state department of corrections, together with the jail administrator selected from a city or a county with an established jail industries program, no later than six months after the effective date of this act. Subsequent meetings of the board shall be at the call of the board chairperson. The board shall meet at least twice a year.

The board shall elect a chairperson and other such officers as it deems appropriate. However, the chairperson may not be the representative of the correctional industries division of the state department of corrections nor any representative from a state executive branch agency.

Members of the board shall serve terms of three years each on a staggered schedule to be established by the first board. For purposes of initiating a staggered schedule of terms, some members of the first board may initially serve two years and some members may initially serve four years.

The members of the board shall serve without compensation but may be reimbursed for travel expenses from funds acquired under this chapter.

NEW SECTION. Sec. 9. A city or a county that implements a jail industries program may establish a separate fund for the operation of the program. This fund shall be a special revenue fund with continuing authority to receive income and pay expenses associated with the jail industries program.

NEW SECTION. Sec. 10. Cities and counties participating in jail industries are authorized to provide for comprehensive work programs using jail inmate workers at worksites within jail facilities or at such places within the city or county as may be directed by the legislative authority of the city or county, as similarly provided under RCW 36.28.100.

NEW SECTION. Sec. 11. When an offender is employed in a jail industries program for which pay is allowed, deductions may be made from these earnings for court-ordered legal financial obligations as directed by the court in reasonable amounts that do not unduly discourage the incentive to work. These deductions shall be disbursed as directed in RCW 9.94A.145.

In addition, inmates working in jail industries programs shall contribute toward costs to develop, implement, and operate jail industries programs. This amount shall be a reasonable amount that does not unduly discourage the incentive to work. The amount so deducted shall be deposited in the jail industries special revenue fund.

Upon request of the offender, family support may also be deducted and disbursed to a designated family member.

NEW SECTION. Sec. 12. A jail inmate who works in a free venture industry shall be considered an employee of that industry only for the purpose of the Washington industrial safety and health act, chapter 49.17 RCW, as long as the public safety is not compromised, and for eligibility for industrial insurance benefits under Title 51 RCW. However, eligibility for benefits for either the inmate or the inmate's dependents or beneficiaries for temporary total disability or permanent total disability under RCW 51.32.090 or 51.32.060, respectively, shall not take effect until the inmate is discharged from custody by order of a court of appropriate jurisdiction. Nothing in this section shall be construed to confer eligibility for any industrial insurance benefits to any jail inmate who is employed in a nonfree venture industry.

NEW SECTION. Sec. 13. In the event of failure or discontinuance of a free venture industry agreement, responsibility for obligations under Title 51 RCW shall be borne by the city or county responsible for establishment of such free venture industry, as if the city or county had been the employing agency.

NEW SECTION. Sec. 14. To the extent possible, jail industries programs shall be augmented by education and training to improve worker literacy and employability skills. Such education and training may include, but is not limited to, basic adult education, work towards a certificate of educational competence following successful completion of the general educational development test, vocational and preemployment work maturity skills training, and apprenticeship classes.

NEW SECTION. Sec. 15. Until sufficient funding is secured by the board to adequately provide staffing, basic staff assistance shall be provided, to the extent possible, by the department of corrections.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "industries;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed House Bill No. 1033, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1033, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1033, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

ENGROSSED HOUSE BILL NO. 1033, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1184, by Representatives Edmondson, Mastin, Sehlín, Bray, Ludwig and Grant

Modifying the requirements for the formation of a less than county-wide port district.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1184.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1184 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McDonald and Vognild - 2.

HOUSE BILL NO. 1184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4200, by Representatives Franklin, Zellinsky, Campbell and Kremen

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

The joint resolution was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:

Strike everything after page 1, line 7, and insert the following:

"Article I, section 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional, and mental institutions, or by a state's, county's, or public hospital district's hospital, health care facility, or hospice, as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a

witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

On motion of Senator Talmadge, the rules were suspended, House Joint Resolution No. 4200, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Senator Franklin, would this measure allow public funds to be used to pay the salaries of these chaplains?"

Senator Franklin: "Yes."

Senator Pelz: "Why is that not in conflict with the separation of church and state provisions of the Constitution?"

Senator Franklin: "This is being allowed now, Senator Pelz, in our penal institutions and, also, in our mental institutions. I do not see a conflict at all, because the chaplains are not fostering any particular religion. They are serving as advisors."

Senator Pelz: "Thank you."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Prentice: "A point of inquiry, Mr. President. Every morning, our sessions are opened up with a prayer. Do the clergy receive a stipend of any sort?"

REPLY BY THE PRESIDENT

President Pritchard: "Yes, they do."

Senator Prentice: "And that is paid from public funds?"

President Pritchard: "Paid from--yes, I guess that is right."

Senator Prentice: "So, then we've been violating the principle of church and--"

President Pritchard: "Not in my view, no."

Senator Prentice: "Well, that would be consistent, then, isn't that correct? That argument would be consistent.

Therefore, I believe that in order to remain consistent--and there would be the same kind of separation. In fact, I would say that in a hospital or in a health care institution, perhaps, the ministering would be much more close than what we are receiving here at a one-shot deal. I would urge support of Senator Franklin. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4200, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4200, as amended by the Senate, and the joint resolution passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West and Winsley - 36.

Voting nay: Senators Cantu, Drew, Fraser, Loveland, Moore, Niemi, Pelz, Rinehart, Roach, Skratek, Spanel, Williams and Wojahn - 13.

HOUSE JOINT RESOLUTION NO. 4200, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1058, by Representatives Franklin, Zellinsky, Campbell, Kremen, Padden and L. Johnson

Providing for public hospital district chaplains.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.44 RCW to read as follows:

Public hospital districts may employ chaplains for their hospitals, health care facilities, and hospice programs.
NEW SECTION. Sec. 2. This act shall take effect on January 1, 1994, if the proposed amendment to Article I, section 11 of the state Constitution authorizing the legislature to permit public hospital districts to employ chaplains is validly submitted to and is approved and ratified by the voters at the next general election held. If the proposed amendment is not so approved and ratified, this act is void in its entirety."

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1058, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1058, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1058, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Erwin, Franklin, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West and Winsley - 37.

Voting nay: Senators Cantu, Drew, Fraser, Loveland, Niemi, Pelz, Rinehart, Roach, Skratek, Spanel, Williams and Wojahn - 12.

HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1521, by Representative Valle (by request of Office of Financial Management)

Funding the state auditor municipal corporation division.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.09.270 and 1991 sp.s. c 16 s 920 are each amended to read as follows:

The expense of maintaining and operating the division (~~(shall be paid out of the state general fund: PROVIDED, That)~~) of municipal corporations and those expenses directly related to the prescribing of accounting systems, training, maintenance of working capital including reserves for late and uncollectable accounts and necessary adjustments to billings, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

~~((During the fiscal biennium ending June 30, 1993, the expense of maintaining and operating the division of municipal corporations shall be paid from the municipal revolving fund under RCW 43.09.282.))~~

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "office;" strike the remainder of the title and insert "amending RCW 43.09.270; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1521, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1521, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1521, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, McCaslin, McDonald, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams and Winsley - 35.

Voting nay: Senators Anderson, Erwin, Jesernig, Loveland, McAuliffe, Nelson, Newhouse, Prince, Sellar, Sheldon, Smith, L., West and Wojahn - 13.

Absent: Senator Vognild - 1.

HOUSE BILL NO. 1521, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Heavey, Voloria, Long, Shin, Forner, Schmidt, R. Meyers, Johanson, Leonard, Chandler, Lisk, Pruitt, Ballasiotes and Morris

Advocating the creation of a task force to study issues on gambling.

The concurrent resolution was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendments were considered simultaneously and were adopted:

On page 2, line 2, after "dollar;" strike "and"

On page 2, line 3, after "and" insert "(4) the feasibility of merging the gambling commission, lottery commission, and horse racing commission into one state agency; and"

On page 2, line 4, after "of" strike "ten" and insert "eleven"

On page 2, line 5, after "members," insert "the governor or the governor's designee;"

On motion of Senator Moore, the rules were suspended, Engrossed House Concurrent Resolution No. 4403, as amended by the Senate, was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

POINT OF INQUIRY

Senator West: "Senator Moore, is it your intent with the amendment that you hung on this bill that the Horse Racing Commission should be merged with the Gambling Commission and that is what this committee should look to do?"

Senator Moore: "That is what the amendment says."

Senator West: "Do you think that is a good idea?"

Senator Moore: "Excuse me?"

Senator West: "Do you think merging the Horse Racing Commission and the Gambling Commission is a good idea?"

Senator Moore: "I'm delighted you asked, Senator, because I don't think it is a good idea."

Senator West: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Concurrent Resolution No. 4403, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution 4403, as amended by the Senate, and the concurrent resolution passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge and Winsley - 38.

Voting nay: Senators Anderson, Barr, McCaslin, Sellar, Smith, L., Sutherland, von Reichbauer, West, Williams and Wojahn - 10.

Absent: Senator Vognild - 1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1837, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Kessler, Mielke and Zellinsky) (by request of Insurance Commissioner)

Regulating credit for reinsurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1837.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1837 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 1837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, by House Committee on Human Services (originally sponsored by Representatives Ludwig, Riley, Chappell, Johanson, Foreman, Appelwick, H. Myers, Scott, Jones, Leonard, Franklin, Springer and Karahalios)

Specifying a procedure for emancipation of minors.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Any minor who is sixteen years of age or older and who is a resident of this state may petition in the superior court for a declaration of emancipation.

NEW SECTION. Sec. 2. (1) A petition for emancipation shall be signed and verified by the petitioner, and shall include the following information: (a) The full name of the petitioner, the petitioner's birthdate, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address, and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) A reasonable filing fee not to exceed fifty dollars shall be set by the court.

NEW SECTION. Sec. 3. The petitioner shall serve a copy of the filed petition and notice of hearing on the petitioner's parent or parents, guardian, or custodian at least fifteen days before the emancipation hearing. No summons shall be required. Service shall be waived if proof is made to the court that the address of the parent or parents, guardian, or custodian is unavailable or unascertainable. The petitioner shall also serve notice of the hearing on the department if the petitioner is subject to dependency disposition order under RCW 13.34.130. The hearing shall be held no later than sixty days after the date on which the petition is filed.

NEW SECTION. Sec. 4. The hearing on the petition shall be before a judge, sitting without a jury. Prior to the presentation of proof the judge shall determine whether: (1) The petitioning minor understands the consequences of the petition regarding his or her legal rights and responsibilities; (2) a guardian ad litem should be appointed to investigate the allegations of the petition and file a report with the court.

NEW SECTION. Sec. 5. (1) The court shall grant the petition for emancipation, except as provided in subsection (2) of this section, if the petitioner proves the following facts by clear and convincing evidence: (a) That the petitioner is sixteen years of age or older; (b) that the petitioner is a resident of the state; (c) that the petitioner has the ability to manage his or her financial affairs; and (d) that the petitioner has the ability to manage his or her personal, social, educational, and nonfinancial affairs.

(2) A parent, guardian, custodian, or in the case of a dependent minor, the department, may oppose the petition for emancipation. The court shall deny the petition unless it finds, by clear and convincing evidence, that denial of the grant of emancipation would be detrimental to the interests of the minor.

(3) Upon entry of a decree of emancipation by the court the petitioner shall be given a certified copy of the decree. The decree shall instruct the petitioner to obtain a Washington driver's license or a Washington identification card and direct the department of licensing make a notation of the emancipated status on the license or identification card.

NEW SECTION. Sec. 6. (1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection (2) of this section. A minor shall be considered emancipated for the purposes of, but not limited to:

(a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital dissolution;

(b) The right to sue or be sued in his or her own name;

(c) The right to retain his or her own earnings;

(d) The right to establish a separate residence or domicile;

(e) The right to enter into nonvoidable contracts;

(f) The right to act autonomously, and with the power and capacity of an adult, in all business relationships, including but not limited to property transactions;

(g) The right to work, and earn a living, subject only to the health and safety regulations designed to protect those under age of majority regardless of their legal status; and

(h) The right to give informed consent for receiving health care services.

(2) An emancipated minor shall not be considered an adult for: (a) The purposes of the adult criminal laws of the state unless the decline of jurisdiction procedures contained in RCW 13.40.110 are used; (b) the criminal laws of the state when the emancipated minor is a victim and the age of the victim is an element of the offense; or (c) those specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, and other health and safety regulations relevant to the minor because of the minor's age.

NEW SECTION. Sec. 7. A declaration of emancipation obtained by fraud is voidable. The voiding of any such declaration shall not affect any obligations, rights, or interests that arose during the period the declaration was in effect.

NEW SECTION. Sec. 8. The office of the administrator for the courts shall prepare and distribute to the county court clerks appropriate forms for minors seeking to initiate a petition of emancipation.

Sec. 9. RCW 49.12.121 and 1989 c 1 s 3 are each amended to read as follows:

(1) The ~~((committee, or the director,))~~ department may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business, or occupation in the state of Washington and may adopt special rules for the protection of the safety, health, and welfare of minor employees. ~~((The minimum wage for minors shall be as prescribed in RCW 49.46.020.))~~ However, the rules may not limit the hours per day or per week, or other specified work period, that may be worked by minors who are emancipated by court order.

(2) The ~~((committee))~~ department shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the standards ~~((set forth concerning))~~ for the health, safety, and welfare of minors as set forth in the rules ~~((and regulations promulgated))~~ adopted by the ~~((committee))~~ department. No minor person shall be employed in any occupation, trade, or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian, or other person having legal custody of the minor and with the approval of the school which such minor may then be attending. However, the consent of a parent, guardian, or other person, or the approval of the school which the minor may then be attending, is unnecessary if the minor is emancipated by court order.

(3) The minimum wage for minors shall be as prescribed in RCW 49.46.020.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 13 RCW.

NEW SECTION. Sec. 11. This act shall take effect January 1, 1994."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 49.12.121; adding a new chapter to Title 13 RCW; and providing an effective date."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1157, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1157, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1157, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniold, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Amondson, Anderson, Cantu, McCaslin, Oke, Sellar and Smith, L. - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:34 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9272, Mary Riveland, as Director of the Department of Ecology, was confirmed.

Senators Fraser and Sellar spoke to the confirmation of Mary Riveland as Director of the Department of Ecology.

MOTIONS

On motion of Senator Oke, Senators Moyer and West were excused.

On motion of Senator Spanel, Senators Hargrove, Moore, Sutherland and Williams were excused.

APPOINTMENT OF MARY RIVELAND

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, Winsley and Wojahn - 43.

Excused: Senators Hargrove, Moore, Moyer, Sutherland, West and Williams - 6.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9151, Jimmy Cason, as a member of the Investment Board, was confirmed.

MOTION

On motion of Senator Amondson, Senator McCaslin was excused.

APPOINTMENT OF JIMMY CASON

The Secretary call the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 46.

Excused: Senators Hargrove, McCaslin and Williams - 3.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1977, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Schoesler, Sheahan, Rayburn, Chappell, Vance, Morton, Dyer, Fuhrman, Long, Chandler, Brumsickle, Foreman and Mastin)

Clarifying authorization for water right certificate holders to participate in acreage expansion programs.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1977.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1977 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 47.

Excused: Senators Hargrove and Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1275, by House Committee on Environmental Affairs (originally sponsored by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Shin and Horn) (by request of Department of Transportation)

Exempting site exploration from shorelines management regulation.

The bill was read the second time.

MOTIONS

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

On page 6, line 17, strike all of subsection (E) and insert the following:

"(E) The local government exempts the activity in writing within thirty days of receipt of a request. A city or county may require that a private project proponent file a bond to ensure restoration of the site to preexisting conditions."

Senator Sutherland moved that the following amendment by Senators Sutherland and Erwin to the Committee on Natural Resources amendment be adopted:

On page 1, line 8 of the Natural Resources Committee amendment, after "request." strike the remainder of the language Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland and Erwin on page 1, line 8, to the Committee on Natural Resources amendment on page 6, line 17, to Substitute House Bill No. 1275.

The motion by Senator Sutherland carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources amendment on page 6, line 17, as amended, to Substitute House Bill No. 1275.

The Committee on Natural Resources amendment on page 6, line 17, as amended, to Substitute House Bill No. 1275, was adopted.

MOTION

Senator Owen moved that the following amendment by Senators Owen and Hargrove be adopted:

On page 4, line 22, strike "two" and insert "~~(two)~~ eight"

POINT OF ORDER

Senator Fraser: "Mr. President, I rise to request a ruling on the scope and object of this amendment. The bill, as a whole, is an act relating to the exclusion of site exploration as a substantial shoreline development. The amendment changes the level of the exemption for all substantial development permits under the State Shoreline Management Act, so it substantially broadens the bill. The bill deals only with site exploration. The amendment goes beyond it."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute House Bill No. 1275 was deferred.

SECOND READING

HOUSE BILL NO. 1476, by Representatives Wineberry, Ballard, Shin, G. Cole, Brough, Ogden, Forner, J. Kohl, Veloria, Vance, Leonard, Casada, Miller, Ballasiotes, Foreman, Chandler, Wood, Cooke, H. Myers and Lisk (by request of Human Rights Commission)

Revising provisions relating to meeting federal fair housing act requirements for housing equivalency.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1476.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1476 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, von Reichbauer, West, Winsley and Wojahn - 44.

Voting nay: Senators Newhouse, Sutherland and Vognild - 3.

Excused: Senators Moyer and Williams - 2.

HOUSE BILL NO. 1476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1838, by Representatives R. Johnson, Mielke, R. Meyers, Rayburn, King, Kremen and Holm (by request of Insurance Commissioner)

Requiring minimum standards for benefits in medicare supplement insurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1838.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1838 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Sellar - 1.

Excused: Senator Moyer - 1.

HOUSE BILL NO. 1838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Loveland was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1484, by Representatives King, Orr and Fuhrman (by request of Department of Wildlife)

Creating a wildlife violator compact.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 1484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1484.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1484 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Loveland and Moyer - 2.

ENGROSSED HOUSE BILL NO. 1484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1068, by Representatives Padden, Appelwick, Ludwig, Riley, Chappell, Campbell, Schmidt, Long, Tate, Ballasiotes, Dyer, Johanson and Thomas

Providing for registration of transfer on death securities.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

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

(1) "Beneficiary form" means a registration of a security that indicates the present owner of the security and the intention of the owner regarding the person who will become the owner of the security upon the death of the owner, referred to as a "beneficiary."

(2) "Devisee" means any person designated in a will to receive a disposition of real or personal property.

(3) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.

(4) "Person" means an individual, a corporation, an organization, or other legal entity.

(5) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.

(6) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

(7) "Register," including its derivatives, means to issue a certificate showing the ownership of a certificated security or, in the case of an uncertificated security, to initiate or transfer an account showing ownership of securities.

(8) "Registering entity" means a person who originates or transfers a security title by registration, and includes a broker maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

(9) "Security" means a share, participation, or other interest in property, in a business, or in an obligation of an enterprise or other issuer, and includes a certificated security, an uncertificated security, and a security account.

(10) "Security account" means (a) a reinvestment account associated with a security; a securities account with a broker; a cash balance in a brokerage account; or cash, interest, earnings, or dividends earned or declared on a security in an account, a reinvestment account, or a brokerage account, whether or not credited to the account before the owner's death; or (b) a cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death.

(11) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

NEW SECTION. Sec. 2. Only individuals whose registration of a security shows sole ownership by one individual or multiple ownership by two or more with right of survivorship, rather than as tenants in common, may obtain registration in beneficiary form. Multiple owners of a security registered in beneficiary form shall hold the security as joint tenants with right of survivorship either as separate property or as community property, and not as tenants in common.

NEW SECTION. Sec. 3. A registering entity may register a security in beneficiary form if the form is authorized by this chapter or a substantially identical statute of another state if the state is: (1) The state of organization of the issuer or registering entity, (2) the location of the registering entity's principal office, (3) the location of the office of its transfer agent or its office making the registration, or (4) the location of the owner's listed address at the time of registration. A registration governed by the law of a jurisdiction in which this or substantially identical legislation is not in force or was not in force when a registration in beneficiary form was made is nevertheless presumed to be valid and authorized as a matter of contract law.

NEW SECTION. Sec. 4. A security, whether evidenced by certificate or account, is registered in beneficiary form when the registration includes a designation of a beneficiary to take the ownership at the death of a sole owner or at the death of the last to die of multiple owners.

NEW SECTION. Sec. 5. Registration in beneficiary form may be shown by the words "transfer on death" or the abbreviation "TOD," or by the words "pay on death" or the abbreviation "POD," after the name of the registered owner or owners and before the name of a beneficiary.

NEW SECTION. Sec. 6. The designation of a TOD or POD beneficiary on a registration in beneficiary form has no effect on ownership of the security until the owner's death, or on community property rights and obligations of owners. A registration of a security in beneficiary form may be canceled or changed at any time by the sole owner or all then surviving owners, without the consent of the beneficiary.

NEW SECTION. Sec. 7. On death of a sole owner or the last to die of all multiple owners, ownership of securities registered in beneficiary form passes to the beneficiary or beneficiaries who survive all owners. On proof of death of all owners and compliance with any applicable requirements of the registering entity, a security registered in beneficiary form may be reregistered in the name of the beneficiary or beneficiaries who survived the death of all owners. Until division of the security after the death of all owners, multiple beneficiaries surviving the death of all owners hold their interests as tenants in common. If no beneficiary survives the death of all owners, the security belongs to the estate of the deceased sole owner or the estate of the last to die of all multiple owners.

NEW SECTION. Sec. 8. (1) A registering entity is not required to offer or to accept a request for security registration in beneficiary form. If a registration in beneficiary form is offered by a registering entity, the owner requesting registration in beneficiary form assents to the protections given to the registering entity by this chapter.

(2) By accepting a request for registration of a security in beneficiary form, the registering entity agrees that the registration will be implemented on death of the deceased owner as provided in this chapter.

(3) A registering entity is discharged from all claims to a security by the estate, creditors, heirs, or devisees of a deceased owner if it registers a transfer of a security in accordance with section 7 of this act and does so in good faith reliance (a) on the registration, (b) on this chapter, and (c) on information provided to it by affidavit of the personal representative of the deceased owner, or by the surviving beneficiary or by the surviving beneficiary's representatives, or other information available to the registering entity. The protections of this chapter do not extend to a reregistration or payment made after a registering entity has received written notice from any claimant to any interest in the security objecting to implementation of a registration in beneficiary form. No other notice or other information available to the registering entity affects its right to protection under this chapter.

(4) The protection provided by this chapter to a registering entity does not affect the rights of beneficiaries in disputes between themselves and other claimants to ownership of the security transferred or its value or proceeds.

NEW SECTION. Sec. 9. (1) A transfer on death resulting from a registration in beneficiary form is effective by reason of the contract regarding the registration between the owner and the registering entity and this chapter and is not testamentary.

(2) This chapter does not limit the rights of creditors of security owners against beneficiaries and other transferees under other laws of this state.

NEW SECTION. Sec. 10. (1) A registering entity offering to accept registrations in beneficiary form may establish the terms and conditions under which it will receive requests (a) for registrations in beneficiary form, and (b) for implementation of registrations in beneficiary form, including requests for cancellation of previously registered TOD beneficiary designations and requests for reregistration to effect a change of beneficiary. The terms and conditions so established may provide for proving death, avoiding or resolving any problems concerning fractional shares, and designating beneficiaries. Other rules for providing proofs and assurances needed to satisfy reasonable concerns by registering entities regarding conditions and identities relevant to accurate implementation of registrations in beneficiary form may be contained in a registering entity's terms and conditions.

(2) The following are illustrations of registrations in beneficiary form that a registering entity may authorize:

(a) Sole owner-sole beneficiary: John S. Brown TOD (or POD) John S. Brown Jr.

(b) Multiple owners-sole beneficiary: John S. Brown Mary B. Brown JT TEN TOD John S. Brown Jr.

(c) Multiple owners-multiple beneficiaries: John S. Brown Mary B. Brown JT TEN TOD John S. Brown Jr. Peter Q. Brown.

NEW SECTION. Sec. 11. (1) This chapter shall be known as and may be cited as the uniform TOD security registration act.

(2) This chapter shall be liberally construed and applied to promote its underlying purposes and policy and to make uniform the laws with respect to the subject of this chapter among states enacting it.

(3) Unless displaced by the particular provisions of this chapter, the principles of law and equity supplement the provisions of this chapter.

NEW SECTION. Sec. 12. This chapter applies to registrations of securities in beneficiary form made before or after the effective date of this act, by decedents dying on or after the effective date of this act.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 21 RCW."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "securities;" strike the remainder of the title and insert "and adding a new chapter to Title 21 RCW."

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1068, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1068, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1068, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Loveland and Moyer - 2.

HOUSE BILL NO. 1068, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators M. Rasmussen, Loveland, Barr, Haugen, Winsley, Anderson, Moyer, Prentice, Deccio, Bauer, Spanel, Skratek, Snyder, Franklin and Hochstatter

Creating a committee for agricultural housing and benefits.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8406. Senate Concurrent Resolution No. 8406 was adopted by voice vote.

MOTION

On motion of Senator Spanel, Senator Moore was excused.

SECOND READING

HOUSE BILL NO. 1347, by Representatives Forner, Rayburn, Dyer, Thomas, Wood, Morton and Silver

Authorizing the department of agriculture to control diseases in alpacas and llamas.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1347.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1347 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Deccio - 1.

Excused: Senators Loveland, Moore and Moyer - 3.

HOUSE BILL NO. 1347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Amondson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1452, by House Committee on Human Services (originally sponsored by Representatives Riley, Heavey, Brown, Flemming, Karahalios, Cooke, Wineberry, Valle, Romero, Leonard, G. Cole, Mielke, Anderson and Ballard)

Specifying information that must be made available to parties affected by adoption.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1452 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Hochstatter, McCaslin, Nelson, Oke, Owen, Prince, Sellar and von Reichbauer - 12.

Absent: Senator Newhouse - 1.

Excused: Senators Amondson, Moore and Moyer - 3.

SUBSTITUTE HOUSE BILL NO. 1452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1021, by House Committee on Local Government (originally sponsored by Representatives Springer, H. Myers and Morris)

Changing provisions relating to municipal ordinances.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "municipal research council" means the municipal research council created by chapter 43.110 RCW.

(3) The clerk of every city and town is directed to provide to the municipal research council or its designee, after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the municipal research council or its designee from time to time, and may provide such copies without charge. The municipal research council may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

Sec. 2. RCW 35.27.320 and 1965 c 7 s 35.27.320 are each amended to read as follows:

The violation of an ordinance of a town shall be a misdemeanor or a civil violation subject to a monetary penalty, and may be prosecuted by the authorities thereof in the name of the people of the state of Washington ~~((or may be redressed by civil action)).~~

Any person sentenced to imprisonment may be imprisoned in the town jail, or if the council by ordinance shall so prescribe and if the county ~~((commissioners))~~ legislative authority have consented thereto, he or she may be imprisoned in the county jail, the expense thereof to be a charge against the town and in favor of the county.

Sec. 3. RCW 35.22.288 and 1988 c 168 s 1 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the official newspaper of the city. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~ When the city publishes the title, the publication shall include:

(1) The name of the city;

(2) The formal identification or citation number of the ordinance;

(3) The full title of the ordinance; and

(4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 4. RCW 35.23.310 and 1988 c 168 s 2 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the official newspaper of the city. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~ When the city publishes the title, the publication shall include:

(1) The name of the city;

(2) The formal identification or citation number of the ordinance;

(3) The full title of the ordinance; and

(4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of

a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

Sec. 5. RCW 35.24.220 and 1988 c 168 s 4 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance (~~((or a summary of the content of each ordinance))~~) shall be published at least once in the city's official newspaper. (~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~) When the city publishes the title, the publication shall include:

- (1) The name of the city;
- (2) The formal identification or citation number of the ordinance;
- (3) The full title of the ordinance; and
- (4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or (~~((a summary of))~~) the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or (~~((a summary of the content))~~) title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 6. RCW 35.27.300 and 1988 c 168 s 5 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance (~~((or a summary of the content of each ordinance))~~) shall be published at least once in the official newspaper of the town. (~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the town publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~) When the town publishes the title, the publication shall include:

- (1) The name of the town;
- (2) The formal identification or citation number of the ordinance;
- (3) The full title of the ordinance; and
- (4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or (~~((a summary of))~~) the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting town.

In addition to the requirement that a town publish the text or (~~((a summary of the content))~~) title of each adopted ordinance, every town shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the town's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the town determines will satisfy the intent of this requirement.

Sec. 7. RCW 35.30.018 and 1988 c 168 s 6 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance (~~((or a summary of the content of each ordinance))~~) shall be published at least once in the official newspaper of the city. (~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~) When the city publishes the title, the publication shall include:

- (1) The name of the city;
- (2) The formal identification or citation number of the ordinance;
- (3) The full title of the ordinance; and
- (4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or (~~((a summary of))~~) the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 8. RCW 35A.12.160 and 1988 c 168 s 7 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the city's official newspaper. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~ When the city publishes the title, the publication shall include:

- (1) The name of the city;
- (2) The formal identification or citation number of the ordinance;
- (3) The full title of the ordinance; and
- (4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 9. RCW 65.16.160 and 1977 c 34 s 4 are each amended to read as follows:

(1) Whenever any county, city, or town is required by law to publish legal notices containing the full text of any proposed or adopted ordinance in a newspaper, the county, city, or town may publish ~~((a summary))~~ the title of the ordinance ~~((which summary shall be approved by the governing body and))~~, which shall include:

- (a) The name of the county, city, or town;
- (b) The formal identification or citation number of the ordinance;
- (c) ~~((A descriptive))~~ The full title of the ordinance; and
- (d) ~~((A section-by-section summary;~~
- (e) ~~Any other information which the county, city, or town finds is necessary to provide a complete summary; and~~
- (f)) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

(2) ~~((Subsection (1) of this section notwithstanding, whenever any publication is made under this section and the proposed or adopted ordinance contains provisions regarding taxation or penalties or contains legal descriptions of real property, then the sections containing this matter shall be published in full and shall not be summarized. When a legal description of real property is involved, the notice shall also include the street address or addresses of the property described, if any. In the case of descriptions covering more than one street address, the street addresses of the four corners of the area described shall meet this requirement.~~

~~((3))~~ The full text of any ordinance ((which is summarized by publication)), the title rather than the full text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting county, city, or town."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.27.320, 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35.30.018, 35A.12.160, and 65.16.160; adding a new section to chapter 35.21 RCW; and prescribing penalties."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1021, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1021, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1021, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Moore and Moyer - 3.

SUBSTITUTE HOUSE BILL NO. 1021, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1545, by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing provisions relating to municipal courts.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 3.46 RCW to read as follows:

Any city that terminates a municipal department under this chapter may not establish another municipal department under this chapter until at least ten years have elapsed from the date of termination.

NEW SECTION. Sec. 2. A new section is added to chapter 3.50 RCW to read as follows:

Any city that terminates a municipal court under this chapter may not establish another municipal court under this chapter until at least ten years have elapsed from the date of termination.

NEW SECTION. Sec. 3. A new section is added to chapter 3.46 RCW to read as follows:

Notwithstanding RCW 3.46.050 and 3.46.060, judicial positions may be filled only by election under the following circumstances:

(1) Each full-time equivalent judicial position shall be filled by election. This requirement applies regardless of how many judges are employed to fill the position. For purposes of this section, a full-time equivalent position is thirty-five or more hours per week of compensated time.

(2) In any city with one or more full-time equivalent judicial positions, an additional judicial position or positions that is or are in combination more than one-half of a full-time equivalent position shall be filled by election.

NEW SECTION. Sec. 4. A new section is added to chapter 3.50 RCW to read as follows:

Notwithstanding RCW 3.50.040 and 3.50.050, judicial positions may be filled only by election under the following circumstances:

(1) Each full-time equivalent judicial position shall be filled by election. This requirement applies regardless of how many judges are employed to fill the position. For purposes of this section, a full-time equivalent position is thirty-five or more hours per week of compensated time.

(2) In any city with one or more full-time equivalent judicial positions, an additional judicial position or positions that is or are in combination more than one-half of a full-time equivalent position shall also be filled by election.

NEW SECTION. Sec. 5. A new section is added to chapter 3.46 RCW to read as follows:

A judge of a municipal department of a district court need not be a resident of the city in which the department is created, but must be a resident of the county in which the city is located.

NEW SECTION. Sec. 6. A new section is added to chapter 3.50 RCW to read as follows:

A judge of a municipal court need not be a resident of the city in which the court is created, but must be a resident of the county in which the city is located.

Sec. 7. RCW 3.50.090 and 1984 c 258 s 112 are each amended to read as follows:

The mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of a municipal court or subsequent to the filing of an affidavit of prejudice. The judges pro tem shall be qualified to hold the position of judge of the municipal court as provided herein. The municipal court judges pro tem shall receive ~~((such compensation as shall be fixed by the ordinances of the legislative body of the city or town wherein the municipal court is located))~~ a pro rata share of the salary set for a full-time municipal court judge. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing mayor.

NEW SECTION. Sec. 8. A new section is added to chapter 3.62 RCW to read as follows:

District courts shall take all steps necessary to promote efficiencies in calendaring in order to minimize costs to cities that use the district courts. Cities shall cooperate with the district courts in order to minimize those costs.

Sec. 9. RCW 3.62.070 and 1984 c 258 s 39 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited or a monetary penalty paid to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every criminal or traffic infraction action filed by a city for an ordinance violation, the city shall be charged a filing fee determined pursuant to an agreement as provided for in chapter 39.34 RCW, the interlocal cooperation act, between the city and the county providing the court service. In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city. In all other criminal or traffic infraction actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs. ~~((In the event no agreement is reached between a municipal corporation and the county providing the court service within ninety days of September 1, 1979, the municipal corporation and the county shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW, and the municipal corporation and the county shall be entitled to the same rights and subject to the same duties as other parties who have agreed to submit to arbitration pursuant to chapter 7.04 RCW. In the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional costs borne by the county in providing district court services for such city.))~~

If, one hundred twenty days before the expiration of an existing contract under this section, the city and the county are unable to agree on terms for renewal, the matter shall be submitted to binding arbitration. The city and the county shall each select one arbitrator, the two of whom shall pick a third arbitrator. The existing contract shall remain in effect until a new agreement is reached or until an arbitration award is made.

Sec. 10. RCW 42.12.010 and 1981 c 180 s 4 are each amended to read as follows:

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) Except as provided in sections 5 and 6 of this act, his or her ceasing to be a legally qualified elector of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

Sec. 11. RCW 29.15.025 and 1991 c 178 s 1 are each amended to read as follows:

- (1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, possess the qualifications specified by law for persons who may be elected to the office.
- (2) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in sections 5 and 6 of this act, the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district

or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress.

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

NEW SECTION. Sec. 13. This act shall take effect January 1, 1995."

On motion of Senator Wojahn, the following amendment by Senators Wojahn, Winsley, Gaspard and Franklin to the striking Committee on Law and Justice amendment was adopted:

On page 2, line 20 of the amendment, strike all of section 7, renumber the remaining sections consecutively, and correct internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Substitute House Bill No. 1545.

The Committee on Law and Justice striking amendment, as amended, to Substitute House Bill No. 1545 was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendments were considered simultaneously and were adopted:

On line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 3.50.090, 3.62.070, 42.12.010, and 29.15.025; adding new sections to chapter 3.46 RCW; adding new sections to chapter 3.50 RCW; adding a new section to chapter 3.62 RCW; and providing an effective date."

On page 5, line 19 of the title amendment, after "RCW" strike "3.50.090,"

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1545, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1545, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1545, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Barr, Bluechel, Cantu, Newhouse, Sellar and West - 6.

Excused: Senators Amondson and Moyer - 2.

SUBSTITUTE HOUSE BILL NO. 1545, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1211, by House Committee on Education (originally sponsored by Representatives Ogden, Brumsickle, Franklin, Jacobsen, Carlson, Springer, Orr, Leonard, H. Myers and Basich)

Authorizing educational service districts to provide cooperative and informational services to local school districts.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.310.200 and 1990 c 159 s 1 and 1990 c 33 s 278 are each reenacted and amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

- (1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.
- (2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board.
- (3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230.
- (4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.
- (5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.
- (6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the state board of education and the acquisition or alienation of all such property shall be subject to such provisions as the board may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender. The authority to borrow under this subsection shall be limited to educational service districts serving a minimum of two hundred thousand students in grades kindergarten through twelve.

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district.

(8) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

~~((8))~~ (9) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

NEW SECTION. Sec. 2. The Washington state institute for public policy shall submit to the legislature by January 10, 1994, a report with recommendations for the design of a comprehensive study of the role and performance of educational service districts."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "reenacting and amending RCW 28A.310.200; and creating a new section."

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1211, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1211, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1211, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Anderson - 1.

Absent: Senators Moore and Rinehart - 2.

Excused: Senator Moyer - 1.

SUBSTITUTE HOUSE BILL NO. 1211, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1061, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton)

Modifying irrigation district mergers.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following Committee on Agriculture amendments were considered simultaneously and were adopted:

On page 1, beginning on line 16, delete "twenty-five" and insert "thirty"

On page 6, line 14, after "than" delete "twenty-five" and insert "thirty"

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Newhouse was adopted:

On page 6, after line 17, insert the following:

"NEW SECTION. Sec. 8. Nothing in RCW 87.03.530(2) and sections 2 through 7 of this act shall authorize the impairment or operate to impair any existing water rights."

Renumber the remaining sections accordingly

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1061, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Bauer, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1061, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1061, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1061, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1612, by House Committee on Appropriations (originally sponsored by Representatives Morton, King, Basich, Kremen, Sheldon, Foreman, Fuhrman, Chandler and Padden)

Testing the feasibility of remote site incubators for salmon enhancement.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1612.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1612 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Winsley was excused.

SECOND READING

HOUSE BILL NO. 1024, by Representatives Rayburn, Edmondson, Bray and Dunshee

Extending the maturity date for general obligation bonds issued by fire protection districts.

The bill was read the second time.

MOTIONS

On motion of Senator Drew, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 52.16.061 and 1984 c 186 s 39 are each amended to read as follows:

The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale of general obligation bonds of the district payable at such time or times not longer than ~~((six))~~ twenty years from the issuing date of the bonds. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW. Such bonds shall not exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the fire protection district, as the term "value of the taxable property" is defined in RCW 39.36.015."

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 2 of the title, after "district;" strike the remainder of the title and insert "and amending RCW 52.16.061."

MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 1024, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1024, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1024, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 45.

Voting nay: Senators Cantu and McCaslin - 2.

Excused: Senators Moyer and Winsley - 2.

HOUSE BILL NO. 1024, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1275 and the pending amendment by Senators Owen and Hargrove on page 4, line 22, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Fraser, the President finds that Substitute House Bill No. 1275 is a measure which provides that site exploration and investigation activities, as defined, are not subject to the requirements of substantial development permits.

"The amendment by Senators Owen and Hargrove on page 4, line 22, would change the definition of 'substantial development' as it relates to all shoreline and water activities.

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

The amendment by Senators Owen and Hargrove on page 4, line 22, to Substitute House Bill No. 1275 was ruled out of order.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Owen and Amondson be adopted:

On page 6, line 21, after "met" insert "; or

(F) The activity involves any other development of which the total cost or fair market value does not exceed eight thousand five hundred dollars"

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I would request a ruling on the scope and object of this amendment. I would say similar things to what were said on the previous amendment. This does change the Shorelines Management Act. It is a major change in the substantial development by changing that allowance up to the eighty-five hundred mark."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute House Bill No. 1275 is a measure which provides that site exploration and investigation activities, as defined, are not subject to the requirements of substantial development permits.

"The amendment by Senators Hargrove, Owen and Amondson on page 6, line 21, would add an additional qualification to the definition of site exploration and investigation.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Hargrove, Owen and Amondson on page 6, line 21, to Substitute House Bill No. 1275 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Owen and Amondson on page 6, line 21, to Substitute House Bill No. 1275.

Debate ensued.

The amendment by Senators Hargrove, Owen and Amondson on page 6, line 21, to Substitute House Bill No. 1275 was adopted on a rising vote.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1275, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1275, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1275, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, L., Snyder, Sutherland, Vognild, von Reichbauer, West and Williams - 38.

Voting nay: Senators Drew, Haugen, Pelz, Rinehart, Skratek, Smith, A., Spanel, Talmadge and Wojahn - 9.

Excused: Senators Moyer and Winsley - 2.

SUBSTITUTE HOUSE BILL NO. 1275, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1122, by House Committee on Local Government (originally sponsored by Representatives Pruitt, Schmidt, Zellinsky, H. Myers, Thomas, Dunshee, Valle, R. Meyers, Basich, Brough and Quall)

Changing provisions relating to excess levies in park and recreation districts and service areas.

The bill was read the second time.

MOTION

Senator Haugen moved that the following amendments by Senators Haugen and Loveland be considered simultaneously and be adopted:

On page 1, line 15, after "maximum of" strike "seventy-five" and insert "thirty"

On page 2, line 34, after "~~fifteen~~" strike "seventy-five" and insert "thirty"

On page 4, line 21, after "~~(fifteen)~~" strike "seventy-five" and insert "thirty"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Haugen and Loveland on page 1, line 15; page 2, line 34; and page 4, line 21; to Substitute House Bill No. 1122.

The motion by Senator Haugen carried and the amendments were adopted.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1122, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1122, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1122, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 41.

Voting nay: Senators Amondson, Anderson, Cantu, Hochstatter, Newhouse and Quigley - 6.

Excused: Senators Moyer and Winsley - 2.

SUBSTITUTE HOUSE BILL NO. 1122, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, House Bill No. 1204, House Bill No. 1206 and Substitute House Bill No. 1254, which were on the second reading calendar, were referred to the Committee on Rules.

MOTION

At 3:00 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Wednesday, April 7, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SIXTH DAY, APRIL 6, 1993

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

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 7, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Drew, Hochstatter, Loveland, Moyer, Niemi, Owen, Pelz, Rinehart, Linda Smith, Williams and Wojahn. On motion of Senator Spanel, Senators Drew, Loveland, Niemi, Owen, Pelz, Rinehart, Williams and Wojahn were excused. On motion of Senator Oke, Senators Amondson, Hochstatter, Moyer and Linda Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Derek Sciba and Justin Tanner, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5067,
SENATE BILL NO. 5070,
SENATE BILL NO. 5126,
SENATE BILL NO. 5128,
SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5802,
SENATE JOINT MEMORIAL NO. 8017, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5067,
SENATE BILL NO. 5070,
SENATE BILL NO. 5126,
SENATE BILL NO. 5128,
SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5802,
SENATE JOINT MEMORIAL NO. 8017.

INTRODUCTION AND FIRST READING

SB 5973 by Senators Gaspard and Rinehart (by request of Office of Financial Management)

AN ACT Relating to voter registration tapes for political parties; amending RCW 29.04.150 and 29.04.160; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5974 by Senators Skratek, Niemi and M. Rasmussen

AN ACT Relating to preparing and distributing information by school districts; and amending RCW 28A.320.090.

Referred to Committee on Law and Justice.

SCR 8407 by Senators Owen and Erwin

Studying open pit metallic ore mining.

Referred to Committee on Natural Resources.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following members of the Washington National Guard who were seated on the rostrum: SSG Rickey Gately, who was selected at the Washington Noncommissioned Officer of the Year for the National Guard; SPC David Hodel, Reserve Soldier of the Year for the Western United States (6th Army area); and Sergeant Nina Swanson, from the Drug Demand Reduction Program, who was recognized for her contribution to the state drug education program.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9156, Lois M. Curtis, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF LOIS M. CURTIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West and Winsley - 37.

Excused: Senators Amondson, Drew, Hochstatter, Loveland, Moyer, Niemi, Owen, Pelz, Rinehart, Smith, L., Williams and Wojahn - 12.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9162, James R. Fox, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF JAMES R. FOX

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West and Winsley - 41.

Excused: Senators Hochstatter, Loveland, Moyer, Niemi, Owen, Smith, L., Williams and Wojahn - 8.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9219, Larry Phillips, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF LARRY PHILLIPS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Winsley - 40.

Absent: Senator Rinehart - 1.

Excused: Senators Hochstatter, Loveland, Moyer, Niemi, Owen, Smith, L., Williams and Wojahn - 8.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9250, Michael R. Thorp, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF MICHAEL R. THORP

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Winsley - 40.

Absent: Senator Barr - 1.

Excused: Senators Hochstatter, Loveland, Moyer, Niemi, Owen, Smith, L., Williams and Wojahn - 8.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wineberry, Shin, Forner, Sheldon, Wang, Riley, Ogden, Silver, Valle, Jones, Holm, Basich, Rayburn, Jacobsen, Kremen, Cooke and J. Kohl) (by request of Department of Trade and Economic Development)

Reauthorizing the community economic revitalization board.

The bill was read the second time.

MOTIONS

On motion of Senator Jesernig, the following Committee on Trade, Technology and Economic Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.160.020 and 1992 c 21 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, ((or)) town, or special utility district.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct

lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 2. RCW 43.160.030 and 1987 c 422 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the chairman of and one minority member appointed by the speaker of the house of representatives from the committee on ~~((trade and economic development))~~ trade, economic development, and housing of the house of representatives, the chairman of and one minority member appointed by the president of the senate from the committee on ~~((commerce and labor of the senate, or the equivalent standing committees))~~ trade, technology, and economic development of the senate, and the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor ~~((and should be a member of the governor's council of economic advisors))~~. The members of the board shall elect one of their members to serve as vice-chair. The director of trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Staff support shall be provided by the department of trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

Sec. 3. RCW 43.160.035 and 1987 c 422 s 3 are each amended to read as follows:

Each member of the house of representatives who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the trade ~~((and))~~ economic development, and housing committee of the house of representatives to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each member of the senate who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the ~~((commerce and labor))~~ trade, technology, and economic development committee of the senate to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each agency head of an executive agency who is appointed to serve as a nonvoting advisory member of the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings at which the agency head will be absent. The designee will have all powers to participate in board deliberations as have the other board members but shall not have voting powers.

Sec. 4. RCW 43.160.060 and 1990 1st ex.s. c 17 s 73 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and federally recognized Indian tribes for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the ~~((acquisition,))~~ construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or tribe.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to distressed rural areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision or tribe shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision or tribe seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 5. RCW 43.160.074 and 1985 c 433 s 5 are each amended to read as follows:

(1) An application to the board from a political subdivision or federally recognized Indian tribe may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision or federally recognized Indian tribe that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the transportation commission.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the transportation commission as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the transportation commission as specified in RCW 47.01.280.

(4) The board shall notify the transportation commission of its decision regarding any application made under this section.

Sec. 6. RCW 43.160.076 and 1991 c 314 s 24 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants in a biennium, the board shall spend at least fifty percent for grants and loans for projects in distressed counties or timber impact areas. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or timber impact areas are clearly insufficient to use up the fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or timber impact areas.

Sec. 7. RCW 43.160.077 and 1989 c 431 s 63 are each amended to read as follows:

(1) ~~((Before))~~ When the board ~~((consideration of))~~ receives an application from a political subdivision or federally recognized Indian tribe that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, a copy of the application shall be ~~((forwarded))~~ sent by the board to the department of ecology.

~~((The department of ecology shall submit a recommendation on all applications related to processing recyclable materials to the board for their consideration.~~

~~((3) Upon receiving an application for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials from the board, the department of ecology shall, within thirty days, determine whether or not the proposed assistance:~~

~~((a) Has a significant impact on the residential and commercial waste stream;~~

~~((b) Results in a product that has a ready market;~~

~~((c) Does not jeopardize any other planned market development projects; and~~

~~((d) Results in a product that would otherwise be purchased out-of-state.~~

~~((4) Upon completion of its determination of the factors contained in subsection (3) of this section and any other factors it deems pertinent, the department of ecology shall forward its recommended approval, as submitted or amended, or recommended disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed market development. If the department of ecology recommends disapproval of any proposed project, it shall specify its reasons for recommending disapproval.~~

~~((5))~~ The board shall notify the department of ecology of its decision regarding any application made under this section.

Sec. 8. RCW 43.160.200 and 1991 c 314 s 23 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions and federally recognized Indian tribes of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government ~~((and are part of a regional tourism plan approved by the local and regional tourism organizations))~~. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the

applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or tribe.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

Sec. 9. RCW 43.160.900 and 1987 c 422 s 10 are each amended to read as follows:

~~(The community economic revitalization board and its powers and duties shall be terminated on June 30, 1993, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, 1994. Any remaining duties of the community economic revitalization board after June 30, 1993, regarding repayment of loans made by the community economic revitalization board are transferred to the department of revenue on June 30, 1993))~~ The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

Sec. 10. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for ~~((a))~~ (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or ~~((b))~~ (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under *RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, 43.160, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(dd) Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 11. 1991 c 314 s 32 (uncodified) is amended to read as follows:

RCW 43.160.076 and 1991 c 314 s 24 & 1985 c 446 s 6 are each repealed effective June 30, ((1993)) 1995.

Sec. 12. 1991 c 314 s 34 (uncodified) is amended to read as follows:

((Section 25 of this act)) RCW 43.160.210 shall take effect July 1, ((1993)) 1995.

NEW SECTION. Sec. 13. Section 9 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Jesernig, the following title amendment was adopted:

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 43.160.020, 43.160.030, 43.160.035, 43.160.074, 43.160.060, 43.160.076, 43.160.077, 43.160.200, and 43.160.900; amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 34 (uncodified); reenacting and amending RCW 42.17.310; and declaring an emergency."

MOTION

On motion of Senator Jesernig, the rules were suspended, Engrossed Substitute House Bill No. 1662, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Skratek, I think, perhaps it would be something that the body should know more about with respect to now allowing the CERB to extend loans to federally recognized Indian Tribes for assistance of financing of public facilities including development of land and improvements for public facilities. I am wondering to what extent--that is something beyond what would be given to cities and counties."

Senator Skratek: "Senator Nelson, I appreciate your asking this particular question. As CERB currently is richened, the money can only be provided to political subdivisions of the state. As we all know, Indian Tribes are not political subdivisions of the state, of themselves, government or sovereign nations, so the very language that is currently used within CERB would prohibit Indian Tribes from applying and being eligible for these particular opportunities. We have revised the bill in order to recognize the

fact that our federal government has, for a very long time, recognized that they are governments in and of themselves and not political subdivisions of the state and that is the primary reason for the change."

Senator Nelson: "Well, Senator Skratek, I guess I am going to specifically ask whether or not there would then be the opportunity to extend loans to the Tulalip Indian Tribes in Snohomish County for the proposed solid waste facility that they are intending to build along with the other types of utility activities that they are intending to get into."

Senator Skratek: "They would be eligible for the loans as would any political subdivision of the state. They would have to follow the criteria established within the program and if, indeed, they met those criteria, they would be able to obtain that particular opportunity as would any political subdivision of the state. This is simply recognizing the fact that they are not a political subdivision of the state, but are in and of themselves a sovereign nation."

Senator Nelson: "Well, I want to point out to the body that when you extend these types of loans to a federally recognized Indian Tribe, the one thing you lose in the process is the return of tax revenues. We have a situation here where we find, in many cases across the state of Washington, because of the sovereign nation status that the Indian Tribes, essentially, are now getting into businesses that are out of reach by our own Department of Revenue for the purposes of taxation."

"I am finding some difficulty in seeing the rationale behind our extending state tax dollar loans to the federally recognized tribes that, in turn, are going to compete with private business and the cities and counties providing the same types of public facilities. I'm not satisfied with the answer that I am getting here and this is something that Senator Vognild and I are very cognizant about in what the Tulalips are planning to do in providing a solid waste facility to treat the solid waste from a number of counties in the northwest region of our state in burning and, in effect, getting away with a lot of things that our cities and counties cannot do, but where the Indian Tribes are allowed to participate and not be under the jurisdiction of our own entities like the Puget Sound Air Pollution Control Board. I am still wondering how the committee arrived at what it is you have done here without taking into consideration any of the other down-side risks."

Senator Skratek: "With permission of the body, I yield to the person who brought the issue forward to the committee. Senator Williams."

REMARKS BY SENATOR WILLIAMS

Senator Williams: "Thank you, Mr. President. The purpose of adding the tribes to the recipient entities for CERB funds was that they, like other forms of government in the state of Washington, have the same problems of infrastructure of streets, sewers--all of those sorts of things. They are a significant portion of our population and particularly in the timber counties where there are infrastructure problems and so forth."

"You also have to remember that it is the CERB board that makes the judgment on where these funds go and what projects they go to, so it seemed very appropriate to allow these funds to help fund a variety of similar needs that tribes have, as do other entities of government in the state of Washington. That was the purpose of it."

POINT OF INQUIRY

Senator Anderson: "Senator Skratek, also coming out of your committee was there a bill that then authorized the CERB money--I think in timber dependent communities--to be used for buildings, as well as infrastructure?"

Senator Skratek: "I believe there was, Senator."

Senator Anderson: "Would that, then, allow in timber dependent communities, if there were federally recognized tribes there, would the money for them also, then, allow buildings besides just infrastructure?"

Senator Skratek: "Again, they would have to meet the criteria of the program, so I would have to--not knowing the details of what you are talking about, Senator--I would simply have to indicate that they would have to follow all the requirements and if, indeed, they meet them, they would be eligible for funding as would any political subdivision of the state."

Senator Anderson: "Let me follow this through--so the members of the body--and relate my concern here. In Whatcom County, in my area, there is a little town of Deming, which is incorporated, is classified as a timber dependent area. Also, within Deming is the Nooksack Indian Tribe which is currently building a gambling casino. My concern now is that with the tie of this CERB money being allowed for the tribes, would the other bill allowing buildings to be built with CERB money, that now in a strange twist, we could have CERB money building Indian gambling casinos? Until we follow through on that whole scenario, I would be very hesitate to pass this particular bill."

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1662, as amended by the Senate, was deferred.

MOTION

At 9:42 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Pritchard.

SECOND READING

HOUSE BILL NO. 1324, by Representatives Cothorn, Wood, G. Cole, Horn, Wang, Brumsickle, Ogden, Miller, Leonard, Brough, J. Kohl, Ludwig, Dellwo, Kremen, Basich, Jones, Chappell, Shin, Johanson, Rayburn and Mielke

Providing property tax exemptions for charitable fund-raising organizations.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 1324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1324.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1324 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 45.

Voting nay: Senators Anderson and Pelz - 2.

Absent: Senator Winsley - 1.

Excused: Senator Smith, L. - 1.

HOUSE BILL NO. 1324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1325, by House Committee on Local Government (originally sponsored by Representatives Bray, Edmondson, Orr, H. Myers, Long and Springer)

Giving local governments the option to acquire services or goods under arrangements by state agencies.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department, in consultation with associations of local governments, shall develop a proposal to offer contracts for air service fares to local government employees at the best available rates. In developing the proposal, the elements to be considered include, but are not limited to:

(1) Guidelines for predicting and reporting the volume, frequency, and destinations of air travel requirements of local government employees;

(2) A cost-effective system for aggregating bookings, accounting, and payments for local employee air travel;

(3) The most appropriate means for preparing invitations to bid, that will offer the greatest possible opportunity for local governments to take advantage of bulk rates in a manner that will avoid delay in putting the contracts into place;

(4) Establishment of an ongoing clearinghouse of favorable rates, schedules, and destinations that can be made readily available to local government managers in planning air travel for their employees; and

(5) Any other services that will assist local governments in planning air travel on essential public business.

The results of the consultation and progress on the proposal shall be reported to the senate committee on government operations and the house of representatives committee on local government by December 15, 1993."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1325, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1325, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1325, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 47.

Absent: Senator Williams - 1.

Excused: Senator Smith, L. - 1.

SUBSTITUTE HOUSE BILL NO. 1325, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1226, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Dellwo, Anderson and Mielke)

Concerning amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendments were considered simultaneously and were adopted:

On page 3, line 19, after "in" strike "this"

On page 3, line 19, after "subsection" insert "(2) of this section"

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1226, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1226, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1226, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Prentice and Vognild - 2.

Excused: Senator Smith, L. - 1.

SUBSTITUTE HOUSE BILL NO. 1226, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1973, by House Committee on Appropriations (originally sponsored by Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl)

Allowing people to take early retirement who filed late applications.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 1973 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

1973. The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1973 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Smith, L. and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1973, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

MOTIONS

On motion of Senator Oke, Senators Amondson, Barr, McCaslin, Prince and Sellar were excused.

On motion of Senator Spanel, Senators Hargrove, Loveland, Moore, Pelz, Rinehart and Williams were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Skratek, Gubernatorial Appointment No. 9121, Mike Fitzgerald, as Director of the Department of Trade and Economic Development was confirmed.

Senators Skratek and Bluechel spoke to the confirmation of Mike Fitzgerald as Director of the Department of Trade and Economic Development.

APPOINTMENT OF MIKE FITZGERALD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 37.

Excused: Senators Amondson, Barr, Hargrove, Loveland, McCaslin, Moore, Pelz, Prince, Rinehart, Sellar, Smith, L. and Williams - 12.

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

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5302,

SUBSTITUTE SENATE BILL NO. 5368,

ENGROSSED SENATE BILL NO. 5378,

SENATE BILL NO. 5384,

SENATE BILL NO. 5426,

ENGROSSED SENATE BILL NO. 5442,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5778, and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SENATE BILL NO. 5378,
SENATE BILL NO. 5384,
SENATE BILL NO. 5426,
ENGROSSED SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5778.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015, by House Committee on State Government (originally sponsored by Representatives Veloria, Wineberry, Leonard, Johanson, Wang, Chandler, Miller, Wood, Shin, Quall, Rayburn, J. Kohl, Kessler, Dyer and Anderson)

Requesting the Philippines to keep its consulate open.

The joint memorial was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Joint Memorial No. 4015 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Joint Memorial No. 4015.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Joint Memorial No. 4015 and the joint memorial passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Winsley and Wojahn - 41.

Excused: Senators Amondson, Barr, Hargrove, Loveland, Pelz, Sellar, Smith, L. and Williams - 8.

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 2061, by Representatives Chappell and King

Changing hunter education provisions.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 2061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2061.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2061 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 41.

Voting nay: Senator Anderson - 1.

Excused: Senators Amondson, Barr, Hargrove, Pelz, Sellar, Smith, L. and Williams - 7.

ENGROSSED HOUSE BILL NO. 2061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1119, by House Committee on State Government (originally sponsored by Representatives Fuhrman, G. Fisher, King, Van Luven, Anderson, Foreman, Reams, G. Cole, Lisk, Jones, Sheldon, Wang, Sheahan, Kremen, Quall, Riley, Appelwick, Leonard, Valle, Chandler, Ballard, Schmidt, Chappell, Basich, Morton, Heavey, Rust, Silver, Carlson, Padden, Vance, Mielke, Wood, Brumsickle, Tate, Forner, Cooke, Long, Rayburn, Zellinsky, Brown, Brough, Franklin, J. Kohl, Edmondson, Springer, Holm, R. Fisher, Horn, Talcott, Shin, Romero, Karahalios, Kessler, Johanson and Miller)

Prohibiting state agencies from accepting advertising from unregistered sellers.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Winsley: "Senator Haugen, if this bill passes would it apply to ads that the Department of Wildlife has already accepted for the fall hunting bulletin for 1993?"

Senator Haugen: "Thank you, Senator Winsley, that is not our intent. Our committee counsel and the department's assistant AG were specifically asked that question. Any advertisements accepted by the department before the effective date of this bill would not be affected by the legislation. If this bill passes, the effective date would be ninety days after the session. It is not retroactive."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1119.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1119 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Bluechel, Cantu, McCaslin and Pelz - 4.

Excused: Senators Amondson, Barr, Hargrove, Sellar and Smith, L. - 5.

SUBSTITUTE HOUSE BILL NO. 1119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1984, by Representatives R. Fisher, Schmidt, Zellinsky, R. Meyers, Orr and Van Luven

Revising pilotage law.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 2, line 18, after "representative." insert "The office of marine safety administrator, or the administrator's designee, and the environmental organization representative shall be nonvoting members of the board of pilotage commissioners."

On page 2, line 24, after "meeting." insert "With the exception of the office of marine safety administrator, or the administrator's designee, and the environmental organization representative."

On page 2, line 24, after "meeting." strike "All" and insert "((All)) all"

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

On page 8, line 27, after "experience." insert "Successful performance in, and completion of, such a training program shall be a condition of obtaining the desired pilot's license."

MOTIONS

On motion of Senator Vognild, the following amendment was adopted:

On page 9, after line 27, insert:

"NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, strike "and" and on line 2, after "88.16.110" insert "; and declaring an emergency"

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1984, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1984, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1984, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Sellar and Smith, L. - 3.

HOUSE BILL NO. 1984, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1075, by Representatives Padden, Appelwick, Ludwig and Johanson

Updating references in probate and trust law to the Internal Revenue Code.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1075.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1075 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Sellar and Smith, L. - 3.

HOUSE BILL NO. 1075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

Modifying hearing aid regulatory authority.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:
Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.35.010 and 1991 c 3 s 80 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means the department of health.

(2) "~~(Council)~~ Board" means the ~~(council)~~ board on fitting and dispensing of hearing aids.

(3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords and ear molds.

(4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes.

(5) "Secretary" means the secretary of health.

(6) "Establishment" means any facility engaged in the fitting and dispensing of hearing aids.

Sec. 2. RCW 18.35.050 and 1989 c 198 s 3 are each amended to read as follows:

Except as otherwise provided in this chapter an applicant for license shall appear at a time and place and before such persons as the department may designate to be examined by written and practical tests. The department shall give an examination in May and November of each year. The examination shall be reviewed annually by the ~~(council)~~ board and the department, and revised as necessary. No examination of any established association may be used as the exclusive replacement for the examination ~~unless approved (and developed)~~ by the ~~(council)~~ board.

Sec. 3. RCW 18.35.060 and 1991 c 3 s 82 are each amended to read as follows:

(1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that:

(a) The applicant is at least eighteen years of age;

(b) If issued a trainee license, would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed in good standing as a fitter-dispenser for at least one year unless otherwise approved by the ~~(council)~~ board; and

(c) Has paid an application fee determined by the secretary as provided in RCW 43.70.250, to the department.

The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and that person shall execute an acknowledgment of responsibility for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if the trainee is under the direct supervision of a person licensed under this chapter in a capacity other than as a trainee. Direct supervision by a licensed fitter-dispenser shall be required whenever the trainee is engaged in the fitting or dispensing of hearing aids during the trainee's first three months of full-time employment. The ~~(council)~~ board shall develop and adopt guidelines on any additional supervision or training it deems necessary.

(4) The trainee license shall expire one year from the date of its issuance except that on recommendation of the ~~(council)~~ board the license may be reissued for one additional year only.

(5) No person licensed under this chapter may assume the responsibility for more than two trainees at any one time, except that the department may approve one additional trainee if none of the trainees is within the initial ninety-day period of direct supervision and the licensee demonstrates to the department's satisfaction that adequate supervision will be provided for all trainees.

Sec. 4. RCW 18.35.110 and 1987 c 150 s 22 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed under this chapter may be subject to disciplinary action by the ~~(council)~~ board for any of the following causes:

(1) For unethical conduct in dealing in hearing aids. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing aid;

(c) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(d) Falsifying hearing test or evaluation results;

(e)(i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

- (A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;
- (B) History of, or active drainage from the ear within the previous ninety days;
- (C) History of sudden or rapidly progressive hearing loss within the previous ninety days;
- (D) Acute or chronic dizziness;
- (E) Any unilateral hearing loss;
- (F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;

(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;

(H) Pain or discomfort in the ear; or

(I) Any other conditions that the ~~((department))~~ board may by rule establish. It is a violation of this subsection for any licensee or that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid. No such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within six months of the date of purchase. The licensee or the licensee's employees or putative agents shall obtain a signed statement from the hearing aid user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the licensee shall maintain a copy of either the physician's statement showing that the prospective hearing aid user has had a medical evaluation or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing aid. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;

(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing aids replaced within six months of their purchase;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word "doctor," "clinic," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate;

(g) Permitting another to use his or her license;

(h) Stating or implying that the use of any hearing aid will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiotically unsupportable claim regarding the efficiency of a hearing aid;

(i) Representing or implying that a hearing aid is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

(j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the licensee, or to influence any person to refrain from dealing in the products of competitors.

(2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020 ~~((as now or hereafter amended))~~.

(3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

Sec. 5. RCW 18.35.140 and 1983 c 39 s 11 are each amended to read as follows:

The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:

(1) ~~((To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for license.))~~ To provide facilities necessary to carry out the examination of applicants for license.

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic examination of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids, as reasonably required within the discretion of the department.

Sec. 6. RCW 18.35.150 and 1989 c 198 s 7 are each amended to read as follows:

(1) There is created hereby the ~~((council))~~ board on fitting and dispensing of hearing aids. The ~~((council))~~ board shall consist of ~~((nine))~~ seven members to be appointed by the governor.

(2) Members of the ~~((council))~~ board shall be residents of this state. ~~((Five))~~ Two members shall represent the public. Two members shall be persons experienced in the fitting of hearing aids who shall hold valid licenses under this chapter and who do not have a masters level college degree in audiology. One advisory nonvoting member shall be a medical ~~((doctor))~~ or osteopathic physician specializing in diseases of the ear. ~~((One member shall be a nondispensing audiologist. Two members shall represent the public.))~~ Two members must be experienced in the fitting of hearing aids, must be licensed under this chapter, and shall have received at a minimum a masters level college degree in audiology.

(3) The term of office of a member is three years. No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The ~~((chairman))~~ chair of the ~~((council))~~ board shall be elected from the membership of the ~~((council))~~ board at the beginning of each year. In event of a tie, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The ((council)) board shall meet at least once each year, at a place, day and hour determined by the ((council)) board, unless otherwise directed by a majority of ((council)) board members. The ((council)) board shall also meet at such other times and places as are requested by the department or by three members of the ((council)) board.

(6) Members of the ((council)) board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 7. RCW 18.35.161 and 1987 c 150 s 23 are each amended to read as follows:

The ((council)) board shall have the following powers and duties:

- (1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest;
- (2) To develop guidelines on the training and supervision of trainees;
- (3) To adopt any other rules ((or regulations)) necessary to implement this chapter and which are not inconsistent with it;
- (4) To develop, approve, and administer all licensing examinations required by this chapter; and
- (5) To require a licensee to make restitution to any individual injured by a violation of this chapter or chapter 18.130 RCW, the uniform disciplinary act. The authority to require restitution does not limit the ((council's)) board's authority to take other action deemed appropriate and provided for in this chapter or chapter 18.130 RCW.

Sec. 8. RCW 18.35.170 and 1973 1st ex.s. c 106 s 17 are each amended to read as follows:

A member of the ((council)) board on fitting and dispensing of hearing aids shall not be permitted to take the examination provided under this chapter unless he or she has first satisfied the department that adequate precautions have been taken to assure that he or she does not and will not have any knowledge, not available to the members of the public at large, as to the contents of the examination.

Sec. 9. RCW 18.35.185 and 1989 c 198 s 12 are each amended to read as follows:

(1) In addition to any other rights and remedies a purchaser may have, the purchaser of a hearing aid shall have the right to rescind the transaction for other than the ((seller's)) licensee's breach if:

(a) The purchaser, for reasonable cause, returns the hearing aid or holds it at the ((seller's)) licensee's disposal, if the hearing aid is in its original condition less normal wear and tear. "Reasonable cause" shall be defined by the ((council)) board but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser about wearing a hearing aid; and

(b) The purchaser sends notice of the cancellation ((to the licensee at the licensee's place of business)) by certified mail, return receipt requested, to the establishment employing the licensee at the time the hearing aid was originally purchased, and the notice is posted not later than thirty days following the date of delivery, but the purchaser and the ((seller)) licensee may extend the deadline for posting of the notice of rescission by mutual, written agreement. In the event the hearing aid is in the possession of the ((seller)) licensee or the ((seller's)) licensee's representative during the thirty days following the date of delivery, the deadline for posting the notice of rescission shall be extended by an equal number of days that the aid is in the possession of the ((seller)) licensee or the ((seller's)) licensee's representative. Where the hearing aid is returned to the ((seller)) licensee for any inspection for modification or repair, and the ((seller)) licensee has notified the purchaser that the hearing aid is available for redelivery, and where the purchaser has not responded by either taking possession of the hearing aid or instructing the ((seller)) licensee to forward it to the purchaser, then the deadline for giving notice of the rescission shall begin seven working days after this notice.

(2) If the transaction is rescinded under this section or as otherwise provided by law and the hearing aid is returned to the licensee, the licensee shall refund to the purchaser any payments or deposits for that hearing aid. However, the licensee may retain, for each hearing aid, fifteen percent of the total purchase price or one hundred dollars, whichever is less. The licensee shall also return any goods traded in contemplation of the sale, less any costs incurred by the licensee in making those goods ready for resale. The refund shall be made within ten days after the rescission. The buyer shall incur no additional liability for such rescission.

(3) For the purposes of this section, the purchaser shall have recourse against the bond held by the establishment entering into a purchase agreement with the buyer, as provided by RCW 18.35.240.

Sec. 10. RCW 18.35.220 and 1987 c 150 s 25 are each amended to read as follows:

(1) If the ((council)) board determines following notice and hearing, or following notice if no hearing was timely requested, that a person has:

(a) Violated any provisions of this chapter or chapter 18.130 RCW; or

(b) Violated any lawful order, or rule of the ((council)) board

an order may be issued by the ((council)) board requiring the person to cease and desist from the unlawful practice. The ((council)) board shall then take affirmative action as is necessary to carry out the purposes of this chapter.

(2) If the ((council)) board makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, a temporary cease and desist order may be issued. Prior to issuing a temporary cease and desist order, the ((council)) board, whenever possible, shall give notice by telephone or otherwise of the proposal to issue a temporary cease and desist order to the person to whom the order would be directed. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether the order becomes permanent.

(3) The department, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, or rule or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The department shall not be required to post a bond in any court proceedings.

Sec. 11. RCW 18.35.240 and 1991 c 3 s 85 are each amended to read as follows:

(1) Every establishment engaged in the fitting and dispensing of hearing aids shall file with the department a surety bond in the sum of ten thousand dollars, running to the state of Washington, for the benefit of any person injured or damaged as a result of any violation by the establishment's employees or agents of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the establishment may file with the department a cash deposit or other negotiable security acceptable to the department. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit is filed, the department shall deposit the funds with the state treasurer. The cash or other negotiable security deposited with the department shall be returned to the depositor one year after the establishment has discontinued the fitting and dispensing of hearing aids if no legal action has been instituted against the establishment, its agents or employees, or the cash deposit or other security. The establishment owners shall notify the department if the establishment is sold or has discontinued the fitting and dispensing of hearing aids in order that the cash deposit or other security may be released at the end of one year from that date.

(4) A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.

(5) Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.

(6) The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked.

(7) Each invoice for the purchase of a hearing aid provided to a customer must clearly display on the first page the bond number of the establishment or the licensee selling the hearing aid.

NEW SECTION. Sec. 12. A new section is added to chapter 18.35 RCW to read as follows:

(1) A person licensed under this chapter and not actively fitting and dispensing hearing aids may be placed on inactive status by the department at the written request of the licensee. The board shall define by rule the conditions for inactive status licensure. In addition to the requirements of RCW 43.24.086, the licensing fee for a licensee on inactive status shall be directly related to the costs of administering an inactive license by the department. A person on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the licensing fee for the licensing year, and complying with subsection (2) of this section.

(2) Inactive licensees applying for active licensure shall comply with the following: A licensee who has not fitted or dispensed hearing aids for more than five years from the expiration of the licensee's full fee license shall retake the practical examinations required under this chapter and shall have completed continuing education requirements within the previous twelve-month period. Persons who have been on inactive status from two to five years must have within the previous twelve months completed continuing education requirements. Persons who have been on inactive status for one year or less shall upon application be reinstated as active licensees. Persons who have inactive status in this state but who are actively licensed and in good standing in any other state shall not be required to meet continuing education requirements or to take the practical examinations, but must submit an affidavit attesting to their knowledge of the current Washington Administrative Code rules and Revised Code of Washington statutes pertaining to the fitting and dispensing of hearing aids."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "aids;" strike the remainder of the title and insert "amending RCW 18.35.010, 18.35.050, 18.35.060, 18.35.110, 18.35.140, 18.35.150, 18.35.161, 18.35.170, 18.35.185, 18.35.220, and 18.35.240; and adding a new section to chapter 18.35 RCW."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1500, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1500, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1500, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Amondson, Sellar and Smith, L. - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1555, by House Committee on Local Government (originally sponsored by Representatives Springer, Riley, Edmondson, Zellinsky, Horn, Sheldon, Kremen, Bray, Ludwig and Quall)

Concerning the use of funds by a public corporation formed by a municipality.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1555.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1555 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator McCaslin - 1.

Excused: Senators Amondson and Smith, L. - 2.

SUBSTITUTE HOUSE BILL NO. 1555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259, by House Committee on Judiciary (originally sponsored by Representatives Locke, Appelwick, J. Kohl, Wang, Reams, Veloria, Johanson, L. Johnson, Flemming and Pruitt)

Allowing for the destruction of forfeited firearms.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.098 and 1989 c 222 s 8 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess. ~~((All firearms legal for citizen possession that are judicially forfeited or forfeited due to failure to make a claim under RCW 63.32.010, 63.40.010, or 63.35.020 shall be submitted for auction to commercial sellers once a year if the submitting agency has accumulated at least ten firearms authorized for sale. Law enforcement agencies may conduct joint auctions for the purpose of maximizing efficiency. A maximum of ten percent of such firearms may be retained for use by local law enforcement agencies and the Washington state patrol. Before submission for auction, a court may temporarily retain forfeited firearms if needed for evidence. The proceeds from any sale shall be divided as follows: The local jurisdiction and the Washington state patrol shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155.~~

~~If a firearm is delivered to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm by auction as provided by this subsection. The public auctioning agency shall, as a minimum, maintain a record of all forfeited firearms by manufacturer, model, caliber, serial number, date and circumstances of forfeiture, and final~~

disposition. The records shall be open to public inspection and copying.) A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding the effective date of this act; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 77.12.720. All trades or auctions of firearms under this subsection shall be to commercial sellers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 77.12.720.

(c) Antique firearms as defined by RCW 9.41.150 and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to commercial sellers.

(d) Firearms in the possession of the Washington state patrol on or after the effective date of this act that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to commercial sellers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Adam Smith, the following amendment to the Committee on Law and Justice amendment was adopted:

On page 3, line 6 of the amendment, after "1993" insert ", and applies only if the law enforcement agency has complied with (b) of this subsection"

MOTION

Senator Wojahn moved that the following amendments by Senators Wojahn, Franklin, Winsley, Moyer and Rinehart to the Committee on Law and Justice amendment be considered simultaneously and be adopted:

On page 3, beginning on line 27 of the amendment, after "fees to the" strike "firearms range account established in RCW 77.12.720" and insert "public safety and education account established in RCW 43.08.250, for the purpose of crime victims' compensation"

On page 3, beginning on line 31 of the amendment, after "forwarded to the" strike "firearms range account established in RCW 77.12.720" and insert "public safety and education account established in RCW 43.08.250, for the purpose of crime victims' compensation"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Wojahn, Franklin, Winsley, Moyer and Rinehart on page 3, beginning on line 27, and page 3, beginning on line 31, to the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 1259.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 16; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Senators Franklin, Fraser, Haugen, McCaslin, Moore, Moyer, Niemi, Prentice, Rasmussen, M., Rinehart, Spanel, Talmadge, Vogniild, Williams, Winsley and Wojahn - 16.

Voting nay: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Nelson, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, von Reichbauer and West - 31.

Excused: Senators Amondson and Smith, L. - 2.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1259.

The Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1259 was adopted by voice vote.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "firearms;" strike the remainder of the title and insert "amending RCW 9.41.098; and declaring an emergency."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1259, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1259, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1259, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Barr and Roach - 2.

Excused: Senator Smith, L. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672, by House Committee on Human Services (originally sponsored by Representatives Wineberry, J. Kohl, Wood, Anderson, Sheldon, Veloria, Scott, Jones, Ludwig, Brough and Foreman)

Creating the eye care for the homeless program in Washington.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1672.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1672 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Smith, L. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Peery, Kessler, Dyer, R. Johnson, Jones, R. Meyers, Jacobsen and Kremen)

Providing for security of automated teller machines and night depositories.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1849.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1849 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Smith, L. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1258, by House Committee on Agriculture and Rural Development (originally sponsored by Representative Rayburn)

Modifying water rights claims provision.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1258.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1258 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Rasmussen, M., Sellar, Sheldon, Snyder, Sutherland, Vognild, von Reichbauer, West and Winsley - 33.

Voting nay: Senators Franklin, Hargrove, Moore, Niemi, Pelz, Prentice, Quigley, Rinehart, Roach, Skratek, Smith, A., Spanel, Talmadge, Williams and Wojahn - 15.

Excused: Senator Smith, L. - 1.

SUBSTITUTE HOUSE BILL NO. 1258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:36 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Thursday, April 8, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY, APRIL 7, 1993

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

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 8, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Erwin, Haugen, Pelz and Vognild. On motion of Senator Roach, Senators Bluechel and Erwin were excused. On motion of Senator Spanel, Senators Haugen, Pelz and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tami Zeitler and Ben Oliver, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

WASHINGTON HORSE RACING COMMISSION
3700 Martin Way
Suite 101
Olympia, Washington 98506

Governor Mike Lowry and
Members of the Legislature
State of Washington

Ladies and Gentlemen:

Pursuant to the provisions of the Washington Horse Racing Act, House Bill No. 59, Legislature of the state of Washington, the same being Chapter 55, of the Laws of 1933, as amended (RCW 67.16.010-67.16.900), the Washington Horse Racing Commission herewith submits its thirty-sixth report for the period beginning January 1, 1992, to and including December 31, 1992.

Respectfully submitted,
WASHINGTON HORSE RACING COMMISSION
Warren Chinn, Chairman
Lyle Smith, Commissioner
Barbara Black, Commission
Will Bachofner, Executive Secretary

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

MESSAGES FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5026,
SENATE BILL NO. 5053,
SENATE BILL NO. 5077,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,

SENATE BILL NO. 5233, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 7, 1993

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5313,
SUBSTITUTE SENATE BILL NO. 5432,
SUBSTITUTE SENATE BILL NO. 5487,
SENATE BILL NO. 5546, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 7, 1993

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1130,
HOUSE BILL NO. 1216,
HOUSE BILL NO. 1217,
ENGROSSED HOUSE BILL NO. 1238,
SUBSTITUTE HOUSE BILL NO. 1253,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1400,
SUBSTITUTE HOUSE BILL NO. 1480,
ENGROSSED HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1578,
HOUSE BILL NO. 1643,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4000,
SENATE BILL NO. 5067,
SENATE BILL NO. 5070,
SENATE BILL NO. 5126,
SENATE BILL NO. 5128,
SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5802,
SENATE JOINT MEMORIAL NO. 8017, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 7, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5831, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5975 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to extradition agents; amending RCW 10.34.030; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5976 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to legal advertising of state measures; amending RCW 29.27.074; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5977 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to the verification of initiative and referendum petitions; amending RCW 29.79.200; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5978 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to disposition of motor vehicle excise tax revenue; amending RCW 82.44.110; reenacting and amending RCW 82.44.150; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5979 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to earnings on the balances of certain treasury accounts; amending RCW 43.84.092 and 43.79A.040; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5980 by Senators Owen, Spanel and Rinehart (by request of Office of Financial Management)

AN ACT Relating to fishing licenses; amending RCW 75.25.005, 75.25.080, 75.25.110, 75.25.120, 75.25.140, 75.25.150, 75.25.180, 75.50.100, and 82.27.020; adding new sections to chapter 75.25 RCW; creating a new section; and repealing RCW 75.25.015, 75.25.040, 75.25.090, 75.25.100, and 75.25.126.

Referred to Committee on Ways and Means.

SB 5981 by Senators Owen, Spanel and Rinehart (by request of Office of Financial Management)

AN ACT Relating to imposing fees for certain forest practices; amending RCW 76.09.010, 76.09.040, 76.09.050, and 76.09.060; adding a new section to chapter 76.09 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5982 by Senator Rinehart (by request of Office of Financial Management)

AN ACT Relating to higher education tuition; amending RCW 28B.15.031, 28B.15.100, 28B.15.202, 28B.15.225, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.515, 28B.15.520, 28B.15.522, 28B.15.527, 28B.15.543, 28B.15.545, 28B.15.556, 28B.15.615, 28B.15.620, 28B.15.628, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.50.259, 28B.70.050, 28B.80.580, and 82.33.020; and repealing RCW 28B.15.824 and 28B.15.910.

Referred to Committee on Ways and Means.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9251, Sheri Tonn, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF SHERI TONN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Bluechel, Erwin, Haugen, Pelz and Vognild - 5.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9258, Terry Williams, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF TERRY WILLIAMS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Bluechel, Erwin and Pelz - 3.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1219, by House Committee on Appropriations (originally sponsored by Representatives Orr, Locke, Heavey, Basich, Jones, Dellwo, Dunshee, Bray, Wang, Jacobsen, R. Meyers, Springer, Veloria, G. Cole, King, Johanson and Franklin)

Creating the public works administration account.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendment was adopted:

On page 2, after line 27, insert the following:

"**Sec. 3.** RCW 39.12.042 and 1989 c 12 s 11 are each amended to read as follows:

If any agency of the state, or any county, municipality, or political subdivision created by its laws shall (~~wilfully~~) knowingly fail to comply with the provisions of RCW 39.12.040 as now or hereafter amended, such agency of the state, or county, municipality, or political subdivision created by its laws, shall be liable to all workers, laborers, or mechanics to the full extent and for the full amount of wages due, pursuant to the prevailing wage requirements of RCW 39.12.020."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 2 of the title, after "39.12.070" insert "and 39.12.042"

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1219, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1219, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1219, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer and West - 17.

Excused: Senators Bluechel, Erwin and Pelz - 3.

SUBSTITUTE HOUSE BILL NO. 1219, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson)

Modifying the regulation of "alternative livestock."

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following Committee on Agriculture amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that the husbandry of alternative livestock as a farming operation may provide a consistent source of healthful food, offers opportunities for new jobs and increased farm income stability, and improves the balance of trade.

The legislature intends to establish a process to identify vertebrate animal species that may be commercially raised in the state of Washington.

The legislature finds that many areas of the state of Washington may be suitable for alternative livestock farms, and therefore the legislature encourages the promotion of alternative livestock farming activities, programs, and development with the same status as other agricultural activities, programs, and development within the state.

The legislature finds that alternative livestock farming should be considered a branch of the agricultural industry of the state for purposes of laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry within the state. The legislature further finds, however, that alternative livestock farming may pose threats to the state's wildlife, and therefore requires effective regulation to minimize these threats.

It is therefore the policy of this state to encourage the development and expansion of alternative livestock farming within the state. It is also the policy of this state to protect wildlife and existing traditional livestock industries by providing for effective regulation of alternative livestock farming including but not limited to a disease inspection and control program for alternative livestock farming operations.

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

(1) "Alternative livestock" means those species designated under the provisions of section 10 of this act so long as they are: Confined by humans; raised or used in farm or ranch operations in the private sector; and produced on the farm or ranch or legally acquired for the farm or ranch. "Alternative livestock" shall not include: Resident wildlife species that currently exist in a wild state in the state of Washington; domestic dogs (*canis familiaris*) or domestic cats (*felis domestica*); private sector aquatic products as defined in and regulated under chapter 15.85 RCW; animals raised for release into the wild; animals raised for the purpose of hunting that takes place in this state; or fur farming and game farming as currently allowed and regulated by chapters 16.72 and 77.32 RCW.

(2) "Alternative livestock farm or ranch" means the farm or ranch upon which alternative livestock are reared and shall not include publicly and privately owned facilities for which a license or permit is required under RCW 77.12.570 or 77.32.010.

(3) "Alternative livestock products" means the agricultural products of alternative livestock including, but not limited to, meat and meat products, velvet, antlers, horns, leather, hides, feathers, eggs, gametes, and genetic materials. "Alternative livestock products" does not include a product that is required to be identified under section 5 of this act and is not identified as required.

(4) "Department" means the department of agriculture.

(5) "Traditional livestock" means horses, mules, cattle, sheep, swine, goats, poultry, and rabbits, and other species designated jointly by the director of agriculture and director of wildlife pursuant to section 10 of this act.

NEW SECTION. Sec. 3. The department is the principal state agency for providing state marketing support services for the alternative livestock industry. The department shall exercise its authorities, including those provided by chapters 15.64, 15.65, 15.66, and 43.23 RCW, to develop a program for assisting the alternative livestock industry to market and promote the use of its products. The department shall consult the alternative livestock council in developing the program.

NEW SECTION. Sec. 4. It is unlawful to hunt or allow others to hunt for a fee, any alternative livestock reared on or derived from an alternative livestock farm.

NEW SECTION. Sec. 5. The director of agriculture shall, in consultation with the director of wildlife and the alternative livestock council, establish methods of identification requirements, such as tattoos, branding, or ear tags, for alternative livestock and alternative livestock products to the extent that identifying the livestock or the source or quantity of the products is necessary to permit the department of wildlife to effectively administer and enforce Title 77 RCW. The director shall also consult with the director of the department of wildlife to ensure that such rules enable the department of wildlife to enforce the programs administered under that title.

NEW SECTION. Sec. 6. The department of agriculture shall, in consultation with the department of wildlife and other interests, develop a program of disease inspection and control for alternative livestock. The purpose of the program is to protect the traditional and alternative livestock industries from the loss of animals or productivity to disease and to protect wildlife in this state.

The department of agriculture shall adopt new or amend existing rules in conformance with chapter 34.05 RCW. The department of agriculture shall administer a program of disease inspection and control for alternative livestock. As used in this section "disease" means, in addition to its ordinary meaning, infestations of parasites or pests.

NEW SECTION. Sec. 7. The owner of a farm or ranch for alternative livestock shall register the farm or ranch annually with the department of agriculture. The director shall develop and maintain a registration list of all alternative livestock farms and ranches. Registered alternative livestock farms and ranches shall provide the department production statistical data. The director of agriculture and the director of wildlife shall, in consultation with the alternative livestock council, establish by rule reasonable annual registration fees sufficient to cover the costs of development of rules and the administration of this chapter and the rules adopted under this chapter. Fees may differ between species based upon factors including but not limited to economic value, degree of services required, and complexity of regulations. Fees collected under this section shall be deposited in the alternative livestock farm account within the agricultural local fund established in RCW 43.23.230 and the wildlife fund established in RCW 77.12.170 and shall be used solely to carry out the provisions of this chapter.

NEW SECTION. Sec. 8. The director of agriculture and the director of wildlife shall study the needs for assuring adequate fences or other methods of enclosure for various species of alternative livestock. The directors shall jointly adopt rules establishing enclosure standards for one or more types of alternative livestock as deemed necessary to assure adequate protection to traditional livestock, wildlife, and alternative livestock.

If an animal is not enclosed as required for the animal in rules adopted under this section or if it is found by a state wildlife or agricultural official or local law enforcement officer outside an area of an enclosure that is required for it in rules adopted under this section, the animal so unenclosed or so found is hereby declared to be a public nuisance. An owner of alternative livestock may request assistance from the department of agriculture, department of wildlife, or local law enforcement office in recapturing escaped alternative livestock and may be billed for the cost of services rendered.

Alternative livestock that escape a required enclosure and are recaptured may be impounded at a suitable facility at the owner's expense. Animals may not be returned to the owner's premises until sufficient repairs or improvement are made to assure that release will not reoccur. The owner of the animal is liable for damages that are shown to be caused by the animal during the time of the escape.

NEW SECTION. Sec. 9. Growers of nontraditional animals shall register within one hundred eighty days of the effective date of this act. The registration grants no future right or change to the legal status until the department of wildlife and the department of agriculture jointly take some action. This registration will not in any way be construed to initiate the petition or designation process established in section 10 of this act.

NEW SECTION. Sec. 10. (1) A vertebrate animal identification process is hereby established. The purpose of the process is to provide a method by which animals are classified as alternative or traditional livestock.

(2) Species that are designated as traditional livestock shall be regulated by the department of agriculture. Species in addition to those specified in section 2(5) of this act may be designated as traditional livestock by joint rule adopted by the department of wildlife and the department of agriculture.

(3) A species may be petitioned for regulation by the director of wildlife, the director of agriculture, or any person registering under section 9 of this act by filing with either department a completed written petition requesting the joint regulation of a species under this chapter.

(4) The two directors may decide if and how a species is to be regulated through jointly adopted rules. Each determination shall be in writing and shall be published in the Washington State Register.

(5) If the two directors do not reach agreement as to whether and how a species should be regulated under this chapter, a scientific review board shall be convened in accordance with section 11 of this act and shall make a written recommendation to the directors as to the status of the species in question. Should the directors fail to agree within thirty days after receipt of such recommendation, the determination shall be made by the governor.

(6) Resident wildlife shall be regulated by the department of wildlife and may not be classified under this chapter as alternative livestock except as provided in section 12 of this act.

(7)(a) Any species that is not present in the state as of the effective date of this act, may be petitioned for possible regulation by any person and such petition acted upon under this section prior to entry for allowance or prohibition as alternative livestock.

(b) The legal status of a species that on the effective date of this act is present in the state and registered in accordance with section 9 of this act does not change until the directors make a determination as to its status.

NEW SECTION. Sec. 11. (1) A scientific review board, convened pursuant to section 10 of this act shall consist of three members. One member shall be appointed by the director of the department of wildlife, one member shall be appointed by the director of the department of agriculture, and one member shall be appointed jointly by these two members. The members that are appointed by the two departments must have qualifications that are appropriate to their responsibilities under this chapter. All three members must be residents of the state of Washington prior to appointment.

(2) The board may take testimony and seek other expert advice.

(3) All meetings of the board shall be public.

(4) The board may hold public hearings and take public testimony before making a written recommendation concerning whether a species is prohibited or allowed under section 10 of this act.

(5) All recommendations concerning whether a species is to be regulated under this chapter shall be written and shall include findings of fact. Recommendations shall be published in the Washington State Register.

(6) The board shall attend all public hearings held on the adoption of proposed rules under this chapter, review existing agency rules that pertain to the issues addressed by this chapter, review the rules proposed under this chapter, and provide comments and recommendations to the departments regarding the need, adequacy, and workability of the proposed rules.

NEW SECTION. Sec. 12. Wildlife species that exist in a wild state in the state of Washington are not alternative livestock and may not be farmed except as provided in this section. By joint rule, which shall include methods that will ensure genetic integrity, the directors of the department of agriculture and the department of wildlife may allow rocky mountain elk (*cervus elaphus nelsoni*) to be farmed in the same status and under the same regulatory provisions as alternative livestock. The directors shall, within ninety days of the adoption of the rule, jointly prepare a report on the rule adopted under this section, which shall include specific detail on the methods used to determine genetic integrity of farmed rocky mountain elk (*cervus elaphus nelsoni*). Within two years of the adoption of the rule, the directors shall jointly prepare a report on the status of operations conducted under the provisions of the rule. The reports shall be transmitted to the chairs of the house of representatives committees on agriculture and rural development and fisheries and wildlife and the senate committees on agriculture and natural resources.

NEW SECTION. Sec. 13. (1) If rule making under this chapter restricts the economic utilization of a species being raised for commercial purposes in the state, then the provisions of chapter 19.85 RCW shall apply and a small business economic impact statement shall be prepared. Such activity shall be considered as an industry for the purpose of RCW 19.85.020.

(2) The department of agriculture and the department of wildlife, in consultation with the attorney general, shall develop a report containing findings and recommendations regarding the establishment of an indemnification policy. Such report shall be delivered by December 15, 1993, to the secretary of the senate and the speaker of the house of representatives.

Sec. 14. RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" has the meaning given in RCW 43.31.025(4).

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one three-digit standard industrial classification as published by the United States department of commerce and those specifically declared to be an industry by a provision of state law.

NEW SECTION. Sec. 15. The director of agriculture and the director of wildlife shall develop by rule the requirements for documents, data, or other items to be submitted that will constitute a completed written petition for the purpose of section 10(4) of this act. The directors shall develop criteria upon which to make evaluations as to whether and how petitioned species will be regulated.

The department of agriculture and the department of wildlife may adopt rules in accordance with chapter 34.05 RCW to carry out the provisions of this chapter.

NEW SECTION. Sec. 16. The alternative livestock council is created. The council shall consist of seven persons. Four members of the council shall be appointed by the director of agriculture to three-year terms. Three members of the council shall be appointed by the director of the department of wildlife to three-year terms. The directors may shorten the initial term for a position on the council to stagger the expiration of terms on the council. Vacancies on the council shall be filled by each director by appointment. The council shall advise the departments on all aspects of alternative livestock farming and the regulation and marketing of alternative livestock and alternative livestock products.

NEW SECTION. Sec. 17. All rules of the department of wildlife and the department of agriculture that are inconsistent with the purpose and substance of chapter . . . , Laws of 1993 (this act), shall be amended or repealed to comply with chapter . . . , Laws of 1993 (this act).

Sec. 18. RCW 77.08.010 and 1989 c 297 s 7 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

(1) "Director" means the director of wildlife.

(2) "Department" means the department of wildlife.

(3) "Commission" means the state wildlife commission.

(4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.

(6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries commission, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified by the director of fisheries. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state but excluding traditional livestock as defined in section 2(5) of this act.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

NEW SECTION. Sec. 19. A new section is added to chapter 16.49A RCW to read as follows:

(1) Meat and meat by-products of alternative livestock, as defined in section 2 of this act, whether or not such meat, meat by-products, or animals originate from within the state, shall not be sold or distributed for public consumption without prior inspection

by the department, the United States department of agriculture, or another department-recognized local, state, or federal agency responsible for food safety and inspection.

(2) The department may adopt rules establishing a program for inspecting meat and meat by-products of alternative livestock. Such rules shall include a fee schedule that will provide for the recovery of the full cost of the inspection program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section. No appropriation is required for disbursement from the account. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 20. RCW 16.36.005 and 1987 c 163 s 1 are each amended to read as follows:

As used in this chapter:

"Alternative livestock" shall have the meaning as defined in section 2 of this act.

"Exotic wildlife" means any wild animal whose members do not exist in Washington in a wild state as of the effective date of this act but does not include alternative livestock as defined in section 2 of this act.

"Director" means the director of agriculture of the state of Washington or his authorized representative.

"Department" means the department of agriculture of the state of Washington.

"Garbage" means the solid animal and vegetable waste and offal together with the natural moisture content resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, markets, meat shops, packing houses and similar establishments or any other food waste containing meat or meat products.

"Veterinary biologic" means any virus, serum, toxin, and analogous product of natural or synthetic origin, or product prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components intended for use in the diagnosis, treatment, or prevention of diseases in animals.

Sec. 21. RCW 16.36.010 and 1927 c 165 s 2 are each amended to read as follows:

The word "quarantine" as used in this act shall mean the placing and restraining of any animal or animals by the owner or agents in charge thereof, either within a certain described and designated enclosure or area within this state, or the restraining of any such animal or animals from entering this state, as may be directed in writing by the director of agriculture, or his or her duly authorized representative. Any animal or animals so quarantined within the state shall at all times be kept separate and apart from other ((domestic)) animals and not allowed to have anything in common therewith.

Sec. 22. RCW 16.36.020 and 1987 c 163 s 2 are each amended to read as follows:

The director shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting animals within, in transit through and being imported into the state. The director may establish and enforce quarantine of and against any and all ((domestic)) animals which are affected with any such disease or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he or she deems necessary to determine whether any such animal is infected with any such disease. The director shall also enforce and administer the provisions of this chapter pertaining to garbage feeding and when garbage has been fed to swine, the director may require the disinfection of all facilities, including yard, transportation and feeding facilities, used for keeping such swine.

The director shall also have the authority to regulate the sale, distribution, and use of veterinary biologics in the state and may adopt rules to restrict the sale, distribution, or use of any veterinary biologic in any manner the director determines to be necessary to protect the health and safety of the public and the state's animal population.

The director shall also have the authority to adopt rules governing the importation and care of alternative livestock. In adopting the rules, the department shall consult with the department of wildlife of the state of Washington.

Sec. 23. RCW 16.36.050 and 1979 c 154 s 11 are each amended to read as follows:

It is unlawful for a person to intentionally falsely make, complete, alter, use, or sign an animal health certificate, certificate of veterinary inspection, or official written animal health instrument of the department of agriculture. It ((shall be)) is unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any domestic animals, exotic wildlife, or alternative livestock without first having secured an official health certificate or certificate of veterinary inspection, certified by the state veterinarian of origin that such animals meet the health requirements ((promulgated)) adopted by the director of agriculture of the state of Washington((- PROVIDED, That)). This section shall not apply to domestic animals imported into this state for immediate slaughter, or domestic animals imported for the purpose of unloading for feed, rest, and water, for a period not in excess of twenty-eight hours except upon prior permit therefor secured from the director of agriculture. It ((shall be)) is unlawful for any person to divert en route for other than to an approved, inspected stockyard for immediate slaughter or to sell for other than immediate slaughter or to fail to slaughter within fourteen days after arrival, any animal imported into this state for immediate slaughter. It ((shall be)) is unlawful for any person, railroad, transportation company, or other common carrier, to keep any domestic animals which are unloaded for feed, rest and water in other than quarantined pens, or not to report any missing animals to the director of agriculture at the time the animals are reloaded.

Sec. 24. RCW 16.36.040 and 1979 c 154 s 10 are each amended to read as follows:

The director of agriculture shall have power to ((promulgate)) adopt and enforce such reasonable rules((- regulations)) and orders as he or she may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting domestic animals, exotic wildlife, or alternative livestock in this state, and to ((promulgate)) adopt and enforce such reasonable rules((- regulations)) and orders as he or she may deem necessary or proper governing the inspection and test of all animals within or about to be imported into this state, and to ((promulgate)) adopt and enforce ((intercounty)) intrastate embargoes, hold orders, and quarantine ((to prevent the shipment, trailing, trucking, transporting or movement of bovine animals from any county that has not been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, into a county which has been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days and/or a negative brucellosis test made within the forty-five day period prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or of the United States department of agriculture, animal and plant health inspection service, or an accredited veterinarian authorized by permit issued by the director of agriculture to execute such certificate)).

Sec. 25. RCW 16.36.060 and 1985 c 415 s 2 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to willfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or her or them, when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter, and it shall be unlawful for any person to willfully fail to comply with or violate any rule~~((, regulation))~~ or order ~~((promulgated))~~ adopted by the director of agriculture or his or her duly authorized representatives under the provisions of this chapter. The director of agriculture shall have the authority under such rules ~~((and regulations))~~ as shall be ~~((promulgated))~~ adopted by ~~((him))~~ the director to enter at any reasonable time the premises of any ~~((livestock))~~ domestic animals, exotic wildlife, or alternative livestock owner to make tests on any animals for diseased conditions, and it ~~((shall be))~~ is unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his or her duly authorized representative.

Sec. 26. RCW 16.36.070 and 1947 c 172 s 6 are each amended to read as follows:

Whenever a majority of any board of health, board of county commissioners, city council or other governing body of any incorporated city or town, or trustees of any township, whether in session or not, shall, in writing or by telegraph, notify the director of agriculture of the prevalence of or probable danger of infection from any of the diseases of domestic animals, exotic wildlife, or alternative livestock the director of agriculture personally, or by the supervisor of dairy and livestock, or by a duly appointed and deputized veterinarian of the division of ~~((dairy and livestock))~~ food safety and animal health, shall at once go to the place designated in said notice and take such action as the exigencies may in his or her judgment demand, and may in case of an emergency appoint deputies or assistants, with equal power to act. The compensation to be paid such emergency deputies and assistants, shall be fixed by the director of agriculture in conformity with the standards effective in the locality in which the services are performed.

Sec. 27. RCW 16.36.080 and 1947 c 172 s 7 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person registered to practice veterinary medicine, surgery and dentistry in this state not to immediately report in writing to the director of agriculture the discovery of the existence or suspected existence among domestic animals, exotic wildlife, or alternative livestock within the state of any reportable diseases as published by the director of agriculture.

Sec. 28. RCW 16.36.100 and 1927 c 165 s 10 are each amended to read as follows:

The governor and the director of agriculture shall have the power to cooperate with the government of the United States in the prevention and eradication of diseases of domestic animals, exotic wildlife, or alternative livestock and the governor shall have the power to receive and receipt for any moneys receivable by this state under the provisions of any act of congress and pay the same into the hands of the state treasurer as custodian for the state to be used and expended in carrying out the provisions of this act and the act or acts of congress under which said moneys are paid over to the state.

Sec. 29. RCW 16.57.010 and 1989 c 286 s 22 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or a duly appointed representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry ~~((and))~~, rabbits, and alternative livestock as defined in section 2 of this act.
- (5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.
- (6) "Production record brand" means a number brand which shall be used for production identification purposes only.
- (7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.
- (8) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.
- (9) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

Sec. 30. RCW 16.52.010 and 1901 c 146 s 17 are each amended to read as follows:

In RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 the singular shall include the plural; the word "animal" shall be held to include every living creature, except man; the words "torture," "torment," and "cruelty," shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" shall be held to include corporations as well as individuals; and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as of such agents or employees.

"Domestic animal" for the purposes of this chapter shall include alternative livestock as defined in section 2 of this act.
NEW SECTION. Sec. 31. Sections 1 through 13, 15, and 16 of this act shall constitute a new chapter in Title 15 RCW."

MOTION

Senator Anderson moved that the Committee on Agriculture striking amendment be adopted.

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1135 was deferred.

SECOND READING

Riley) SUBSTITUTE HOUSE BILL NO. 1389, by House Committee on Corrections (originally sponsored by Representative

Changing provisions relating to work crews.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1389.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1389 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Bluechel, Erwin and Pelz - 3.

SUBSTITUTE HOUSE BILL NO. 1389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5026,
SENATE BILL NO. 5053,
SENATE BILL NO. 5077,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5233.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5313,
SUBSTITUTE SENATE BILL NO. 5432,
SUBSTITUTE SENATE BILL NO. 5487,
SENATE BILL NO. 5546.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1130,
HOUSE BILL NO. 1216,
HOUSE BILL NO. 1217,
ENGROSSED HOUSE BILL NO. 1238,
SUBSTITUTE HOUSE BILL NO. 1253,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1400,
SUBSTITUTE HOUSE BILL NO. 1480,
ENGROSSED HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1578,
HOUSE BILL NO. 1643,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4000.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5831.

MOTION

On motion of Senator Roach, Senator Hochstatter was excused.

SECOND READING

HOUSE BILL NO. 1143, by Representatives Van Luven, G. Fisher, Reams, Bray, Edmondson, Brough and Springer

Providing a procedure for consolidating cities or towns.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1143.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1143 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Bluechel, Erwin, Hochstatter and Pelz - 4.

HOUSE BILL NO. 1143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1651, by Representatives Anderson, Reams, Campbell, Valle, King, Pruitt and Jacobsen

Removing the sunset provisions from the naturopathy statutes.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1651.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1651 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Vognild - 1.

Excused: Senators Erwin, Hochstatter and Pelz - 3.

HOUSE BILL NO. 1651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1787, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Linville, R. Johnson, Pruitt, Kremen, Rust, Foreman, Quall, Morton, Grant, Johanson, Mastin, Eide and Fuhrman)

Eliminating certain provisions about water resource inventory and planning areas.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1787.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1787 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Erwin - 1.

SUBSTITUTE HOUSE BILL NO. 1787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1673, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Roland, Eide, Vance, Brough, Campbell, Wang, Jacobsen, Patterson and Forner)

Creating the aerospace industry legislative task force.

The bill was read the second time.

MOTIONS

On motion of Senator Sheldon, the following Committee on Trade, Technology and Economic Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The subcommittee on the aerospace industry is established as a subcommittee of the executive-legislative committee on economic development created in chapter . . . (Senate Bill No. 5300), Laws of 1993. The subcommittee is to examine the overall impacts of the aerospace industry work slowdown and make recommendations to the full committee, the governor, and the legislature regarding:

(a) The need for short-term and long-term assistance for workers made unemployed by the slowdown, including extending unemployment benefits, job retraining, new employment assistance, family assistance, and other types of assistance; and
(b) A long-term approach to diversification of the region most affected by aerospace business fluctuations.

In conducting the examination, the subcommittee shall consider the impacts on: The state and substate regional economies; displaced workers and their families; and businesses not directly related to the aerospace industry.

(2) The subcommittee shall consist of at least three members of the full committee and may include advisory members. The advisory members may include representatives from: (a) The aerospace industry; (b) chambers of commerce and economic development councils; (c) unions representing aerospace workers; (d) county councils; (e) city governments; and (f) the work force training and education coordinating board.

(3) The subcommittee shall meet as soon as is practicable and make a preliminary report to the full committee, the governor, and the appropriate standing committees of the legislature by September 15, 1993, and a final report before December 1, 1993.

(4) This section shall expire December 31, 1993.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 2 of the title, after "force;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 1673, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1673, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1673, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Anderson and Oke - 2.

Excused: Senator Erwin - 1.

SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:58 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 12:03 p.m. by President Pritchard.

MOTION

At 12:03 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

MOTIONS

On motion of Senator Spanel, Senators Loveland, Snyder and Vognild were excused.

On motion of Senator Linda Smith, Senators Deccio and Oke was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9268, Robert Plut, as a member of the Horse Racing Commission, was confirmed.

APPOINTMENT OF ROBERT PLUT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 6; Excused, 5.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Absent: Senators Amondson, Anderson, Hargrove, Owen, Prince and Rinehart - 6.

Excused: Senators Deccio, Loveland, Oke, Snyder and Vognild - 5.

MOTIONS

On motion of Senator Anderson, Senators Amondson and Bluechel were excused.

On motion of Senator Spanel, Senators Owen and Rinehart were excused.

On motion of Senator Linda Smith, Senators McCaslin and Prince were excused.

SECOND READING

HOUSE BILL NO. 1041, by Representatives Zellinsky and Mielke

Altering a limit on family member group life insurance coverage.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1041.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1041 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vogniild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Amondson, Bluechel, Deccio, McCaslin, Oke, Owen, Prince, Rinehart and Snyder - 9.

HOUSE BILL NO. 1041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1135 and the pending motions, one by Senator Rasmussen to not adopt the Committee on Agriculture striking amendment and one by Senator Anderson to adopt the Committee on Agriculture striking amendment, deferred earlier today.

MOTION

On motion of Senator Anderson, and there being no objection, the motion to adopt the Committee on Agriculture striking amendment was withdrawn.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Committee on Agriculture striking amendment to Engrossed Substitute House Bill No. 1135 not be adopted.

The motion by Senator Rasmussen carried and the Committee on Agriculture striking amendment was not adopted.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that the husbandry of alternative livestock as a farming operation may provide a consistent source of healthful food, offers opportunities for new jobs and increased farm income stability, and improves the balance of trade.

The legislature intends to establish a process to identify vertebrate animal species that may be commercially raised in the state of Washington.

The legislature finds that many areas of the state of Washington may be suitable for alternative livestock farms, and therefore the legislature encourages the promotion of alternative livestock farming activities, programs, and development with the same status as other agricultural activities, programs, and development within the state.

The legislature finds that alternative livestock farming should be considered a branch of the agricultural industry of the state for purposes of laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry within the state. The legislature further finds, however, that alternative livestock farming may pose threats to the state's wildlife, and therefore requires effective regulation to minimize these threats.

It is therefore the policy of this state to encourage the development and expansion of alternative livestock farming within the state. It is also the policy of this state to protect wildlife and existing traditional livestock industries by providing for effective regulation of alternative livestock farming including but not limited to a disease inspection and control program for alternative livestock farming operations.

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

(1) "Alternative livestock" means those species designated under the provisions of section 10 of this act so long as they are: Confined by humans; raised or used in farm or ranch operations in the private sector; and produced on the farm or ranch or legally acquired for the farm or ranch. "Alternative livestock" shall not include: Resident wildlife species that currently exist in a wild state in the state of Washington; domestic dogs (*canis familiaris*) or domestic cats (*felis domestica*); private sector aquatic products as defined in and regulated under chapter 15.85 RCW; animals raised for release into the wild; animals raised for the purpose of hunting that takes place in this state; or fur farming and game farming as currently allowed and regulated by chapters 16.72 and 77.32 RCW.

(2) "Alternative livestock farm or ranch" means the farm or ranch upon which alternative livestock are reared and shall not include publicly and privately owned facilities for which a license or permit is required under RCW 77.12.570 or 77.32.010.

(3) "Alternative livestock products" means the agricultural products of alternative livestock including, but not limited to, meat and meat products, velvet, antlers, horns, leather, hides, feathers, eggs, gametes, and genetic materials. "Alternative livestock products" does not include a product that is required to be identified under section 5 of this act and is not identified as required.

(4) "Department" means the department of agriculture.

(5) "Traditional livestock" means horses, mules, cattle, sheep, swine, goats, poultry, and rabbits regulated by the department of agriculture. Other species may be designated jointly by the director of agriculture and director of wildlife pursuant to section 10 of this act.

NEW SECTION. Sec. 3. The department is the principal state agency for providing state marketing support services for the alternative livestock industry. The department shall exercise its authorities, including those provided by chapters 15.64, 15.65, 15.66, and 43.23 RCW, to develop a program for assisting the alternative livestock industry to market and promote the use of its products. The department shall consult the alternative livestock council in developing the program.

NEW SECTION. Sec. 4. It is unlawful to hunt or allow others to hunt for a fee, any alternative livestock reared on or derived from an alternative livestock farm.

NEW SECTION. Sec. 5. The director of agriculture shall, in consultation with the director of wildlife and the alternative livestock council, establish methods of identification requirements, such as tattoos, branding, or ear tags, for alternative livestock and alternative livestock products to the extent that identifying the livestock or the source or quantity of the products is necessary to permit the department of wildlife to effectively administer and enforce Title 77 RCW. The director shall also consult with the director of the department of wildlife to ensure that such rules enable the department of wildlife to enforce the programs administered under that title.

NEW SECTION. Sec. 6. The department of agriculture shall, in consultation with the department of wildlife and other interests, develop a program of disease inspection and control for alternative livestock. The purpose of the program is to protect the traditional and alternative livestock industries from the loss of animals or productivity to disease and to protect wildlife in this state.

The department of agriculture shall adopt new or amend existing rules in conformance with chapter 34.05 RCW. The department of agriculture shall administer a program of disease inspection and control for alternative livestock. As used in this section "disease" means, in addition to its ordinary meaning, infestations of parasites or pests.

NEW SECTION. Sec. 7. The owner of a farm or ranch for alternative livestock shall register the farm or ranch annually with the department of agriculture. The director shall develop and maintain a registration list of all alternative livestock farms and ranches. Registered alternative livestock farms and ranches shall provide the department production statistical data. The director of agriculture and the director of wildlife shall, in consultation with the alternative livestock council, establish by rule reasonable annual registration fees sufficient to cover the costs of development of rules and the administration of this chapter and the rules adopted under this chapter. Fees may differ between species based upon factors including but not limited to economic value, degree of services required, and complexity of regulations. Fees collected under this section shall be deposited in the alternative livestock farm account within the agricultural local fund established in RCW 43.23.230 and the wildlife fund established in RCW 77.12.170 and shall be used solely to carry out the provisions of this chapter.

NEW SECTION. Sec. 8. The director of agriculture and the director of wildlife shall study the needs for assuring adequate fences or other methods of enclosure for various species of alternative livestock. The directors shall jointly adopt rules establishing enclosure standards for one or more types of alternative livestock as deemed necessary to assure adequate protection to traditional livestock, wildlife, and alternative livestock.

If an animal is not enclosed as required for the animal in rules adopted under this section or if it is found by a state wildlife or agricultural official or local law enforcement officer outside an area of an enclosure that is required for it in rules adopted under this section, the animal so unenclosed or so found is hereby declared to be a public nuisance. An owner of alternative livestock may request assistance from the department of agriculture, department of wildlife, or local law enforcement office in recapturing escaped alternative livestock and may be billed for the cost of services rendered.

Alternative livestock that escape a required enclosure and are recaptured may be impounded at a suitable facility at the owner's expense. Animals may not be returned to the owner's premises until sufficient repairs or improvement are made to assure that release will not reoccur. The owner of the animal is liable for damages that are shown to be caused by the animal during the time of the escape.

NEW SECTION. Sec. 9. Commercial growers of nontraditional animals shall register with the department of agriculture within one hundred eighty days of the effective date of this act. This registration will not in any way be construed to initiate the petition for designation process established in section 10 of this act. The legal status of a species that on the effective date of this act is present in the state and registered in accordance with this section does not change unless the directors jointly adopt rules about the registered species.

NEW SECTION. Sec. 10. (1) A vertebrate animal identification process is hereby established. The purpose of the process is to provide a method by which animals are classified as alternative or traditional livestock.

(2) Species that are designated as traditional livestock shall be regulated by the department of agriculture. Species in addition to those specified in section 2(5) of this act may be designated as traditional livestock by joint rule adopted by the department of wildlife and the department of agriculture.

(3) A species may be petitioned for regulation by the director of wildlife, the director of agriculture, or any person registering under section 9 of this act by filing with either department a completed written petition requesting the joint regulation of a species under this chapter.

(4) The two directors may decide if and how a species is to be regulated through jointly adopted rules. Each determination shall be in writing and shall be published in the Washington State Register.

(5) If the two directors do not reach agreement as to whether and how a species should be regulated under this chapter, a scientific review board shall be convened in accordance with section 11 of this act and shall make a written recommendation to the directors as to the status of the species in question. Should the directors fail to agree within thirty days after receipt of such recommendation, the determination shall be made by the governor.

(6) Resident wildlife shall be regulated by the department of wildlife and may not be classified under this chapter as alternative livestock except as provided in section 12 of this act.

(7)(a) Any species that is not present in the state as of the effective date of this act, may be petitioned by any person for possible regulation and such petition acted upon under this section prior to entry for allowance or prohibition as alternative livestock.

(b) The legal status of a species that on the effective date of this act is present in the state and registered in accordance with section 9 of this act does not change unless the directors jointly adopt rules about the registered species.

NEW SECTION. Sec. 11. (1) A scientific review board, convened pursuant to section 10 of this act shall consist of three members. One member shall be appointed by the director of the department of wildlife, one member shall be appointed by the

director of the department of agriculture, and one member shall be appointed jointly by these two members. The members that are appointed by the two departments must have qualifications that are appropriate to their responsibilities under this chapter. All three members must be residents of the state of Washington prior to appointment.

(2) The board may take testimony and seek other expert advice.

(3) All meetings of the board shall be public.

(4) The board may hold public hearings and take public testimony before making a written recommendation concerning whether a species is prohibited or allowed under section 10 of this act.

(5) All recommendations concerning whether a species is to be regulated under this chapter shall be written and shall include findings of fact. Recommendations shall be published in the Washington State Register.

(6) The board shall attend all public hearings held on the adoption of proposed rules under this chapter, review existing agency rules that pertain to the issues addressed by this chapter, review the rules proposed under this chapter, and provide comments and recommendations to the departments regarding the need, adequacy, and workability of the proposed rules.

NEW SECTION. Sec. 12. Wildlife species that exist in a wild state in the state of Washington are not alternative livestock and may not be farmed except as provided in this section. By joint rule, which shall include methods that will ensure genetic integrity, the directors of the department of agriculture and the department of wildlife may allow rocky mountain elk (*cervus elaphus nelsoni*) to be farmed in the same status and under the same regulatory provisions as alternative livestock. The directors shall, within ninety days of the adoption of the rule, jointly prepare a report on the rule adopted under this section, which shall include specific detail on the methods used to determine genetic integrity of farmed rocky mountain elk (*cervus elaphus nelsoni*). Within two years of the adoption of the rule, the directors shall jointly prepare a report on the status of operations conducted under the provisions of the rule. The reports shall be transmitted to the chairs of the house of representatives committees on agriculture and rural development and fisheries and wildlife and the senate committees on agriculture and natural resources.

NEW SECTION. Sec. 13. (1) If rule making under this chapter restricts the economic utilization of a species being raised for commercial purposes in the state, then the provisions of chapter 19.85 RCW shall apply and a small business economic impact statement shall be prepared. Such activity shall be considered as an industry for the purpose of RCW 19.85.020.

(2) The department of agriculture and the department of wildlife, in consultation with the attorney general, shall develop a report containing findings and recommendations regarding the establishment of an indemnification policy. Such report shall be delivered by December 15, 1993, to the secretary of the senate and the speaker of the house of representatives.

Sec. 14. RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" has the meaning given in RCW 43.31.025(4).

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one three-digit standard industrial classification as published by the United States department of commerce and those specifically declared to be an industry by a provision of state law.

NEW SECTION. Sec. 15. The director of agriculture and the director of wildlife shall develop by rule the requirements for documents, data, scientific evidence, or other items to be submitted that will constitute a completed written petition for the purpose of section 10(4) of this act. The directors shall develop criteria upon which to make evaluations as to whether and how petitioned species will be regulated.

The department of agriculture and the department of wildlife may adopt rules in accordance with chapter 34.05 RCW to carry out the provisions of this chapter.

NEW SECTION. Sec. 16. The alternative livestock council is created. The council shall consist of seven persons. Four members of the council shall be appointed by the director of agriculture to three-year terms. Three members of the council shall be appointed by the director of the department of wildlife to three-year terms. The directors may shorten the initial term for a position on the council to stagger the expiration of terms on the council. Vacancies on the council shall be filled by each director by appointment. The council shall advise the departments on all aspects of alternative livestock farming and the regulation and marketing of alternative livestock and alternative livestock products.

NEW SECTION. Sec. 17. All rules of the department of wildlife and the department of agriculture that are inconsistent with the provisions of chapter . . . , Laws of 1993 (this act), shall be amended or repealed to comply with chapter . . . , Laws of 1993 (this act).

Sec. 18. RCW 77.08.010 and 1989 c 297 s 7 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

(1) "Director" means the director of wildlife.

(2) "Department" means the department of wildlife.

(3) "Commission" means the state wildlife commission.

(4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.

(6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries commission, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified by the director of fisheries. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state but excluding traditional livestock as defined in section 2(5) of this act.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

NEW SECTION. Sec. 19. A new section is added to chapter 16.49A RCW to read as follows:

(1) Meat and meat by-products of alternative livestock, as defined in section 2 of this act, whether or not such meat, meat by-products, or animals originate from within the state, shall not be sold or distributed for public consumption without prior inspection by the department, the United States department of agriculture, or another department-recognized local, state, or federal agency responsible for food safety and inspection.

(2) The department may adopt rules establishing a program for inspecting meat and meat by-products of alternative livestock. Such rules shall include a fee schedule that will provide for the recovery of the full cost of the inspection program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section. No appropriation is required for disbursement from the account. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 20. RCW 16.36.005 and 1987 c 163 s 1 are each amended to read as follows:

As used in this chapter:

"Alternative livestock" shall have the meaning as defined in section 2 of this act.

"Exotic wildlife" means any wild animal whose members do not exist in Washington in a wild state as of the effective date of this act but does not include alternative livestock as defined in section 2 of this act.

"Director" means the director of agriculture of the state of Washington or his authorized representative.

"Department" means the department of agriculture of the state of Washington.

"Garbage" means the solid animal and vegetable waste and offal together with the natural moisture content resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, markets, meat shops, packing houses and similar establishments or any other food waste containing meat or meat products.

"Veterinary biologic" means any virus, serum, toxin, and analogous product of natural or synthetic origin, or product prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components intended for use in the diagnosis, treatment, or prevention of diseases in animals.

Sec. 21. RCW 16.36.010 and 1927 c 165 s 2 are each amended to read as follows:

The word "quarantine" as used in this act shall mean the placing and restraining of any animal or animals by the owner or agents in charge thereof, either within a certain described and designated enclosure or area within this state, or the restraining of any such animal or animals from entering this state, as may be directed in writing by the director of agriculture, or his or her duly authorized representative. Any animal or animals so quarantined within the state shall at all times be kept separate and apart from other ((domestic)) animals and not allowed to have anything in common therewith.

Sec. 22. RCW 16.36.020 and 1987 c 163 s 2 are each amended to read as follows:

The director shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting animals within, in transit through and being imported into the state. The director may establish and enforce quarantine of and against any and all ((domestic)) animals which are affected with any such disease or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he or she deems necessary to determine whether any such animal is infected with any such disease. The director shall also enforce and administer the provisions of this chapter pertaining to garbage feeding and when garbage has been fed to swine, the director may require the disinfection of all facilities, including yard, transportation and feeding facilities, used for keeping such swine.

The director shall also have the authority to regulate the sale, distribution, and use of veterinary biologics in the state and may adopt rules to restrict the sale, distribution, or use of any veterinary biologic in any manner the director determines to be necessary to protect the health and safety of the public and the state's animal population.

The director shall also have the authority to adopt rules governing the importation and care of alternative livestock. In adopting the rules, the department shall consult with the department of wildlife of the state of Washington.

Sec. 23. RCW 16.36.050 and 1979 c 154 s 11 are each amended to read as follows:

It is unlawful for a person to intentionally falsely make, complete, alter, use, or sign an animal health certificate, certificate of veterinary inspection, or official written animal health instrument of the department of agriculture. It ~~((shall be))~~ is unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any domestic animals, exotic wildlife, or alternative livestock without first having secured an official health certificate or certificate of veterinary inspection, certified by the state veterinarian of origin that such animals meet the health requirements ~~((promulgated))~~ adopted by the director of agriculture of the state of Washington ~~((: PROVIDED, That))~~. This section shall not apply to domestic animals imported into this state for immediate slaughter, or domestic animals imported for the purpose of unloading for feed, rest, and water, for a period not in excess of twenty-eight hours except upon prior permit therefor secured from the director of agriculture. It ~~((shall be))~~ is unlawful for any person to divert en route for other than to an approved, inspected stockyard for immediate slaughter or to sell for other than immediate slaughter or to fail to slaughter within fourteen days after arrival, any animal imported into this state for immediate slaughter. It ~~((shall be))~~ is unlawful for any person, railroad, transportation company, or other common carrier, to keep any domestic animals which are unloaded for feed, rest and water in other than quarantined pens, or not to report any missing animals to the director of agriculture at the time the animals are reloaded.

Sec. 24. RCW 16.36.040 and 1979 c 154 s 10 are each amended to read as follows:

The director of agriculture shall have power to ~~((promulgate))~~ adopt and enforce such reasonable rules ~~((, regulations))~~ and orders as he or she may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting domestic animals, exotic wildlife, or alternative livestock in this state, and to ~~((promulgate))~~ adopt and enforce such reasonable rules ~~((, regulations))~~ and orders as he or she may deem necessary or proper governing the inspection and test of all animals within or about to be imported into this state, and to ~~((promulgate))~~ adopt and enforce ~~((intercounty))~~ intrastate embargoes, hold orders, and quarantine ~~((to prevent the shipment, trailing, trucking, transporting or movement of bovine animals from any county that has not been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, into a county which has been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days and/or a negative brucellosis test made within the forty-five day period prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or of the United States department of agriculture, animal and plant health inspection service, or an accredited veterinarian authorized by permit issued by the director of agriculture to execute such certificate))~~.

Sec. 25. RCW 16.36.060 and 1985 c 415 s 2 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to willfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or her or them, when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter, and it shall be unlawful for any person to willfully fail to comply with or violate any rule ~~((, regulation))~~ or order ~~((promulgated))~~ adopted by the director of agriculture or his or her duly authorized representatives under the provisions of this chapter. The director of agriculture shall have the authority under such rules ~~((and regulations))~~ as shall be ~~((promulgated))~~ adopted by ~~((him))~~ the director to enter at any reasonable time the premises of any ~~((livestock))~~ domestic animals, exotic wildlife, or alternative livestock owner to make tests on any animals for diseased conditions, and it ~~((shall be))~~ is unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his or her duly authorized representative.

Sec. 26. RCW 16.36.070 and 1947 c 172 s 6 are each amended to read as follows:

Whenever a majority of any board of health, board of county commissioners, city council or other governing body of any incorporated city or town, or trustees of any township, whether in session or not, shall, in writing or by telegraph, notify the director of agriculture of the prevalence of or probable danger of infection from any of the diseases of domestic animals, exotic wildlife, or alternative livestock the director of agriculture personally, or by the supervisor of dairy and livestock, or by a duly appointed and deputized veterinarian of the division of ~~((dairy and livestock))~~ food safety and animal health, shall at once go to the place designated in said notice and take such action as the exigencies may in his or her judgment demand, and may in case of an emergency appoint deputies or assistants, with equal power to act. The compensation to be paid such emergency deputies and assistants, shall be fixed by the director of agriculture in conformity with the standards effective in the locality in which the services are performed.

Sec. 27. RCW 16.36.080 and 1947 c 172 s 7 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person registered to practice veterinary medicine, surgery and dentistry in this state not to immediately report in writing to the director of agriculture the discovery of the existence or suspected existence among domestic animals, exotic wildlife, or alternative livestock within the state of any reportable diseases as published by the director of agriculture.

Sec. 28. RCW 16.36.100 and 1927 c 165 s 10 are each amended to read as follows:

The governor and the director of agriculture shall have the power to cooperate with the government of the United States in the prevention and eradication of diseases of domestic animals, exotic wildlife, or alternative livestock and the governor shall have the power to receive and receipt for any moneys receivable by this state under the provisions of any act of congress and pay the same into the hands of the state treasurer as custodian for the state to be used and expended in carrying out the provisions of this act and the act or acts of congress under which said moneys are paid over to the state.

Sec. 29. RCW 16.57.010 and 1989 c 286 s 22 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or a duly appointed representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry ~~((and))~~, rabbits, and alternative livestock as defined in section 2 of this act.

(5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

(8) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(9) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

Sec. 30. RCW 16.52.010 and 1901 c 146 s 17 are each amended to read as follows:

In RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 the singular shall include the plural; the word "animal" shall be held to include every living creature, except man; the words "torture," "torment," and "cruelty," shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" shall be held to include corporations as well as individuals; and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as of such agents or employees.

"Domestic animal" for the purposes of this chapter shall include alternative livestock as defined in section 2 of this act.

NEW SECTION. Sec. 31. Sections 1 through 13, 15, and 16 of this act shall constitute a new chapter in Title 15 RCW."

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Anderson to the striking amendment by Senator Rasmussen be adopted:

On page 4, line 29 of the striking amendment, after "**Sec. 9.**", strike "Commercial growers" and insert "Growers"

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Anderson on page 4, line 29, to the striking amendment by Senator Rasmussen to Engrossed Substitute House Bill No. 1135.

The motion by Senator Rasmussen carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rasmussen, as amended, to Engrossed Substitute House Bill No. 1135.

The striking amendment by Senator Rasmussen, as amended, to Engrossed Substitute House Bill No. 1135 was adopted.

MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "livestock;" strike the remainder of the title and insert "amending RCW 19.85.020, 77.08.010, 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060, 16.36.070, 16.36.080, 16.36.100, 16.57.010, and 16.52.010; adding a new section to chapter 16.49A RCW; adding a new chapter to Title 15 RCW; and creating a new section."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 1135, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1135, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1135, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators McDonald, Skratek and Talmadge - 3.

Excused: Senators Amondson, Deccio, McCaslin, Oke, Prince, Rinehart and Vognild - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059, by House Committee on Judiciary (originally sponsored by Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang)

Revising provisions relating to areas where weapons are restricted.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.300 and 1985 c 428 s 2 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a ~~((firearm))~~ weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (iii) held for extradition or as a material witness, or (iv) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

~~(b) ((A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse))~~ Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for short firearms and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any firearm in the possession of a person licensed under RCW 9.41.070; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(4) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(5) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

~~(6) ((Subsection (1)(b) of this section does not apply to a judge or court employee or to any person licensed under RCW 9.41.070 who, before entering the restricted area, directly and promptly proceeds to the court administrator or the administrator's designee and obtains written permission to possess the firearm.~~

~~(7))~~ Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

~~((8))~~ ~~(7)~~ Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

~~((9))~~ ~~(8)~~ Any person violating subsection (1) of this section is guilty of a misdemeanor.

~~(9)~~ "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 9.41.300; and prescribing penalties."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1059, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Roach: "Senator Smith, two questions actually, one is who pays for the lock boxes and will the Legislature be reimbursing local governments for that expense? The second question is this, will judges be able to have a weapon to protect themselves? My question comes, because I realize in some states, for instance California, some judges sit over trap doors and others sit behind bullet-proof shields. I am wondering if we would be denying the right to keep and bear arms to license judges or court employees? Is that what this bill would do? Those two questions, please."

Senator Adam Smith: "Trying to keep up with the two part question, as I understand the first part of the question, yes, the local authority would be responsible for paying for the lock boxes. The local authorities we talked to were anxious to do that and considered that to be a fair compromise that they should have to pay that. In response to the second part of the question, yes, this does eliminate the exemptions that were previously in the bill, which would have been for judges, attorneys, and several other people, but it does eliminate the right of a judge to have a gun in his chambers and in the courtroom."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1059, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1059, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Barr and Roach - 2.

Absent: Senators Moyer and Rasmussen, M. - 2.

Excused: Senators Deccio, McCaslin, Oke, Rinehart and Vognild - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prince: "A point of personal privilege, Mr. President. I think that you should draw attention to the body that it is rather unique that a House member gets to vote on her bill as a Senator--and pass it."

SECOND READING

HOUSE BILL NO. 1025, by Representatives Ludwig, Padden, Riley, Kremen, Appelwick, Mielke, Romero, Dyer, Jones, Kessler, Orr, Karahalios, R. Meyers, Brough, Carlson, Ballasiotes, Jacobsen, Forner, Silver, Dorn and Chappell

Regarding the limitation of actions brought by prisoners.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 4.16.190 and 1977 ex.s. c 80 s 2 are each amended to read as follows:

If a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings, such incompetency or disability as determined according to chapter 11.88 RCW, or imprisoned on a criminal charge (~~or in execution under the sentence of a court for a term less than his natural life~~) prior to sentencing, the time of such disability shall not be a part of the time limited for the commencement of action."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "prisoners;" strike the remainder of the title and insert "and amending RCW 4.16.190."

MOTION

On motion of Senator Adam Smith the rules were suspended, House Bill No. 1025, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1025, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1025, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Winsley and Wojahn - 45.

Absent: Senators von Reichbauer and Williams - 2.

Excused: Senators Oke and Vognild - 2.

HOUSE BILL NO. 1025, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2069, by Representatives Mielke and Zellinsky

Allowing institutions of higher education to cash student's and employee's checks.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 2069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2069.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2069 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Oke and Vognild - 2.

HOUSE BILL NO. 2069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced the state of Washington's United States Congresswoman, Jennifer Dunn, who was seated on the rostrum.

SECOND READING

HOUSE BILL NO. 1174, by Representatives Jacobsen, Dellwo, Brumsickle, Ogden, J. Kohl, G. Cole, R. Fisher, Dunshee, Pruitt, Van Luven, Johanson, Wood, Leonard and Basich

Regarding the study of American Indian languages and cultures.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 1174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1174.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1174 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Cantu - 1.

Absent: Senator Rinehart - 1.

Excused: Senators Oke and Vognild - 2.

HOUSE BILL NO. 1174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1504, by House Committee on Capital Budget (originally sponsored by Representatives Wang, Jacobsen, Romero, Wolfe and Morris) (by request of Evergreen State College)

Changing the disposition of certain normal school fund revenues.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1504 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Anderson, Barr, Cantu, Erwin, Hargrove, Hochstatter, McCaslin, Nelson and West - 9.

Excused: Senators Oke, Rinehart and Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 1504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Skratek was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1152, by Representatives Thibaudeau, Heavey, King, Vance, Veloria, G. Cole, Riley and J. Kohl

Denominating the Washington state bar association a public employer for collective bargaining purposes.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1152.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1152 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Prince, Roach, Sellar, Smith, L. and West - 17.

Excused: Senators Oke, Rinehart, Skratek and Vognild - 4.

ENGROSSED HOUSE BILL NO. 1152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1266, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Campbell, Dyer, R. Johnson, Cooke, Riley, Lisk, Morris, Dellwo and Ballasiotes)

Regulating veterinary medication clerks.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senator Moore was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1266.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1266 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Absent: Senators Hargrove and McCaslin - 2.

Excused: Senators Moore, Oke, Rinehart and Vognild - 4.

SUBSTITUTE HOUSE BILL NO. 1266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1621, by Representatives Rayburn, Chandler and Jacobsen (by request of Department of Agriculture)

Modifying the regulation of apiaries.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1621.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1621 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moyer, Nelson, Newhouse, Niemi, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Absent: Senators McDonald and Pelz - 2.

Excused: Senators Moore, Oke, Rinehart and Vognild - 4.

ENGROSSED HOUSE BILL NO. 1621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:13 p.m., on motion of Senator Jesernig, the Senate recessed until 3:00 p.m.

The Senate was called to order at 3:25 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, Senator Loveland was excused.

SECOND READING

HOUSE BILL NO. 1477, by Representatives Wood, Schmidt, R. Fisher, Mielke, Brumsickle, Ludwig, Casada and Shin

Creating a fuel tax exemption.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1477.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1477 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 42.

Voting nay: Senators Niemi and Skratek - 2.

Absent: Senators Sellar and Williams - 2.

Excused: Senators Loveland, Oke and Rinehart - 3.

HOUSE BILL NO. 1477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1188, by Representatives Morton, Appelwick, Padden, Ballasiotes, Ludwig, Sheahan, Tate, Fuhrman, Silver, Johanson, Long, Flemming, Mielke and Springer

Requiring delivery of a copy of a lien document to the owner of the property subject to the lien.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 60.68.015 and 1992 c 133 s 1 are each amended to read as follows:

(1) Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens must be recorded for record in accordance with this chapter.

(2) Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens shall be recorded in the office of the recorder of the county in which the real property subject to the liens is situated. A lien may be recorded only upon certification that a copy of the lien document has been sent by registered or certified mail, with return receipt, to the owner of the real property subject to the lien.

(3) Notices of federal liens upon personal property, whether tangible or intangible, for obligations payable to the United States and certificates and notices affecting the liens shall be filed with the department of licensing."

On motion of Senator Adam Smith, the following title amendment was adopted:

On line 1 of the title, after "liens;" strike the remainder of the title and insert "and amending RCW 60.68.015."

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1188, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1188, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1188, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 44.

Absent: Senators McDonald, Sellar and Williams - 3.

Excused: Senators Loveland and Oke - 2.

HOUSE BILL NO. 1188, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Springer, Morton, Chappell, Holm, Campbell, King, Jones, Basich, Rayburn, Sheldon and Kessler) (by request of Office of Financial Management)

Reauthorizing certain timber programs.

The bill was read the second time.

MOTIONS

On motion of Senator Skratek, the following Committee on Trade, Technology and Economic Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.31.611 and 1991 c 314 s 3 are each amended to read as follows:

(1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to timber impact areas.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serving as executive secretary of the economic recovery coordination board and directing staff associated with the board.

(b) Chairing the agency timber task force and directing staff associated with the task force.

(c) Coordinating and maximizing the impact of state and federal assistance to timber impact areas.

(d) Coordinating and expediting programs to assist timber impact areas.

(e) Providing the legislature with a status and impact report on the timber recovery program in January 1992.

(3) This section shall expire June 30, ~~((1993))~~ 1995.

Sec. 2. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

(1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the

agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community and technical colleges ((education)), state ((board for vocational education)) work force training and education coordinating board, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, ((1993)) 1995.

Sec. 3. RCW 43.31.631 and 1991 c 314 s 6 are each amended to read as follows:

(1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each county that is a timber impact area. The timber recovery coordinator shall also be a member of the board. Each associate development organization from counties that are timber impact areas, in consultation with the county legislative authority, shall submit to the governor the names of three nominees representing different interests in each county. Within sixty days after July 28, 1991, the governor shall select one nominee from each list submitted by associate development organizations. In making the appointments, the governor shall endeavor to ensure that the board represents a diversity of backgrounds. Vacancies shall be filled in the same manner as the original appointment.

(2) The board shall:

(a) Advise the timber recovery coordinator and the agency timber task force on issues relating to timber impact area economic and social development, and review and provide recommendations on proposals for the diversification of the timber impact areas presented to it by the timber recovery coordinator.

(b) Respond to the needs and concerns of citizens at the local level.

(c) Develop strategies for the economic recovery of timber impact areas.

(d) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that affect timber impact areas.

(e) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber impact areas.

(3) Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) This section shall expire June 30, ((1993)) 1995.

Sec. 4. RCW 43.160.200 and 1991 c 314 s 23 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

(12) Cities and counties otherwise eligible under and in compliance with this section are authorized to use the loans or grants for buildings and structures.

Sec. 5. 1991 c 314 s 26 (uncodified) is amended to read as follows:

(1) For the period beginning July 1, 1991, and ending June 30, ~~((1993))~~ 1995, in timber impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27 of this act:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

Sec. 6. 1991 c 314 s 32 (uncodified) is amended to read as follows:

RCW 43.160.076 and 1991 c 314 s 24 and 1985 c 446 s 6 are each repealed effective June 30, ~~((1993))~~ 1995.

Sec. 7. 1991 c 314 s 33 (uncodified) is amended to read as follows:

RCW 43.160.200 expires June 30, ~~((1993))~~ 1995.

Sec. 8. 1991 c 314 s 34 (uncodified) is amended to read as follows:

~~((Section 25 of this act))~~ RCW 43.160.210 shall take effect July 1, ~~((1993))~~ 1995.

Sec. 9. 1991 c 315 s 2 (uncodified) is amended to read as follows:

(1) Coordination of the programs in this act shall be through the economic recovery coordination board created in RCW 43.31.631, the timber recovery coordinator created in RCW 43.31.611, and the agency timber task force created in RCW 43.31.621.

(2) This section shall expire June 30, ~~((1993))~~ 1995.

Sec. 10. RCW 50.22.090 and 1992 c 47 s 2 are each amended to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after July 1, 1991, and for the forest products industry beginning with the third week after the first Sunday after July 1, 1991. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July ~~((3))~~ 1, ~~((1993))~~ 1995, but for claims established on or before July ~~((3))~~ 1, ~~((1993))~~ 1995, weeks of unemployment occurring after July ~~((3))~~ 1, ~~((1993))~~ 1995, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be ~~((fifty-two))~~ one hundred four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than ~~((one))~~ two years beyond the end of the benefit year of the regular claim for an individual whose benefit year ends on or after July 27, 1991, and shall not be payable for weeks ending on or after ~~((one))~~ two years after March 26, 1992, for individuals who become eligible as a result of chapter 47, Laws of 1992 ~~((and shall be payable for up to five weeks following the completion of the training required by this section))~~.

(c) Notwithstanding the provisions of (b) of this subsection, individuals will be entitled to up to five additional weeks of benefits following the completion or termination of training.

~~((d))~~ (d) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

~~((e))~~ (e) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(f) The amendments in chapter . . . , Laws of 1993 (this act) affecting subsection (3) (b) and (c) of this section shall apply in the case of all individuals determined to be monetarily eligible under this section without regard to the date eligibility was determined.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

- (b)(i) Has received notice of termination or layoff; and
- (ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and
- (c)(i) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after July 1, 1991, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or
- (ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and
- (d) Does not receive a training allowance or stipend under the provisions of any federal or state law.
- (5) For the purposes of this section:
 - (a) "Training program" means:
 - (i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or
 - (ii) A vocational training program at an educational institution that:
 - (A) Is training for a labor demand occupation;
 - (B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and
 - (C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.
 - (b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).
 - (c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.
 - (6) The commissioner shall adopt rules as necessary to implement this section.
 - (7) For the purpose of this section, an individual who has a benefit year beginning after January 1, 1989, and ending before July 27, 1991, shall be treated as if his or her benefit year ended on July 27, 1991.
- NEW SECTION. Sec. 11.** Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.
- NEW SECTION. Sec. 12.** Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1993."

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 2 of the title, after "1991;" strike the remainder of the title and insert "amending RCW 43.31.611, 43.31.621, 43.31.631, 43.160.200, and 50.22.090; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); amending 1991 c 314 s 34 (uncodified); amending 1991 c 315 s 2 (uncodified); providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1529, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Roach, Senator Sellar was excused.

On motion of Senator Jesernig, Senator Williams was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1529, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1529, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 46.

Excused: Senators Oke, Sellar and Williams - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1082, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Veloria, G. Cole, Springer, Padden, Valle, Scott, Brough, Jacobsen, Wineberry, Lemmon, Karahalios, Pruitt and Roland)

Combating student alcohol abuse in colleges and universities.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendment was not adopted:

On page 2, after line 18, strike all of subsection (5) and insert the following:

"(5) Chapters shall register all parties with the college or university. In addition, banquet permits shall be obtained from the liquor control board for every party under this subsection. For the purposes of this subsection, "party" includes:

- (a) A minimum of twenty-five guests, the consumption of alcohol, and the scheduling and/or announcing of the event; or
- (b) Organized chapter activities including chapter exchanges, when alcohol is present;"

On motion of Senator Prince, the following amendment by Senators Prince and Bauer was adopted:

On page 2, line 21, after "university." insert "A chapter meeting or gathering with only chapter members in attendance shall not be considered a party under this subsection."

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1082, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator McCaslin: "Senator Bauer, it is a real tragedy that the young lady lost sight of her eye, but I wonder if it was a party or just a gathering of friends or what it was?"

Senator Bauer: "I really can't answer that actually, Senator McCaslin."

Senator McCaslin: "The point I'm leading to is what caused the accident is throwing things out of windows. I would assume that universities and colleges have some rule against throwing bottles and so forth out the window and that is what caused the accident. I guess that is what we should be looking at, rather than committee meetings or other meetings in frats and sororities."

Senator Bauer: "Since some of these frats and sororities are off the campus and really not integrally part of the institution, it has been rather difficult, but I think this bill will help give those institutions a little more opportunity to have an influence over this."

Senator McCaslin: "Well, I appreciate your response, but hopefully whether they are on campus or off, I'm sure cities and counties have regulations about tossing things out windows. That is basically the problem; it has nothing to do with intercollegiate athletics or frats. Thanks, Al."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1082, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1082, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Winsley and Wojahn - 45.

Voting nay: Senator Bluechel - 1.

Excused: Senators Oke, Sellar and Williams - 3.

SUBSTITUTE HOUSE BILL NO. 1082, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1017, by House Committee on Education (originally sponsored by Representatives Forner, Dorn, Brough, Chandler, Brumsickle, Vance, Cooke, Thomas, Long, Reams, Van Luven, Kremen, Tate, Mielke, Miller, Ballard, Basich, Dyer, Sheldon, Wood, Foreman, Ballasiotes, Schoesler, Morton, Stevens, Carlson, Edmondson, Sehlin, Rayburn and Horn)

Concerning the employment of persons with a history of sexual exploitation of children.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1017.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1017 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 46.

Excused: Senators Oke, Sellar and Williams - 3.

SUBSTITUTE HOUSE BILL NO. 1017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1978, by House Committee on Local Government (originally sponsored by Representatives J. Kohl, G. Cole, Karahalios, Jacobsen, Dorn, Cothorn, Roland, Pruitt, Basich, Miller, Forner, L. Johnson, Vance, Cooke, Rust and Hansen)

Allowing counties to permit public libraries on county land used for park and recreation purposes.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1978 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1978.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1978 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 45.

Absent: Senator Erwin - 1.

Excused: Senators Oke, Sellar and Williams - 3.

SUBSTITUTE HOUSE BILL NO. 1978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1784, by House Committee on Appropriations (originally sponsored by Representatives Locke, Sommers, Dellwo, Wang, Brough, Jacobsen, Karahalios, Peery, Talcott, Dorn, Cothorn, Ogden, Holm, Pruitt, Jones, Romero, Campbell, Valle, Thibaudeau, King, Ballard, Basich, Quall, Voloria, Linville, Rayburn, Kessler, Orr, Carlson, Johanson, L. Johnson, Leonard, J. Kohl, Lemmon, H. Myers, Hansen, Patterson and Shin)

Allowing retired and disabled school employees to purchase health care insurance from the state health care authority.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:

On page 16, after line 2, insert the following:

"**NEW SECTION. Sec. 19.** Section 8 of this act is null and void if Engrossed Second Substitute Senate Bill No. 5304 is enacted into law by July 1, 1993, and contains an amendment to RCW 41.05.055."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 6 of the title, after "RCW;" strike "creating a new section" and insert "creating new sections"

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1784, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1784, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1784, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 46.

Excused: Senators Oke, Sellar and Williams - 3.

SUBSTITUTE HOUSE BILL NO. 1784, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Heavey, Locke, King, Jacobsen, Vance, Wineberry, Mielke, Linville, Lisk, J. Kohl, Wolfe, Basich, Orr, Valle, Veloria, Anderson, G. Cole, Dorn, Jones, R. Fisher, Holm, Ogden and Kremen)

Providing service credit for periods of paid leave.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1670.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1670 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 47.

Excused: Senators Oke and Williams - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1631, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Brumsickle, G. Cole, Horn, Wood, Appelwick and Thibaudeau)

Regulating going out of business sales.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Labor and Commerce amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW.

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

(1) "Affiliated business" means a business or business location that is directly or indirectly controlled by or under common control with the business location or locations listed in the notice of the sale or that has a common ownership interest in the merchandise to be sold with the business location or locations listed in the notice of the sale.

(2) "Going out of business sale" means a sale or auction advertised or held out to the public as the disposal of merchandise in anticipation of cessation of business. This includes but is not limited to a sale or auction advertised or held out to the public as a "going out of business sale," a "closing out sale," a "quitting business sale," a "loss of lease sale," a "must vacate sale," a "liquidation sale," a "bankruptcy sale," a "sale to prevent bankruptcy," or another description suggesting price reduction due to the imminent closure of the business.

(3) "Merchandise" means goods, wares, or other property or services capable of being the object of a sale regulated under this chapter.

(4) "Moving sale" means a sale or auction advertised or held out to the public in anticipation of a relocation of the business to within a thirty-mile radius of its existing location.

(5) "Person" means, where applicable, natural persons, corporations, trusts, unincorporated associations, partnerships, or other legal entities.

NEW SECTION. Sec. 3. (1) It is unlawful for a person to sell, offer for sale, or advertise for sale merchandise at a going out of business sale without first recording a notice of the going out of business sale and executing an affidavit of inventory under this chapter.

(2) The notice of the sale must be displayed in a prominent place on the premises where a going out of business sale is being conducted.

(3) Where a going out of business sale is part of a bankruptcy, receivership, or other court-ordered action, a person required by this chapter to record a notice of the sale shall serve a copy of the petition, motion, proposed order, or other pleading requesting court approval of the sale on the attorney general no less than seven days before the date on which an action may be taken related to the conduct of the sale by a court.

NEW SECTION. Sec. 4. (1) This chapter shall apply only to persons who engage in the retail sale of merchandise in their regular course of business.

(2) This chapter does not apply to:

(a) Persons acting in accordance with their powers and duties as public officers, such as county sheriffs;

(b) Bulk transfers as defined in RCW 62A.6-102; or

(c) Moving sales, except for section 12(5) of this act.

(3) Going out of business sales of perishable merchandise or merchandise damaged by fire, smoke, or water are exempt from the requirement that the notice of the sale be recorded at least fourteen days before the beginning date of the sale.

NEW SECTION. Sec. 5. (1) A person conducting a going out of business sale shall record a notice of the sale with the county auditor at least fourteen days before the beginning date of the sale.

(2) The notice must be signed under oath and acknowledged and must require, and the person signing the notice shall set forth, the following facts and information regarding the sale:

(a) The name, address, telephone number, and Washington state business identification number of the owner of the merchandise to be sold. If the owner is a corporation, trust, unincorporated association, partnership, or other legal entity, the person signing the notice must be an officer of the entity and must identify his or her title;

(b) The name, address, and telephone number of the person who will be in charge and responsible for the conduct of the sale;

(c) The descriptive name, location or locations, and beginning and ending dates of the sale;

(d) Whether a person who has an ownership interest in the business or in the merchandise to be sold has conducted a going out of business sale within one year of recording the notice;

(e) Whether a person who has an ownership interest in the business or in the merchandise to be sold established or acquired an ownership interest in the business within six months of recording the notice; and

(f) A statement that:

(i) The merchandise ordered during the thirty days before recording the notice consists only of bona fide orders made in the usual course of business and does not contain merchandise taken on consignment or otherwise;

(ii) No merchandise transferred from an affiliated business was transferred in contemplation of conducting the sale;

(iii) No merchandise will be ordered, taken on consignment, or transferred from an affiliated business after the notice is recorded or during the sale;

(iv) No person who has an ownership interest in the business or in the merchandise to be sold established or acquired an interest in the business or in the merchandise to be sold solely or principally for the purpose of conducting a going out of business sale;

(v) The business will be discontinued after the ending date of the sale and no merchandise held out for sale will be subsequently offered for sale to the public by anyone who had an ownership interest in the business or in the merchandise offered for sale; and

(vi) No person who has an ownership interest in the business or in the merchandise to be sold is subject to a court order resulting from a civil enforcement action under the Consumer Protection Act for a violation of this chapter or the type of conduct prohibited by this chapter.

NEW SECTION. Sec. 6. (1) A person conducting a going out of business sale shall, before recording the notice, make either an inventory list of the merchandise to be sold or a compilation of purchase orders issued by the business in the thirty days before recording the notice of the sale.

(2) If a person elects to make an inventory list:

(a) The inventory list must identify the merchandise and include the quantity of each item and the price at which each item was offered for sale within one week of recording the notice;

(b) The inventory list must identify items ordered within thirty days of recording the notice but not yet received by the business;

(c) The inventory list must be permanently attached to an affidavit executed by the person recording the notice of the sale stating that the inventory list is a true and correct inventory of merchandise owned by the business conducting the sale as of the date the affidavit is executed; and

(d) No item may be offered for sale at a going out of business sale unless the item is included in the inventory list for the sale.

(3) If a person elects to make a purchase order compilation, the compilation must be permanently attached to an affidavit executed by the person recording the notice of the sale stating that the compilation is a true and correct compilation of the purchase orders issued by the business in the thirty days before recording the notice of the sale.

(4) The affidavit must be signed under oath and acknowledged before a notary public. Each page of the inventory list or purchase order compilation must be marked in some form by a notary public to verify its identity as part of the inventory list or purchase order compilation for the going out of business sale.

(5) A person conducting a going out of business sale shall maintain possession of the affidavit and attached inventory list or purchase order compilation for three years after the ending date of the sale. The inventory list or purchase order compilation is admissible evidence of compliance or noncompliance with this chapter.

NEW SECTION. Sec. 7. (1) No person may conduct a going out of business sale except a person with a valid Washington state business identification number.

(2) No person may conduct a going out of business sale if a person who has an ownership interest in the business or in the merchandise to be sold established or acquired an ownership interest in the business solely or principally for the purpose of conducting a going out of business sale. A person who has either conducted a going out of business sale within one year or established or acquired an interest in the business conducting the sale within six months of recording the notice is presumed to have established or acquired an interest in the business solely or principally for the purpose of conducting a going out of business sale.

(3) No person may conduct a going out of business sale if a person who has an ownership interest in the business or in the merchandise to be sold is subject to a court order resulting from a civil enforcement action under the Consumer Protection Act for a violation of this chapter or the type of conduct prohibited by this chapter.

NEW SECTION. Sec. 8. No person may conduct a going out of business sale for more than sixty days from the beginning date of the sale.

NEW SECTION. Sec. 9. (1) No person may sell consigned merchandise or other merchandise not owned by the person signing the notice at a going out of business sale. Merchandise ordered within thirty days of recording the notice of the sale may consist only of bona fide orders made in the usual course of business and may contain no merchandise taken on consignment or otherwise.

(2) No person in contemplation of conducting a going out of business sale may transfer merchandise from an affiliated business or business location to the location or locations of the sale.

(3) No person, after recording the notice of a going out of business sale, may buy or order merchandise, take merchandise on consignment, or receive a transfer of merchandise from an affiliated business or business location for the purpose of selling it at the sale or sell the merchandise in a going out of business sale.

NEW SECTION. Sec. 10. (1) No person may continue to conduct a going out of business sale beyond the ending date listed in the notice of the sale.

(2) No person after conducting a going out of business sale may remain in business under any of the same ownership, or under the same or substantially the same trade name, or continue to offer for sale the same type of merchandise for a period of one year after the ending date of the sale unless the continuing business location was in operation before recording the notice for the closing business location.

(3) For the purposes of this section, if a business entity that is prohibited from continuing a business under this section reformulates itself as a new entity or as an individual, whether by sale, merger, acquisition, bankruptcy, dissolution, or other transaction, for the purpose of continuing the business or profiting from the business, the successor entity or individual is considered the same person as the original entity. If an individual who is prohibited from continuing a business under this section forms a new business entity to continue the business, participate in the business, or profit from the business, that entity is considered the same person as the individual.

NEW SECTION. Sec. 11. No person may conduct a going out of business sale if any means have been established for continuation of the closing business location by the same owner, directly or indirectly, by corporation, trust, unincorporated association, partnership, or other legal entity under the same name or under a different name.

NEW SECTION. Sec. 12. (1) No person may advertise a going out of business sale more than fourteen days before the beginning date of the sale. All advertising of the sale must state the beginning date and must clearly and prominently state the ending date of the sale. Except as provided in subsection (2) of this section, all advertising must be confined to or refer to the address or addresses and place or places of business specified in the notice as going out of business and may not state that other locations or affiliated businesses are cooperating with or participating in the sale unless the other locations or affiliated businesses are included in the notice.

(2) Advertising broadcast on radio is not required to refer to the address or addresses of the business specified in the notice as going out of business, but must meet all other conditions of this section.

(3) No advertising may contain false, misleading, or deceptive statements regarding the nature, duration, merchandise, or other terms of a going out of business sale.

(4) Representations in advertising regarding price savings or discounts on sale merchandise must be bona fide and substantiated.

(5) A moving sale may not be advertised for more than ninety days and may not occur more than once within a twenty-four month period.

NEW SECTION. Sec. 13. A person who knowingly violates this chapter or who knowingly gives false or incorrect information in a notice required by this chapter is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 14. The attorney general or the proper prosecuting attorney may institute proceedings under this chapter.

NEW SECTION. Sec. 15. The state of Washington fully occupies and preempts the entire field of regulating going out of business sales.

NEW SECTION. Sec. 16. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 16 of this act shall constitute a new chapter in Title 19 RCW."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "sales;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and prescribing penalties."

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1631, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1631, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1631, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 42.

Voting nay: Senators Anderson, Hargrove, McCaslin and Sellar - 4.

Absent: Senator Vognild - 1.

Excused: Senators Oke and Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1631, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338, by House Committee on Judiciary (originally sponsored by Representatives Thibaudeau, Appelwick, Ballasiotes, H. Myers, Flemming, Dyer, Eide, Cooke, Zellinsky, Johanson, Romero, Forner, Reams, Rust, Schmidt, Riley, Dunshee, Brough, Ogden, J. Kohl, Locke, Anderson, Ludwig, Edmondson, Horn, Heavey, Cothorn, R. Johnson, King, Veloria, Rayburn, Bray, Orr, Pruitt, Karahalios, Lemmon, Carlson, Kessler, Wolfe, R. Fisher, Hansen, Jacobsen, Morris, Quall, Franklin, L. Johnson, Leonard, Jones, Valle, G. Cole, Holm, Wang, Grant, Dorn, Sheldon, Sommers, Miller, Finkbeiner, Brown, Scott, Roland, Shin, R. Meyers, Springer, Basich, Campbell, Wood, Long, Wineberry and Dellwo)

Prohibiting interference with access to or from a health care facility.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that seeking or obtaining health care is fundamental to public health and safety.

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

(1) "Health care facility" means a facility that provides health care services directly to patients, including but not limited to, a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, neuropsychiatric or mental health facility, hospice, or nursing home.

(2) "Health care provider" has the same meaning as defined in RCW 7.70.020 (1) and (2), and also means an officer, director, employee, or agent of a health care facility who sues or testifies regarding matters within the scope of his or her employment.

(3) "Aggrieved" means:

(a) A person, physically present at the health care facility when the prohibited actions occur, whose access is or is about to be obstructed or impeded;

(b) A person, physically present at the health care facility when the prohibited actions occur, whose care is or is about to be disrupted;

(c) The health care facility, its employees, or agents;

(d) The owner of the health care facility or the building or property upon which the health care facility is located.

NEW SECTION. Sec. 3. It is unlawful for a person except as otherwise protected by state or federal law, alone or in concert with others, to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly disrupt the normal functioning of such facility by:

(1) Physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas of the real property upon which the facility is located;

(2) Making noise that unreasonably disturbs the peace within the facility;

(3) Trespassing on the facility or the common areas of the real property upon which the facility is located;

(4) Telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose; or

(5) Threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone under his or her control to be used for such purpose.

NEW SECTION. Sec. 4. A violation of section 3 of this act is a gross misdemeanor. A person convicted of violating section 3 of this act shall be punished as follows:

(1) For a first offense, a fine of not less than two hundred fifty dollars and a jail term of not less than twenty-four consecutive hours;

(2) For a second offense, a fine of not less than five hundred dollars and a jail term of not less than seven consecutive days; and

(3) For a third or subsequent offense, a fine of not less than one thousand dollars and a jail term of not less than thirty consecutive days.

Sec. 5. RCW 10.31.100 and 1988 c 190 s 1 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ((8)) (9) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.100 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of section 3 of this act may arrest such person.

(10) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((10))~~ (11) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 6. (1) A person or health care facility aggrieved by the actions prohibited by section 3 of this act may seek civil damages from those who committed the prohibited acts and those acting in concert with them. A plaintiff in an action brought under this chapter shall not recover more than his or her actual damages and additional sums authorized in section 7 of this act. Once a plaintiff recovers his or her actual damages and any additional sums authorized under this chapter, additional damages shall not be recovered. A person does not have to be criminally convicted of violating section 3 of this act to be held civilly liable under this section. It is not necessary to prove actual damages to recover the additional sums authorized under section 7 of this act, costs, and attorneys' fees. The prevailing party is entitled to recover costs and attorneys' fees.

(2) The superior courts of this state shall have authority to grant temporary, preliminary, and permanent injunctive relief to enjoin violations of this chapter.

In appropriate circumstances, any superior court having personal jurisdiction over one or more defendants may issue injunctive relief that shall have binding effect on the original defendants and persons acting in concert with the original defendants, in any county in the state.

Due to the nature of the harm involved, injunctive relief may be issued without bond in the discretion of the court, notwithstanding any other requirement imposed by statute.

The state and its political subdivisions shall cooperate in the enforcement of court injunctions that seek to protect against acts prohibited by this chapter.

NEW SECTION. Sec. 7. In a civil action brought under this chapter, an individual plaintiff aggrieved by the actions prohibited by section 3 of this act may be entitled to recover up to five hundred dollars for each day that the actions occurred, or up to five thousand dollars for each day that the actions occurred if the plaintiff aggrieved by the actions prohibited under section 3 of this act is a health care facility.

NEW SECTION. Sec. 8. Nothing in section 3 of this act shall prohibit either lawful picketing or other publicity for the purpose of providing the public with information.

NEW SECTION. Sec. 9. A court having jurisdiction over a criminal or civil proceeding under this chapter shall take all steps reasonably necessary to safeguard the individual privacy and prevent harassment of a health care patient or health care provider who is a party or witness in a proceeding, including granting protective orders and orders in limine.

Sec. 10. RCW 10.97.070 and 1977 ex.s. c 314 s 7 are each amended to read as follows:

(1) Criminal justice agencies may, in their discretion, disclose to persons who have suffered physical loss, property damage, or injury compensable through civil action, the identity of persons suspected as being responsible for such loss, damage, or injury together with such information as the agency reasonably believes may be of assistance to the victim in obtaining civil redress. Such disclosure may be made without regard to whether the suspected offender is an adult or a juvenile, whether charges have or have not been filed, or a prosecuting authority has declined to file a charge or a charge has been dismissed.

(2) Unless the agency determines release would interfere with an ongoing criminal investigation, in any action brought pursuant to this chapter, criminal justice agencies shall disclose identifying information, including photographs of suspects, if the acts are alleged by the plaintiff or victim to be a violation of section 3 of this act.

(3) The disclosure by a criminal justice agency of investigative information pursuant to subsection (1) of this section shall not establish a duty to disclose any additional information concerning the same incident or make any subsequent disclosure of investigative information, except to the extent an additional disclosure is compelled by legal process.

NEW SECTION. Sec. 11. Nothing in this chapter shall be construed to limit the right to seek other available criminal or civil remedies. The remedies provided in this chapter are cumulative, not exclusive.

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

NEW SECTION. Sec. 13. Sections 2 through 4, 6 through 9, and 11 of this act shall constitute a new chapter in Title 9A RCW.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "delivery;" strike the remainder of the title and insert "amending RCW 10.31.100 and 10.97.070; adding a new chapter to Title 9A RCW; creating a new section; prescribing penalties; and declaring an emergency."

ROLL CALL

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1338, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1338, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1338, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Barr, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Roach, Sellar, Smith, L. and West - 13.

Excused: Senators Oke, Vognild and Williams - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4003, by Representatives Mastin, Rayburn, Lisk, Sheahan, Grant, Bray, Ludwig, Chandler, Schoesler, Ballard, Foreman, Roland, Edmondson, Lemmon and Hansen

Concerning the preservation of salmon.

The joint memorial was read the second time.

MOTIONS

Senator Sutherland moved that the following Committee on Energy and Utilities amendment be adopted: Beginning on page 1, after line 9, strike all material through "Washington." on page 3, line 2, and insert the following:

"WHEREAS, As many as fifteen million salmon used to return annually to the Columbia-Snake River system; and

WHEREAS, Currently only about two million five hundred thousand salmon return each year; and

WHEREAS, Wild salmon are important to the environmental and cultural heritage of the citizens of the State of Washington; and

WHEREAS, Certain species of wild salmon have been designated as threatened or endangered under the authority granted by the Federal Endangered Species Act; and

WHEREAS, Fisheries biologists from a variety of disciplines have identified a range of causes of mortality at each stage of the salmon's life cycle, and have agreed that recovery measures must address causes of mortality at each stage of the life cycle; and

WHEREAS, Your Memorialists recognize that successful implementation of the comprehensive regional salmon recovery plan will require sacrifices by all economic stakeholders and substantial investment by the citizens of the region; and

WHEREAS, The Columbia-Snake River system provides substantial economic benefits to the citizens of the State of Washington in the areas of agriculture, navigation, fisheries, energy, industry, recreation, and flood control; and

WHEREAS, Stream flow augmentation is generally believed to provide biological benefits to migrating salmon, but there is continued uncertainty regarding the biological benefits to salmon of flow augmentation achieved by drawing down reservoir levels below minimum operating pool; and

WHEREAS, Drawdowns below minimum operating pool on the Snake River, conducted in March 1992 for the limited purpose of evaluating impact to physical structures and facilities, caused the loss of as many as thirty thousand resident fish, exposed shoreline wildlife to predation, disrupted navigation, and caused substantial physical property damage to public and private facilities; and

WHEREAS, Salmon migrating upstream to spawn are unable to pass through fish ladder systems when reservoirs are maintained at levels below minimum operating pool; and

WHEREAS, Drawing down Columbia-Snake River system reservoirs below minimum operating pool for extended periods will cause substantial economic impacts, including increased costs for Washington's agricultural producers and shippers which may jeopardize their ability to compete in global markets; and

WHEREAS, Maintaining reservoir levels at minimum operating pool, with modifications to existing irrigation pump stations on the John Day reservoir, enables the river system to support critical economic activity;

NOW, THEREFORE, Your Memorialists respectfully pray that the officials charged with developing the regional salmon recovery plan carefully consider the biological needs of endangered salmon species, and, before drawing down reservoirs below minimum operating pool as part of the regional salmon recovery plan, give the strongest consideration to the economic impact of such drawdowns on the citizens of the State of Washington.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Director of the National Marine Fisheries Service, the Assistant Secretary of the Army for Civil Works, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Loveland to the Committee on Energy and Utilities amendment was adopted:

On page 1, after line 6 of the amendment, strike the remainder of the amendment and insert the following:

"WHEREAS, As many as fifteen million wild salmon used to return annually to the Columbia-Snake River system; and

WHEREAS, Currently only about two million five hundred thousand salmon return each year; and

WHEREAS, Wild salmon are important to the environmental and cultural heritage of the citizens of the State of Washington; and

WHEREAS, Certain species of salmon have been designated as threatened or endangered under the authority granted by the Federal Endangered Species Act; and

WHEREAS, Fisheries biologists from a variety of disciplines have identified a range of causes of mortality at each stage of the salmon's life cycle, and have agreed that recovery measures must address causes of mortality at each stage of the life cycle; and

WHEREAS, Your Memorialists recognize that successful implementation of the comprehensive regional salmon recovery plan will require sacrifices by all economic stakeholders and substantial investment by the citizens of the region; and

WHEREAS, The Columbia-Snake River system provides substantial economic benefits to the citizens of the State of Washington in the areas of agriculture, navigation, fisheries, energy, industry, recreation, and flood control; and

WHEREAS, Stream flow augmentation is generally believed to provide biological benefits to migrating salmon, but there is continued uncertainty regarding the biological benefits to salmon of flow augmentation achieved by drawing down reservoir levels below minimum operating pool; and

WHEREAS, Drawdowns below minimum operating pool on the Snake River, conducted in March 1992 for the limited purpose of evaluating impact to physical structures and facilities, caused the loss of resident fish, altered wildlife habitat, and increased risks of predation, disrupted navigation, and caused physical property damage to public and private facilities; and

WHEREAS, Salmon migrating upstream to spawn are unable to pass through fish ladder systems when reservoirs are maintained at levels substantially below minimum operating pool; and

WHEREAS, Drawing down Columbia-Snake River system reservoirs below minimum operating pool for extended periods causes substantial economic impacts, including increased costs for Washington's agricultural producers and shippers which jeopardize their ability to compete in global markets; and

WHEREAS, Maintaining reservoir levels at minimum operating pool, with modifications to existing irrigation pump stations on the John Day reservoir, enables the river system to support critical economic activity;

NOW, THEREFORE, Your Memorialists respectfully pray that the officials charged with developing the regional salmon recovery plan carefully consider the biological needs of endangered salmon species, and before drawing down reservoirs below minimum operating pool as part of the regional salmon recovery plan, give the strongest consideration to the economic impact of such drawdowns on the citizens of the State of Washington; and

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Director of the National Marine Fisheries Service, the Assistant Secretary of the Army for Civil Works, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

The President declared the question before the Senate to be the adoption of the Committee on Energy and Utilities amendment on page 1, after line 9, as amended, to Engrossed House Joint Memorial No. 4003.

The Committee on Energy and Utilities amendment, as amended, to Engrossed House Joint Memorial No. 4003 was adopted.

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed House Joint Memorial No. 4003, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial No. 4003, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4003, as amended by the Senate, and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 44.

Absent: Senators Drew and Rinehart - 2.

Excused: Senators Oke, Vognild and Williams - 3.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4003, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1884, by Representatives Holm, G. Fisher, Edmondson, Kremen and Rayburn

Exempting nonprofit organizations providing credit services from the business and occupation tax.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 1884 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1884.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1884 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 40.

Voting nay: Senators Anderson, Erwin, Nelson and Sellar - 4.

Absent: Senators Quigley and Rinehart - 2.

Excused: Senators Oke, Vognild and Williams - 3.

HOUSE BILL NO. 1884, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1062, by Representatives Rayburn, Chandler, Schoesler, Kremen, Grant, Roland, Sheahan, Lemmon, Morton and Lisk

Repealing the sunset provisions for the IMPACT center.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1062.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1062 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 45.

Absent: Senator Deccio - 1.

Excused: Senators Oke, Vognild and Williams - 3.

HOUSE BILL NO. 1062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1943, by Representatives Brumsickle, Jacobsen, Dorn, Quall, Shin, L. Johnson, King and Long

Allowing community and technical college foundations to manage funds for their exceptional faculty awards.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 1943 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1943.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1943 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 46.

Excused: Senators Oke, Vognild and Williams - 3.

HOUSE BILL NO. 1943, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1507, by House Committee on Transportation (originally sponsored by Representatives Zellinsky, Ballard, Chappell, Van Luven, R. Johnson, Campbell, R. Meyers, Springer and Sheldon)

Penalizing owners of abandoned, unauthorized, or junk vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 1, line 16, after "for" strike "a" and insert "restitution in the amount of the"

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1507, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1507, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1507, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Oke and Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1507, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2008, by Representative Dunshee

Affecting withdrawal of territory by special districts.

The bill was read the second time.

MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 85.22.010 and 1933 c 182 s 1 are each amended to read as follows:

Any diking district ((organized under the provisions of chapter CXVII (117) of the Laws of 1895, and the acts amendatory thereof, which has been reorganized under the provisions of chapter 131 of the Laws of 1917, and the acts amendatory thereof, and any)); drainage district ((organized under the provisions of chapter CXV (115) of the Laws of 1895, and the acts amendatory thereof, whether the same has been organized as a drainage and irrigation improvement district or as a drainage district,)); irrigation district; intercounty diking and drainage district; diking, drainage, and/or sewerage improvement district; consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or flood control district may reorganize as a

drainage and irrigation improvement district or as a diking, drainage and irrigation improvement district in the manner provided in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW to read as follows:

A special district may withdraw area from its boundaries that is located within the boundaries of a city or town, or area that includes area both within and adjacent to the boundaries of any city or town, under this section.

(1) The withdrawal of area is authorized upon the following conditions being met: (a) Adoption of a resolution by the special district requesting withdrawal of the area from the district; (b) adoption of a resolution by the city or town council approving the withdrawal of the special district from the area; (c) assumption by the city or town of full responsibility for the maintenance, improvements, and collection of payment for the operation of the system previously operated by the special district in the area; (d) transfer by the special district of all rights-of-way or easements in the area to the city or town by quit claim or deed; and (e) adoption of an interlocal agreement between the special district and the city or town that reimburses the special district for lost assessment revenue from the withdrawn area, that transfers any facilities or improvements owned by the special district to the city or town as agreed between the parties, and that requires the city or town to maintain existing water run-off and water quality levels in the area.

(2) Property in the territory withdrawn from the boundaries of a special district under this section shall remain liable for any special assessments of the special district from which it was withdrawn, if the special assessments are associated with bonds or notes used to finance facilities serving the property, to the same extent as if the withdrawal of property had not occurred.

Sec. 3. RCW 85.38.140 and 1985 c 396 s 15 are each amended to read as follows:

The process by which budgets are adopted, special assessments are measured and imposed, rates and charges are fixed, and assessment zones are established, as provided in RCW 85.38.140 through 85.38.170, shall constitute an alternative optional method of financing special districts. A special district in existence prior to July 28, 1985, may conform with RCW 85.38.140 through 85.38.170 when its governing body adopts a resolution indicating its intention to conform with such laws. Whenever such a resolution is adopted, or a new special district is created on or after July 28, 1985, RCW 85.38.140 through 85.38.170 shall be the exclusive method by which the special district measures and imposes special assessments and adopts its budget. The governing body of a special district that was created before July 28, 1985, and which operates under RCW 85.38.140 through 85.38.170, may adopt a resolution removing the special district from operating under RCW 85.38.140 through 85.38.170, and operate under alternative procedures available to the special district. A county may charge a special district for costs the county incurs in establishing a system or systems of assessment for the special district pursuant to RCW 85.38.140 through 85.38.170.

NEW SECTION. Sec. 4. A new section is added to chapter 85.38 RCW to read as follows:

Regardless of whether any special assessments have been or may be imposed on a particular parcel of real property pursuant to this chapter, in order to implement the authority granted under RCW 85.38.180(3), a special district may fix rates and charges payable by owners or occupiers of real estate within the special district. When fixing rates and charges, the district may consider the degree to which activities on a parcel of real property, including on-site septic systems, contribute to the problems that the special district is authorized to address under RCW 85.38.180(3).

NEW SECTION. Sec. 5. RCW 85.07.080 and 1983 c 167 s 191 and 1935 c 103 s 3 are each repealed."

On motion of Senator Haugen, the following amendment by Senators Haugen and Newhouse to the Committee on Government Operations striking amendment was adopted:

On page 1, line 16 of the amendment, after "irrigation" insert "improvement"

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to House Bill No. 2008.

The Committee on Government Operations striking amendment, as amended, to House Bill No. 2008 was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 85.22.010 and 85.38.140; adding new sections to chapter 85.38 RCW; and repealing RCW 85.07.080."

On motion of Senator Haugen, the rules were suspended, House Bill No. 2008, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2008, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2008, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndil, von Reichbauer, West, Winsley and Wojahn - 46.

Voting nay: Senator Anderson - 1.

Excused: Senators Oke and Williams - 2.

HOUSE BILL NO. 2008, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1458, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Dorn, R. Johnson and Fuhrman)

Regulating retail charge agreements.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Labor and Commerce amendment be adopted:

On page 5, line 11, after "appeal." strike all material through "1990." on line 12

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce amendment on page 5, line 11, to Substitute House Bill No. 1458.

The motion by Senator Moore carried and the Committee on Labor and Commerce amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1458, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1458, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1458, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Winsley and Wojahn - 41.

Voting nay: Senators Anderson, Cantu, Hochstatter, Pelz, Sellar and Smith, L. - 6.

Excused: Senators Oke and Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1458, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1752, by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, Casada and Miller)

Changing telephone relay service provisions.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendments were considered simultaneously and were adopted:

On page 2, line 33, after "commencing" insert "on or before"

On page 3, line 28, after "Funds" insert "federal"

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Hochstatter was adopted:

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

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "service;" strike the remainder of the title and insert "amending RCW 43.20A.725; and declaring an emergency."

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1752, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1752, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1752, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Winsley - 38.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Erwin, Franklin, Haugen, Sellar and Wojahn - 9.

Excused: Senators Oke and Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1752, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1766, by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole, Heavey, Ogden, Zellinsky, R. Meyers, Wang, Conway and J. Kohl) (by request of Attorney General)

Concerning automotive repair.

The bill was read the second time.

MOTIONS

On motion of Senator Cantu, the following amendments were considered simultaneously and were adopted:

On page 4, line 15, after "labor," insert "or where collision repair is involved, after market body parts or nonoriginal equipment manufacturer body parts, if applicable,"

On page 4, line 37, after "labor," insert "or where collision repair is involved, after market body parts or nonoriginal equipment manufacturer body parts, if applicable,"

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1766, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1766, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1766, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 47.

Excused: Senators Oke and Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1766, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1767, by House Committee on Higher Education (originally sponsored by Representatives Basich, Jacobsen, Brumsickle, Dellwo, Leonard, J. Kohl, Ogden, Quall, Bray, Kessler, Shin and Johanson)

Encouraging minimum standards for intercollegiate coaches at community and technical colleges.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1767 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1767.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1767 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 45.

Voting nay: Senator Vognil - 1.

Absent: Senator Rinehart - 1.

Excused: Senators Oke and Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1100, by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, J. Kohl, Rust and Leonard)

Imposing a fee on waste transported without a cover.

The bill was read the second time.

MOTIONS

Senator Fraser moved that the following Committee on Ecology and Parks amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.93 RCW to read as follows:

(1) By January 1, 1994, each county or city with a staffed transfer station or landfill in its jurisdiction shall adopt an ordinance to reduce litter from vehicles. The ordinance shall require the operator of a vehicle transporting solid waste to a staffed transfer station or landfill to secure or cover the vehicle's waste in a manner that will prevent spillage. The ordinance may provide exemptions for vehicle operators transporting waste that is unlikely to spill from a vehicle.

The ordinance may, in the absence of an exemption, require a fee, in addition to other landfill charges, for a person arriving at a staffed landfill or transfer station without a cover on the vehicle's waste or without the waste secured.

(2) The fee collected under subsection (1) of this section shall be deposited, no less often than quarterly, with the city or county in which the landfill or transfer station is located.

(3) A vehicle transporting sand, dirt, or gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load pursuant to ordinances adopted under this section."

On motion of Senator Fraser, the following amendment by Senators Fraser and Talmadge to the Committee on Ecology and Parks amendment was adopted:

On page 1, line 16 of the committee amendment, after "ordinance" strike "may" and insert "shall"

The President declared the question before the Senate to be the adoption of the Committee on Ecology and Parks striking amendment, as amended, to Substitute House Bill No. 1100.

POINT OF INQUIRY

Senator Wojahn: "Senator Fraser, I notice that you are going to have a mandatory fee on trucks that aren't covered adequately and yet you preclude transporting gravel and dirt and things of that type with no cover. Now, my windshield of my car is covered with pits from gravel that has been dropped by the way side and it has been picked up and hits my windshield. I don't understand why you are not including them in the requirement to cover. Can you answer that question, because if you can't, I'm going to vote 'no' on this bill?"

Senator Fraser: "The answer to that question--we did discuss this very question in committee--because the concern you raise is very wide-spread, including with yours truly. That is covered under another statute that requires gravel loads to be no higher in a truck than a certain distance below the top of the truck level--where the material is being transported. Because it is covered in another statute, it is not addressed in this one."

Senator Wojahn: "But if it is below the level, they don't have to cover it, is that what you are saying? If it doesn't rise up above the top of the truck or the flat of the truck, it doesn't have to be covered?"

Senator Fraser: "That is my recollection."

Senator Wojahn: "Well, gravel can bounce out, whether it is above the level of the truck or not. I don't think this is a good bill. I think it is a bad bill."

Further debate ensued.

The Committee on Ecology and Parks striking amendment, as amended, to Substitute House Bill No. 1100, as amended, was adopted.

MOTION

On motion of Senator Amondson, Senator McCaslin was excused.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "materials;" strike the remainder of the title and insert "and adding a new section to chapter 70.93 RCW."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1100, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1100, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1100, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 2; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge and Williams - 25.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McDonald, Moyer, Nelson, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer, West, Winsley and Wojahn - 20.

Absent: Senators Newhouse and Vognild - 2.

Excused: Senators McCaslin and Oke - 2.

SUBSTITUTE HOUSE BILL NO. 1100, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:49 p.m., on motion of Senator Jesernig, the Senate adjourned until 8:00 a.m., Friday, April 9, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

EIGHTY-EIGHTH DAY, APRIL 8, 1993

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

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 9, 1993

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Bauer, Drew, Erwin, Hargrove, Niemi, Owen, Pelz, Rinehart, Sellar, Skratek, Linda Smith and Winsley. On motion of Senator Oke, Senators, Erwin, Sellar, Linda Smith and Winsley were excused. On motion of Senator Spanel, Senators Drew, Owen and Skratek were excused.

The Sergeant at Arms Color Guard, consisting of Pages Coreena Ewell and Michelle Ewell, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2111, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5983 by Senators M. Rasmussen and Loveland (by request of Department of Agriculture)

AN ACT Relating to fees; amending RCW 15.36.105, 15.53.9014, 15.54.350, 15.58.415, 16.57.020, 16.57.080, 16.57.090, 16.57.140, 16.57.220, 16.57.390, 16.58.050, 16.58.060, 16.58.130, 16.65.030, 16.65.040, 16.65.042, 16.65.090, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.220, 17.21.360, 69.07.040, and 69.25.250; adding new sections to chapter 15.54 RCW; and repealing RCW 15.54.320.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2111 by Representative R. Fisher (by request of Office of Financial Management)

Adopting the supplemental transportation budget.

MOTION

On motion of Senator Jesernig, the rules were suspended, Engrossed House Bill No. 2111 was advanced to second reading and placed on the second reading calendar.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9262, Eliot W. Scull, as Chair of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF ELIOT W. SCULL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 5; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 37.

Absent: Senators Bauer, Hargrove, Niemi, Pelz and Rinehart - 5.

Excused: Senators Drew, Erwin, Owen, Sellar, Skratek, Smith, L. and Winsley - 7.

MOTION

On motion of Senator Jesernig, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 7, 1993

SB 5521 Prime Sponsor, Senator Loveland: Funding criminal justice programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5521 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Hargrove, Hochstatter, Jesernig, Moyer, Pelz, Quigley, Snyder, West, and Williams.

Passed to Committee on Rules for second reading.

April 8, 1993

SB 5717 Prime Sponsor, Senator Rinehart: Adopting the capital budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1993

SB 5888 Prime Sponsor, Senator Gaspard: Relating to improvement of retirement systems benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5888 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, Moyer, Pelz, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

April 7, 1993

ESHB 1294 Prime Sponsor, House Committee on Appropriations: Changing provisions in LEOFF Plan II to allow retirement at age fifty. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Moyer, Pelz, Roach, Snyder, Sutherland, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

April 7, 1993

ESHB 1372 Prime Sponsor, House Committee on State Government: Creating the government accountability task force. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9285, Melvin D. Wortman, as a member of the Parks and Recreation Commission was confirmed.

Senators Fraser, Sheldon and Oke spoke to the confirmation of Melvin D. Wortman as a member of the Parks and Recreation Commission.

APPOINTMENT OF MELVIN D. WORTMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Absent: Senators Niemi, Pelz and Rinehart - 3.

Excused: Senators Drew, Erwin, Owen, Sellar and Skratek - 5.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9286, John L. Shreve as a member of the Parks and Recreation Commission was confirmed.

APPOINTMENT OF JOHN L. SHREVE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Niemi, Pelz and Rinehart - 3.

Excused: Senators Erwin and Sellar - 2.

MOTION

At 8:24 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 10:05 a.m. by President Pritchard.

SECOND READING

HOUSE BILL NO. 1832, by Representatives Dyer, R. Meyers, Mielke, Schmidt, R. Johnson, Zellinsky, Tate, Anderson, Reams, Dellwo, Foreman and Long

Regulating medical malpractice insurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1832.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senators Deccio, McDonald and Vognild - 3.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1346, by Representatives G. Cole, Heavey, King, Voloria, Holm, J. Kohl, Brough, Sommers, Zellinsky, R. Fisher, Wang, Ogden, Wolfe, Valle, Riley, H. Myers, Wood, Jones, Leonard, Karahalios and Wineberry

Repealing enforcement and right of action provisions for family leave.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Moore, through this action now, are we making the Washington State family leave law consistent with the federal family leave law?"

Senator Moore: "No, we are not. We will have both the state law and federal law."

Senator Anderson: "So, when you are referencing the Department of Labor and Industries ceasing enforcement, that is only one small provision that they will cease enforcement to become in compliance with federal law?"

Senator Moore: "I'm not sure that I understand the question."

Senator Anderson: "Your comments were that the Department of Labor and Industries will cease enforcement of the state law as of the effective date of the federal law, but that is only for one portion of the state law?"

Senator Moore: "Yes."

Senator Anderson: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1346.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1346 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Newhouse, Sellar, Smith, L. and West - 13.

HOUSE BILL NO. 1346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1580, by House Committee on Higher Education (originally sponsored by Representatives Quall, Brumsickle, Jacobsen, Bray, Rayburn, Finkbeiner, Kessler, J. Kohl, Shin, G. Fisher, Springer, Romero, R. Johnson, Linville and Basich)

Requiring strategies to shorten time to degree and improve graduation rates.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that, in public colleges and universities, improvement is needed in graduation rates and in the length of time required for students to attain their educational objectives. The legislature also finds that public colleges and universities should offer classes in a way that will permit full-time students to complete a degree or certificate program in about the amount of time described in the institution's catalog as necessary to complete that degree or certificate program.

NEW SECTION. Sec. 2. (1) By May 15, 1994, each state institution of higher education, as part of its strategic plan, shall adopt strategies designed to shorten the time required for students to complete a degree or certificate and to improve the graduation rate for all students.

(2) Beginning with the fall 1995-96 academic term, each institution of higher education as defined in RCW 28B.10.016 shall implement the strategies described in subsection (1) of this section.

NEW SECTION. Sec. 3. (1) By May 30, 1994, each public four-year institution of higher education shall forward to the higher education coordinating board for its review and comment, certain preliminary components of the institution's strategic plan. The components shall include strategies to improve student graduation rates and shorten the time needed for students to obtain a baccalaureate degree.

(2) By September 30, 1994, the state board for community and technical colleges will forward to the higher education coordinating board for its review and comment, a report on the strategies adopted by community and technical colleges to speed the progress of students towards their educational goals and to shorten the time needed for students to obtain a degree or certificate.

(3) By December 15, 1994, the higher education coordinating board shall report to the governor and the higher education committees of the house of representatives and senate on its review of strategies designed to improve graduation rates and shorten the time needed for students to obtain a degree or certificate. The report shall include an analysis of system-wide strategies and recommendations for any legislation necessary to assist institutions with the implementation of their plans.

NEW SECTION. Sec. 4. Each institution of higher education as defined in RCW 28B.10.016 may enter into a student progression understanding with an interested student. The terms of the understanding shall permit a student to obtain a degree or certificate within the standard period of time assumed for a full-time student pursuing that degree or certificate. Usually, the standard amount of time will be about two years for an associate of arts degree and about four years for a baccalaureate degree. Student progression understandings shall not give rise to any cause of action on behalf of any student as a result of the failure of any state institution of higher education to fulfill its obligations under the student progression understanding.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 28B.10 RCW."

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "and adding new sections to chapter 28B.10 RCW."

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1580, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1580, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1580, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 1580, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1367, by House Committee on State Government (originally sponsored by Representatives Jones, Reams and Kessler)

Providing for mandatory election recounts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1367 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Rinehart - 1.

SUBSTITUTE HOUSE BILL NO. 1367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Bauer moved that the Senate now consider the following Gubernatorial Appointments and that the appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately: Gubernatorial Appointment No. 9141, Dale Boose; Gubernatorial Appointment No. 9144, Al Brisbois; Gubernatorial Appointment No. 9149, John Carter; Gubernatorial No. 9150, Karen Carter; Gubernatorial Appointment No. 9175, Roberta J. Greene; and Gubernatorial Appointment No. 9247, Marian Svinth; all as members of the Work Force Training and Education Coordinating Board.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate confirm the listed Gubernatorial Appointments to the Work Force Training and Education Coordination Board.

The motion by Senator Bauer carried.

The President declared the question before the Senate to be the roll call on Gubernatorial Appointment No. 9141, Dale Boose; Gubernatorial Appointment No. 9144, Al Brisbois; Gubernatorial Appointment No. 9149, John Carter; Gubernatorial Appointment No. 9150, Karen Carter; Gubernatorial Appointment No. 9175, Roberta J. Greene; and Gubernatorial Appointment No. 9247, Marian Svinth; all as members of the Work Force Training and Education Coordinating Board.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9141, Dale Boose, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF DALE BOOSE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9144, Al Brisbois, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF AL BRISBOIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9149, John Carter, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF JOHN CARTER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9150, Karen Carter, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF KAREN CARTER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9175, Roberta J. Green, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF ROBERTA J. GREENE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9247, Marian Svinth, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF MARIAN SVINTH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

Senator Bauer moved that the Senate now consider the following Gubernatorial Appointments and that the appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately: Gubernatorial Appointment No. 9135, Frank Armijo; Gubernatorial Appointment No. 9160, Jack Durney; Gubernatorial Appointment No. 9165, James H. Freeman; Gubernatorial Appointment No. 9169, Dennis Uyemura; Gubernatorial Appointment No. 9186, Sally Jarvis; Gubernatorial Appointment No. 9187, Inez Johnson; Gubernatorial Appointment No. 9194, Lynn Kessler; Gubernatorial Appointment No. 9197, Lowell E. Knutson; Gubernatorial Appointment No. 9214, Alicia Nakata; Gubernatorial Appointment No. 9216, Mary Nichols; Gubernatorial Appointment No. 9231, Art Runestrand; Gubernatorial Appointment No. 9246, R. C. Strauss; Gubernatorial

Appointment No. 9249, Bernie Thomas; and Gubernatorial Appointment No. 9259, Arnold Wright; all as members of Boards of Trustees for Community or Technical Colleges.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate confirm the listed Gubernatorial Appointments to Boards of Trustees for Community or Technical Colleges.

The motion by Senator Bauer carried.

The President declared the question before the Senate to be the roll call on Gubernatorial Appointment No. 9135, Frank Armijo; Gubernatorial Appointment No. 9160, Jack Durney; Gubernatorial Appointment No. 9165, James H. Freeman; Gubernatorial Appointment No. 9169, Dennis Uyemura; Gubernatorial Appointment No. 9186, Sally Jarvis; Gubernatorial Appointment No. 9187, Inez Johnson; Gubernatorial Appointment No. 9194, Lynn Kessler; Gubernatorial Appointment No. 9197, Lowell E. Knutson; Gubernatorial Appointment No. 9214, Alicia Nakata; Gubernatorial Appointment No. 9216, Mary Nichols; Gubernatorial Appointment No. 9231, Art Runestrand; Gubernatorial Appointment No. 9246, R. C. Strauss; Gubernatorial Appointment No. 9249, Bernie Thomas; and Gubernatorial Appointment No. 9259, Arnold Wright; all as members of Boards of Trustees for Community or Technical Colleges.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9135, Frank Armijo, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF FRANK ARMIJO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9160, Jack Durney, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF JACK DURNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9165, James H. Freeman, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

APPOINTMENT OF JAMES H. FREEMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9169, Dennis Uyemura, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF DENNIS UYEMURA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9186, Sally Jarvis, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF SALLY JARVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9187, Inez Johnson, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF INEZ JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9194, Representative Lynn Kessler, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF REPRESENTATIVE LYNN KESSLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9197, Lowell E. Knutson, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6, was confirmed.

APPOINTMENT OF LOWELL E. KNUTSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9214, Alicia Nakata, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF ALICIA NAKATA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9216, Mary Nichols, as a member of the Board of Trustees for Bellingham Community College District No. 25, was confirmed.

APPOINTMENT OF MARY NICHOLS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9231, Art Runestrand, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

APPOINTMENT OF ART RUNESTRAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9246, R. C. Strauss, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF R. C. STRAUSS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9249, Bernie Thomas, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF BERNIE THOMAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9259, Arnold Wright, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF ARNOLD WRIGHT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5937 with the following amendment(s):

On page 2, line 17, strike lines 17 through 20 and insert:

"(6) Indebtedness authorized or incurred before the effective date of this act pursuant to statute (~~heretofore or hereafter enacted~~) which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues"

On page 2, line 26, after "Indebtedness" insert "authorized and"

On page 2, line 29, after "treasury" insert "except higher education operating fees", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Jesernig moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5937. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Jesernig that the Senate do concur in the House amendments to Substitute Senate Bill No. 5937.

The motion by Senator Jesernig carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5937.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5937, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5937, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, McCaslin, McDonald, Nelson and West - 8.

SUBSTITUTE SENATE BILL NO. 5937, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Talmadge moved that the Senate now consider the following Gubernatorial Appointments and that the appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately: Gubernatorial Appointment No. 9133, Timothy J. Adams; Gubernatorial Appointment No. 9155, Wilford Collins, Jr.; Gubernatorial Appointment No. 9158, Nancy J. Donigan; Gubernatorial Appointment No. 9203, Pam Lucas; Gubernatorial Appointment No. 9212, Elizabeth Muktarian; Gubernatorial Appointment No. 9227, Thomas Roe; Gubernatorial Appointment No. 9237, Mark E. Soelling; Gubernatorial Appointment No. 9253, Dennis Twigg; and Gubernatorial Appointment No. 9319, Ronald Murphy; all as members of the Eastern or Western Washington State Hospital Advisory Boards.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate confirm the listed Gubernatorial Appointments to the Eastern or Western Washington State Hospital Advisory Boards.

The motion by Senator Talmadge carried.

The President declared the question before the Senate to be the roll call on Gubernatorial Appointment No. 9133, Timothy J. Adams; Gubernatorial Appointment No. 9155, Wilford Collins, Jr.; Gubernatorial Appointment No. 9158, Nancy J. Donigan; Gubernatorial Appointment No. 9203, Pam Lucas; Gubernatorial Appointment No. 9212, Elizabeth Muktarian; Gubernatorial Appointment No. 9227, Thomas Roe; Gubernatorial Appointment No. 9237, Mark E. Soelling; Gubernatorial Appointment No. 9253, Dennis Twigg; and Gubernatorial Appointment No. 9319, Ronald Murphy; all as members of the Eastern or Western Washington State Hospital Advisory Boards.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9133, Timothy J. Adams, as a member of the Eastern Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF TIMOTHY J. ADAMS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9155, Wilford Collins, Jr., as a member of the Western Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF WILFORD COLLINS, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9158, Nancy J. Donigan, as a member of the Western Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF NANCY J. DONIGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9203, Pam Lucas, as a member of the Eastern Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF PAM LUCAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9212, Elizabeth Muktarian, as a member of the Western Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF ELIZABETH MUKTARIAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9227, Thomas Roe, as a member of the Eastern Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF THOMAS ROE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9237, Mark E. Soelling, as a member of the Western Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF MARK E. SOELLING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9253, Dennis Twigg, as a member of the Eastern Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF DENNIS TWIGG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9319, Ronald Murphy, as a member of the Eastern Washington State Hospital Advisory Board, was confirmed.

APPOINTMENT OF RONALD MURPHY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

Senator Bauer moved that the Senate now consider the following Gubernatorial Appointments and that the appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately: Gubernatorial Appointment No. 9280, Jerome Farris and Gubernatorial Appointment No. 9281, H. Jon Runstad, both as members of the Board of Regents for the University of Washington.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate confirm the listed Gubernatorial Appointments to the Board of Regents for the University of Washington.

The motion by Senator Bauer carried.

The President declared the question before the Senate to be the roll call on Gubernatorial Appointment No. 9280, Jerome Farris and Gubernatorial Appointment No. 9281, H. Jon Runstad, both as members of the Board of Regents for the University of Washington.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9280, Jerome Farris, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF JEROME FARRIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9281, H. Jon Runstad, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF H. JON RUNSTAD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9282, Samuel Stroum, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF SAMUEL STROUM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senators Amondson, Deccio and McCaslin - 3.

MOTION

Senator Bauer moved that the Senate now consider the following Gubernatorial Appointments and that the appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately: Gubernatorial Appointment No. 9132, Jean H. Adams; Gubernatorial Appointment No. 9146, Scott Brundage; Gubernatorial Appointment No. 9147, Bruce L. Cardwell; Gubernatorial Appointment No. 9167, Wendell George; Gubernatorial Appointment No. 9174, Julie Grant; Gubernatorial Appointment No. 9177, Donald J. Hale; Gubernatorial Appointment No. 9179, F. Murray Haskell; Gubernatorial Appointment No. 9181, Gary Healea; Gubernatorial Appointment No. 9183, M. J. Hrdlicka; Gubernatorial Appointment No. 9184, Betty Hogan; Gubernatorial Appointment No. 9185, Donald Jacobson; Gubernatorial Appointment No. 9189, A. M. Jorgenson; Gubernatorial Appointment No. 9190, Rod Kawakami; Gubernatorial No. 9191, Carolyn Keck; Gubernatorial Appointment No. 9196, John P. Kniskern; Gubernatorial Appointment No. 9201, John Lantz; Gubernatorial Appointment No. 9206, Holly Echo-Hawk Middleton; Gubernatorial Appointment No. 9210, William G. Morris; Gubernatorial Appointment No. 9215, John M. Nettleton; Gubernatorial Appointment No. 9217, Thomas H. Nixon; Gubernatorial Appointment No. 9220, Bonnie J. Polhamus; Gubernatorial Appointment No. 9224, Cynthia K. Rekdal; Gubernatorial Appointment No. 9225, Susan Ringwood; Gubernatorial Appointment No. 9230, Jose G. Ruiz; Gubernatorial Appointment No. 9235, Patricia Schrom; Gubernatorial Appointment No. 9240, Kathy Simonis; Gubernatorial Appointment No. 9248, Alexander Swantz; and Gubernatorial Appointment No. 9255, James G. Walton; all as members of Boards of Trustees for Community Colleges or Technical Colleges.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate confirm the listed Gubernatorial Appointments to Boards of Trustees for Community or Technical Colleges.

The motion by Senator Bauer carried.

The President declared the question before the Senate to be the roll call on Gubernatorial Appointment No. 9132, Jean H. Adams; Gubernatorial Appointment No. 9146, Scott Brundage; Gubernatorial Appointment No. 9147, Bruce L. Cardwell; Gubernatorial Appointment No. 9167, Wendell George; Gubernatorial Appointment No. 9174, Julie Grant; Gubernatorial Appointment No. 9177, Donald J. Hale; Gubernatorial Appointment No. 9179, F. Murray Haskell; Gubernatorial Appointment No. 9181, Gary Healea; Gubernatorial Appointment No. 9183, M. J. Hrdlicka; Gubernatorial Appointment No. 9184, Betty Hogan; Gubernatorial Appointment No. 9185, Donald Jacobson; Gubernatorial Appointment No. 9189, A. M. Jorgenson; Gubernatorial Appointment No. 9190, Rod Kawakami; Gubernatorial No. 9191, Carolyn Keck; Gubernatorial Appointment No. 9196, John P. Kniskern; Gubernatorial Appointment No. 9201, John Lantz; Gubernatorial Appointment No. 9206, Holly Echo-Hawk Middleton; Gubernatorial Appointment No. 9210, William G. Morris; Gubernatorial Appointment No. 9215, John M. Nettleton; Gubernatorial Appointment No. 9217, Thomas H. Nixon; Gubernatorial Appointment No. 9220, Bonnie J. Polhamus; Gubernatorial Appointment No. 9224, Cynthia K. Rekdal; Gubernatorial Appointment No. 9225, Susan Ringwood; Gubernatorial Appointment No. 9230, Jose G. Ruiz; Gubernatorial Appointment No. 9235, Patricia Schrom; Gubernatorial Appointment No. 9240, Kathy Simonis; Gubernatorial Appointment No. 9248, Alexander Swantz; and Gubernatorial Appointment No. 9255, James G. Walton; all as members of Boards of Trustees for Community Colleges or Technical Colleges.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9132, Jean H. Adams, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF JEAN H. ADAMS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9146, Scott Brundage, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF SCOTT BRUNDAGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9147, Bruce L. Cardwell, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF BRUCE L. CARDWELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9167, Wendell George, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF WENDELL GEORGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9174, Julie Grant, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF JULIE GRANT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9177, Donald J. Hale, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF DONALD J. HALE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9179, F. Murray Haskell, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

APPOINTMENT OF F. MURRAY HASKELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9181, Gary Healea, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF GARY HEALEA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9183, M. J. Hrdlicka, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF M. J. HRDLICKA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9184, Betty Hogan, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF BETTY HOGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9185, Donald Jacobson, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

APPOINTMENT OF DONALD JACOBSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9189, A. M. Jorgensen, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

APPOINTMENT OF A. M. JORGENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9190, Rod Kawakami, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

APPOINTMENT OF ROD KAWAKAMI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9191, Carolyn Keck, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF CAROLYN KECK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9196, John P. Kniskern, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF JOHN P. KNISKERN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9201, John Lantz, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF JOHN LANTZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9206, Holly Echo-Hawk Middleton, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF HOLLY-ECHO-HAWK MIDDLETON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9210, William G. Morris, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF WILLIAM G. MORRIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9215, John M. Nettleton, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF JOHN M. NETTLETON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9217, Thomas H. Nixon, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF THOMAS H. NIXON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9220, Bonnie J. Polhamus, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF BONNIE J. POLHAMUS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9224, Cynthia K. Rekdal, as a member of the Board of Trustees for Seattle, South Seattle, and North Seattle Community College District No. 6, was confirmed.

APPOINTMENT OF CYNTHIA K. REKDAL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9225, Susan Ringwood, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

APPOINTMENT OF SUSAN RINGWOOD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9230, Jose G. Ruiz, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF JOSE G. RUIZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9235, Patricia Schrom, as a member of the Board of Trustees for Big Bend Community College District No. 18 was confirmed.

APPOINTMENT OF PATRICIA SCHROM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9240, Kathy Simonis, as a member of the Board of Trustees for Centralia Community College District No. 12 was confirmed.

APPOINTMENT OF KATHY SIMONIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9248, Alexander Swantz, as a member of the Board of Trustees for Walla Walla Community College District No. 20 was confirmed.

APPOINTMENT OF ALEXANDER SWANTZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9255, James G. Walton, as a member of the Board of Trustees for Spokane Community College District No. 17 was confirmed.

APPOINTMENT OF JAMES G. WALTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

Senator Bauer moved that the Senate now consider the following Gubernatorial Appointments and that the appointments be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately: Gubernatorial Appointment No. 9170, May Gerstle and Gubernatorial Appointment No. 9233, Antonio Santoy, both as members of the State Board for Community and Technical Colleges.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate confirm the listed Gubernatorial Appointments to the State Board for Community and Technical Colleges.

The motion by Senator Bauer carried.

The President declared the question before the Senate to be the roll call on Gubernatorial Appointment No. 9170, May Gerstle and Gubernatorial Appointment No. 9233, Antonio Santoy, both as members of the State Board for Community and Technical Colleges.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9170, May Gerstle, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF MAY GERSTLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9233, Antonio Santoy, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF ANTONIO SANTOY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1893, by House Committee on Transportation (originally sponsored by Representatives Zellinsky, Forner, R. Fisher and Kremen)

Regulating motor vehicle dealers' buyer's agents relationships.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1893.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1893 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 1893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Flemming, Leonard, Veloria, Chappell, R. Fisher, Dunshee, Linville, Eide,

Franklin, Ludwig, Roland, Rayburn, Pruitt, Finkbeiner, Holm, Basich, Lemmon, Johanson, Karahalios, Jones, H. Myers, Morris, L. Johnson, Ogden and J. Kohl)

Providing for youth gang violence reduction.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:
Strike everything after the enacting clause and insert the following:

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

(1) The number of youth who are members and associates of gangs and commit gang violence has significantly increased throughout the entire greater Puget Sound, Spokane, and other areas of the state;

(2) Youth gang violence has caused a tremendous strain on the progress of the communities impacted. The loss of life, property, and positive opportunity for growth caused by youth gang violence has reached intolerable levels. Increased youth gang activity has seriously strained the budgets of many local jurisdictions, as well as threatened the ability of the educational system to educate our youth;

(3) Among youth gang members the high school drop-out rate is significantly higher than among nongang members. Since the economic future of our state depends on a highly educated and skilled work force, this high school drop-out rate threatens the economic welfare of our future work force, as well as the future economic growth of our state;

(4) The unemployment rate among youth gang members is higher than that among the general youth population. The unusual unemployment rate, lack of education and skills, and the increased criminal activity could significantly impact our future prison population;

(5) Most youth gangs are subcultural. This implies that gangs provide the nurturing, discipline, and guidance to gang youth and potential gang youth that is generally provided by communities and other social systems. The subcultural designation means that youth gang participation and violence can be effectively reduced in Washington communities and schools through the involvement of community, educational, criminal justice, and employment systems working in a unified manner with parents and individuals who have a firsthand knowledge of youth gangs and at-risk youth; and

(6) A strong unified effort among parents and community, educational, criminal justice, and employment systems would facilitate: (a) The learning process; (b) the control and reduction of gang violence; (c) the prevention of youth joining negative gangs; and (d) the intervention into youth gangs.

NEW SECTION. Sec. 2. It is the intent of the legislature to cause the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government. It is also the intent of the legislature that if the prevention and intervention pilot programs are determined to be effective in reducing problems associated with youth gang violence, that other counties in the state be eligible to receive special state funding to establish similar positive prevention and intervention programs.

NEW SECTION. Sec. 3. Unless the context otherwise requires, the following definitions shall apply throughout sections 1 through 11 of this act:

(1) "School" means any public school within a school district any portion of which is in a county with a population of over one hundred ninety thousand.

(2) "Community organization" means any organization recognized by a city or county as such, as well as private, nonprofit organizations registered with the secretary of state.

(3) "Gang risk prevention and intervention pilot program" means a community-based positive prevention and intervention program for gang members, potential gang members, at-risk youth, and elementary through high school-aged youth directed at all of the following:

(a) Reducing the probability of youth involvement in gang activities and consequent violence.

(b) Establishing ties, at an early age, between youth and community organizations.

(c) Committing local business and community resources to positive programming for youth.

(d) Committing state resources to assist in creating the gang risk prevention and intervention pilot programs.

(4) "Cultural awareness retreat" means a program that temporarily relocates at-risk youth or gang members and their parents from their usual social environment to a different social environment, with the specific purpose of having them performing activities which will enhance or increase their positive behavior and potential life successes.

NEW SECTION. Sec. 4. (1) The department of community development may recommend existing programs or contract with either school districts or community organizations, or both, through a request for proposal process for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1994-95 session, and last for a duration of two years.

(3) The school district or community organization proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the department of community development. To the extent possible, proposals shall contain empirical data on current problems, such as drop-out rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

(4) Grants awarded under this section may not be used for the administrative costs of the school district or the individual school.

NEW SECTION. Sec. 5. (1) A school district in a county with a population of over one hundred ninety thousand may request proposals for establishing gang risk prevention and intervention pilot programs from either public entities that apply jointly with individual schools or community organizations. The proposals shall be reviewed and recommendations for awarding grants shall be made by a committee made up of: (a) A representative from the school district taking the proposal, appointed by the school district's board of directors; (b) a representative appointed by the director of the department of community development or designate; and (c) a representative from the local juvenile court administration.

(2) A school district or community organization, upon its election to enter into a contract pursuant to section 4 of this act, shall, no later than March 1, 1994, submit a standard request for proposals.

(3) Proposals made to the department of community development must comply with the conditions of the grant.

(4) The department of community development shall additionally monitor and evaluate the gang risk prevention and intervention pilot programs pursuant to the following criteria:

(a) Success in obtaining stated goals.

(b) Reduction in drop-out rates.

(c) Reduction in violence among students, on and off campus.

(d) Development of techniques for early identification of at-risk youth.

(5) The school district or community organization shall report to the department of community development the results of the program.

(6) Grants awarded under this section may not be used for administrative costs of the school district or the individual school.

NEW SECTION. Sec. 6. Gang risk prevention and intervention pilot programs shall include, but are not limited to:

(1) Counseling for targeted at-risk students, parents, and families, individually and collectively.

(2) Exposure to positive sports and cultural activities, promoting affiliations between youth and the local community.

(3) Job training, which may include apprentice programs in coordination with local businesses, job skills development at the school, or information about vocational opportunities in the community.

(4) Positive interaction with local law enforcement personnel.

(5) The use of local organizations to provide job search training skills.

(6) Cultural awareness retreats.

(7) The use of specified state resources, as requested.

(8) Full service schools under section 9 of this act.

(9) Community service such as volunteerism and citizenship.

NEW SECTION. Sec. 7. (1) Upon request from the local community organization receiving an award under section 5 of this act or the granting local school district, or both, the employment security department shall provide a job counselor or counselors to assist at cultural awareness retreats. The counselor shall provide assistance with the following:

(a) Testing for job occupation preferences.

(b) Information on the skills needed for different occupations.

(c) Coordinating the personal appearance of small business owners or corporate managers to explain the type of skills and characteristics businesses currently need in prospective employees, as well as those of prospective future employees.

(d) Establishing a business mentor program between the small business owners or corporate managers and the youth who are willing to participate.

(e) Establishing a specific program that provides help with employment opportunities for youth who attend cultural awareness retreats.

The department may provide other services than those specified.

(2) Upon request from the local community organization awarded the grant, the local school district, or both, the department may provide those services specified in subsection (1) of this section for the youth who are receiving services from the local community organization.

NEW SECTION. Sec. 8. Upon request from the local community organization receiving an award under section 5 of this act or the granting local school district, or both, the department of labor and industries shall:

(1) Provide information and assistance with regards to the skills and educational backgrounds needed to apply for apprenticeship programs.

(2) Provide direction and assistance with applications for apprenticeship programs.

(3) Explore and examine the feasibility of establishing preapprenticeship programs for those youth who cannot qualify for apprenticeships because of age or educational deficiencies, and are participating or have participated in the retreat.

(4) Provide assistance for and coordination of the personal appearance of representatives of the joint apprenticeship committee with the specific purpose of discussing the skills needed to perform different occupations.

(5) Provide assistance for and coordination of the establishment of a joint apprenticeship mentor program with those youth who are participating or have participated in the retreat program.

The department may provide other services.

Upon request from the local community organization receiving the award under section 5 of this act or the local school district, or both, the department shall provide the services in this section either at the grant-receiving school or at the cultural awareness retreat, or both.

NEW SECTION. Sec. 9. (1) The purpose of a full service school shall be to increase the interaction between youth and the community at large. A full service school shall provide a wide range of opportunities for all citizens, including goals under RCW 28A.620.010 (1), (2), (3), and (6), and subsection (2) of this section.

(2) Either the local school district or the local community organization, or both, that received a grant under section 5 of this act shall work with other community organizations, the superintendent of public instruction, and school personnel in the selected school to determine the services needed by the community that shall be offered at the full service school.

NEW SECTION. Sec. 10. (1) Upon request, the division of juvenile rehabilitation shall through cooperation with private business or through interagency agreement with the state parks and recreation commission or department of natural resources, or

both, provide facilities for cultural awareness retreats. The requests for facilities must be made by one of the following: (a) The community organization receiving the grant, or (b) the local school district that assisted in awarding the grant. The division may provide other services as requested.

(2) The services may be, but are not limited to, persons knowledgeable of juvenile gang behavior.

(3) Upon receiving a request for cultural awareness retreat facilities, the division shall notify the departments of employment security and labor and industries of the organization requesting the retreat, and the time, place, and date of the retreat.

NEW SECTION. Sec. 11. Cultural awareness retreats shall include but are not limited to the following programs:

(1) To develop positive attitudes and self-esteem.

(2) To develop youth decision-making ability.

(3) To assist with career development and educational development.

(4) To help develop respect for the community, and ethnic origin.

NEW SECTION. Sec. 12. Sections 2 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating new sections."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1333, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1333, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1333, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1708, by Representatives Peery, Ballard, Dorn, Brough, Jones, Pruitt, Cothorn, Basich, Hansen, Roland, Fuhrman, Jacobsen, Ogden, Karahalios, J. Kohl, H. Myers and Johanson

Increasing the membership of the commission on student learning.

The bill was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the student learning goals of the governor's council on education reform and funding, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed no later than ~~((February))~~ May 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies of gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ (2) The commission shall begin its substantive work subject to ~~((subsection (1) of this section))~~ section 202(1), chapter 141, Laws of 1992.

~~((4))~~ (3) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (4) The commission, with the assistance of the technical advisory committees, shall:

(a) Identify what all elementary and secondary students need to know and be able to do. At a minimum, these essential academic learning requirements shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary grades designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of methodologies, including performance-based measures. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the academic assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and shall lead to a certificate of mastery. The certificate of mastery shall be required for graduation. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Develop strategies that will assist educators in helping students master the essential academic learning requirements;

(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;

(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;

(h) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary academic assessment systems during the 1995-97 biennium and beyond;

(i) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements;

(j) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section;

(k) Report annually by December 1st to the legislature and the state board of education on the progress, findings, and recommendations of the commission; and

(l) Complete other tasks, as appropriate.

~~((6))~~ (5) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

~~((7))~~ (6) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

~~((8))~~ (7) The commission shall select an entity to provide staff support and the office of financial management shall contract with that entity. The commission may direct the office of financial management to enter into subcontracts with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations. ~~((9))~~ (8) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Senator Moyer moved that the following amendment to the Committee on Education amendment be adopted:
On page 1, line 17, after "members" insert "at least one of whom shall represent approved private schools under RCW 28A.195.010."

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Moyer on page 1, line 17, to the Committee on Education striking amendment to Engrossed House Bill No. 1708.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote:
Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 23.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

MOTION

On motion of Senator Pelz, the following amendment to the Committee on Education striking amendment was adopted:

On page 1, beginning on line 33, strike all material through "(3)" on line 35 and insert "~~((3) The commission shall begin its substantive work subject to subsection (1) of this section.~~

~~(4)) (2)"~~

Renumber the remaining subsections consecutively.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed House Bill No. 1708.

The Committee on Education striking amendment, as amended, to Engrossed House Bill No. 1708 was adopted by voice vote.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28A.630.885; and declaring an emergency."

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 1708, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1708, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1708, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Barr, Cantu, Deccio, McCaslin, McDonald, Moyer, Newhouse, Oke, Roach, Sellar, Smith, L., von Reichbauer and West - 14.

ENGROSSED HOUSE BILL NO. 1708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Jesernig, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5719.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5719 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Jesernig, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5717, by Senators Rinehart, Bluechel and Snyder (by request of Office of Financial Management)

Adopting the capital budget.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on second reading and read the second time.

Senator Deccio moved that the following amendment be adopted:

On page 119, after line 29, insert the following:

"NEW SECTION. Sec. 782. FOR WASHINGTON STATE UNIVERSITY

Washington Higher Education Telecommunication System: To provide for WHETS hook-up in Yakima to be used in conjunction with the state-wide WHETS system for use in the Washington State University satellite intercollegiate four year nursing program.

Appropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL APPROPRIATION \$ 500,000

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Deccio on page 119, after line 29 to Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Anderson, Barr, Hochstatter, McCaslin, Newhouse, Oke, Roach, Sellar, Smith, L. and von Reichbauer - 11.

SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5719, by Senators Rinehart, Bluechel and Snyder (by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1993-95 biennium.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1993-95 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred sixty-four million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020.

These proceeds shall be used exclusively for the purposes specified in section 1 of this act, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 1 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 4. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 5. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "bonds;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 5719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5719.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5719 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Anderson, Hochstatter, McCaslin, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L. and von Reichbauer - 11.

ENGROSSED SENATE BILL NO. 5719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:05 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 1:50 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5112,
ENGROSSED SENATE BILL NO. 5205,
SUBSTITUTE SENATE BILL NO. 5255,
SUBSTITUTE SENATE BILL NO. 5262,
SENATE BILL NO. 5324,
SENATE BILL NO. 5358,
SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SENATE BILL NO. 5411,
ENGROSSED SENATE BILL NO. 5423,
ENGROSSED SENATE BILL NO. 5427,
SENATE BILL NO. 5444,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5482,
SENATE BILL NO. 5572,
ENGROSSED SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5678,
SENATE BILL NO. 5693,
SENATE BILL NO. 5696,
SENATE BILL NO. 5703,
ENGROSSED SENATE BILL NO. 5729,
SUBSTITUTE SENATE BILL NO. 5821,
SENATE BILL NO. 5841, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 8, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5896,
SENATE BILL NO. 5905,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5112,
ENGROSSED SENATE BILL NO. 5205,
SUBSTITUTE SENATE BILL NO. 5255,
SUBSTITUTE SENATE BILL NO. 5262,
SENATE BILL NO. 5324,
SENATE BILL NO. 5358,
SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SENATE BILL NO. 5411,
ENGROSSED SENATE BILL NO. 5423,
ENGROSSED SENATE BILL NO. 5427,
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SENATE BILL NO. 5696,
SENATE BILL NO. 5703,
ENGROSSED SENATE BILL NO. 5729,
SUBSTITUTE SENATE BILL NO. 5821,
SENATE BILL NO. 5841.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5896,
SENATE BILL NO. 5905,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009.

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

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1110, by Representatives Vance, Leonard, Cooke, Sheldon, Basich, Foreman, Brough, Long, Karahalios, Miller, Brumsickle and Kremen

Prescribing treatment for sexually aggressive youth.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.020 and 1988 c 142 s 1 are each amended to read as follows:

For the purpose of and as used in this chapter:

- (1) "Court" means the superior court of the state of Washington, juvenile department.
- (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.
- (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ((pediatry)) podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.
- (4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.
- (5) "Department" means the state department of social and health services.
- (6) "Child" or "children" means any person under the age of eighteen years of age.
- (7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.
- (8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.
- (9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (12) "Child abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.
- (13) "Child protective services section" shall mean the child protective services section of the department.
- (14) "Adult dependent persons not able to provide for their own protection through the criminal justice system" shall be defined as those persons over the age of eighteen years who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW ((71-20-046)) 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

NEW SECTION. Sec. 2. A new section is added to chapter 26.44 RCW to read as follows:

(1) If a law enforcement agency receives a complaint that alleges that a child under age twelve has committed a sex offense as defined in RCW 9.94A.030, the agency shall investigate the complaint. If the investigation reveals that probable cause exists to believe that the youth may have committed a sex offense and the child is at least eight years of age, the agency shall refer the case to the proper county prosecuting attorney for appropriate action to determine whether the child may be prosecuted or is a sexually aggressive youth. If the child is less than eight years old, the law enforcement agency shall refer the case to the department.

(2) If the prosecutor or a judge determines the child cannot be prosecuted for the alleged sex offense because the child is incapable of committing a crime as provided in RCW 9A.04.050 and the prosecutor believes that probable cause exists to believe that the child engaged in acts that would constitute a sex offense, the prosecutor shall refer the child as a sexually aggressive youth to the department. The prosecutor shall provide the department with an affidavit stating that the prosecutor has determined that probable cause exists to believe that the juvenile has committed acts that could be prosecuted as a sex offense but the case is not being prosecuted because the juvenile is incapable of committing a crime as provided in RCW 9A.04.050.

(3) The department shall investigate any referrals that allege that a child is a sexually aggressive youth. The department may offer appropriate available services and treatment to a sexually aggressive youth and his or her parents or legal guardians as provided in RCW 74.13.075. If the parents refuse to accept or fail to obtain appropriate treatment or services, the department may pursue a dependency action as provided in chapter 13.34 RCW.

Sec. 3. RCW 74.13.075 and 1990 c 3 s 305 are each amended to read as follows:

(1) For the purposes of funds appropriated for the treatment of (~~at-risk juvenile sex offenders, "at-risk juvenile sex offenders~~) sexually aggressive youth, the term "sexually aggressive youth" means those juveniles who:

(a) Are in the care and custody of the state ((whø)) and:

~~((a))~~ (i) Have been abused; and

~~((b))~~ (ii) Have committed a sexually aggressive or other violent act that is sexual in nature; or

~~((c))~~ (b) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) In expending these funds, the department of social and health services shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment; ~~((and))~~

(e) The cost of the treatment; and

(f) The ability of the juvenile's parent or guardian to pay for the treatment.

Sec. 4. RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; ~~((or))~~

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist; or

(e) Who is a "sexually aggressive youth," as defined in RCW 74.13.075(1)(b) and whose parent or guardian has failed to obtain or refused to accept available appropriate treatment or services.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW to read as follows:

When the petition for dependency alleges that the child is a sexually aggressive youth and the parent or guardian has failed to obtain or has refused to accept available appropriate treatment, the court may order that the child receive an evaluation to determine whether the child needs treatment or other services. Prior to entry of an order of dependency on the petition, the court must find by a preponderance of the evidence at the fact-finding hearing held pursuant to RCW 13.34.110 that the child has committed acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030, that the parent or guardian has failed to obtain or has refused to accept available appropriate treatment or services, and that treatment and services are available. If the court orders the child receive an evaluation, treatment, or services, the parent or legal guardian must pay for the evaluation, treatment, and services based on the parent's or guardian's ability to pay. The department shall develop a fair and equitable payment schedule.

Sec. 6. RCW 13.34.130 and 1992 c 145 s 14 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanent plan of care that may include one of the following: Return of the child to the home of the child's parent, adoption, guardianship, or long-term placement with a relative or in foster care with a written agreement.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(6) If the sole basis for finding that the child is dependent is the parent's failure to obtain or refusal to accept treatment for a child that is a sexually aggressive youth, the court must limit the department's scope of authority to the amount necessary to obtain treatment and services for the child. The court may not order that the child be removed from the home or expand the department's authority unless the court finds that removing the child or expanding the department's authority is necessary to treat the child or to provide services.

NEW SECTION. Sec. 7. The secretary of the department of social and health services is authorized to transfer surplus, unused treatment funds from the civil commitment center operated under chapter 71.09 RCW to the division of children and family services to provide treatment services for sexually aggressive youth."

On motion of Senator Adam Smith, the following amendments to the Committee on Law and Justice striking amendment were considered simultaneously and were adopted:

On page 4, line 23 of the amendment, after "youth." insert "The purpose of the investigation shall be to determine whether the child is abused or neglected, as defined in this chapter, and whether the child or the child's parents are in need of services or treatment."

On page 4, line 26 of the amendment, after "74.13.075" insert "and may refer the child and his or her parents to appropriate treatment and services available within the community"

On page 4, line 27 of the amendment, after "services" insert "under circumstances that indicate that the refusal or failure is child abuse or neglect, as defined in this chapter"

On page 4, after line 28 of the amendment, insert the following:

"(4) Nothing in this section shall affect the responsibility of a law enforcement agency to report incidents of abuse or neglect as required in RCW 26.44.030(5)."

On page 5, beginning on line 18 of the amendment, strike all of sections 4, 5, and 6

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

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed House Bill No. 1110.

The Committee on Law and Justice striking amendment, as amended, to Engrossed House Bill No. 1110 was adopted by voice vote.

MOTIONS

On motion of Senator Adam Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 26.44.020, 74.13.075, 13.34.030, and 13.34.130; adding a new section to chapter 26.44 RCW; adding a new section to chapter 13.34 RCW; and creating a new section."

On page 11, beginning on line 21 of the title amendment, after "26.44.020" strike all material through "13.34 RCW" on line 23 and insert "and 74.13.075; adding a new section to chapter 26.44 RCW"

On motion of Senator Adam Smith, the rules were suspended, Engrossed House Bill No. 1110, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1110, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1110, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 44.

Absent: Senators Amondson, McCaslin, Sellar and West - 4.

Excused: Senator Rinehart - 1.

ENGROSSED HOUSE BILL NO. 1110, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5342, by Senators Vognild and Skratek (by request of Department of Transportation)

Repealing the tax credit and exemption for alcohol used as fuel.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the following Committee on Transportation amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.36.225 and 1991 c 145 s 2 are each amended to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles, farm implements and machines, or implements of husbandry is exempt from the motor vehicle fuel tax under this chapter. In addition, a tax credit of sixty percent of the tax rate imposed by RCW 82.36.025 shall be given for every gallon of alcohol used in an alcohol-gasoline blend which contains at least nine and one-half percent or more by volume of alcohol: PROVIDED, That in no case may the tax credit claimed be greater than the tax due on the gasoline portion of the blended fuel. The exemption and tax credit provided in this section do not apply to motor fuels sold in a county when a requirement to sell oxygenated fuels for purposes of reaching clean air attainments under chapter 70.94 RCW is in effect.

This section shall expire on December 31, 1999."

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and Prince be adopted:

On page 1, after line 5, insert:

"NEW SECTION. Sec. 2. A new section is added to Chapter 82.36 RCW to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles, farm implements and machines, or implements of husbandry is exempt from the motor vehicle fuel tax under this chapter if such alcohol was manufactured by a company that has been verified by the department as having sold less than eight million gallons of alcohol for use as motor fuel in the prior calendar year. In addition, a tax credit of sixty percent of the tax rate imposed by RCW 82.36.025 shall be given for every gallon of alcohol used in an alcohol-gasoline blend which contains at least nine and one-half percent or more by volume of alcohol: PROVIDED, That in no case may the tax credit claimed be greater than the tax due on the gasoline portion of the blended fuel.

This section shall expire on December 31, 1999."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Prince on page 1, after line 5, to Senate Bill No. 5342.

The motion by Senator Vognild carried and the amendment was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 2 of the title, after "fuel;" strike "and" and after "82.36.225" insert "; and adding a new section to Chapter 82.36 RCW"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Nelson: "Senator Vognild, with the amendment we have now adopted on Senate Bill No. 5342, what is the anticipated increase in the taxes per gallon of oxygenated fuel that would be expected in the state of Washington?" Senator Vognild: "In discussing that with some of the representatives of the oil companies down here, it is possible that there will be no increase at all at the pumps. If in fact, there were to be any increase in the pumps, if we look at the roughly forty-two million dollars per biennium--twenty-one million per year--that would be about, probably, three quarters of a penny, at the most."

Senator Nelson: "Isn't it true, Senator Vognild, that about one penny of motor vehicle fuel tax is roughly twenty-eight million a year?"

Senator Vognild: "Yes, about twenty-six, I think, is what we used in our forecast."

Senator Nelson: "So, if one were to prorate that according to this exemption, that we probably are looking at anywhere from one and half to two pennies of increase in fuel to the consumer in the state of Washington just based on that prorate?"

Senator Vognild: "I don't think so, Senator. That twenty-six million is an annual figure and the forty-two million I mentioned in here is a biennial figure, so if you take the forty-two, cut in two, it comes out about twenty-one and I would relate that to roughly three-quarters, just doing it in my head."

Further debate ensued.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5342.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, McDonald, Nelson, Roach, Sellar, Smith, L., von Reichbauer and West - 11.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5963, by Senators Vognild, Loveland, Newhouse and Nelson (by request of Department of Transportation)

Providing for priority programming of multimodal solutions to address state highway deficiencies.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5963 was substituted for Senate Bill No. 5963 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5963 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5963.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5963 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5963, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:21 p.m., on motion of Senator Jesernig, the Senate recessed until 2:45 p.m.

The Senate was called to order at 3:03 p.m. by President Pritchard.

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

REPORTS OF STANDING COMMITTEES

April 8, 1993

SB 5723 Prime Sponsor, Senator Rinehart: Providing for revenue collection for the department of social and health services.

Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1993

ESHB 1089 Prime Sponsor, House Committee on Environmental Affairs: Changing air quality operating permit requirements.
Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Ecology and Parks. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, Moyer, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1993

ESHB 1320 Prime Sponsor, House Committee on Natural Resources and Parks: Modifying the forest fire protection assessment.
Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Moyer, Pelz, Quigley, Snyder, Sutherland, Talmadge, and West.

Passed to Committee on Rules for second reading.

April 8, 1993

ESHB 1806 Prime Sponsor, House Committee on Environmental Affairs: Changing regulation and licensure of well contractors and operators. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Ecology and Parks. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, Moyer, Niemi, Owen, Pelz, Quigley, L. Smith, Snyder, Sutherland, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

April 8, 1993

ESHB 1988 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Providing for employment and training services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass with amendment to the amendment by Committee on Trade, Technology and Economic Development. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Moyer, Niemi, Owen, Pelz, Roach, Snyder, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

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

INTRODUCTION AND FIRST READING

SB 5984 by Senators Sheldon and Rinehart

AN ACT Relating to the department of services for the blind; and amending RCW 74.18.230.

Referred to Committee on Ways and Means.

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

SECOND READING

SENATE BILL NO. 5972, by Senators Vognild (by request of Office of Financial Management)

Adopting the transportation budget.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5972 was substituted for Senate Bill No. 5972 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1995.

Any bill enacted during the 1993 legislative session requiring expenditure from a transportation-related fund or account that was not heard by either of the transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 212,000

Highway Safety Fund--Federal Appropriation \$ 2,545,000

Transportation Fund--State Appropriation \$ 600,000

TOTAL APPROPRIATION \$ 3,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the transportation fund shall be used solely to fund community DWI task forces. Funding from the transportation fund for any community DWI task force may not exceed fifty percent of total expenditures in support of that task force.

(2) It is the intent of the legislature that the Washington traffic safety commission be abolished as of July 1, 1994. The office of the governor shall submit to the legislative transportation committee by December 15, 1993, a plan for transferring the responsibilities of the Washington traffic safety commission to an existing transportation agency. The appropriations from the highway safety fund--state and highway safety fund--federal represent funding necessary to operate the agency for fiscal year 1994 only.

(3) \$175,000 of the highway safety fund--federal appropriation may be used only to fund the law and justice program. As of July 1, 1993, the law and justice program shall be transferred from the department of licensing to the Washington traffic safety commission.

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ 218,000

NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation

Account--State Appropriation \$ 24,247,000

Motor Vehicle Fund--Rural Arterial Trust

Account--State Appropriation \$ 61,838,000

Motor Vehicle Fund--Private Local Appropriation \$ 508,000

Motor Vehicle Fund--State Appropriation \$ 1,331,000

TOTAL APPROPRIATION \$ 87,924,000

NEW SECTION. Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation \$ 184,000,000

Motor Vehicle Fund--Urban Arterial Trust

Account--State Appropriation \$ 26,322,000

Motor Vehicle Fund--City Hardship Assistance

Account--State Appropriation \$ 1,500,000

TOTAL APPROPRIATION \$ 211,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement board shall present to the legislative transportation committee by December 15, 1993, proposed legislation and an action plan to address the recommendations identified in the 1992 evaluation of the transportation improvement board by the subcommittee on transportation boards and commissions of the legislative transportation committee.

(2) The transportation improvement board shall on a quarterly basis present to the legislative transportation committee and the office of financial management an analysis of project cost changes as they apply to overall project costs, for projects funded from the transportation improvement account and the urban arterial trust account. The initial report, due October 31, 1993, shall compare cost estimates at the time of project selection to present estimate or final cost for all urban arterial trust account projects selected from 1987 forward and for all transportation improvement account projects. The board shall provide an update to the report each quarter thereafter citing the amount and reason for additional changes in actual or estimated costs for any project.

(3) \$50,000,000 of the transportation improvement account--state appropriation in this section is conditioned on the enactment of Senate Bill No. 5969, authorizing bond sales for projects funded from the transportation improvement account.

NEW SECTION. Sec. 6. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 143,616,000

Motor Vehicle Fund--State Patrol Highway Account--

Federal Appropriation \$ 3,218,000

TOTAL APPROPRIATION \$ 146,834,000

The appropriations in this section are subject to the following conditions and limitations:

Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 57,574,000

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation \$ 46,000

General Fund--Public Safety Education Account--

State Appropriation \$ 414,000

Highway Safety Fund--State Appropriation \$ 5,523,000

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 96,000

Motor Vehicle Fund--State Appropriation \$ 4,379,000

TOTAL APPROPRIATION \$ 10,458,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation \$ 221,000

General Fund--Public Safety Education Account--

State Appropriation \$ 247,000

Highway Safety Fund--State Appropriation \$ 5,131,000

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 50,000

Motor Vehicle Fund--State Appropriation \$ 9,869,000

TOTAL APPROPRIATION \$ 15,518,000

Contained in this appropriation is \$10,000,000 for the licensing application migration project (LAMP), of which \$6,000,000 is motor vehicle fund--state and \$4,000,000 highway safety fund--state. Of the \$10,000,000 appropriation \$500,000 is provided solely as a contingency amount. The appropriation for LAMP is conditioned upon compliance with section 49 of this act. If section 49 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse.

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ 49,076,000

General Fund--Marine Fuel Tax Refund Account--

State Appropriation \$ 26,000

General Fund--Wildlife Account--State Appropriation \$ 520,000

Department of Licensing Services Account--

State Appropriation \$ 676,000

TOTAL APPROPRIATION \$ 50,298,000

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety Education Account--

State Appropriation \$ 4,396,000

Highway Safety Fund--State Appropriation \$ 51,752,000

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 1,300,000

TOTAL APPROPRIATION \$ 57,448,000

NEW SECTION. Sec. 12. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,744,000

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 410,000

NEW SECTION. Sec. 14. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 373,000

NEW SECTION. Sec. 15. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,637,000

NEW SECTION. Sec. 16. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 534,000

The appropriation in this section assumes that as of January 1, 1994, commission staff shall be reduced from four full-time equivalent to one full-time equivalent and that the appropriation shall expire on April 1, 1994.

Sec. 17. RCW 47.86.030 and 1992 c 190 s 3 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, ((1994)) 1993, with completed reports to be presented to the legislative transportation committee on the dates as provided in subsection (3) of this section.

(3) A report on the following work program projects by December 1, 1992:

(a) Evaluation of the importance of air transportation in the economic and social vitality of the state including costs and effects of delay of air capacity expansion;

(b) Air transportation demand, aviation industry trends, and air capacity in Washington through 2020;

(c) A review of the final draft of the Puget Sound air transportation committee's flight plan assessments of air capacity and demand.

(4) A transportation systems planning evaluation of air transportation planning options in Washington by July 1, 1993.

(5) The work program project reports as provided in subsection (3) of this section and the policy recommendations of the commission shall be transmitted to regional transportation planning organizations created pursuant to chapter 47.80 RCW. Each regional transportation planning organization shall consider the commission's project reports and policy recommendations when

adopting its regional transportation plan and in its review of local comprehensive plans for consistency with the regional transportation plans.

(6) A review of the environmental, social, and economic costs associated with Washington state's air transportation system. The commission shall review and comment upon the effectiveness and reasonableness of current or planned practices to mitigate the adverse environmental effects of operating, developing, or expanding the state's air transportation system.

NEW SECTION. Sec. 18. Effective April 1, 1994, the following acts or parts of acts are each repealed:

- (1) RCW 47.86.010 and 1990 c 298 s 39;
- (2) RCW 47.86.020 and 1990 c 298 s 40;
- (3) RCW 47.86.030 and 1993 c . . . s 17 (section 17 of this act), 1992 c 190 s 3, 1991 c 231 s 7, & 1990 c 298 s 41;
- (4) RCW 47.86.035 and 1992 c 190 s 1;
- (5) RCW 47.86.040 and 1990 c 298 s 42;
- (6) RCW 47.86.050 and 1990 c 298 s 43;
- (7) RCW 47.86.060 and 1990 c 298 s 44;
- (8) RCW 47.86.900 and 1990 c 298 s 45; and
- (9) RCW 47.86.901 and 1990 c 298 s 47.

NEW SECTION. Sec. 19. FOR THE WASHINGTON STATE ENERGY OFFICE

Motor Vehicle Fund--State Appropriation \$ 210,000

The Washington state energy office shall update the petroleum data book by January 15, 1994, and shall update the state gasoline prices study by January 15, 1995.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 418,000

The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee and the office of financial management on December 15 each year.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 140,937,000

Motor Vehicle Fund--Federal Appropriation \$ 98,040,000

Motor Vehicle Fund--Local Appropriation \$ 3,460,000

TOTAL APPROPRIATION \$ 242,437,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030.

It is the intent that the appropriations in this section do not commit the governor nor the legislature to the transportation commission's proposed category "A" program update.

(2) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(3) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(4) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation \$ 85,245,000

Motor Vehicle Fund--Federal Appropriation \$ 446,000,000

Motor Vehicle Fund--Local Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ 535,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$53,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000 as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) Up to \$30,000,000 of the motor vehicle fund--state appropriation in this section is provided to expedite high occupancy vehicle lane construction on the interstate system.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation \$ 97,818,000
Motor Vehicle Fund--Federal Appropriation \$ 67,000,000
Motor Vehicle Fund--Local Appropriation \$ 5,000,000
Transportation Fund--State Appropriation \$ 154,210,000
Special Category C--State Appropriation \$ 166,833,000
Puyallup Tribal Settlement Account--
State Appropriation \$ 44,024,000
Puyallup Tribal Settlement Account--
Private Local Appropriation \$ 6,000,000
TOTAL APPROPRIATION \$ 540,885,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$68,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$13,000,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(3) The special category C fund--state appropriation of \$166,833,000 includes \$108,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5343 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 24. If Substitute Senate Bill No. 5963 becomes law, the department of transportation, in consultation with the legislative transportation committee, shall develop a plan to implement the requirements of such legislation that includes program performance and monitoring procedures. The implementation plan shall be submitted to the house and senate transportation committees on or before January 1, 1994.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation \$ 28,728,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Transportation Capital Facilities
Account--State Appropriation \$ 39,576,000

TOTAL APPROPRIATION \$ 68,704,000

Up to \$750,000 of the motor vehicle fund--transportation capital facilities account--state appropriation is provided to implement the Americans with Disabilities Act (P.L. 101-336 42 U.S.C. Sec. 12101 et seq.).

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F

General Fund--Aeronautics Account--State

Appropriation \$ 3,106,000

General Fund--Aeronautics Account--Federal

Appropriation \$ 302,000

General Fund--Search and Rescue Account--State

Appropriation \$ 130,000

TOTAL APPROPRIATION \$ 3,538,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The aeronautics account appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, and federal inspections.

(2) The search and rescue account--state appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G

Motor Vehicle Fund--Economic Development Account--

State Appropriation \$ 5,020,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation \$ 51,027,000

Motor Vehicle Fund--Federal Appropriation \$ 71,000,000

Motor Vehicle Fund--Local Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ 123,027,000

(1) The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program.

(2) Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided solely for rehabilitation of state-owned moveable bridges.

(3) Up to \$6,000,000 of the motor vehicle fund--state appropriation is for enhanced bridge inspections.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 238,028,000

Motor Vehicle Fund--Local Appropriation \$ 4,690,000

TOTAL APPROPRIATION \$ 242,718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$300,000 of the motor vehicle fund--state appropriation is provided to develop and implement a roadside vegetation management plan to comply with the Puget Sound water quality authority management plan. Emphasis shall be placed on nonchemical vegetation control.

(2) Up to \$910,000 of the motor vehicle fund--state appropriation is provided for additional maintenance to prevent mechanical and electrical problems on floating bridges, maintenance on the Lacey V. Murrow floating bridge, and compliance with department of labor and industries maintenance regulations.

(3) Up to \$600,000 of the motor vehicle fund--state appropriation is provided for testing and disposal of hazardous materials and for interjurisdictional and/or interagency development of eight treatment facilities.

(4) Up to \$2,411,000 of the motor vehicle fund--state appropriation is provided to expedite and enhance traffic signal improvements.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R

Motor Vehicle Fund--State Appropriation \$ 2,894,000
Motor Vehicle Fund--Federal Appropriation \$ 33,400,000
Motor Vehicle Fund--Local Appropriation \$ 28,892,000
TOTAL APPROPRIATION \$ 65,186,000

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 1,109,000
Motor Vehicle Fund--State Appropriation \$ 50,949,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 1,105,000
Transportation Fund--State Appropriation \$ 897,000
TOTAL APPROPRIATION \$ 54,060,000

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Motor Vehicle Fund--State Appropriation \$ 16,126,000
Motor Vehicle Fund--Federal Appropriation \$ 16,314,000
High Capacity Transportation Account--
State Appropriation \$ 14,574,000
Transportation Fund--State Appropriation \$ 38,388,000
Transportation Fund--Federal Appropriation \$ 5,852,000
Transportation Fund--Local Appropriation \$ 100,000
Central Puget Sound Public Transportation Account--
State Appropriation \$ 19,400,000
Public Transportation Systems Account--State
Appropriation \$ 6,500,000
For planning and research:
TOTAL APPROPRIATION \$ 117,854,000

The appropriations in this section are for public transportation and rail programs and are subject to the following conditions and limitations:

- (1) Up to \$31,000,000 of the transportation fund--state appropriation is provided for administrative costs, operating subsidies for contracted AMTRAK 403(b) service, and for capital projects to improve train speeds and service.
- (2) Up to \$5,000,000 of the transportation fund--state appropriation is provided for state participation in the planning and construction of passenger rail depots and other passenger intermodal facilities.
- (3) The central Puget Sound public transportation account--state appropriation and the public transportation systems account--state appropriation shall be distributed to local transit agencies based on the allocation process defined in Substitute House Bill No. 2036. These appropriations are null and void if Substitute House Bill No. 2036 is not enacted by the legislature.
- (4) Of the \$3,400,000 transportation fund--state appropriation provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T--CAPITAL

Essential Rail Assistance Account--State
Appropriation \$ 1,000,000
Essential Rail Banking Account--State
Appropriation \$ 1,100,000
TOTAL APPROPRIATION \$ 2,100,000

The appropriations in this section are provided for the purposes authorized in chapter 47.76 RCW.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation \$ 30,124,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 2,000,000
TOTAL APPROPRIATION \$ 32,124,000

Up to \$1,703,000 of the motor vehicle fund--state appropriation is provided for preservation projects on the department of transportation Olympia headquarters building and for maintenance work on the department of transportation/plaza parking garage as administered by the department of general administration.

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM

W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 234,746,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 32,237,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 900,000

TOTAL APPROPRIATION \$ 267,883,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements.

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 4) for the 1993-95 budget. The department shall reconcile the 1991-93 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$116,126,000 in proceeds from the sale of bonds authorized by RCW 47.60.800. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriation in this section provides for the construction, in the state of Washington, of new jumbo ferry vessels in accordance with the requirements of Substitute House Bill No. 1635. The transportation commission shall provide progress reports to the legislative transportation committee and the governor regarding the implementation of Substitute House Bill No. 1635.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 224,475,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$25,807,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$150,185,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

(3) The appropriation in this section includes \$250,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 7,394,000

Motor Vehicle Fund--Federal Appropriation \$ 159,806,000

Motor Vehicle Fund--Local Appropriation \$ 5,086,000

Transfer Relief Account--State Appropriation \$ 3,920,000

TOTAL APPROPRIATION \$ 176,206,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$1,000,000 of the motor vehicle fund--state appropriation is provided for the completion of the cost responsibility study or other studies. The cost responsibility study shall be performed in conjunction with the office of financial management, the transportation commission, the legislative transportation committee, public transportation agencies, and cities and counties. The cost responsibility study shall include but not be limited to analysis and recommendations regarding:

(a) Damage to, use of, and benefit from the state's transportation systems;

(b) Whether the users and beneficiaries of the states' transportation systems are paying an appropriate share of the costs;

and

(c) Alternative methods of cost recovery and taxation including user and beneficiary based methods.

The study shall be completed by July 1, 1994.

(2) Up to \$6,774,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$570,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--RV Account--State Appropriation

For transfer to the Motor Vehicle Fund \$ 427,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation

For transfer to the Transportation Capital Facilities

Account--State Appropriation \$ 44,150,000

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION EMERGENCY PROJECTS--PROGRAM

A

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5370.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION FEDERAL MATCH PROJECTS--

PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5371. The state finance committee shall administer the repayment of loans authorized in Senate Bill No. 5371.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--Highway Construction

Stabilization Account

For transfer to the Motor Vehicle Fund \$ 33,000,000

The transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 43. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 44. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 45. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 46. A new section is added to chapter 46.01 RCW to read as follows:

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

NEW SECTION. Sec. 47. FOR THE WASHINGTON STATE PATROL--CAPITAL

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 9,645,000

Motor Vehicle Fund--State Appropriation \$ 740,000

Highway Safety Fund--State Appropriation \$ 740,000

TOTAL APPROPRIATION \$ 11,125,000

The appropriations in this section are provided for the following projects:

WSP/DOL Dist Office--Tacoma

Everett Dist Hdqtrs Building

Minor Works Preservation

Shelton Trng Acad Restroom Repair

Replace Underground Storage Tanks

Replace Rattlesnake Ridge Communication Site

Shelton Academy Property Acquisition

Vancouver Cve Inspection Station

Mt. Vernon Comm Site Construction

Spokane Cve Inspection Station

Replace Scale Mechanism SeaTac South

Yakima District Hdqtrs Predesign

I-90 Port of Entry Weigh Station

Smokey Point Weigh Station Design

Morton Detachment Acquisition

Longview Vin Lane Construction Property Acquisition

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF LICENSING--CAPITAL

Highway Safety Fund--State Appropriation \$ 61,000

Motor Vehicle Fund--State Appropriation \$ 20,000

TOTAL APPROPRIATION \$ 81,000

The appropriations in this section are provided for the following projects:

Longview Customer Service Center

North Spokane Customer Service Center

Vancouver Customer Service Center

NEW SECTION. Sec. 49. In addition to compliance with the requirements of RCW 43.105.190, titled "Major information technology projects standards and policies," agencies shall comply with the following requirements: For projects funded through the transportation budget, the agency and the department of information services shall provide the office of financial management, the legislative transportation committee, and the information services board with a written bi-monthly project oversight and risk assessment report for designated projects. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, and recommendations.

NEW SECTION. Sec. 50. The legislature supports the proposed reduction by the governor of state agency, middle management level employees and recognizes that such reduction is essential to achieve more efficient and effective delivery of state services. Further, the legislature finds that employee reductions in agencies providing state transportation programs and services are necessary to the extent such reductions do not jeopardize transportation program and service delivery.

NEW SECTION. Sec. 51. To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 52. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 53. The commission for efficiency and accountability in Washington state government shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine the cost allocation for actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles and represent a pro rata share in relation to all other agencies.

Sec. 54. RCW 82.44.180 and 1991 c 199 s 224 are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be expended within the three county region from which the funds are derived, solely for:

- (a) Development of high capacity transportation systems as defined in RCW ((81.104.010)) 81.104.015;
- (b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (c) Public transportation system contributions required to fund projects approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be available to the public transportation system from which the funds are derived, solely for:

- (a) Development of high capacity transportation systems as defined in RCW ((81.104.010)) 81.104.015;
- (b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (c) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (d) Public transportation system contributions required to fund projects approved by the transportation improvement board.

NEW SECTION. Sec. 55. Sections 1 through 17 and 19 through 54 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Vognild, the following amendment to the striking amendment was adopted:

On page 3, beginning on line 15 of the amendment, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 143,616,000

Motor Vehicle Fund--State Patrol Highway Account--

Federal Appropriation \$ 3,218,000

Transportation Fund--State Appropriation \$ 788,000

TOTAL APPROPRIATION \$ 147,622,000

The appropriations in this section are subject to the following conditions and limitations:
Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization."

Senator Owen moved that the following amendments by Senators Owen, Amondson, Hargrove and West to the striking amendment be considered simultaneously and be adopted:

On page 3, line 18 of the striking amendment, strike "\$143,616,000" and insert "144,016,000"

On page 3, line 21 of the striking amendment, strike "\$147,622,000" and insert "148,022,000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Owen, Amondson, Hargrove and West on page 3, lines 18 and 21, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

The motion by Senator Owen carried and the amendments to the striking amendment were adopted.

MOTION

Senator Vognild moved that the following amendment to the striking amendment be adopted:

On page 3, after line 26 of the amendment, insert the following:

"NEW SECTION. Sec. 7. FOR THE STATE PATROL--INVESTIGATIVE SERVICES BUREAU

Transportation Fund--State Appropriation \$ 22,576,000

General Fund--Death Investigations Account--State

Appropriations \$ 24,000

General Fund--Private/Local Appropriation \$ 184,000

General Fund--Federal Appropriation \$ 1,037,000

TOTAL APPROPRIATION \$ 23,821,000

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Nelson: "Senator Vognild, just to be clear on this particular amendment, I notice that you have a couple of others that are similar, is the idea here that you are going to now have the State Patrol and other agencies funded out of the transportation funds and, basically then, have the public service and education account totally turned over to the general fund? Is that the drift of where we are going?"

Senator Vognild: "Yes, Senator, that is the end result of where we are going."

Senator Nelson: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 3, after line 26, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

The motion by Senator Vognild carried and the amendment to the striking amendment was adopted on a rising vote.

MOTION

Senator Vognild moved that the following amendment to the striking amendment be adopted:

On page 3, beginning on line 27 of the amendment, strike all of section 7 and insert the following:

"NEW SECTION. Sec. 7. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 57,574,000

Transportation Fund--State Appropriation \$ 4,490,000

TOTAL APPROPRIATION \$ 62,064,000

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 3, beginning on line 27, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

The motion by Senator Vognild carried and the amendment to the striking amendment was adopted.

MOTION

Senator Vognild moved that the following amendments to the striking amendment be considered simultaneously and be adopted:

Beginning on page 3, line 31 of the amendment, strike all of section 8 and insert the following:

"NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation \$ 46,000
Transportation Fund--State Appropriation \$ 414,000
Highway Safety Fund--State Appropriation \$ 5,523,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 96,000
Motor Vehicle Fund--State Appropriation \$ 4,379,000
TOTAL APPROPRIATION \$ 10,458,000

On page 4, beginning on line 5 of the amendment, strike all of section 9 and insert the following:

"NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation \$ 221,000
Transportation Fund--State Appropriation \$ 247,000
Highway Safety Fund--State Appropriation \$ 5,131,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 50,000
Motor Vehicle Fund--State Appropriation \$ 9,869,000
TOTAL APPROPRIATION \$ 15,518,000

Contained in this appropriation is \$10,000,000 for the licensing application migration project (LAMP), of which \$6,000,000 is motor vehicle fund--state and \$4,000,000 highway safety fund--state. Of the \$10,000,000 appropriation \$500,000 is provided solely as a contingency amount. The appropriation for LAMP is conditioned upon compliance with section 49 of this act. If section 49 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse."

Beginning on page 4, line 32 of the amendment, strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Transportation Fund--State Appropriation \$ 4,396,000
Highway Safety Fund--State Appropriation \$ 51,752,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,300,000
TOTAL APPROPRIATION \$ 57,448,000

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Vognild on page 3, line 31, page 4, beginning on line 5, and page 4, line 32, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

The motion by Senator Vognild carried and the amendments to the striking amendment were adopted.

MOTIONS

On motion of Senator Vognild, the following amendment to the striking amendment was adopted:

On page 5, line 3 of the striking amendment, after "\$57,448,000" insert "\$400,000 of the Highway Safety Fund - Motorcycle Safety Education Account appropriation in this section is provided solely to enhance the motorcycle testing program., If Senate Bill 5101 is not enacted during the 1993 legislative session, the appropriation in this section is null and void."

On motion of Senator Vognild, the following amendment to the striking amendment was adopted:

On page 5, beginning on line 4 of the amendment, strike all of section 12 and insert the following:

"NEW SECTION. Sec. 12. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,644,000

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Vognild to the striking amendment be adopted:

Beginning on page 7, line 32 of the amendment, strike all of section 21 and insert the following:

"NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 140,937,000

Motor Vehicle Fund--Federal Appropriation \$ 98,040,000

Motor Vehicle Fund--Local Appropriation \$ 3,460,000

Highway Heritage Account--State Appropriation \$ 137,000

TOTAL APPROPRIATION \$ 242,574,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030.

It is the intent that the appropriations in this section do not commit the governor nor the legislature to the transportation commission's proposed category "A" program update.

(2) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(3) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(4) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

(5) The highway heritage account--state appropriation shall lapse if Substitute Senate Bill No. 5605 is not enacted by the legislature."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Vognild beginning on page 7, line 32, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

The motion by Senator Fraser carried and the amendment to the striking amendment was adopted.

MOTION

Senator Vognild moved that the following amendment to the striking amendment be adopted:

Beginning on page 8, line 29 of the amendment, strike all of section 22 and insert the following:

"NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation \$ 55,245,000

Motor Vehicle Fund--Federal Appropriation \$ 446,000,000

Motor Vehicle Fund--Local Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ 505,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$53,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000 as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation."

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Vognild beginning on page 8, line 29, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was adopted by the following vote: Yeas, 28; Nays, 19; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

2 Absent: Senator Oke - 1.

Excused: Senator McCaslin - 1.

MOTION

Senator Vognild moved that the following amendment to the striking amendment be adopted:

Beginning on page 9, line 31 of the amendment, strike all of section 23 and insert the following:

"NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation \$ 144,878,000

Motor Vehicle Fund--Federal Appropriation \$ 67,000,000

Motor Vehicle Fund--Local Appropriation \$ 5,000,000

Transportation Fund--State Appropriation \$ 48,150,000

Special Category C--State Appropriation \$ 166,833,000

Puyallup Tribal Settlement Account--

State Appropriation \$ 44,024,000

Puyallup Tribal Settlement Account--

Private Local Appropriation \$ 6,000,000

TOTAL APPROPRIATION \$ 481,885,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$68,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$13,000,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(3) The special category C fund--state appropriation of \$166,833,000 includes \$108,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5343 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation."

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Vognild beginning on page 9, line 31, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was adopted by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Excused: Senator McCaslin - 1.

MOTIONS

On motion of Senator Vognild, the following amendment to the striking amendment was adopted:

On page 12, beginning on line 9 of the amendment, strike all of section 28 and insert the following:

"NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--

PROGRAM H

Motor Vehicle Fund--State Appropriation \$ 40,027,000

Motor Vehicle Fund--Federal Appropriation \$ 71,000,000

Motor Vehicle Fund--Local Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ 112,027,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program."

Senator Sheldon moved that the following amendment to the striking amendment be adopted:

Beginning on page 16, line 11 of the amendment, strike all of section 36 and insert the following:

"NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 237,309,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$27,123,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$159,183,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

(3) The appropriation in this section includes \$250,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

(4) The appropriation in this section includes \$154,000 for support of Clinton terminal agent expenses, but shall be expended only upon the construction of a new Clinton terminal.

(5) The appropriation in this section includes \$359,000 to provide, during the summer, eight hours of Issaquah vessel class service on the Edmonds/Kingston route. This amount shall be expended only if the super class vessel refurbishment program impacts super class vessel service on this route.

(6) The appropriation in this section includes \$185,000 to assess the ability of enhancing vessel maintenance for those routes that require extensive service schedules throughout the year by placing additional oiler staff hours on two routes during the 1993-94 fiscal year. The results of this maintenance approach shall be reported to the legislative transportation committee and the office of financial management by December 1, 1993.

(7) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon beginning on page 16, line 11, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

The motion by Senator Sheldon carried and the amendment to the striking amendment was adopted.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Rasmussen to the striking amendment be adopted:

On page 23, after line 30 of the amendment, insert the following:

"Sec. 55. RCW 43.99.070 and 1990 c 42 s 116 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer ~~((an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the outdoor recreation account and the remainder to the motor vehicle fund))~~ to the outdoor recreation account such of the moneys in the marine fuel tax refund account that are not required for payment of the refund claims or costs, and the state treasurer shall make the transfer.

Sec. 56. RCW 46.09.170 and 1990 c 42 s 115 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, ~~((based on the tax rate in effect January 1, 1990,))~~ less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the outdoor recreation account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 57. RCW 46.10.170 and 1990 c 42 s 117 are each amended to read as follows:

From time to time, but at least once each biennium, the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax, ~~((based on the tax rate in effect January 1, 1990,))~~ which is tax on snowmobile fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each biennium to the legislature. To offset the actual cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund a sum equal to such actual cost."

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Rasmussen on page 30, after line 30, to the striking amendment by Senator Vognild to Substitute Senate Bill No. 5972.

The motion by Senator Fraser carried and the amendment to the striking amendment was adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, to Substitute Senate Bill No. 5972.

The motion by Senator Vognild carried and the striking amendment, as amended, to Substitute Senate Bill No. 5972 was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.86.030 and 82.44.180; adding a new section to chapter 46.01 RCW; adding a new section to chapter 47.60 RCW; creating new sections; repealing RCW 47.86.010, 47.86.020, 47.86.030, 47.86.035, 47.86.040, 47.86.050, 47.86.060, 47.86.900, and 47.86.901; and declaring an emergency."

On page 24, beginning on line 5 of the title amendment, strike "and 82.44.180" and insert "82.44.180, 43.99.070, 46.09.170, and 46.10.170"

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5972.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Vogniild, von Reichbauer, West and Winsley - 22.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304 with the following amendments:
Strike everything after the enacting clause and insert the following:

"PART I. FINDINGS, GOALS, AND INTENT

NEW SECTION. Sec. 101. FINDINGS. The legislature finds that our health and financial security are jeopardized by our ever increasing demand for medical care and by current medical insurance and medical system practices. Current medical system practices encourage public demand for unneeded, ineffective, and sometimes dangerous medical treatments. These practices often result in unaffordable cost increases that far exceed ordinary inflation for essential care. Current total medical and health care expenditure rates should be sufficient to provide access to essential health and medical care interventions to all within a reformed, efficient system.

The legislature finds that too many of our state's residents are without medical insurance, that each year many individuals and families are forced into poverty because of serious illness, and that many must leave gainful employment to be eligible for publicly funded medical services. Additionally, thousands of citizens are at risk of losing adequate medical insurance, have had insurance canceled recently, or cannot afford to renew existing coverage.

The legislature finds that businesses find it difficult to pay for medical insurance and remain competitive in a global economy, and that individuals, the poor, and small businesses bear an inequitable medical insurance burden.

The legislature finds that persons of color have significantly higher rates of mortality, poor health outcomes, and substantially lower numbers and percentages of persons covered by health insurance than general population. It is intended that chapter . . ., Laws of 1993 (this act) make provisions to address the special health care needs of these racial and ethnic populations in order to improve their health status.

The legislature finds that uncontrolled demand and expenditures for medical care are eroding the ability of families, businesses, communities, and governments to invest in other enterprises that promote health, maintain independence, and ensure continued economic welfare. Housing, nutrition, education, and the environment are all diminished as we invest ever increasing shares of wealth in medical treatments.

The legislature finds that while immediate steps must be taken, a long-term plan of reform is also needed.

NEW SECTION. Sec. 102. LEGISLATIVE INTENT AND GOALS. (1) The legislature intends that state government policy stabilize health services costs, assure access to essential services for all residents, actively address the health care needs of persons of color, improve the public's health, and reduce unwarranted health services costs to preserve the viability of nonmedical care businesses.

(2) The legislature intends that:

(a) Total health services costs be stabilized and kept within rates of increase similar to the rates of general economic inflation within a publicly regulated, private marketplace that preserves personal choice;

(b) State residents be enrolled in the certified health plan of their choice that meets state standards regarding affordability, accessibility, cost-effectiveness, and clinically efficacious;

(c) State residents be able to choose health services from the full range of health care providers, as defined in section 402(12) of this act, in a manner consistent with good health service management, quality assurance, and cost effectiveness;

(d) Individuals and businesses have the option to purchase any health or medical services they may choose in addition to those contained in the uniform benefits package;

(e) All state residents, businesses, employees, and government participate in payment for health services, with total costs to individuals on a sliding scale based on income to encourage efficient and appropriate utilization of services and to protect individuals from impoverishment because of health care costs;

(f) These goals be accomplished within a reformed system using private service providers and facilities in a way that allows consumers to choose among competing plans operating within budget limits and other regulations that promote the public good; and

(g) That a policy of facilitating communication and networking in the delivery, purchase, and provision of health services among the federal, state, local, and tribal governments be encouraged and accomplished by chapter . . . , Laws of 1993 (this act).

(3) Accordingly, the legislature intends that chapter . . . , Laws of 1993 (this act) provide both early implementation measures and a process for overall reform of the health services system.

PART II. EARLY IMPLEMENTATION MEASURES

A. BASIC HEALTH PLAN EXPANSION

NEW SECTION. Sec. 201. A new section is added to chapter 70.47 RCW to read as follows:

TRANSFER OF POWER AND DUTIES TO WASHINGTON STATE HEALTH CARE AUTHORITY. The powers, duties, and functions of the Washington basic health plan are hereby transferred to the Washington state health care authority. All references to the administrator of the Washington basic health plan in the Revised Code of Washington shall be construed to mean the administrator of the Washington state health care authority.

NEW SECTION. Sec. 202. **TRANSFER OF RECORDS, EQUIPMENT, FUNDS.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington basic health plan shall be delivered to the custody of the Washington state health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the Washington basic health plan shall be made available to the Washington state health care authority. All funds, credits, or other assets held by the Washington basic health plan shall be assigned to the Washington state health care authority.

Any appropriations made to the Washington basic health plan shall, on the effective date of this section, be transferred and credited to the Washington state health care authority. At no time may those funds in the basic health plan trust account, any funds appropriated for the subsidy of any enrollees, or any premium payments or other sums made or received on behalf of any enrollees in the basic health plan be commingled with any appropriated funds designated or intended for the purposes of providing health care coverage to any state or other public employees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 203. **TRANSFER OF EMPLOYEES.** All employees of the Washington basic health plan are transferred to the jurisdiction of the Washington state health care authority. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 204. **RULES AND BUSINESS.** All rules and all pending business before the Washington basic health plan shall be continued and acted upon by the Washington state health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state health care authority.

NEW SECTION. Sec. 205. **VALIDITY OF PRIOR ACTS.** The transfer of the powers, duties, functions, and personnel of the Washington basic health plan shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 206. **APPORTIONMENT OF BUDGETED FUNDS.** If apportionments of budgeted funds are required because of the transfers directed by sections 201 through 205 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 207. **COLLECTIVE BARGAINING.** Nothing contained in sections 201 through 206 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 208. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

BASIC HEALTH PLAN--FINDINGS. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women (~~who are an especially vulnerable population, along with their children~~), and at-risk children and adolescents who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents (~~under sixty-five years of age~~) not (~~otherwise~~) eligible for medicare (~~with gross family income at or below two hundred percent of the federal poverty guidelines~~) or medical assistance who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) (~~The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.~~)

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program. It is also the intent of the legislature to condition access to this plan for nonsubsidized enrollees upon the prior placement of subsidized enrollees, to the extent funding is available.

(c) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 209. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

BASIC HEALTH PLAN--DEFINITIONS. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. On and after July 1, 1995, "managed health care system" means a certified health plan, as defined in section 402 of this act.

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse (~~and/or~~) or dependent children, (~~all under the age of sixty-five and~~) not (~~otherwise~~) eligible for medicare or medical assistance, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of

health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who chooses to obtain basic health care coverage from a particular managed health care system and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes~~((, from funds appropriated from the basic health plan trust account,))~~ to a managed health care system on behalf of ~~((an))~~ a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income ~~((and determined under RCW 70.47.060(2),))~~ which an ~~((enrollee))~~ individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 210. RCW 70.47.030 and 1992 c 232 s 907 are each amended to read as follows:

ACCOUNTS. (1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((After July 1, 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.))~~

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 211. RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended to read as follows:

BASIC HEALTH PLAN--PROGRAM WITHIN STATE HEALTH CARE AUTHORITY. (1) The Washington basic health plan is created as ~~((an independent agency of the state))~~ a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator ~~((who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040))~~ of the Washington state health care authority. The administrator shall appoint a medical director. The ~~((administrator,))~~ medical director~~((,))~~ and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) ~~((In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law))~~ Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Sec. 212. RCW 70.47.060 and 1992 c 232 s 908 are each amended to read as follows:

ADMINISTRATOR'S POWERS AND DUTIES. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, ~~((for the period ending June 30, 1993,))~~ with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for ~~((prenatal or postnatal))~~ such services ~~((that are provided under the medical assistance program under chapter 74.09 RCW))~~ except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider ~~((, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992))~~. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On and after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to section 448 of this act shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size ~~((as well as))~~ and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the appropriate premium tax as provided by law.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed ninety-five percent of the total premiums due from the enrollee.

(3) To design and implement a structure of ~~((nominal))~~ copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. On and after July 1, 1995, the administrator shall comply with schedules of enrollee point of service cost-sharing adopted by the Washington health services commission.

(4) ~~((To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:~~

(a) ~~Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;~~

(b) ~~A modified fee-for-services payment schedule for providers;~~

(c) ~~Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and~~

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5)) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

~~((In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.-))~~

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least ~~((annually))~~ semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. ~~((An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled.))~~ No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from small business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a small business owner pay at least fifty percent but not more than ninety-five percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. For the purposes of this subsection, an employee means an individual who regularly works for the small business for at least twenty hours per week. The businesses may

have no more than one hundred employees at the time of initial enrollment and enrollment is limited to those not eligible for medicare or medical assistance, who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

~~((11))~~ (11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((14))~~ (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the ~~((administrator))~~ plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12))~~ ~~To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.)~~

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state))~~ To endeavor to expand enrollment as much as possible to correspond to the proportion of persons of color in the community served using the best available data that estimates representation of persons of color and describe these efforts in its annual report.

Sec. 213. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

ENROLLMENT. On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, total ~~((enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4))~~ subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan. To the extent that new funding is appropriated for expansion, the administrator shall endeavor to secure participation contracts from managed health care systems in geographic areas of the state that are unserved by the plan at the time at which the new funding is appropriated. In the selection of any such areas the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

B. EXPANDED MANAGED CARE FOR STATE EMPLOYEES

Sec. 214. RCW 41.05.011 and 1990 c 222 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an (~~insurance carrier as defined in chapter 48.24 or 48.22~~) insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. On and after July 1, 1995, "insuring entity" means a certified health plan, as defined in section 402 of this act.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; upon a determination by the administrator as provided in RCW 41.05.021(2), all employees of school districts; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205(~~, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350~~) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, upon the determination provided for in RCW 41.05.021(2) by the administrator, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization.

(7) "Board" means the (~~state~~) public employees' benefits board established under RCW 41.05.055.

Sec. 215. RCW 41.05.021 and 1990 c 222 s 3 are each amended to read as follows:

HEALTH CARE AUTHORITY DUTIES. (1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits (~~and to~~), study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care, and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

~~((1))~~ (a) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

~~((2))~~ (b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

~~((a))~~ (i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

~~((b))~~ (ii) Utilization of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods;

~~((c))~~ (iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

~~((d))~~ (iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

~~((e))~~ (v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

~~((3))~~ (c) To analyze areas of public and private health care interaction;

~~((4))~~ (d) To provide information and technical and administrative assistance to the board;

~~((5))~~ (e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state ~~((and school districts))~~ to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 ~~((and 28A.400.350))~~, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

~~((6))~~ (f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and

~~((7))~~ (g) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) The administrator shall determine the year in which the public employees' benefits board will undertake design and approval of insurance benefits plans for school district employees. Upon making that determination the administrator shall:

(a) Provide written notification to the fiscal committees of the senate and the house of representatives. Such notification shall be given by January 1 of the year prior to which the administrator will begin purchasing insurance benefits on behalf of school district employees; and

(b) Develop procedures necessary to ensure that the transition to insurance benefits purchasing by the administrator does not disrupt existing insurance contracts between school district employees and insurers.

(3) The public employees' benefits board shall implement strategies to promote managed competition among employee health benefit plans by January 1, 1995, including but not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced sealed bid of a qualified plan within a geographical area. If the state's contribution is less than one hundred percent of the lowest priced sealed bid, employee financial contributions shall be structured on a sliding-scale basis related to household income;

(d) Ensuring access to quality health services, including assuring reasonable access to local providers, especially for enrollees residing in rural areas;

(e) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

Sec. 216. RCW 41.05.050 and 1988 c 107 s 18 are each amended to read as follows:

FERRY EMPLOYEES. (1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. All such contributions will be paid into the ~~((state))~~ public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. ~~((However,))~~ Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter . . . , Laws of 1993 (this act).

(3) The administrator with the assistance of the ~~((state))~~ public employees' benefits board shall survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the authority. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the authority for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 217. RCW 41.05.055 and 1989 c 324 s 1 are each amended to read as follows:

PUBLIC EMPLOYEES' BENEFITS BOARD--SCHOOL DISTRICT EMPLOYEES. (1) The ~~((state))~~ public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and upon a determination by the administrator as provided in RCW 41.05.021(2), school district employees.

(2) Beginning in the year in which the administrator determines that the public employees' benefits board will undertake design and approval of insurance benefits plans for school district employees, as provided in RCW 41.05.021(2), the board shall be composed of ~~((seven))~~ nine members appointed by the governor as follows:

(a) ~~((Three))~~ Two representatives of state employees, ~~((one of whom shall represent an employee association certified as exclusive representative of at least one bargaining unit of classified employees,))~~ one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

~~((Three))~~ (c) Four members with experience in health benefit management and cost containment; and

~~((e))~~ (d) The administrator.

Prior to that year, the composition of the public employees benefits board shall reflect its composition on January 1, 1993.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

Sec. 218. RCW 41.05.065 and 1988 c 107 s 8 are each amended to read as follows:

EMPLOYEE BENEFIT PLANS--STANDARDS. (1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state(~~(: PROVIDED, That))~~, however liability insurance shall not be made available to dependents.

(2) The ~~((state))~~ public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, exercise, ~~((and))~~ automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers; ~~((and))~~

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of standard benefit plans to be offered to enrollees participating in the employee health benefit plans. On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees. To maintain the comprehensive nature of employee health care benefits, the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan in effect on January 1, 1993.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. ~~((Such authorization shall require a vote of five members of the board for approval.))~~

(5) Employees ~~((may))~~ shall choose participation in ~~((only))~~ one of the health care benefit plans developed by the board, but employees may choose to obtain employee only coverage or employee and dependent coverage.

(6) The board shall review plans proposed by insurance carriers that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

Sec. 219. RCW 41.05.120 and 1991 sp.s. c 13 s 100 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE ACCOUNT. (1) The ~~((state))~~ public employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the ((state)) public employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the ((state)) public employees' insurance account.

Sec. 220. RCW 41.05.140 and 1988 c 107 s 12 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE RESERVE FUND. (1) The authority may self-fund or self-insure for public employees' benefits plans, but shall also enter into other methods of providing insurance coverage for insurance programs under its jurisdiction except property and casualty insurance. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. Reserves established by the authority shall be held in a separate trust fund by the state treasurer and shall be known as the ((state)) public employees' insurance reserve fund. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the ((state)) public employees' insurance reserve fund.

(2) Any savings realized as a result of a program created under this section shall not be used to increase benefits unless such use is authorized by statute.

(3) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

(4) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

(5) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

NEW SECTION. Sec. 221. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. (1) Notwithstanding any other provisions of this chapter, if a waiver of the medicare statute, as provided in section 468 of this act, is not obtained prior to June 30, 1995, the administrator shall develop at least two medical plans for retirees eligible for medicare. One of the packages shall include coverage for prescription drugs. The packages shall be offered beginning July 1, 1996, and until a medicare waiver is obtained, to any public employee eligible for medicare benefits.

(2) The administrator may:

(a) Offer a self-funded medical plan for retired state employees eligible for medicare that includes all services available in the uniform benefits package to the extent they are not covered by medicare; and

(b) Offer medical plans for all other retired public employees eligible for medicare that conform to the requirements of chapter 48.66 RCW.

(3) The medical plans for retirees eligible for medicare shall be administered and shall have rates calculated as a distinct experience pool.

(4) To the extent that funding is made available specifically for this purpose, the administrator shall establish subsidies for low-income retired public employees' premium and cost-sharing payments.

Sec. 222. RCW 47.64.270 and 1988 c 107 s 21 are each amended to read as follows:

FERRY EMPLOYEES--ENROLLMENT IN CERTIFIED HEALTH PLANS. Until December 31, 1996, absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW((-)); and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter . . ., Laws of 1993 (this act). To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by

bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 223. RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33 s 381 are each reenacted and amended to read as follows:

SCHOOL DISTRICT EMPLOYEES--EMPLOYER CONTRIBUTIONS. (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the ~~((greater of: (i) The formula amount for insurance benefits))~~ amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable ~~((; or (ii) the actual average amount provided by the school district in the 1986-87 school year))~~. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210 ~~((; or))~~; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

Sec. 224. RCW 28A.400.350 and 1990 1st ex.s. c 11 s 3 and 1990 c 74 s 1 are each reenacted and amended to read as follows:

SCHOOL DISTRICTS--HEALTH CARE COVERAGE ONLY BY CONTRACTS WITH THE STATE HEALTH CARE AUTHORITY. (1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Except for health benefits purchased with nonstate funds as provided in RCW 28A.400.200, upon the making of a determination provided for in RCW 41.05.021(2) by the administrator of the state health care authority, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student ~~((; PROVIDED, That))~~. The school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating

in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

C. CONSOLIDATED STATE HEALTH CARE PURCHASING AGENT

NEW SECTION. Sec. 225. A new section is added to Title 43 RCW to read as follows:

STATE HEALTH SERVICES AGENT. (1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after July 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: The basic health plan; health benefits for active employees of school districts, to the extent that the administrator has made a determination under RCW 41.05.021(2); and health benefits for active state employees. Until that date, in purchasing health services, the health care authority shall maintain separate experience pools for each of the programs in this subsection. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the experience pools. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long-term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community-rated risk pool effective on and after July 1, 1997.

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan or a uniform benefits package as adopted by the Washington health services commission as provided in section 448 of this act, use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them, and that a health maintenance organization, health care service contractor, insurer, or certified health plan that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them;

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter . . . , Laws of 1993 (this act);

(e) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section;

(f) Ensure that procedures and due process guarantees no less beneficial than those available under federal and state law to participants in the medical assistance, limited casualty, and medical care services programs are provided to all persons who, but for the federal waivers and state legislation procured under subsection (1) of this section, would be eligible for those programs.

NEW SECTION. Sec. 226. A new section is added to chapter 41.05 RCW to read as follows:

WASHINGTON STATE GROUP PURCHASING ASSOCIATION. (1) The Washington state group purchasing association is established for the purpose of coordinating and enhancing the health care purchasing power of the groups identified in subsection (2) of this section. The purchasing association shall be administered by the administrator.

(2) The following organizations or entities may seek the approval of the administrator for membership in the purchasing association:

(a) Private nonprofit human services provider organizations under contract with state agencies, on behalf of their employees and their employees' spouses and dependent children;

(b) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the medical assistance personal care or community options program entry system program as provided in chapter 74.09 RCW, or the chore services program, as provided in chapter 74.08 RCW, on behalf of themselves and their spouses and dependent children;

(c) Owners and operators of child day care centers and family child care homes licensed under chapter 74.15 RCW and of preschool or other child care programs exempted from licensing under chapter 74.15 RCW on behalf of themselves and their employees and employees' spouses and dependent children; and

(d) Foster parents contracting with the department of social and health services under chapter 74.13 RCW and licensed under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children.

(3) In administering the purchasing association, the administrator shall:

(a) Negotiate and enter into contracts on behalf of the purchasing association's members in conjunction with its contracting and purchasing activities for employee benefit plans under RCW 41.05.075. In negotiating and contracting with insuring entities on behalf of employees and purchasing association members, distinct experience pools shall be maintained.

(b) Review and approve or deny applications from entities seeking membership in the purchasing association:

(i) The administrator may require all or the substantial majority of the employees of the organizations or entities listed in subsection (2) of this section to enroll in the purchasing association.

(ii) The administrator shall require, that as a condition of membership in the purchasing association, an entity or organization listed in subsection (2) of this section that employs individuals pay at least fifty percent of the cost of the insurance coverage for each employee enrolled in the purchasing association.

(iii) In offering and administering the purchasing association, the administrator may not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history.

(4) On and after July 1, 1995, the uniform benefits package and schedule of premiums and point of service cost-sharing adopted and from time to time revised by the health services commission pursuant to chapter . . . , Laws of 1993 (this act) shall be applicable to the association.

(5) The administrator shall adopt preexisting condition coverage provisions for the association as provided in sections 279 through 282 of this act.

(6) Except to the extent that funds are appropriated specifically for this purpose, include its reasonable administrative and marketing costs in premiums charged to members of the purchasing association.

(7)(a) The Washington state group purchasing association account is established in the custody of the state treasurer, to be used by the administrator for the deposit of premium payments from individuals and entities described in subsection (2) of this section, and for payment of premiums for benefit contracts entered into on behalf of the purchasing association's participants and operating expenses incurred by the authority in the administration of benefit contracts under this section. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(b) Disbursements from the account are not subject to appropriations, but shall be subject to the allotment procedure provided under chapter 43.88 RCW.

NEW SECTION. Sec. 227. A new section is added to chapter 41.05 RCW to read as follows:

MARKETING PLAN. The administrator shall develop a marketing plan for the basic health plan and the Washington state group purchasing association. The plan shall be targeted to individuals and entities eligible to enroll in the two programs and provide clear and understandable explanations of the programs and enrollment procedures. The plan also shall incorporate special efforts to reach communities and people of color.

NEW SECTION. Sec. 228. WASHINGTON STATE GROUP PURCHASING ASSOCIATION--REPEAL. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(1) RCW 41.05.____ and 1993 c ____ s 226 (section 226 of this act); and

(2) RCW 41.05.____ and 1993 c ____ s 227 (section 227 of this act).

NEW SECTION. Sec. 229. TRANSFER OF AUTHORITY TO PURCHASE SERVICES FROM COMMUNITY HEALTH CENTERS. (1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary medical and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary medical and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The

administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) To further the intent of chapter . . . , Laws of 1993 (this act), the health care authority, in consultation with the department of health, shall evaluate the organization and operation of the federal and state-funded community health centers and other not-for-profit health care organizations and propose recommendations to the health services commission and the health policy committees of the legislature by November 30, 1994, that identify changes to permit community health centers and other not-for-profit health care organizations to form certified health plans or other innovative health care delivery arrangements that help ensure access to primary health care services consistent with the purposes of chapter . . . , Laws of 1993 (this act).

D. HEALTH CARE PROVIDER CONFLICT OF INTEREST STANDARDS

Sec. 230. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

FINANCIAL INTEREST IN HEALTH CARE FACILITIES--LIST OF ALTERNATIVE FACILITIES TO BE PROVIDED. It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment(~~(: PROVIDED, That)~~). Ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; and (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities.

Any person violating the provisions of this section is guilty of a misdemeanor.

E. PUBLIC HEALTH FINANCING AND GOVERNANCE

Sec. 231. RCW 70.05.010 and 1967 ex.s. c 51 s 1 are each amended to read as follows:

DEFINITIONS--DEPARTMENT OF HEALTH. For the purposes of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) and unless the context thereof clearly indicates to the contrary:

(1) "Local health departments" means the (~~(city, town,)~~) county or district which provides public health services to persons within the area;

(2) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the (~~(city, town,)~~) county or district public health department;

(3) "Local board of health" means the (~~(city, town,)~~) county or district board of health.

(4) "Health district" means (~~(all territory encompassed within a single county and all cities and towns therein except cities with a population of over one hundred thousand, or)~~) all the territory consisting of one or more counties (~~(and all the cities and towns in all of the combined counties except cities of over one hundred thousand population which have been combined and)~~) organized pursuant to the provisions of chapters 70.05 and 70.46 RCW (~~(and RCW 70.46.020 through 70.46.090: PROVIDED, That cities with a population of over one hundred thousand may be included in a health district as provided in RCW 70.46.040)~~).

(5) "Department" means the department of health.

Sec. 232. RCW 70.05.030 and 1967 ex.s. c 51 s 3 are each amended to read as follows:

LOCAL BOARD OF HEALTH--COUNTIES WITHOUT HOME RULE CHARTER--JURISDICTION. In counties without a home rule charter, the board of county commissioners (~~(of each and every county in this state, except where such county is a part of a health district or is purchasing services under a contract as authorized by chapter 70.05 RCW and RCW 70.46.020 through 70.46.090,)~~) shall constitute the local board of health (~~(for such county, and said local board of health's jurisdiction)~~), unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county(~~(, except that nothing herein contained shall give said board jurisdiction in cities of over one hundred thousand population or in such other cities and towns as are providing health services which meet health standards pursuant to RCW 70.46.090)~~).

Sec. 233. RCW 70.05.040 and 1984 c 25 s 1 are each amended to read as follows:

LOCAL BOARD OF HEALTH--VACANCIES. The local board of health shall elect a ((chairman)) chair and may appoint an administrative officer. A local health officer shall be appointed pursuant to RCW 70.05.050. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local board of health, the members shall elect a ((chairman)) chair to serve for a period of one year. ~~((In home rule charter counties that have a local board of health established under RCW 70.05.050, the administrative officer may be appointed by the official designated under the county's charter.))~~

NEW SECTION. Sec. 234. A new section is added to chapter 70.05 RCW to read as follows:

HOME RULE CHARTER--LOCAL BOARD OF HEALTH. In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

Sec. 235. RCW 70.05.050 and 1984 c 25 s 5 are each amended to read as follows:

LOCAL HEALTH OFFICER. ~~((Each local board of health, other than boards which are established under RCW 70.05.030 and which are located in counties having home rule charters, shall appoint a local health officer. In home rule charter counties which have a local board of health established under RCW 70.05.030, the local health officer shall be appointed by the official designated under the provisions of the county's charter.))~~

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but ((he)) the local health officer shall not be removed until after notice is given ((him)), and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. ((He)) The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 236. RCW 70.05.070 and 1991 c 3 s 309 are each amended to read as follows:

LOCAL HEALTH OFFICER DUTIES. The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or section 234 of this act, if any, shall:

- (1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and filing of actions authorized by RCW 43.70.190;
- (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;
- (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;
- (4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;
- (5) Prevent, control or abate nuisances which are detrimental to the public health;
- (6) Attend all conferences called by the secretary of health or his or her authorized representative;
- (7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;
- (8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;
- (9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 237. RCW 70.05.080 and 1991 c 3 s 310 are each amended to read as follows:

LOCAL HEALTH OFFICER--APPOINTMENT BY SECRETARY OF HEALTH IF LOCAL BOARD FAILS TO ACT. If the local board of health or other official responsible for appointing a local health officer under RCW 70.05.050 refuses or neglects to appoint a local health officer after a vacancy exists, the secretary of health may appoint a local health officer and fix the compensation. The local health officer so appointed shall have the same duties, powers and authority as though appointed under RCW 70.05.050. Such local health officer shall serve until a qualified individual is appointed according to the procedures set forth in

RCW 70.05.050. The board or official responsible for appointing the local health officer under RCW 70.05.050 shall also be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his or her responsibilities under the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090)).~~

Sec. 238. RCW 70.05.120 and 1984 c 25 s 8 are each amended to read as follows:

REMOVAL OF LOCAL HEALTH OFFICER. Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Sec. 239. RCW 70.05.130 and 1991 c 3 s 313 are each amended to read as follows:

EXPENSES OF CARRYING OUT PUBLIC HEALTH LAW. All expenses incurred by the state, health district, or county in carrying out the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or any other public health law, or the rules of the ~~((state))~~ department of health enacted under such laws, shall be paid by the county ~~((or city by which or in behalf of which such expenses shall have been incurred))~~ and such expenses shall constitute a claim against the general fund as provided ~~((herein))~~ in this section.

Sec. 240. RCW 70.05.150 and 1967 ex.s. c 51 s 22 are each amended to read as follows:

AUTHORITY TO CONTRACT. In addition to powers already granted them, any ~~((city, town,))~~ county, district, or local health department may contract for either the sale or purchase of any or all health services from any local health department ~~((:-PROVIDED, That)).~~ Such contract shall require the approval of the state board of health.

Sec. 241. RCW 70.08.010 and 1985 c 124 s 1 are each amended to read as follows:

APPOINTMENT OF LOCAL HEALTH OFFICER BY COMBINED CITY AND COUNTY HEALTH DEPARTMENT. Any city with one hundred thousand or more population and the county in which it is located, are authorized, as shall be agreed upon between the respective governing bodies of such city and said county, to establish and operate a combined city and county health department, and to appoint ~~((the director of public health))~~ a local health officer for the county served. Class AA counties may appoint a director of public health as specified in this chapter.

Sec. 242. RCW 70.12.030 and 1945 c 46 s 1 are each amended to read as follows:

MONEY MANAGEMENT. Any county, ~~((first class city))~~ combined city-county health department, or health district is hereby authorized and empowered to create a "public health pooling fund", hereafter called the "fund", for the efficient management and control of all moneys coming to such county, ~~((first class city))~~ combined department, or district for public health purposes.

~~(("Health district" as used herein may mean all territory consisting of one or more counties and all cities with a population of one hundred thousand or less, and towns therein.))~~

Sec. 243. RCW 70.12.050 and 1945 c 46 s 3 are each amended to read as follows:

EXPENDITURES. All expenditures in connection with salaries, wages and operations incurred in carrying on the health department of the county, ~~((first class city))~~ combined city-county health department, or health district shall be paid out of such fund.

Sec. 244. RCW 70.46.020 and 1967 ex.s. c 51 s 6 are each amended to read as follows:

MULTICOUNTY HEALTH DISTRICTS. Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties ~~((including all cities and towns except cities of over one hundred thousand population))~~. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. ~~((The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the financial contribution of such cities and towns and representation from the several classifications of cities and towns.))~~

At the first meeting of a district board of health the members shall elect a ~~((chairman))~~ chair to serve for a period of one year.

Sec. 245. RCW 70.46.060 and 1967 ex.s. c 51 s 11 are each amended to read as follows:

DISTRICT BOARD OF HEALTH POWERS AND DUTIES. The district board of health shall constitute the local board of health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the county ~~((or city or town))~~ board of health of any county~~((, city or town))~~ included in the health district~~((, except as otherwise in chapter 70.05 RCW and RCW 70.46.020 through 70.46.090 provided))~~.

Sec. 246. RCW 70.46.080 and 1971 ex.s. c 85 s 10 are each amended to read as follows:

DISTRICT HEALTH FUND. Each health district shall establish a fund to be designated as the "district health fund", in which shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. ~~((The county treasurer of the county in the district embracing only one county; or,))~~ In a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board~~((: PROVIDED, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above))~~.

Each county~~((, city or town))~~ which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health ~~((after consultation with the Washington state association of counties and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of the proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district))~~.

Sec. 247. RCW 70.46.085 and 1967 ex.s. c 51 s 20 are each amended to read as follows:

COUNTY TO BEAR EXPENSES. The expense of providing public health services shall be borne by each county~~((, city or town))~~ within the health district~~((, and the local health officer shall certify the amount agreed upon or as determined pursuant to RCW 70.46.080, and remaining unpaid by each county, city or town to the fiscal or warrant issuing officer of such county, city or town.~~

~~If the expense as certified is not paid by any county, city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the governmental unit is situated who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund shall be reimbursed by the county auditor out of the money due said governmental unit at the next monthly settlement or settlements of the collection of taxes and shall be transferred to the current expense fund))~~.

Sec. 248. RCW 70.46.090 and 1967 ex.s. c 51 s 21 are each amended to read as follows:

WITHDRAWAL FROM MEMBERSHIP. Any county ~~((or any city or town))~~ may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the county~~((, city or town))~~ gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations

to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective(~~(: PROVIDED, That)~~). Any county(~~(, city or town)~~) which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health(~~(: PROVIDED FURTHER, That)~~). No local health department (~~(shall)~~) may be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in RCW 70.05.050.

Sec. 249. RCW 70.46.120 and 1963 c 121 s 1 are each amended to read as follows:

FEES MAY BE CHARGED. In addition to all other powers and duties, health districts shall have the power to charge fees in connection with the issuance or renewal of a license or permit required by law: PROVIDED, That the fees charged shall not exceed the actual cost involved in issuing or renewing the license or permit(~~(: PROVIDED FURTHER, That no fees shall be charged pursuant to this section within the corporate limits of any city or town which prior to the enactment of this section charged fees in connection with the issuance or renewal of a license or permit pursuant to city or town ordinance and where said city or town makes a direct contribution to said health district, unless such city or town expressly consents thereto)~~).

Sec. 250. RCW 82.44.110 and 1991 c 199 s 221 are each amended to read as follows:

DISPOSITION OF MOTOR VEHICLE EXCISE TAX REVENUE--PUBLIC HEALTH. The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) ~~((8.83))~~ 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(l) 2.95 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

Sec. 251. RCW 82.44.155 and 1991 c 199 s 223 are each amended to read as follows:

MOTOR VEHICLE EXCISE TAX DISTRIBUTION TO CITIES AND TOWNS. When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110(~~((4))~~)(1)(d) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection (~~(and the preservation of the public health)~~) in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise taxes imposed by RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 252. RCW 43.20.030 and 1984 c 287 s 75 are each amended to read as follows:

COMPOSITION OF STATE BOARD OF HEALTH--CITY MEMBER ELIMINATED. The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, (~~(an elected city official who is a member of a local health board, an)~~) two elected county officials who (~~(is a)~~) are members of a local health board, a local health officer, and two

persons representing the consumers of health care. ~~((Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities.))~~ Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department ~~((of social and health services))~~ shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 253. RECODIFICATION--CITY/COUNTY HEALTH DEPARTMENT. RCW 70.08.010, as amended by this act, shall be recodified in chapter 70.05 RCW.

NEW SECTION. Sec. 254. REPEALERS--CITIES AND TOWNS. The following acts or parts of acts are each repealed:

- (1) RCW 70.05.005 and 1989 1st ex.s. c 9 s 243;
- (2) RCW 70.05.020 and 1967 ex.s. c 51 s 2;
- (3) RCW 70.05.132 and 1984 c 25 s 9 & 1983 1st ex.s. c 39 s 6;
- (4) RCW 70.05.145 and 1983 1st ex.s. c 39 s 5;
- (5) RCW 70.12.005 and 1989 1st ex.s. c 9 s 245;
- (6) RCW 70.46.030 and 1991 c 363 s 141, 1969 ex.s. c 70 s 1, 1967 ex.s. c 51 s 5, & 1945 c 183 s 3;
- (7) RCW 70.46.040 and 1967 ex.s. c 51 s 7 & 1945 c 183 s 4; and
- (8) RCW 70.46.050 and 1967 ex.s. c 51 s 8, 1957 c 100 s 1, & 1945 c 183 s 5.

NEW SECTION. Sec. 255. STUDY LOCAL GOVERNMENT HEALTH SERVICE DELIVERY. It is hereby requested that the governing authorities of the association of Washington cities, the Washington state association of counties, and the Washington association of county officials jointly initiate a study and develop consensus recommendations regarding implementation of the provisions of sections 231 through 254 of this act. The study and recommendations should at a minimum include consideration of the fiscal impact of these sections on counties, the desirability of maintaining a process whereby city officials can effectively communicate concerns regarding the delivery of public health services to both the counties and the state, the need for larger cities to be able to continue to provide supplemental health care services when needed, and other matters as the three associations agree are of substance in the implementation of sections 231 through 254 of this act. The agreed upon recommendations shall be presented to the senate health and human services and house of representatives health care committees prior to December 31, 1993.

F. DATA COLLECTION

Sec. 256. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

STATE-WIDE DATA SYSTEM--HEALTH SERVICES COMMISSION. (1) To promote the public interest consistent with the purposes of chapter . . . , Laws of 1993 (this act), the department is responsible for the development, implementation, and custody of a state-wide ((hospital)) health care data system, with policy direction and oversight to be provided by the Washington health services commission. As part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, ((hospital)) health care data needed by consumers, purchasers, health care payers, ((hospitals)) providers, and state government as consistent with the intent of chapter . . . , Laws of 1993 (this act) ((chapter)). The department shall identify a set of ((hospital)) health care data elements and report specifications which satisfy these needs. The ((council)) Washington health services commission, created by section 403 of this act, shall review the design of the data system and may ~~((direct the department to))~~ establish a technical advisory committee on health data and shall, if deemed cost-effective and efficient, recommend that the department contract with a private vendor for assistance in the design of the data system or for any part of the work to be performed under this section. The data elements, specifications, and other ((design)) distinguishing features of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by ~~((January 1, 1990))~~ July 1, 1994.

(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered ~~((through the department's development of a biennial data plan, as proposed to,))~~ with the oversight and policy guidance of the Washington health services commission or its technical advisory committee and funded by ~~((;))~~ the legislature through the biennial appropriations process with funds appropriated to the health services account. ~~((Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.~~

~~(3))~~ In designing the state-wide ~~((hospital))~~ health care data system and any data plans, the department shall identify ~~((hospital))~~ health care data elements relating to ~~((both hospital finances))~~ health care costs, the quality of health care services, the outcomes of health care services, and ~~((the))~~ use of ~~((services by patients))~~ health care by consumers. Data elements ~~((relating to hospital finances))~~ shall be reported ~~((by hospitals))~~ as the Washington health services commission directs by reporters in conformance with a uniform ~~((system of))~~ reporting ~~((as specified by the department and shall))~~ system established by the department, which shall be adopted by reporters. "Reporter" means an individual, hospital, or business entity, required to be registered with the department of revenue for payment of taxes imposed under chapter 82.04 RCW or Title 48 RCW, that is primarily engaged in furnishing or insuring for medical, surgical, and other health services to persons. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act), for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ~~((and reported to the Washington state hospital commission)).~~ The commission and the department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

~~((4))~~ (3) The state-wide ~~((hospital))~~ health care data system shall be uniform in its identification of reporting requirements for ~~((hospitals))~~ reporters across the state to the extent that such uniformity is ~~((necessary))~~ useful to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act). Data reporting requirements may reflect differences ~~((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors))~~ that involve pertinent distinguishing features as determined by the Washington health services commission by rule. So far as ~~((possible))~~ is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ~~((and))~~ the state in its role of gathering public health statistics, or any other payer program of consequence so as to minimize any unduly burdensome reporting requirements imposed on ~~((hospitals))~~ reporters.

~~((5))~~ (4) In identifying financial reporting requirements under the state-wide ~~((hospital))~~ health care data system, the department may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

~~((6))~~ In designing the initial state-wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.

~~(7)~~ Until such time as the state-wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.

~~(8))~~ (5) The ~~((hospital))~~ health care data collected ~~((and)),~~ maintained, and studied by the department or the Washington health services commission shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to chapter . . . , Laws of 1993 (this act) shall comply with departmental or commission requirements established by rule in the acquisition of data.

Sec. 257. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

HEALTH CARE DATA--STUDIES, ANALYSES, OR REPORTS. The department shall provide, or may contract with a private entity to provide, ~~((hospital))~~ analyses and reports or any studies it chooses to conduct consistent with the purposes of chapter . . . , Laws of 1993 (this ~~((chapter))~~ act). Subject to the availability of funds and any policy direction that may be given by the Washington health services commission. ~~((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance.))~~ These studies, analyses, or reports shall include:

(1) Consumer guides on purchasing ~~((hospital care services and))~~ or consuming health care and publications providing verifiable and useful aggregate comparative information to ~~((consumers on hospitals and hospital services))~~ the public on health care services, their cost, and the quality of health care providers who participate in certified health plans;

(2) Reports for use by classes of purchasers, who purchase from certified health plans, health care payers, and providers as specified for content and format in the state-wide data system and data plan; ~~((and))~~

(3) Reports on relevant ~~((hospital))~~ health care policy ~~((issues))~~ including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ~~((hospital))~~ provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ~~((hospital))~~ health care; and

(4) Any other reports the commission or department deems useful to assist the public or purchasers of certified health plans in understanding the prudent and cost-effective use of certified health plan services.

NEW SECTION. Sec. 258. A new section is added to chapter 70.170 RCW to read as follows:

CONFIDENTIALITY OF DATA. Notwithstanding the provisions of chapter 42.17 RCW, any material contained within the state-wide health care data system or in the files of either the department or the Washington health services commission shall be subject to the following limitations: (1) Records obtained, reviewed by, or on file that contain information concerning medical treatment of individuals shall be exempt from public inspection and copying; and (2) any actuarial formulas, statistics, and assumptions submitted by a certified health plan to the commission or department upon request shall be exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition.

All persons and any public or private agencies or entities whatsoever subject to this chapter shall comply with any requirements established by rule relating to the acquisition or use of health services data and maintain the confidentiality of any information which may, in any manner, identify individual persons.

NEW SECTION. Sec. 259. A new section is added to chapter 70.170 RCW to read as follows:

HEALTH SERVICES COMMISSION ACCESS TO DATA. The Washington health services commission shall have access to all health data presently available to the secretary of health. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies. The department of health shall be the designated depository agency for all health data collected pursuant to chapter . . ., Laws of 1993 (this act). The following data sources shall be developed or made available:

(1) The commission shall coordinate with the secretary of health to utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the commission's responsibilities.

(2) The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct other research necessary for the specific purpose of assisting in the design of the uniform benefit package under chapter . . ., Laws of 1993 (this act).

(3) The commission shall establish cost data sources and shall require each certified health plan to provide the commission and the department of health with enrollee care and cost information, to include, but not be limited to: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health care services or procedures provided; (e) provider charges, if any; and (f) amount paid. The department shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release.

(4) The commission shall coordinate with the area Indian health service, reservation Indian health service units, tribal clinics, and any urban Indian health service organizations the design, development, implementation, and maintenance of an American Indian-specific health data, statistics information system. The commission rules regarding the confidentiality to safeguard the information from inappropriate use or release shall apply.

NEW SECTION. Sec. 260. A new section is added to chapter 70.170 RCW to read as follows:

PERSONAL HEALTH SERVICES DATA AND INFORMATION SYSTEM. (1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges, if any; and (f) amount paid. The commission shall establish by rule, confidentiality standards to safeguard the information from inappropriate use or release. The department shall assist the commission in establishing reasonable time frames for the completion of the system development and system implementation.

NEW SECTION. Sec. 261. HEALTH CARE ENTITY REPORTING REQUIREMENTS. The commission shall determine, by January 1, 1995, the necessity, if any, of reporting requirements by the following health care entities: Health care providers, health care facilities, insuring entities, and certified health plans. The reporting requirements, if any, shall be for the purposes of determining whether the health care system is operating as efficiently as possible. Information reported pursuant to this section shall be made available to interested parties upon request. The commission shall report its findings to the legislature by January 1, 1995.

G. DISCLOSURE OF HOSPITAL, NURSING HOME, AND PHARMACY CHARGES

NEW SECTION. Sec. 262. A new section is added to chapter 70.41 RCW to read as follows:

SPIRALING COSTS--HOSPITALS. (1) The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making physicians and other health care providers with hospital admitting privileges more aware of the cost consequences of health care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial hospital services, with a potential for reducing the utilization of those services. The requirement of the hospital to inform physicians and other health care providers of the charges of the health care services that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

(2) The chief executive officer of a hospital licensed under this chapter and the superintendent of a state hospital shall establish and maintain a procedure for disclosing to physicians and other health care providers with admitting privileges the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications.

NEW SECTION. Sec. 263. A new section is added to chapter 18.68 RCW to read as follows:

SPIRALING COSTS--PRESCRIPTION MEDICATIONS. The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. One of the fastest growing segments of the health care expenditure involves prescription medications. By making physicians and other health care providers with prescriptive authority more aware of the cost consequences of health care treatments for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial drug and medication treatments. The requirement of the pharmacy to inform physicians and other health care providers of the charges of prescription drugs and medications that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

NEW SECTION. Sec. 264. A new section is added to chapter 18.68 RCW to read as follows:

COST OF PRESCRIPTIVE MEDICATIONS. The registered or licensed pharmacist of this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

NEW SECTION. Sec. 265. A new section is added to chapter 18.51 RCW to read as follows:

SPIRALING COSTS--NURSING HOMES. (1) The legislature finds that the spiraling costs of nursing home care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making nursing home facilities and care providers more aware of the cost consequences of care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial services and care, with a potential for reducing the utilization of those services. The requirement of the nursing home to inform physicians, consumers, and other care providers of the charges of the services that they order may have a positive effect on containing health costs.

(2) All nursing home administrators in facilities licensed under this chapter shall be required to develop and maintain a written procedure for disclosing patient charges to attending physicians with admitting privileges. The nursing home administrator shall have the capability to provide an itemized list of the charges for all health care services that may be ordered by a physician. The information shall be made available on request of consumers, or the physicians or other appropriate health care providers responsible for prescribing care.

NEW SECTION. Sec. 266. DEPARTMENT OF HEALTH--REPORT ON EFFORTS TO CONTAIN COSTS. The department of health shall report to the legislature by December 31, 1994, with recommendations on any necessary revisions to sections 262 through 265 of this act, including their continued necessity and the appropriateness of their repeal.

H. HEALTH PROFESSIONAL SHORTAGES

NEW SECTION. Sec. 267. LEGISLATIVE INTENT. The legislature finds that the successful implementation of health care reform will depend on a sufficient supply of primary health care providers throughout the state. Many rural and medically underserved urban areas lack primary health care providers and because of this, basic health care services are limited or unavailable to populations living in these areas. The legislature has in recent years initiated new programs to address these provider shortages but funding has been insufficient and additional specific provider shortages remain.

Sec. 268. RCW 28B.125.010 and 1991 c 332 s 5 are each amended to read as follows:

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN--PERSONS OF COLOR--INDIAN HEALTH. (1) The higher education coordinating board, the state board for community ((college education)) and technical colleges, the superintendent of public instruction, the state department of health, the Washington health services commission, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational-technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) Strategies for promoting an increase in the use of persons of color in the health professions including adequate resources to train and utilize persons of color in the full spectrum of health professions, to include physicians, licensed physicians who are foreign medical graduates, nurses, administrators, planners, education, technicians, outreach workers, and dentists.

(g) A strategy that includes the incorporation of federal assistance programs for health career development with an emphasis on the national Indian health service programs targeting the American Indian population and other federal and state education and training assistance programs for the economically disadvantaged, physically challenged, and persons of color in all health professions.

~~((f))~~ (g) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

~~((g))~~ (h) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

~~((h))~~ (i) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

~~((i))~~ (j) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

~~((j))~~ (k) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

~~((k))~~ (l) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

~~((l))~~ (m) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

~~((m))~~ (n) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in RCW 28B.115.070.

~~((n))~~ (o) A description of needed changes in regulatory laws governing the credentialing of health professionals.

~~((o))~~ (p) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

~~((p))~~ (q) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

~~((q))~~ (r) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

~~((r))~~ (s) A description of how the higher education coordinating board, state board for community ~~(college education)~~ and technical colleges, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

~~((s))~~ (t) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B.115 RCW.

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

Sec. 269. RCW 28B.115.080 and 1991 c 332 s 21 are each amended to read as follows:

ANNUAL AWARD AMOUNT. After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall ~~((not be more than fifteen thousand dollars per year))~~ be established by the board for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under chapter ~~((48-450))~~ 28B.115, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 270. A new section is added to chapter 43.70 RCW to read as follows:

MULTICULTURAL HEALTH CARE TECHNICAL ASSISTANCE PROGRAM. (1) Consistent with funds appropriated specifically for this purpose, the department shall provide matching grants to support a community-based multicultural health care technical assistance program. Its purpose shall be to promote technical assistance to community and migrant health clinics and other appropriate health care providers who serve principally the underserved and persons of color.

The technical assistance provided shall include, but is not limited to: (a) Collaborative research and data analysis on health care outcomes that disproportionately affect persons of color; (b) design and development of model health education and promotion strategies aimed at modifying unhealthy health behaviors or enhancing the use of the health care delivery system by persons of color; (c) provision of technical information and assistance on program planning and financial management; (d) administration, public policy development, and analysis in health care issues affecting people of color; and (e) enhancement and promotion of health care career opportunities for persons of color.

(2) Consistent with appropriated funds, the programs shall be available on a state-wide basis.

Sec. 271. RCW 70.185.030 and 1991 c 332 s 9 are each amended to read as follows:

COMMUNITY-BASED RECRUITMENT AND RETENTION--UNDERSERVED URBAN AREAS. (1) The department ~~((shall))~~ may, subject to funding, establish ~~((up to three))~~ community-based recruitment and retention project sites to provide financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural and underserved urban areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate the project with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

Sec. 272. RCW 43.70.460 and 1992 c 113 s 2 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--MALPRACTICE INSURANCE. (1) The department may establish a program to purchase and maintain liability malpractice insurance for retired ~~((physicians))~~ primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;
(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired ~~((physicians))~~ primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer to provide coverage to a ~~((physician))~~ primary care provider should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or ~~((physician))~~ primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

Sec. 273. RCW 43.70.470 and 1992 c 113 s 3 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--CONDITIONS. The department may establish by rule the conditions of participation in the liability insurance program by retired ~~((physicians))~~ primary care providers at clinics utilizing retired physicians for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating ~~((physician))~~ primary care provider associated with the clinic shall hold a valid license to practice ~~((medicine and surgery in this state and otherwise))~~ as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A or 18.57A RCW, an advanced registered nurse practitioner under chapter 18.88 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply in the health personnel resource plan under chapter 28B.125 RCW. All primary care providers must be in conformity with current requirements for licensure as a retired ~~((physician))~~ primary care health care provider, including continuing education requirements;

(2) The participating ~~((physician))~~ primary care health care provider shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses. Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating ~~((physician))~~ primary care health care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating ((physician)) primary care health care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating ((physician)) primary care health care provider for services provided by the ((physician)) primary care health care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating ((physician)) primary care health care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

NEW SECTION. Sec. 274. MEDICAL SCHOOL GRADUATES SERVING IN RURAL AND MEDICALLY UNDERSERVED AREAS OF THE STATE--LEGISLATIVE INTENT. The legislature finds that the shortage of primary care physicians practicing in rural and medically underserved areas of the state has created a severe public health and safety problem. If unaddressed, this problem is expected to worsen with health care reform since an increased demand for primary care services will only contribute further to these shortages.

The legislature further finds that the medical training program at the University of Washington is an important and well respected resource to the people of this state in the training of primary care physicians. Currently, only a small proportion of medical school graduates are Washington residents who serve as primary care practitioners in certain parts of this state.

NEW SECTION. Sec. 275. MEDICAL SCHOOL PRIMARY CARE PHYSICIAN SHORTAGE PLAN DEVELOPMENT. (1) The University of Washington shall prepare a primary care shortage plan that accomplishes the following:

(a) Identifies specific activities that the school of medicine shall pursue to increase the number of Washington residents serving as primary care physicians in rural and medically underserved areas of the state, including establishing a goal that assures that no less than forty-five percent of medical school graduates who are Washington state residents at the time of matriculation will enter into primary care residencies in Washington state by the year 2000;

(b) Assures that the school of medicine shall establish among its highest training priorities the distribution of its primary care physician graduates from the school and associated postgraduate residency programs into rural and medically underserved areas;

(c) Establishes the goal of assuring that the annual number of graduates from the family practice residency network entering rural or medically underserved practice shall be increased by forty percent over a baseline period from 1985 through 1990 by 1995;

(d) Establishes a further goal to make operational at least two additional family practice residency programs within Washington state in geographic areas identified by the plan as underserved in family practice by 1997. The geographic areas identified by the plan as being underserved by family practice physicians shall be consistent with any such similar designations as may be made in the health personnel research plan as authorized under chapter 28B.125 RCW;

(e) Establishes, with the cooperation of existing community and migrant health clinics in rural or medically underserved areas of the state, three family practice residency training tracks. Furthermore, the primary care shortage plan shall provide that one of these training tracks shall be a joint American osteopathic association and American medical association approved training site coordinated with an accredited college of osteopathic medicine with extensive experience in training primary care physicians for the western United States. Such a proposed joint accredited training track will have at least fifty percent of its residency positions in osteopathic medicine; and

(f) Implements the plan, with the exception of the expansion of the family practice residency network, within current biennial appropriations for the University of Washington school of medicine.

(2) The plan shall be submitted to the appropriate committees of the legislature no later than December 1, 1993.

I. SHORT-TERM HEALTH INSURANCE REFORM

NEW SECTION. Sec. 276. INTENT--INCREASE ACCESS TO COVERAGE. The legislature intends that, during the transition to a fully reformed health services system, certain health insurance practices be modified to increase access to health insurance coverage for some individuals and groups. The legislature recognizes that health insurance reform will not remedy the significant lack of access to coverage in Washington state without the implementation of strong cost control measures. The authority granted to the commissioner in chapter . . . , Laws of 1993 (this act) is in addition to any authority the commissioner currently has under Title 48 RCW to regulate insurers, health care service contractors, and health maintenance organizations.

NEW SECTION. Sec. 277. A new section is added to chapter 48.18 RCW to read as follows:

CANCELLATIONS, DENIALS--WRITTEN COMMUNICATION. Every insurer upon canceling, denying, or refusing to renew any disability policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the

reasons for the action by the insurer and to any person covered under a group contract. Any benefits, terms, rates, or conditions of such a contract that are restricted, excluded, modified, increased, or reduced shall, upon written request, be set forth in writing and supplied to the insured and to any person covered under a group contract. The written communications required by this section shall be phrased in simple language that is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 278. RCW 48.21.200 and 1983 c 202 s 16 and 1983 c 106 s 24 are each reenacted and amended to read as follows:

REDUCTIONS OR REFUSAL OF BENEFITS. (1) No individual or group disability insurance policy, health care service contract, or health maintenance agreement which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state (~~(after September 8, 1975)~~) which contains any provision whereby the insurer, contractor, or health maintenance organization may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any (~~(individual)~~) disability insurance policy, (~~(or under any individual)~~) health care service contract, or health maintenance agreement.

(2) No individual or group disability insurance policy, health care service contract, or health maintenance agreement providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements.

(3) The commissioner shall by rule establish guidelines for the application of this section, including:

(a) The procedures by which persons (~~(insured)~~) covered under such policies, contracts, and agreements are to be made aware of the existence of such a provision;

(b) ~~The~~ benefits which may be subject to such a provision;

(c) ~~The~~ effect of such a provision on the benefits provided;

(d) ~~Establishment of the order of benefit determination; ((and))~~

(e) Exceptions necessary to maintain the integrity of policies, contracts, and agreements that may require the use of particular health care facilities or providers; and

(f) Reasonable claim administration procedures to expedite claim payments and prevent duplication of payments or benefits under such a provision (~~(: PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages: AND PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3).~~

(3) ~~The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements).~~

NEW SECTION. Sec. 279. A new section is added to chapter 48.20 RCW to read as follows:

DISABILITY INSURER--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 280. A new section is added to chapter 48.21 RCW to read as follows:

GROUP DISABILITY INSURERS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 281. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTORS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health care service contractor, except limited health care service contractors as defined under RCW 48.44.035, shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new contract to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 282. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE ORGANIZATIONS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health maintenance organization shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new agreement to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

Sec. 283. RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each amended to read as follows:

UNFAIR PRACTICES. Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified,

excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on and after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 284. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTS--UNFAIR PRACTICES. (1) With respect to all health care service contracts issued or renewed on and after July 1, 1994, except limited health care service contracts as defined in RCW 48.44.035:

(a) Contracts shall guarantee continuity of coverage. Such provision, which shall be included in every contract, shall provide that:

(i) The contract may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premiums, for violation of published policies of the contractor which have been approved by the commissioner, for persons who are entitled to become eligible for medicare benefits and fail to subscribe to a medicare supplement plan offered by the contractor, for failure of such subscriber to pay any deductible or copayment amount owed to the contractor and not the provider of health care services, for fraud, or for a material breach of the contract; and

(ii) The contract may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the contractor has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a contractor to modify the coverage provided or rates applying to an in-force contract and to fail to make such modification in all such issued and outstanding contracts.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health care service contractor to:

(i) Cease the sale of a contract form unless it has received prior written authorization from the commissioner and has offered all subscribers covered under such discontinued contract the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects subscribers to rate increases on discontinued contract forms unless such subscribers are offered the opportunity to purchase comparable coverage without health screening.

(2) The health care service contractor may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 285. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE AGREEMENTS--UNFAIR PRACTICES. (1) With respect to all health maintenance agreements issued or renewed on and after July 1, 1994, and in addition to the restrictions and limitations contained in RCW 48.46.060(4):

(a) Agreements shall guarantee continuity of coverage. Such provision, which shall be included in every agreement, shall provide that the agreement may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the organization has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for an organization to modify the coverage provided or rates applying to an in-force agreement and to fail to make such modification in all such issued and outstanding agreements.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health maintenance organization to:

(i) Cease the sale of an agreement form unless it has received prior written authorization from the commissioner and has offered all enrollees covered under such discontinued agreement the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects enrollees to rate increases on discontinued agreement forms unless such enrollees are offered the opportunity to purchase comparable coverage without health screening.

(2) The health maintenance organization may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

Sec. 286. RCW 48.44.260 and 1979 c 133 s 3 are each amended to read as follows:

HEALTH CARE SERVICE CONTRACTOR--NOTICE OF CANCELLATION. Every authorized health care service contractor, upon canceling, denying, or refusing to renew any individual health care service contract, shall, upon written request, directly notify in writing the applicant or ((insured)) subscriber, as the case may be, of the reasons for the action by the health care service contractor. Any benefits, terms, rates, or conditions of such a contract which are restricted, excluded, modified, increased, or reduced ((because of the presence of a sensory, mental, or physical handicap)) shall, upon written request, be set forth in writing and supplied to the ((insured)) subscriber. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 287. RCW 48.46.380 and 1983 c 106 s 16 are each amended to read as follows:

HEALTH MAINTENANCE ORGANIZATION--NOTICE OF CANCELLATIONS. Every authorized health maintenance organization, upon canceling, denying, or refusing to renew any individual health maintenance agreement, shall, upon written request, directly notify in writing the applicant or enrolled participant as appropriate, of the reasons for the action by the health maintenance organization. Any benefits, terms, rates, or conditions of such agreement which are restricted, excluded, modified, increased, or reduced ((because of the presence of a sensory, mental, or physical handicap)) shall, upon written request, be set forth in writing and supplied to the individual. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 288. REPEALERS--REPORT; STUDIES. The following acts or parts of acts are each repealed:

(1) RCW 48.46.160 and 1975 1st ex.s. c 290 s 17; and

(2) RCW 48.46.905 and 1975 1st ex.s. c 290 s 25.

NEW SECTION. Sec. 289. REPEALER--NONTERMINATION FOR CHANGE IN HEALTH. RCW 48.44.410 and 1986 c 223 s 12 are each repealed, effective July 1, 1994.

NEW SECTION. Sec. 290. A new section is added to chapter 48.20 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 456 of this act, sections 401 through 407, 409, and 424 through 456 of this act shall control.

NEW SECTION. Sec. 291. A new section is added to chapter 48.21 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 456 of this act, sections 401 through 407, 409, and 424 through 456 of this act shall control.

NEW SECTION. Sec. 292. A new section is added to chapter 48.44 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 456 of this act, sections 401 through 407, 409, and 424 through 456 of this act shall control.

NEW SECTION. Sec. 293. A new section is added to chapter 48.46 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 456 of this act, sections 401 through 407, 409, and 424 through 456 of this act shall control.

Sec. 294. RCW 48.44.095 and 1983 c 202 s 3 are each amended to read as follows:

ANNUAL STATEMENT. (1) Every health care service contractor shall annually, (~~within one hundred twenty days of the closing date of its fiscal year~~) before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health care service contractor showing its financial condition as of the (~~closing date of its fiscal year~~) last day of the preceding calendar year. The statement shall be in such form as is furnished or prescribed by the commissioner. The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(2) The commissioner may suspend or revoke the certificate of registration of any health care service contractor failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

Sec. 295. RCW 48.46.080 and 1983 c 202 s 10 and 1983 c 106 s 6 are each reenacted and amended to read as follows:

ANNUAL STATEMENT. (1) Every health maintenance organization shall annually, (~~within one hundred twenty days of the closing date of its fiscal year~~) before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health maintenance organization showing its financial condition as of the (~~closing date of its fiscal year~~) last day of the preceding calendar year.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) The number of doctors by type of practice who, under contract with or as an employee of the health maintenance organization, furnished health care services to consumers during the past year;

(d) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(e) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

(f) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

(3) The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(4) The commissioner may suspend or revoke the certificate of registration of any health maintenance organization failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

(5) No person shall knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a health maintenance organization which does not accurately state the health maintenance organization's financial condition.

PART III. TAXES AND APPROPRIATIONS

NEW SECTION. **Sec. 301.** A new section is added to chapter 48.14 RCW to read as follows:

TAX ON PREMIUMS AND PREPAYMENTS. (1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under section 432 of this act.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the health services account under section 464 of this act.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. This exemption does not apply to amounts received under a certified health plan certified under section 432 of this act.

Sec. 302. RCW 48.14.080 and 1949 c 190 s 21 are each amended to read as follows:

PREMIUM TAX IN LIEU OF OTHER FORMS. As to insurers other than title insurers, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and tangible personal property ~~((and))~~ excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(15).

NEW SECTION. Sec. 303. A new section is added to chapter 82.04 RCW to read as follows:

EXEMPTION FROM BUSINESS AND OCCUPATION TAX. This chapter does not apply to any health maintenance organization, health care service contractor, or certified health plan in respect to premiums or prepayments that are taxable under section 301 of this act.

Sec. 304. RCW 82.04.260 and 1991 c 272 s 15 are each amended to read as follows:

TAX ON HOSPITALS OPERATED AS NONPROFIT CORPORATIONS. (1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of five-tenths of one percent through June 30, 1995, and one and five-tenths percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under section 464 of this act.

Sec. 305. RCW 82.04.4289 and 1981 c 178 s 2 are each amended to read as follows:

HOSPITAL EXEMPTION DELETED. ~~((In computing tax there may be deducted from the measure of tax))~~ This chapter does not apply to amounts derived as compensation for services rendered to patients or from sales of prescription drugs as defined in RCW 82.08.0281 furnished as an integral part of services rendered to patients by ((a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation,)) a kidney dialysis facility operated as a nonprofit corporation, ((whether or not operated in connection with a hospital,)) nursing homes, and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. ((In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.))

NEW SECTION. **Sec. 306.** REPEALER--PRESCRIPTION DRUG DEDUCTION FOR PUBLICLY OPERATED HOSPITALS. RCW 82.04.4288 and 1980 c 37 s 9 are each repealed.

Sec. 307. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

TAX ON CIGARETTES. (1) There is levied and there shall be collected as ~~((hereinafter))~~ provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

~~(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under section 464 of this act by the twenty-fifth day of the following month.~~

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 308. RCW 82.24.080 and 1972 ex.s. c 157 s 4 are each amended to read as follows:

TAX LIABILITY--CIGARETTE TAX. It is the intent and purpose of this chapter to levy a tax on all of the articles taxed ~~((herein))~~ under this chapter, sold, used, consumed, handled, possessed, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, possesses (either physically or constructively, in accordance with RCW 82.24.020) or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles ~~((herein))~~ taxed under this chapter is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, possessed, or distributed in this state.

It is also the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event occurring within this state~~((: PROVIDED, HOWEVER, That))~~. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

In the event of an increase in the rate of the tax imposed under this chapter, it is the intent of the legislature that the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed articles after the effective date of the rate increase shall be liable for the additional tax represented by the rate increase, but the failure to pay the additional tax with respect to the first taxable event after the effective date of a rate increase shall not prevent tax liability for the additional tax from arising from a subsequent taxable event.

Sec. 309. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

TAX ON TOBACCO PRODUCTS. (1) ~~((From and after June 1, 1971,))~~ There is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. ~~((Such tax))~~

(2) Taxes under this section shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

~~((2))~~ (3) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section.

(4) An additional tax is imposed equal to ten percent of the wholesale sales price of tobacco products. The moneys collected under this subsection shall be deposited in the health services account created under section 464 of this act.

Sec. 310. RCW 82.08.150 and 1989 c 271 s 503 are each amended to read as follows:

TAX ON SPIRITS. (1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to (~~(the rate specified in RCW 82.02.030)~~) fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to class H licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to class H licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under section 464 of this act by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020(~~, as now or hereafter amended,~~) shall not apply to sales of spirits or strong beer in the original package.

~~((7))~~ (8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((8))~~ (9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 311. RCW 66.24.210 and 1991 c 192 s 3 are each amended to read as follows:

TAX ON WINE--REDUCED RATE FOR CERTAIN WINERIES. (1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter (~~(: PROVIDED, HOWEVER, That)~~). Wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to (~~(the rate specified in RCW 82.02.030)~~) seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010(34) when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. On fortified wine as defined in RCW 66.04.010(34) when bottled or packaged by the manufacturer the additional tax is equal to four and five-tenths cents per liter through June 30, 1995, five and seven-tenths cents per liter for the period July 1, 1995, through June 30, 1997, and twenty-two and seven-tenths cents per liter thereafter. On all other wines the additional tax is equal to two and three-tenths cents per liter through June 30, 1995, five and seven-tenths cents per liter for the period July 1, 1995, through June 30, 1997, and eleven and five-tenths cents per liter thereafter.

(b) The additional tax imposed under this subsection (5) does not apply in respect to nonfortified wine produced during a calendar year by any winery that produced one million gallons of wine or less during the previous calendar year.

(c) A single reduced tax rate applies under this subsection (5) in respect to all nonfortified wine produced during a calendar year by any winery that produced more than one million but less than two million gallons of wine during the previous calendar year. The reduced tax rate is equal to the rate per liter otherwise applicable under (a) of this subsection, multiplied by one percent for each ten thousand gallons produced in excess of one million gallons by the winery during the previous calendar year.

(d) All revenues collected from the additional tax imposed under this subsection (5) shall be deposited in the health services account under section 464 of this act by the twenty-fifth day of the following month.

Sec. 312. RCW 66.24.290 and 1989 c 271 s 502 are each amended to read as follows:

TAX ON BEER--REDUCED RATE FOR CERTAIN BREWERIES. (1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps ~~((herein))~~ provided ~~((for))~~ under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on the effective date of this section or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under section 464 of this act.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 313. RCW 82.02.030 and 1990 c 42 s 319 are each amended to read as follows:

ADDITIONAL TAX RATES. ~~((1))~~ The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), ~~((66.24.210(2), 66.24.290(2),))~~ 82.04.2901, 82.16.020(2), ~~((82.26.020(2),))~~ 82.27.020(5), and 82.29A.030(2) shall be seven percent ~~((; and~~

~~((2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent)).~~

NEW SECTION. Sec. 314. APPROPRIATIONS. The following appropriations are made for the biennium ending June 30, 1995, to implement this act:

(1) The sum of one hundred seventy three million nine hundred thousand dollars is appropriated from the health services account to the personal health services account for subsidized health access for low-income Washington residents.

(2) The sum of five million dollars is appropriated from the health services account to the personal health services account for community and migrant clinic services to low-income individuals and families.

(3) The sum of twenty million dollars is appropriated from the health services account to the public health services account for the purpose of maintaining and improving the health of Washington residents. Specific improvements shall include but are not limited to: Expanded immunization, counter message advertising, pregnancy and sexually transmitted disease prevention services, tuberculosis control, and HIV programs.

(4) The sum of four million three hundred thousand dollars is appropriated from the health services account to the health system capacity account for the state-wide family medicine program and training of physician assistants and nurse practitioners, for health professional scholarship and loan repayment programs, and for other activities designed to improve the supply of primary health care providers.

(5) The sum of four million dollars is appropriated to the public health services account for maintaining and enhancing services provided through the department of health.

(6) The sum of six million five hundred thousand dollars is appropriated to the health system capacity account for the operation of the health care commission and data services and analytical activities in support of the health care system.

PART IV. HEALTH AND MEDICAL SYSTEM REFORM

NEW SECTION. Sec. 401. INTENT. The legislature intends that chapter . . . , Laws of 1993 (this act) establish structures, processes, and specific financial limits to stabilize the overall cost of medical care within the economy, reduce the demand for unneeded medical care, provide access to essential health and medical services, improve public health, and ensure that medical system costs do not undermine the financial viability of nonmedical care businesses.

NEW SECTION. Sec. 402. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1)(a) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with sections 431 through 442 of this act which insurer, contractor, health maintenance organization, or entity contracts to administer or provide the uniform benefits package in a managed care setting consistent with the requirements of this chapter.

(b) "Certified health plan" or "plan" also means an employee health benefits plan maintained by an employer who self-insures such benefits and chooses to comply with sections 431 through 442 of this act.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW. A qualified employee for full employer contributions is an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means copayments or coinsurance paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, within limits established by the commission.

(9) "Enrollee premium sharing" means that portion of the premium, determined by the commission, that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW and chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with sections 424 and 425 of this act.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any single expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that assumes financial risk for delivery of health services and that uses a defined network of providers or that promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced plans in a geographic region including both premium-sharing and enrollee point of service cost-sharing.

(18) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

(19) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium.

(20) "Supplemental benefits" means those appropriate and effective health services, defined by the commission, in accordance with section 449 of this act, that expand coverage under the uniform benefits package and that may be offered to all Washington residents through certified health plans.

(21) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(22) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under section 448 of this act, that must be offered to all Washington residents through certified health plans.

(23) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under sections 426 through 456 of this act. "Washington resident" also includes people and their accompanying family members who are in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

A. THE WASHINGTON HEALTH SERVICES COMMISSION

NEW SECTION. Sec. 403. CREATION OF COMMISSION--MEMBERSHIP--TERMS OF OFFICE--VACANCIES--SALARIES. (1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members reflecting ethnic and racial diversity, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The insurance commissioner shall serve as a nonvoting member. Of the initial members, one shall be appointed to a term of three years, two shall be appointed to a term of four years, and two shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter 42.18 RCW, the executive branch conflict of interest act.

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

NEW SECTION. Sec. 404. ADVISORY COMMITTEES. (1)(a) The commission shall appoint a technical advisory committee with a balanced representation of members representing consumers, business, government, labor, insurers, practicing health care providers, and health services researchers; the membership shall reflect ethnic and racial diversity. The chair may also appoint ad hoc and special committees for a specified time period.

(b) The commission shall also appoint health services effectiveness panels for specified periods of time to provide specific technical guidance related to appropriate and effective health services, use of technology and practice guidelines, and development of the uniform benefits package. Panels should include technical experts, such as general practitioners, specialty physicians or providers, health service researchers, health ethicists, epidemiologists, and public health experts who reflect the state's ethnic and cultural diversity.

(c) The commission shall also appoint a small business advisory committee composed of seven small business owners to assist the commission in development of the small business economic impact statement and the small business assistance program, as provided in sections 448(7) and 456 of this act.

(d) The commission shall also appoint an organized labor advisory committee composed of seven representatives of employee organizations representing employees of public or private employers. The committee shall assist the commission in conducting the evaluation of Taft-Hartley health care trusts and self-insured employee health benefits plans, as provided in section 406(25) of this act, and shall advise the commission on issues related to the impact of chapter . . . , Laws of 1993 (this act) on negotiated health benefits agreements and other employee health benefits plans.

(2) Members of committees and panels shall serve without compensation for their services but shall be reimbursed for their expenses while attending meetings on behalf of the commission in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 405. POWERS AND DUTIES OF THE CHAIR. The chair shall be the chief administrative officer and the appointing authority of the commission and has the following powers and duties:

(1) Direct and supervise the commission's administrative and technical activities in accordance with the provisions of this chapter and rules and policies adopted by the commission;

(2) Employ personnel of the commission, representative of ethnic diversity, in accordance with chapter 41.06 RCW, and prescribe their duties. With the approval of a majority of the commission, the chair may appoint persons to administer any entity established pursuant to subsection (8) of this section, and up to seven additional employees all of whom shall be exempt from the provisions of chapter 41.06 RCW;

(3) Enter into contracts on behalf of the commission;

(4) Accept and expend gifts, donations, grants, and other funds received by the commission;

(5) Delegate administrative functions of the commission to employees of the commission as the chair deems necessary to ensure efficient administration;

(6) Subject to approval of the commission, appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the commission;

(7) Preside at meetings of the commission;

(8) Consistent with policies and rules established by the commission, establish such administrative divisions, offices, or programs as are necessary to carry out the purposes of chapter . . . , Laws of 1993 (this act); and

(9) Perform such other administrative and technical duties as are consistent with chapter . . . , Laws of 1993 (this act) and the rules and policies of the commission.

NEW SECTION. Sec. 406. POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

(3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter . . . , Laws of 1993 (this act). An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, enrollee and employer financial participation, levels of and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination with the planning process set forth in section 462 of this act a uniform set of health services based on the recommendations of the health care cost control and access commission.

(5) Establish and modify as necessary, the uniform benefits package and supplemental benefits packages, as provided in sections 448 and 449 of this act, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.

(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package that shall operate to control overall health care costs in the case that the limited sponsor contribution to a percentage of the lowest priced plan and other market reforms do not stimulate effective price competition and control costs. The premium cost of the uniform benefits package in 1995 shall be based upon an actuarial determination of the costs of providing the uniform benefits package, assuming cost savings that may result from reductions in cost shifting, the use of managed care, identification of cost-effective and clinically efficacious services, assuming cost increases that may result from the direct or indirect effect of changes in taxation, aging of the population, and availability and effectiveness of new medical technology, and any other factors deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the uniform benefits package for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management.

(b) In establishing the community-rated maximum premium under this subsection, the commission shall endeavor to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required.

(c) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.

(d) The level of expenditures for the uniform benefits package is conditioned upon the appropriation of funds specifically for this purpose.

(7) Establish enrollee premium share levels that are related to enrollee household income and that do not apply to enrollees with income less than the federal poverty level. The commission shall develop mechanisms through which enrollees whose premium share levels are reduced as a result of low household income can obtain subsidies necessary for enrollment in a certified health plan. The availability of subsidies shall be conditioned upon the appropriation of funds specifically for this purpose.

(8) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection and (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform

benefits package or supplemental coverage based upon either receipt or contribution of assessments. Proposed medical risk adjustment mechanisms shall be submitted to the legislature as provided in section 450 of this act.

(9) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(10) Monitor the actual growth in total annual health services costs.

(11) Monitor the increased application of technology as required by chapter . . . , Laws of 1993 (this act) and take necessary action to ensure that such application is made in a cost-effective and efficient manner and consistent with existing laws that protect individual privacy.

(12) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports from providers and shall report to the legislature regarding major capital expenditures by providers on at least an annual basis. The Washington health care facilities authority and the commission shall develop jointly standards for evaluating and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission.

(13) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income and shall not result in household income being reduced below the federal poverty level.

(14) For health services provided under the uniform benefits package, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

(15) Suggest that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to section 410 of this act for these purposes.

(16) Suggest other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

(17) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.

(18) Adopt standards that prevent conflict of interest by health care providers as provided in section 408 of this act.

(19) Consider the extent to which medical research activities should be included within the health service system set forth in this chapter . . . , Laws of 1993 (this act).

(20) Evaluate and monitor the extent to which racial and ethnic minorities have access and to receive health services within the state, and develop strategies to address barriers to access.

(21) Develop standards for the certification process to certify health plans to provide the uniform benefits package, according to the provisions for certified health plans under chapter . . . , Laws of 1993 (this act).

(22) Develop rules for implementation of individual and employer participation under sections 454 and 455 of this act specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

(23) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

(24) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

(25) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(26) Evaluate the extent to which Taft-Hartley health care trusts and self-insured employee health benefit plans provide benefits to certain individuals in the state; review the federal laws under which these joint employee-employer entities and self-insured employee health benefit plans are organized; and make appropriate recommendations to the governor and the legislature on or before December 1, 1994, about how these trusts and benefits plans can be brought under the provisions of chapter . . . , Laws of 1993 (this act) when it is fully implemented.

(27) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of comprehensive subsidized health care benefits for all residents and report to the governor and the legislature their findings.

(28) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

(29) Evaluate the effect of reforms under chapter . . . , Laws of 1993 (this act) on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policymaking authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

NEW SECTION. Sec. 407. MODIFICATION OF MAXIMUM PREMIUM. Upon the recommendation of the insurance commissioner, and on the basis of evidence established by independent actuarial analysis, if the commission finds that the economic viability of a significant number of the state's certified health plans is seriously threatened, the commission may increase the maximum premium to the extent mandated by the Constitution, and must immediately thereafter submit to the legislature a proposal for a new formula for adjusting the maximum premium that must be approved in law by each house of the legislature by a sixty percent vote.

NEW SECTION. Sec. 408. A new section is added to chapter 18.130 RCW to read as follows:

CONFLICT OF INTEREST STANDARDS. The Washington health services commission established by section 403 of this act, in consultation with the secretary of health, and the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.

NEW SECTION. Sec. 409. CONTINUOUS QUALITY IMPROVEMENT AND TOTAL QUALITY MANAGEMENT. To ensure the highest quality health services at the lowest total cost, the commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science for continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful experiences in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop standards for a Washington state health services supplier certification process and recommend such standards to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later than July 1, 1996, whereby all health service providers and health service facilities shall be certified prior to providing uniform benefits package services.

B. PRACTICE INDICATORS

NEW SECTION. Sec. 410. A new section is added to chapter 43.70 RCW to read as follows:

PRACTICE INDICATORS. The department of health shall consult with health care providers, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

(1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.

(2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.

(3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

C. HEALTH CARE LIABILITY REFORMS

Sec. 411. RCW 43.70.320 and 1991 sp.s. c 13 s 18 are each amended to read as follows:

HEALTH PROFESSIONS ACCOUNT. (1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

NEW SECTION. Sec. 412. A new section is added to chapter 18.130 RCW to read as follows:

MALPRACTICE INSURANCE COVERAGE MANDATE. Except to the extent that liability insurance is not available, every licensed health care practitioner whose services are included in the uniform benefits package, as determined by section 448 of this act, and whose scope of practice includes independent practice, shall, as a condition of licensure and relicensure, be required to provide evidence of a minimum level of malpractice insurance coverage issued by a company authorized to do business in this state. On or before January 1, 1994, the department shall designate by rule:

(1) Those health professions whose scope of practice includes independent practice;

(2) For each health profession whose scope of practice includes independent practice, whether malpractice insurance is available; and

(3) If such insurance is available, the appropriate minimum level of mandated coverage.

NEW SECTION. Sec. 413. A new section is added to chapter 48.22 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, a casualty insurer's issuance of a new medical malpractice policy or renewal of an existing medical malpractice policy to a physician or other independent health care practitioner shall be conditioned upon that practitioner's participation in, and completion of, an insurer-designed health care liability risk management training program once every three years. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with the adverse health outcomes that do occur. For purposes of this section, "independent health care practitioners" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

NEW SECTION. Sec. 414. A new section is added to chapter 48.05 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, each health care provider, facility, or health maintenance organization that self-insures for liability risks related to medical malpractice and employs physicians or other independent health care practitioners in Washington state shall condition each physician's and practitioner's liability coverage by that entity upon that physician's or practitioner's participation in risk management training offered by the provider, facility, or health maintenance organization to its employees. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with those adverse health outcomes that do occur. For purposes of this section, "independent health care practitioner" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

Sec. 415. RCW 70.41.200 and 1991 c 3 s 336 are each amended to read as follows:

QUALITY IMPROVEMENT PROGRAM. (1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality ((assurance)) improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures(~~(--At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity));~~);

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality ((assurance)) improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ((about health care providers arising out of the matters that are under review or have been evaluated)) by a ((review)) quality improvement committee ((conducting quality assurance reviews)) are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ((board)) who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ((b)) (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ((assurance)) improvement committees regarding such health care provider; ((e)) (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ((d)) (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

Sec. 416. RCW 70.41.230 and 1991 c 3 s 337 are each amended to read as follows:

REQUEST FOR STAFF PRIVILEGES. (1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained (~~(about health care providers arising out of the matters that are under review or have been evaluated)~~) by a (~~(review)~~) quality improvement committee (~~(conducting quality assurance reviews)~~) are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or (~~(board)~~) who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (~~((b))~~) (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality (~~(assurance)~~) improvement committees regarding such health care provider; (~~((e))~~) (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (~~((d))~~) (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 417. A new section is added to chapter 43.70 RCW to read as follows:

COORDINATED QUALITY IMPROVEMENT PROGRAM. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, and certified health plans approved pursuant to section 427 of this act may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, or certified health plan, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) The department of health shall adopt rules as are necessary to implement this section.

NEW SECTION. Sec. 418. MEDICAL MALPRACTICE REVIEW. (1) The administrator for the courts shall coordinate a collaborative effort to develop a voluntary system for review of medical malpractice claims by health services experts prior to the filing of a cause of action under chapter 7.70 RCW.

(2) The system shall have at least the following components:

(a) Review would be initiated, by agreement of the injured claimant and the health care provider, at the point at which a medical malpractice claim is submitted to a malpractice insurer or a self-insured health care provider.

(b) By agreement of the parties, an expert would be chosen from a pool of health services experts who have agreed to review claims on a voluntary basis.

(c) The mutually agreed upon expert would conduct an impartial review of the claim and provide his or her opinion to the parties.

(d) A pool of available experts would be established and maintained for each category of health care practitioner by the corresponding practitioner association, such as the Washington state medical association and the Washington state nurses association.

(3) The administrator for the courts shall seek to involve at least the following organizations in a collaborative effort to develop the informal review system described in subsection (2) of this section:

(a) The Washington defense trial lawyers association;

(b) The Washington state trial lawyers association;

(c) The Washington state medical association;

(d) The Washington state nurses association and other employee organizations representing nurses;

(e) The Washington state hospital association;

(f) The Washington state physicians insurance exchange and association;

(g) The Washington casualty company;

(h) The doctor's agency;

(i) Group health cooperative of Puget Sound;

(j) The University of Washington;

(k) Washington osteopathic medical association;

(l) Washington state chiropractic association;

(m) Washington association of naturopathic physicians; and

(n) The department of health.

(4) On or before January 1, 1994, the administrator for the courts shall provide a report on the status of the development of the system described in this section to the governor and the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 419. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. (1) All causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after the effective date of this section shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators. Mediators shall be compensated in the same amount and manner as judges pro tempore of the superior court unless the parties agree to a different amount or manner of compensation;

(b) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(c) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(d) The number of days following the selection of a mediator within which a mediation conference must be held;

(e) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(f) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

NEW SECTION. Sec. 420. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE. The making of a written, good faith request for mediation of a dispute related to damages for injury occurring as a result of health care provided prior to filing a cause of action under this chapter shall toll the statute of limitations provided in RCW 4.16.350.

NEW SECTION. Sec. 421. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. Section 419 of this act may not be construed to abridge the right to trial by jury following an unsuccessful attempt at mediation.

Sec. 422. RCW 5.60.070 and 1991 c 321 s 1 are each amended to read as follows:

MEDIATION--COMMUNICATIONS PRIVILEGED. (1) If there is a court order to mediate ~~((or))~~, a written agreement between the parties to mediate, or if mediation is mandated under section 419 of this act, then any communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

(a) When all parties to the mediation agree, in writing, to disclosure;

(b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;

(c) When a written agreement to mediate permits disclosure;

(d) When disclosure is mandated by statute;

(e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;

(f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or

(g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.

(2) When there is a court order ~~((or))~~, a written agreement to mediate, or when mediation is mandated under section 419 of this act, as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:

(a) All parties to the mediation and the mediator agree in writing; or

(b) In an action described in subsection (1)(g) of this section.

Sec. 423. RCW 4.22.070 and 1986 c 305 s 401 are each amended to read as follows:

PERCENTAGE OF FAULT--JOINT AND SEVERAL LIABILITY. (1) Except as provided in subsection (4) of this section, in all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimants total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsection((e)) (1)(a) or (1)(b) or (4) (a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

(4) In all actions governed by chapter 7.70 RCW involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault that is attributable to every entity that caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant, and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount that represents that party's proportionate share of the claimant's total damages. The total damages shall first be reduced by any amount paid to the claimant by a released entity. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(c) A defendant shall be responsible to the claimant for any fault of an entity released by the claimant. The total damages shall first be reduced by any amount paid to the claimant by a released entity, and, where some fault has been attributed to the claimant, by the claimant's proportionate share of his or her total damages.

D. HEALTH INSURANCE PURCHASING COOPERATIVES

NEW SECTION. Sec. 424. HEALTH INSURANCE PURCHASING COOPERATIVES--DESIGNATION OF REGIONS BY COMMISSION, INFORMATION SYSTEMS, MINIMUM STANDARDS, AND RULES. (1) The commission shall designate large geographic regions within the state in which health insurance purchasing cooperatives may operate, based upon population, assuming that each cooperative must serve no less than one hundred fifty thousand persons; geographic factors; market conditions; and other factors deemed appropriate by the commission. The commission shall designate one health insurance purchasing cooperative per region. However, the commission may designate certain regions of the state as areas where more than one cooperative may operate upon a determination that a sufficient population base exists within such region to efficiently support more than one cooperative.

(2) In coordination with the commission and consistent with the provisions of chapter 70.170 RCW, the department of health shall establish an information clearinghouse for the collection and dissemination of information necessary for the efficient operation of cooperatives, including the establishment of a risk profile information system related to certified health plan enrollees that would permit the equitable distribution of losses among plans in accordance with section 406(8) of this act.

(3) Every health insurance purchasing cooperative shall:

(a) Admit all individuals, employers, or other groups wishing to participate in the cooperative;

(b) Make available for purchase by cooperative members every health care program offered by every certified health plan operating within the cooperative's region;

(c) Be operated as a member-governed and owned, nonprofit cooperative in which no certified health plan, health maintenance organization, health care service contractor, independent practice association, independent physician organization, or any individual with a pecuniary interest in any such organization, shall have any pecuniary interest in or management control of the cooperative;

(d) Provide for centralized enrollment and premium collection and distribution among certified health plans; and

(e) Serve as an ombudsman for its members to resolve inquiries, complaints, or other concerns with certified health plans.

(4) Every health insurance purchasing cooperative shall assist members in selecting certified health plans and for this purpose may devise a rating system or similar system to judge the quality and cost-effectiveness of certified health plans consistent with guidelines established by the commission. For this purpose, each cooperative and directors, officers, and other employees of the cooperative are immune from liability in any civil action or suit arising from the publication of any report, brochure, or guide, or dissemination of information related to the services, quality, price, or cost-effectiveness of certified plans unless actual malice, fraud, or bad faith is shown. Such immunity is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

(5) Every health insurance purchasing cooperative shall bear the full cost of its operations, including the costs of participating in the information clearinghouse, through assessments upon its members. Such assessments shall be billed and accounted for separately from premiums collected and distributed for the purchase of the uniform benefits package or any other supplemental insurance or health services program.

(6) No health insurance purchasing cooperative may bear any financial risk for the delivery of uniform benefits package services, or for any other supplemental insurance or health services program.

(7) No health insurance purchasing cooperative may directly broker, sell, contract for, or provide any insurance or health services program. However, nothing contained in this section shall be deemed to prohibit the use or employment of insurance agents or brokers by the cooperative for other purposes or to prohibit the facilitation of the sale and purchase by members of supplemental insurance or health services programs.

(8) The commission may adopt rules necessary for the implementation of this section including rules governing charter and bylaw provisions of cooperatives and may adopt rules prohibiting or permitting other activities by cooperatives.

(9) The commission shall consider ways in which cooperatives can develop, encourage, and provide incentives for employee wellness programs.

NEW SECTION. Sec. 425. LICENSING AND REGULATION OF HEALTH INSURANCE PURCHASING COOPERATIVES BY THE INSURANCE COMMISSIONER. (1) No person may establish or operate a health insurance purchasing cooperative without having first obtained a certificate of authority from the insurance commissioner.

(2) Every proposed cooperative shall furnish notice to the insurance commissioner that shall:

(a) Identify the principal name and address of the cooperative;

(b) Furnish the names and addresses of the initial officers of the cooperative;

(c) Include copies of letters of agreement for participation in the cooperative including minimum term of participation;

(d) Furnish copies of its proposed articles and bylaws; and

(e) Provide other information as prescribed by the insurance commissioner in consultation with the health services commission to verify that the cooperative is qualified and is managed by competent and trustworthy individuals.

(3)(a) The commissioner shall approve applications for certificates in accordance with the order received.

(b) The commissioner shall establish by rule a fee to be paid by cooperatives in an amount necessary to review and approve applications for a certificate of authority. Such fee shall accompany the application and no certificate may be issued until such fee is paid. Fees collected for such purpose shall be deposited in the insurance commissioner's regulatory account in the state treasury.

(4) All funds representing premiums or return premiums received by a cooperative in its fiduciary capacity shall be accounted for and maintained in a separate account from all other funds. Each willful violation of this section constitutes a misdemeanor.

(5) Every cooperative shall keep at its principal address, a record of all transactions it has consummated on behalf of its members with certified health plans. All such records shall be kept available and open to the inspection of the insurance commissioner at any business time during a five-year period immediately after the date of completion of the transaction.

E. CERTIFIED HEALTH PLANS

NEW SECTION. Sec. 426. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) On and after July 1, 1995, no person or entity in this state shall provide the uniform benefits package and supplemental benefits as defined in section 402 of this act without being certified as a certified health plan by the insurance commissioner.

(2) On and after July 1, 1995, the uniform benefits package and supplemental benefits shall be purchased only from entities certified as certified health plans.

(3) On and after July 1, 1995, the uniform benefits package shall be the minimum benefits package of any certified health plan.

NEW SECTION. Sec. 427. HEALTH PLAN CERTIFICATION STANDARDS. A certified health plan shall:

(1) Provide the benefits included in the uniform benefits package and offer supplemental benefits packages to enrolled Washington residents for a prepaid per capita community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission;

(2) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits packages regardless of factors referenced in RCW 49.60.020, including age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, or other condition or situation, however, the insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a certified health plan, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a certified health plan is required to continue enrollment of additional eligible individuals;

(3) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the uniform benefits package and offer supplemental benefits packages to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits;

(4) Comply with portability of benefits requirements prescribed by the commission;

(5) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing certified health plans;

(6) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;

(7) Discloses to enrollees the charity care requirements under chapter 70.170 RCW;

(8) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing enrollees for any amounts in excess of applicable enrollee point of service cost-sharing obligations for services included in the uniform benefits package and the supplemental benefits package;

(9) Include in all of its contracts issued for uniform benefits package and supplemental benefits package coverage a subrogation provision that allows the certified health plan to recover the costs of uniform benefits package and supplemental benefits package services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

(10) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for grievance procedures and resolution;

(11) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not modified or superseded by the provisions of chapter . . . , Laws of 1993 (this act) and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection (2) of this section;

(12) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age; and

(13) Permit every class of health care providers to provide health services or care for conditions included in the uniform benefits package and in the supplemental benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

- (i) Provision, utilization review, and cost containment of health services;
- (ii) Management and administrative procedures; and
- (iii) Provision of cost-effective and clinically efficacious health services.

NEW SECTION. Sec. 428. LIMITED CERTIFIED HEALTH PLAN FOR DENTAL SERVICES. (1) For the purposes of this section "limited certified dental plan" or "dental plan" means a certified health plan offering coverage for dental services only and that complies with all certified health plan requirements for managed care, community rating, portability, and nondiscrimination.

(2) A dental plan may provide coverage for dental services directly to individuals or to employers for the benefit of employees. If an individual or an employer purchases uniform dental services from a dental plan, the certified health plan covering the individual or the employees need not provide dental services required under the uniform benefits package. A certified health plan may subcontract with a dental plan to provide the dental benefits required under the uniform benefits package.

(3) The commission shall establish maximum premiums and maximum enrollee financial participation amounts that may be charged by dental plans and shall adopt rules defining the minimum, uniform dental services identified in section 448 of this act that must be offered by dental plans. The commission shall also establish maximum premiums and maximum enrollee financial participation amounts for certified health plans not providing dental benefits by virtue of the individual's or employee's coverage by a dental plan, and rules governing the percentage change in the premium charged by a dental plan subcontracting with a certified health plan when the maximum premiums are changed by the commission.

(4) Rules governing dental plan premiums and financial participation amounts, and rules defining minimum, uniform dental services identified in section 448 of this act shall be adopted and shall apply to dental plans in accordance with the implementation dates applicable to certified health plans with respect to similar requirements.

NEW SECTION. Sec. 429. CONTRACTS BETWEEN CERTIFIED HEALTH PLANS AND HEALTH CARE PROVIDERS.

(1) Balancing the need for health care reform and the need to protect health care providers, as a class and as individual providers, from improper exclusion presents a problem that can be satisfied with the creation of a process to ensure fair consideration of the inclusion of health care providers in managed care systems operated by certified health plans. It is therefore the intent of the legislature that the health services commission in developing rules in accordance with this section and the attorney general in monitoring the level of competition in the various geographic markets, balance the need for cost-effective and quality delivery of health services with the need for inclusion of both individual health care providers and classes of health care providers in managed care programs developed by certified health plans.

(2) All licensed health care providers licensed by the state, irrespective of the type or kind of practice, should be afforded the opportunity for inclusion in certified health plans consistent with the goals of health care reform.

The health services commission shall adopt rules requiring certified health plans to publish general criteria for the plan's selection or termination of health care providers. Such rules shall not require the disclosure of criteria deemed by the plan to be of a proprietary or competitive nature that would hurt the plan's ability to compete or to manage health services. Disclosure of criteria is proprietary or anticompetitive if revealing the criteria would have the tendency to cause health care providers to alter their practice pattern in a manner that would harm efforts to contain health care costs and is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

If a certified health plan uses unpublished criteria to judge the quality and cost-effectiveness of a health care provider's practice under any specific program within the plan, the plan may not reject or terminate the provider participating in that program based upon such criteria until the provider has been informed of the criteria that his or her practice fails to meet and is given a reasonable opportunity to conform to such criteria.

(3)(a) Whenever a determination is made under (b) of this subsection that a plan's share of the market reaches a point where the plan's exclusion of health care providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services or whenever a certified health plan is the only plan within the relevant market, the certified health plan must allow all providers within the affected market to participate in the programs of the certified health plan. All such providers must meet the published criteria and requirements of the programs.

(b) The attorney general with the assistance of the insurance commissioner shall periodically analyze the market power of certified health plans to determine when the market share of any program of a certified health plan reaches a point where the plan's exclusion of health service providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services. In analyzing the market power of a certified health plan, the attorney general shall consider:

- (i) The ease with which providers may obtain contracts with other plans;
- (ii) The amount of the private pay and government employer business that is controlled by the certified health plan taking into account the selling of its provider network to self-insured employer plans;

- (iii) The difficulty in establishing new competing plans in the relevant geographic market; and
- (iv) The sufficiency of the number or type of providers under contract with the plan available to meet the needs of plan enrollees.

Notwithstanding the provisions of this subsection, if the certified health plan demonstrates to the satisfaction of the attorney general that health service utilization data and similar information shows that the inclusion of additional health service providers would substantially lessen the plan's ability to control health care costs and that the plan's procedures for selection of providers are not improperly exclusive of providers, the plan need not include additional providers within the plan's program.

(4) The health services commission shall adopt rules for the resolution of disputes between providers and certified health plans including disputes regarding the decision of a plan not to include the services of a provider.

(5) Nothing contained in this section shall be construed to require a plan to allow or continue the participation of a provider if the plan is a federally qualified health maintenance organization and the participation of the provider or providers would prevent the health maintenance organization from operating as a health maintenance organization in accordance with 42 U.S.C. Sec. 300e.

NEW SECTION. Sec. 430. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) No person or entity in this state may, by mail or otherwise, act or hold himself or herself out to be a certified health plan as defined by section 402 of this act without being registered as a certified health plan with the insurance commissioner.

(2) Anyone violating subsection (1) of this section is liable for a fine not to exceed ten thousand dollars and imprisonment not to exceed six months for each instance of such violation.

NEW SECTION. Sec. 431. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF REGISTRATION--APPLICATION REQUIREMENTS. Any corporation, cooperative group, partnership, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education are entitled to a certificate from the insurance commissioner as a certified health plan if it:

(1) Submits an application for certification as a certified health plan, which shall be verified by an officer or authorized representative of the applicant, being in a form as the insurance commissioner prescribes in consultation with the health services commission;

(2) Meets the minimum net worth requirements set forth in section 437 of this act and the funding reserve requirements set forth in section 438 of this act;

(3) A certified health plan may establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance to guidelines adopted by the commission, those which have been clearly drawn to be exclusionary within a health care catchment area.

NEW SECTION. Sec. 432. ISSUANCE OF CERTIFICATE--GROUNDS FOR REFUSAL. The commissioner shall issue a certificate as a certified health plan to an applicant within one hundred twenty days of such filing unless the commissioner notifies the applicant within such time that such application is not complete and the reasons therefor; or that the commissioner is not satisfied that:

(1) The basic organization document of the applicant permits the applicant to conduct business as a certified health plan;

(2) The applicant has demonstrated the intent and ability to assure that the health services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with a casualty insurer, a government agency, or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

(c) Any arrangements for liability and malpractice insurance coverage.

(4) The procedures for offering health care services are reasonable and equitable; and

(5) Procedures have been established to:

(a) Monitor the quality of care provided by the certified health plan including standards and guidelines provided by the health services commission and other appropriate state agencies;

(b) Operate internal peer review mechanisms; and

(c) Resolve complaints and grievances in accordance with section 442 of this act and rules established by the insurance commissioner in consultation with the commission.

NEW SECTION. Sec. 433. PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--FILING OF PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--ADDITIONAL CHARGES PROHIBITED. (1) The insurance commissioner shall verify that the certified health plan and its providers are charging no more than the maximum premiums and enrollee financial participation

amounts during the course of financial and market conduct examinations or more frequently if justified in the opinion of the insurance commissioner or upon request by the health services commission.

(2) The certified health plans shall file the premium schedules including employer contributions, enrollee premium sharing, and enrollee point of service cost sharing amounts with the insurance commissioner, within thirty days of establishment by the health services commission.

(3) No certified health plan or its provider may charge any fees, assessments, or charges in addition to the premium amount or in excess of the maximum enrollee financial participation limits established by the health services commission. The certified health plan that directly provides health care services may charge and collect the enrollee point of service cost sharing fees as established in the uniform benefits package or other approved benefit plan.

NEW SECTION. Sec. 434. ANNUAL STATEMENT FILING--CONTENTS--PENALTY FOR FAILURE TO FILE--ACCURACY REQUIRED. (1) Every certified health plan shall annually not later than March 1 of the calendar year, file with the insurance commissioner a statement verified by at least two of its principal officers showing its financial condition as of December 31 of the preceding year.

(2) Such annual report shall be in such form as the insurance commissioner shall prescribe and shall include:

(a) A financial statement of the certified health plan, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) All prepayments and other payments received for health care services rendered pursuant to certified health plan benefit packages;

(ii) Expenditures to all categories of health care facilities, providers, and organizations with which the plan has contracted to fulfill obligations to enrolled residents arising out of the uniform benefits package and other approved supplemental benefit agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) Expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) A report of the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(c) The number of residents enrolled and terminated during the report period. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to demonstrate compliance with the open enrollment and free access requirements of chapter . . . , Laws of 1993 (this act). The insurance commissioner shall specify additional information to be reported, which may include but not be limited to age, sex, location, and health status information;

(d) Such other information relating to the performance of the certified health plan or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter in accordance with rules;

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the certified health plan or provider of the certified health plan.

(3) The commissioner may require quarterly reporting of financial information, such information to be furnished in a format prescribed by the commissioner in consultation with the commission.

(4) The commissioner may for good reason allow a reasonable extension of time within which such annual statement shall be filed.

(5) The commissioner may suspend or revoke the certificate of a certified health plan for failing to file its annual statement when due or during any extension of time therefor that the commissioner, for good cause, may grant.

(6) The commissioner shall publish and make available to the health services commission and the major newspapers of the state an annual summary report of at least the information required in subsections (2) and (3) of this section.

(7) No person may knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a certified health plan that does not accurately state the certified health plan's financial condition.

NEW SECTION. Sec. 435. PENALTY FOR VIOLATIONS. A certified health plan that, or person who, violates any provision of this chapter is guilty of a gross misdemeanor, unless the penalty is otherwise specifically provided.

NEW SECTION. Sec. 436. PROVIDER CONTRACTS--ENROLLED RESIDENT'S LIABILITY, COMMISSIONER'S REVIEW. (1) Subject to subsection (2) of this section, every contract between a certified health plan and its providers of health care services shall be in writing and shall set forth that in the event the certified health plan fails to pay for health care services as set forth in the uniform benefits package, the enrollee is not liable to the provider for any sums owed by the certified health plan. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a contracting provider with the certified health plan, or to emergent and urgently needed out-of-area services.

(3) The certified health plan shall file the contracts with the insurance commissioner for approval thirty days prior to use.

NEW SECTION. Sec. 437. MINIMUM NET WORTH--REQUIREMENTS TO MAINTAIN--DETERMINATION OF AMOUNT. (1) Every certified health plan must maintain a minimum net worth equal to the greater of:

(a) One million dollars; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the insurance commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2)(a) In determining net worth, no debt may be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt may not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the insurance commissioner, may not be considered a liability and shall be recorded as equity.

(3) Every certified health plan shall, in determining liabilities, include an amount estimated in the aggregate to provide for unearned premiums and for the payment of claims for health care expenditures that have been incurred, whether reported or unreported, that are unpaid and for which such organization is or may be liable and to provide for the expense of adjustment or settlement of such claims.

The claims shall be computed in accordance with rules adopted by the insurance commissioner in consultation with the health services commission.

NEW SECTION. Sec. 438. FUNDED RESERVE REQUIREMENTS. (1) Each certified health plan obtaining certification from the insurance commissioner under sections 426 through 443 of this act shall provide and maintain a funded reserve of one hundred fifty thousand dollars. The funded reserve shall be deposited with the insurance commissioner or with any organization acceptable to the commissioner in the form of cash, securities eligible for investment under chapter 48.13 RCW, approved surety bond, or any combination of these, and must be equal to or exceed one hundred fifty thousand dollars. The funded reserve shall be established as an assurance that the uncovered expenditures obligations of the certified health plan to the enrolled Washington residents shall be performed.

(2) All income from reserves on deposit with the commissioner shall belong to the depositing certified health plan and shall be paid to it as it becomes available.

(3) Funded reserves required by this section shall be considered an asset in determining the plan's net worth.

NEW SECTION. Sec. 439. EXAMINATION OF CERTIFIED HEALTH PLANS, POWERS OF COMMISSIONER, DUTIES OF PLANS, INDEPENDENT AUDIT REPORTS. (1) The insurance commissioner shall make an examination of the operations of a certified health plan as often as the commissioner deems it necessary in order to assure the financial security and health and safety of the enrolled residents. The insurance commissioner shall make an examination of a certified health plan not less than once every three calendar years.

(2) Every certified health plan shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services and systems shall be examined by the department of health except that the insurance commissioner may review such areas to the extent that such items impact the financial condition or the market conduct of the certified health plan. For the purpose of the examinations the insurance commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the certified health plans concerning their business.

(3) The insurance commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the certified health plan in the course of that part of the insurance commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4) Certified health plans shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of adopting rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, adoption of rules, and enforcement of the provisions of this chapter including a reasonable margin for cost variations. The assessments shall be established by rules adopted by the commissioner in consultation with the health services commission but may not exceed five and one-half cents per month per resident enrolled in the certified health plan. The minimum assessment shall be one thousand dollars.

Assessment receipts shall be deposited in the insurance commissioner's regulatory account in the state treasury and shall be used for the purpose of funding the examinations authorized in subsection (1) of this section. Assessments received shall be used to pay a pro rata share of the costs, including overhead of regulating certified health plans. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in succeeding biennia.

NEW SECTION. Sec. 440. INSOLVENCY--COMMISSIONER'S DUTIES, CONTINUATION OF BENEFITS, ALLOCATION OF COVERAGE. (1) In the event of insolvency of a certified health plan and upon order of the commissioner, all other certified health plans shall offer the enrolled Washington residents of the insolvent certified health plan the opportunity to enroll in a solvent certified health plan. Enrollment shall be without prejudice for any preexisting condition and shall be continuous provided the resident enrolls in the new certified health plan within thirty days of the date of insolvency and otherwise complies with the certified health plan's managed care procedures within the thirty-day open enrollment period.

(2) The insurance commissioner, in consultation with the health services commission, shall establish guidelines for the equitable distribution of the insolvent certified health plan's enrollees to the remaining certified health plans. The guidelines may include limitations to enrollment based on financial conditions, provider delivery network, administrative capabilities of the certified health plan, and other reasonable measures of the certified health plan's ability to provide benefits to the newly enrolled residents.

(3) Each certified health plan shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the coverage period for which premiums have been paid and continuation of benefits to enrolled Washington residents who are confined on the date of insolvency in an inpatient facility until their discharge or transfer to a new certified health plan as provided in subsection (1) of this section. The plan shall be approved by the insurance commissioner at the time of certification and shall be submitted for review and approval on an annual basis. The commissioner shall approve such a plan if it includes:

- (a) Insurance to cover the expenses to be paid for continued benefits after insolvency;
- (b) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the certified health plan's insolvency for which premium payment has been made and until the enrolled participant is transferred to a new certified health plan in accordance with subsection (1) of this section. Such extension of coverage shall not obligate the provider of service beyond thirty days following the date of insolvency;
- (c) Use of the funded reserve requirements as provided under section 438 of this act;
- (d) Acceptable letters of credit or approved surety bonds; or
- (e) Other arrangements the insurance commissioner and certified health plan mutually agree are appropriate to assure that benefits are continued.

NEW SECTION. Sec. 441. FINANCIAL FAILURE, SUPERVISION OF COMMISSIONER--PRIORITY OF DISTRIBUTION OF ASSETS. (1) Any rehabilitation, liquidation, or conservation of a certified health plan shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the insurance commissioner under the law governing the rehabilitation, liquidation, or conservation of insurance companies. The insurance commissioner may apply for an order directing the insurance commissioner to rehabilitate, liquidate, or conserve a certified health plan upon one or more of the grounds set forth in RCW 48.31.030, 48.31.050, and 48.31.080. Enrolled residents shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled residents and their dependents shall have the same priority as established by RCW 48.31.280 for policyholders and their dependents of insurance companies. If an enrolled resident is liable to a provider for services under and covered by a certified health plan, that liability shall have the status of an enrolled resident claim for distribution of general assets.

(3) A provider who is obligated by statute or agreement to hold enrolled residents harmless from liability for services provided under and covered by a certified health plan shall have a priority of distribution of the general assets immediately following that of enrolled residents and enrolled residents' dependents as described in this section, and immediately preceding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 442. GRIEVANCE PROCEDURE. A certified health plan shall establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrolled Washington residents concerning any matter relating to the provision of benefits under the uniform benefits package, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within twenty working days. The insurance commissioner in consultation with the health care commission shall establish standards for grievance procedures and resolution.

NEW SECTION. Sec. 443. EXEMPTION. The provisions of sections 431 through 442 of this act do not apply to any disability insurance company, health care service contractor, or health maintenance organization authorized to do business in Washington.

NEW SECTION. Sec. 444. ENFORCEMENT AUTHORITY OF COMMISSIONER. For the purposes of chapter . . . , Laws of 1993 (this act), the insurance commissioner shall have the same powers and duties of enforcement as are provided in Title 48 RCW.

NEW SECTION. Sec. 445. ANNUAL REPORT BY THE INSURANCE COMMISSIONER TO THE HEALTH SERVICES COMMISSION. Beginning January 1, 1997, the insurance commissioner shall report annually to the health services commission on the compliance of certified health plans and health insurance purchasing cooperatives with the provisions of chapter . . . , Laws of 1993 (this act). The report shall include information on (1) compliance with chapter . . . , Laws of 1993 (this act) open enrollment and antidiscrimination provisions, (2) financial solvency requirements, (3) the mix of enrollee characteristics within and among plans and groups including age, sex, ethnicity, and any easily obtainable information related to medical risk, (4) the geographic distribution of plans and groups, and (5) other information which the commission may request consistent with the goals of chapter . . . , Laws of 1993 (this act).

F. MANAGED COMPETITION AND LIMITED ANTI-TRUST IMMUNITY

NEW SECTION. Sec. 446. MANAGED COMPETITION FINDINGS AND INTENT. (1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health insurers, contractors, and health maintenance organizations face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter . . . , Laws of 1993 (this act) by any person or entity created or regulated by chapter . . . , Laws of 1993 (this act) are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 447 of this act or under rules adopted pursuant to chapter . . . , Laws of 1993 (this act), does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;

(b) Among certified health plans as to the price or level of reimbursement for health care services;

(c) Among certified health plans to boycott a group or class of health care service providers;

(d) Among purchasers of certified health plan coverage to boycott a particular plan or class of plans;

(e) Among certified health plans to divide the market for health care coverage; or

(f) Among certified health plans and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a certified health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a certified health plan or purchasing group.

NEW SECTION. Sec. 447. COMPETITIVE OVERSIGHT AND ANTI-TRUST IMMUNITY. (1) A certified health plan, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or certified health plans may request, in writing, that the attorney general issue an informal opinion as to whether particular conduct is authorized by chapter . . . , Laws of 1993 (this act). The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion. If the attorney general concludes that such conduct is not authorized by chapter . . . , Laws of

1993 (this act), the person or organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (3) of this section.

(2) With the approval of the attorney general, the health services commission:

(a) May authorize conduct by a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter . . . , Laws of 1993 (this act) and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and certified health plans including rules governing provider and facility contracts with certified health plans, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that certified health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a certified health plan including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) A certified health plan, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or certified health plans may file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the commission.

The commission shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the commission with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(a) Enhancement of the quality of health services to consumers;

(b) Gains in cost efficiency of health services;

(c) Improvements in utilization of health services and equipment;

(d) Avoidance of duplication of health services resources; or

(e) And as to subsections (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of certified health plans and providers in negotiating more cost effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among certified health plans, health care providers, or health care facilities;

(ii) Adverse impact on quality, availability, or price of health care services to consumers; or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commission shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the commission that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the commission determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commission shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter . . . , Laws of 1993 (this act) is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

G. THE UNIFORM BENEFITS PACKAGE

NEW SECTION. Sec. 448. UNIFORM BENEFITS PACKAGE DESIGN. (1) The commission shall define the uniform benefits package, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are effective and necessary on a societal basis for the maintenance of the health of citizens of the state, weighed against the need to control state health services expenditures.

(2) The schedule of covered health services shall emphasize proven preventive and primary health care and shall include primary and specialty health services; inpatient and outpatient hospital services; prescription drugs and medications; reproductive services; services necessary for maternity and well-child care, including preventive dental services for children; chemical dependency services; case managed mental health services; short-term skilled nursing facility, home health, and hospice services, subject to preapproval; and other services deemed necessary by the commission. The commission shall determine the specific schedule of health services within the uniform benefits package, including limitations on scope and duration of services. The commission shall consider the recommendations of health services effectiveness panels established pursuant to section 404 of this act in defining the uniform benefits package.

(3) The uniform benefits package shall not limit coverage for preexisting or prior conditions, except that the commission shall establish exclusions for preexisting or prior conditions to the extent necessary to prevent residents from waiting until health services are needed before enrolling in a certified health plan.

(4) The commission shall establish a schedule of enrollee point of service cost-sharing for nonpreventive health services, related to enrollee household income, such that financial considerations are not a barrier to access for low-income persons, but that, for those of means, the uniform benefits package provides for moderate point of service cost-sharing. All point of service cost-sharing and cost control requirements shall apply uniformly to all health care providers providing substantially similar uniform benefits package services. The schedule shall provide for an alternate and lower schedule of cost-sharing applicable to enrollees with household income below the federal poverty level.

(5) The commission shall adopt rules related to coordination of benefits where a resident has duplicate coverage. The rules shall not have the effect of eliminating enrollee premium sharing or point of service cost-sharing. The commission shall endeavor to assure an equitable distribution, among both employers and employees, of the costs of coverage for those households composed of more than one member in the work force.

(6) In determining the uniform benefits package, the commission shall endeavor to seek the opinions of and information from the public. The commission shall consider the results of official public health assessment and policy development activities including recommendations of the department of health in discharging its responsibilities under this section.

(7) The commission shall submit the following to the legislature by December 1, 1994, and annually thereafter: (a) The uniform benefits package and any changes it may wish to make; (b) an independent actuarial analysis of the cost of the proposed package giving consideration to the factors enumerated in section 406(6) of this act; (c) a small business economic impact statement, to be prepared in consultation with the small business advisory committee, surveying each individual small business to describe the economic impact on their small business of providing the uniform benefits package to employees and dependents; and (d) if the small business economic impact statement indicates a need for assistance to small businesses, recommended mechanisms to offer such assistance. In developing its recommendations, the commission shall evaluate the potential effectiveness of business and occupation tax credits, a small business assistance fund, and any other mechanism deemed appropriate by the commission.

NEW SECTION. Sec. 449. SUPPLEMENTAL BENEFIT PACKAGES DESIGN. The commission shall define several supplemental benefits packages, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are desirable to expand the available health services defined in the uniform benefits package. Such supplemental benefit packages must be offered only by certified health plans and must be designed in conformance with the procedures and requirements for the design of the uniform benefits package under section 448 of this act.

(1) Such packages may not combine medical and dental services together, but the commission may design complementary packages that include each kind of service and that may be offered together by a certified health plan. A certified health plan that offers a supplemental benefits package containing only dental services is subject to section 427 of this act only in the sale of such package to the Washington state health care authority.

(2) In designing such supplemental benefits packages, the commission shall consider the approach taken by congress and federal agencies in regulating the offering and design of medicare supplemental health insurance policies and the commission shall develop a regulatory method to ensure that pricing of such supplemental benefits packages is consistent with the maximum premium requirements for the uniform benefits package under section 406(6) of this act.

NEW SECTION. Sec. 450. The legislature may disapprove of the packages developed under sections 448 and 449 of this act and medical risk adjustment mechanisms developed under section 406(8) of this act by an act of law at any time prior to the thirtieth day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit modified packages to the legislature within fifteen days of the disapproval. If the legislature does not disapprove the packages or modify them by an act of law by the end of that regular session, they are deemed approved.

NEW SECTION. Sec. 451. LONG-TERM CARE INTEGRATION PLAN. (1) To meet the health needs of the residents of Washington state, it is critical to finance and provide long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. This system shall be

available, accessible, and responsive to all residents based upon an assessment of their functional disabilities. The governor and the legislature recognize that families, volunteers, and community organizations are essential for the delivery of effective and efficient long-term care and support services, and that this private and public service infrastructure should be supported and strengthened. Further, it is important to provide benefits without requiring family or program beneficiary impoverishment for service eligibility.

(2) To realize the need for a strong long-term care system and to carry out the November 30, 1992, final recommendations of the Washington health care commission related to long-term care, the commission shall:

(a) Engage in a planning process, in conjunction with an advisory committee appointed for this purpose, for the inclusion of long-term care services in the uniform benefits package established under section 448 of this act as soon as practicable, but not later than July 1998;

(b) Include in its planning process consideration of the scope of services to be covered, the cost of and financing of such coverage, the means through which existing long-term care programs and delivery systems can be coordinated and integrated, and the means through which family members can be supported in their role as informal caregivers for their parents, spouses, or other relatives.

(3) The commission shall submit recommendations concerning any necessary statutory changes or modifications of public policy to the governor and the legislature by January 1, 1995.

(4) The departments of health, retirement systems, revenue, social and health services, and veterans' affairs, the offices of financial management, insurance commissioner, and state actuary, along with the health care authority, shall participate in the review of the long-term care needs enumerated in this section and provide necessary supporting documentation and staff expertise as requested by the commission.

(5) The commission shall include in its planning process, the development of two social health maintenance organization long-term care pilot projects. The two pilot projects shall be referred to as the Washington life care pilot projects. Each life care pilot program shall be a single-entry system administered by an individual organization that is responsible for bringing together a full range of medical and long-term care services. The commission, in coordination with the appropriate agencies and departments, shall establish a Washington life care benefits package that shall include the uniform benefits package established in chapter . . . , Laws of 1993 (this act) and long-term care services. The Washington life care benefits package shall include, but not be limited to, the following long-term care services: Case management, intake and assessment, nursing home care, adult family home care, home health and home health aide care, hospice, chore services/homemaker/personal care, adult day care, respite care, and appropriate social services. The pilot project shall develop assessment and case management protocol that emphasize home and community-based care long-term care options.

(a) In designing the pilot projects, the commission shall address the following issues: Costs for the long-term care benefits, a projected case-mix based upon disability, the required federal waiver package, reimbursement, capitation methodology, marketing and enrollment, management information systems, identification of the most appropriate case management models, provider contracts, and the preferred organizational design that will serve as a functioning model for efficiently and effectively transitioning long-term care services into the uniform benefits package established in chapter . . . , Laws of 1993 (this act). The commission shall also be responsible for establishing the size of the two membership pools.

(b) Each program shall enroll applicants based on their level of functional disability and personal care needs. The distribution of these functional level categories and ethnicity within the enrolled program population shall be representative of their distribution within the community, using the best available data to estimate the community distributions.

(c) The two sites selected for the Washington life care pilot program shall be drawn from the largest urban areas and include one site in the eastern part of the state and one site in the western part of the state. The two organizations selected to manage and coordinate the life care services shall have the proven ability to provide ambulatory care, personal care/chore services, dental care, case management and referral services, must be accredited and licensed to provide long-term care for home health services, and may be licensed to provide nursing home care.

(d) The report on the development and establishment date of the two social health maintenance organizations shall be submitted to the governor and appropriate committees of the legislature by September 16, 1994. If the necessary federal waivers cannot be secured by January 1, 1995, the commission may elect to not establish the two pilot programs.

NEW SECTION. Sec. 452. SUPPLEMENTAL AND ADDITIONAL BENEFITS NEGOTIATION. (1) Nothing in chapter . . . , Laws of 1993 (this act) shall preclude insurers, health care service contractors, health maintenance organizations, or certified health plans from insuring, providing, or contracting for additional benefits not included in the uniform benefits package or in supplemental benefits packages designed by the commission.

(2) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer, an employee representative to negotiate for, or an individual to purchase supplemental or additional benefits not included in the uniform benefits package.

(3) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer or an employee representative to negotiate for payment of up to one hundred percent of the premium of the lowest priced uniform benefits package available in the geographic area where the employer is located.

(4) Pending receipt of necessary federal waivers, nothing in chapter . . . , Laws of 1993 (this act) shall be construed to limit the collective bargaining rights of employee organizations under state or federal law.

NEW SECTION. Sec. 453. CONSCIENCE OR RELIGION. (1) No certified health plan or health care provider may be required by law or contract in any circumstances to participate in the provision of any uniform benefit if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(2) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the uniform benefits package. Each certified health plan shall:

(a) Provide written notice to certified health plan enrollees, upon enrollment with the plan and upon enrollee request thereafter, listing, by provider, services that any provider refuses to perform for reason of conscience or religion;

(b) Develop written information describing how an enrollee may directly access, in an expeditious manner, services that a provider refuses to perform; and

(c) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b) of this subsection.

H. STATE RESIDENT AND EMPLOYER PARTICIPATION

NEW SECTION. Sec. 454. INDIVIDUAL PARTICIPATION. (1) All residents of the state of Washington are required to purchase a uniform benefits package from a certified health plan no later than July 1, 1998. This participation requirement shall be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions set forth in the First Amendment, United States Constitution or Article I, section 11 of the state Constitution. Residents of the state of Washington who work in another state for an out-of-state employer shall be deemed to have satisfied the requirements of this section if they receive health insurance coverage through such employer.

(2) The commission shall monitor the enrollment of individuals into certified health plans and shall make public periodic reports concerning the number of persons enrolled and not enrolled, the reasons why individuals are not enrolled, recommendations to reduce the number of persons not enrolled, and recommendations regarding enforcement of this provision.

NEW SECTION. Sec. 455. EMPLOYER PARTICIPATION. (1) The legislature recognizes that small businesses play an essential and increasingly important role in the state's economy. The legislature further recognizes that many of the state's small business owners provide health insurance to their employees through small group policies at a cost that directly affects their profitability. Other small business owners are prevented from providing health benefits to their employees by the lack of access to affordable health insurance coverage. The legislature intends that the provisions of chapter . . . , Laws of 1993 (this act) make health insurance more available and affordable to small businesses in Washington state through strong cost control mechanisms and the option to purchase health benefits through the basic health plan, the Washington state group purchasing association, and health insurance purchasing cooperatives.

(2) In defining the level of mandated employer participation under this section, the commission shall consider the impact of such participation on the financial well-being of the state's employers. In its deliberations, the commission shall evaluate the following:

(a) Whether employers' premium payments should be related to the number of qualified employees the business employs;

(b) Whether different levels of employer premium payments should be applied to employees and dependents;

(c) The profitability of small businesses in Washington state; and

(d) Any other factors deemed necessary by the commission.

(3) On July 1, 1995, every employer employing more than five hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1996, all dependents of qualified employees of these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work less than thirty hours during a week or one hundred twenty hours during a calendar month, and their dependents, pay the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(4) By July 1, 1996, every employer employing more than one hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1997, all dependents of qualified employees in these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work less than thirty hours during a week or one hundred twenty hours during a calendar month, and their dependents, pay the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(5) By July 1, 1997, every employer shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1998, all dependents of qualified employees in all firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work less than thirty hours during a week or one hundred twenty hours during a calendar month, and their dependents, pay the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(6) This employer participation requirement shall be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions of the First Amendment of the United States Constitution or Article I, section 11, of the state Constitution. In such case the employer shall, pursuant to commission rules, set aside an amount equal to the applicable employer contribution level in a manner that would permit his or her employee to fully comply with the requirements of this chapter.

(7) In lieu of offering the uniform benefits package to employees and their dependents through direct contracts with certified health plans, an employer may combine the employer contribution with that of the employee's contribution and enroll in the basic health plan as provided in chapter 70.47 RCW or a health insurance purchasing cooperative established under sections 426 and 427 of this act.

(8) The commission shall submit its employer contribution levels and any changes it may wish to make to the legislature by December 1, 1994, and annually thereafter.

NEW SECTION. Sec. 456. SMALL FIRM FINANCIAL ASSISTANCE. (1) Beginning July 1, 1997, firms with fewer than twenty-five workers that face barriers to providing health insurance for their employees may, upon application, be eligible to receive financial assistance with funds set aside from the health services account. Firms with the following characteristics shall be given

preference in the distribution of funds: (1) New firms, (2) employers with low average wages, (3) employers with low profits, and (4) firms in economically distressed areas.

(2) All employers in existence on or before July 1, 1997, who meet the criteria set forth in this section, and rules adopted under this section, may apply to the health services commission for assistance. Such employers may not receive premium assistance beyond July 1, 2001. New employers, who come into existence after July 1, 1997, may apply for and receive premium assistance for a limited period of time, as determined by the commission.

(3) The total funds available for small business assistance shall not exceed one hundred million dollars for the biennium beginning July 1, 1997. Thereafter, the amount of total funds available for premium assistance shall be determined by the office of financial management, based on a forecast of inflation, employment, and the number of eligible firms.

(4) By July 1, 1997, the health services commission, with assistance from the small business advisory committee established in section 404 of this act, shall develop specific definitions, rules, and procedures governing all aspects of the small business assistance program, including application procedures, thresholds regarding firm size, wages, profits, and age of firm, and rules governing duration of assistance.

(5) Final determination of the amount of the premium assistance to be dispensed to an employer shall be made by the commission based on rules, definitions, and procedures developed under this section. If total claims for assistance are above the amount of total funds available for such purposes, the commission shall have the authority to prorate employer claims so that the amount of available funds is not exceeded.

(6) The office of financial management, in consultation with the commission, shall establish appropriate criteria for monitoring and evaluating the economic and labor market impacts of the premium assistance program and report its findings to the commission annually through July 1, 2001.

NEW SECTION. Sec. 457. The department of social and health services shall from July 1, 1993, to July 1, 1998, coordinate a pilot program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. This program must allow for the exclusion of an individual's assets, as approved by the federal health care financing administration, in a determination of the individual's eligibility for medicaid; the amount of any medicaid payment; or any subsequent recovery by the state for a payment for medicaid services to the extent such assets are protected by a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter.

NEW SECTION. Sec. 458. The department of social and health services shall seek approval and a waiver of appropriate federal medicaid regulations to allow the protection of an individual's assets as provided in this chapter. The department shall adopt all rules necessary to implement the Washington long-term care partnership program, which rules shall permit the exclusion of an individual's assets in a determination of medicaid eligibility to the extent that private long-term care insurance provides payment or benefits for services that medicaid would approve or cover for medicaid recipients.

NEW SECTION. Sec. 459. (1) The insurance commissioner shall adopt rules defining the criteria that long-term care insurance policies must meet to satisfy the requirements of this chapter. The rules shall provide that all long-term care insurance policies purchased for the purposes of this chapter:

- (a) Be guaranteed renewable;
- (b) Provide coverage for home and community-based services and nursing home care;
- (c) Provide automatic inflation protection or similar coverage to protect the policyholder from future increases in the cost of long-term care;
- (d) Not require prior hospitalization or confinement in a nursing home as a prerequisite to receiving long-term care benefits; and
- (e) Contain at least a six-month grace period that permits reinstatement of the policy or contract retroactive to the date of termination if the policy or contract holder's nonpayment of premiums arose as a result of a cognitive impairment suffered by the policy or contract holder as certified by a physician.

(2) Insurers offering long-term care policies for the purposes of this chapter shall demonstrate to the satisfaction of the insurance commissioner that they:

- (a) Have procedures to provide notice to each purchaser of the long-term care consumer education program;
- (b) Offer case management services;
- (c) Have procedures that provide for the keeping of individual policy records and procedures for the explanation of coverage and benefits identifying those payments or services available under the policy that meet the purposes of this chapter;
- (d) Agree to provide the insurance commissioner, on or before September 1 of each year, an annual report containing the following information:

- (i) The number of policies issued and of the policies issued, that number sorted by issue age;
- (ii) To the extent possible, the financial circumstance of the individuals covered by such policies;
- (iii) The total number of claims paid; and

(iv) Of the number of claims paid, the number paid for nursing home care, for home care services, and community-based services.

NEW SECTION. Sec. 460. The insurance commissioner, in conjunction with the department of social and health services, shall develop a consumer education program designed to educate consumers as to the need for long-term care, methods for financing long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided under this chapter.

NEW SECTION. Sec. 461. By January 1 of each year, the insurance commissioner, in conjunction with the department of social and health services, shall report to the legislature on the progress of the asset protection program. The report shall include:

- (1) The success of the agencies in implementing the program;
- (2) The number of insurers offering long-term care policies meeting the criteria for asset protection;
- (3) The number, age, and financial circumstances of individuals purchasing long-term care policies meeting the criteria for asset protection;
- (4) The number of individuals seeking consumer information services;
- (5) The extent and type of benefits paid by insurers offering policies meeting the criteria for asset protection;
- (6) Estimates of the impact of the program on present and future medicaid expenditures;
- (7) The cost-effectiveness of the program; and
- (8) A determination regarding the appropriateness of continuing the program.

I. PUBLIC HEALTH SERVICES IMPROVEMENT PLAN

NEW SECTION. Sec. 462. A new section is added to chapter 43.70 RCW to read as follows:

PUBLIC HEALTH SERVICES IMPROVEMENT PLAN. (1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan should provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances;

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) Timing of increased funding for public health services linked to specific objectives for improving public health; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 255 of this act.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

NEW SECTION. Sec. 463. A new section is added to chapter 70.170 RCW to read as follows:

AMERICAN INDIAN HEALTH CARE DELIVERY ELEMENT. Consistent with funds appropriated specifically for this purpose, the department shall establish in conjunction with the area Indian health services system and providers an advisory group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery element for the public health services improvement plan. The element shall include:

- (1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;
- (2) Methods to improve American Indian-specific health programming; and
- (3) Creation of co-funding recommendations and opportunities for the unmet health services programming needs of American Indians.

J. HEALTH ACCOUNTS

NEW SECTION. Sec. 464. HEALTH SERVICES ACCOUNT. The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

NEW SECTION. Sec. 465. PUBLIC HEALTH SERVICES ACCOUNT. The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts.

NEW SECTION. Sec. 466. HEALTH SYSTEM CAPACITY ACCOUNT. The health system capacity account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the following purposes: Health data systems; health systems and public health research; health system regulation; health system planning, development, and administration; and improving the supply and geographic distribution of primary health service providers.

NEW SECTION. Sec. 467. PERSONAL HEALTH SERVICES ACCOUNT. The personal health services account is created in the treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the support of subsidized personal health services for low-income Washington residents.

K. EXCLUSIONS AND STUDIES

NEW SECTION. Sec. 468. CODE REVISIONS AND WAIVERS. (1) The commission shall consider the analysis of state and federal laws that would need to be repealed, amended, or waived to implement chapter . . . , Laws of 1993 (this act), and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor, and appropriate committees of the legislature by January 1, 1994.

(2) The governor, in consultation with the commission, shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement chapter . . . , Laws of 1993 (this act) to include, but not be limited to:

(a) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicaid statute, Title XIX of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to

access to health services for low-income residents of Washington state. Such waivers shall include any waiver needed to implement managed care programs. Waived provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; administrative requirements regarding single state agencies, choice of providers, and fee for service reimbursement programs; and other limitations on health services provider payment methods.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute, Title XVIII of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for elderly and disabled residents of Washington state. Such waivers shall include any waivers needed to implement managed care programs. Waived provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services; and limitations on health services provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to ensure integration of federally funded community and migrant health clinics and other health services funded through the public health services act into the health services system established pursuant to chapter . . . , Laws of 1993 (this act). The commission shall request in the waiver that funds from these sources continue to be allocated to federally funded community and migrant health clinics to the extent that such clinics' patients are not yet enrolled in certified health plans.

(d) Negotiate with the United States Congress to obtain a statutory exemption from provisions of the Employee Retirement Income Security Act that limit the state's ability to enact legislation relating to employee health benefits plans administered by employers, including health benefits plans offered by self-insured employers.

(e) Request that the United States Congress amend the Internal Revenue Code to treat employee premium contributions to an employer sponsored health benefit plan as nontaxable income.

(3) On or before December 1, 1995, the commission shall report the following to the appropriate committees of the legislature:

(a) The status of its efforts to obtain the waivers provided in subsection (2) of this section;

(b) The extent to which chapter . . . , Laws of 1993 (this act) can be implemented, given the status of waivers requested or granted; and

(c) If a waiver of the Employee Retirement Income Security Act has not been granted and likely will not be granted in the foreseeable future, changes in chapter . . . , Laws of 1993 (this act) necessary to implement a single-sponsor system, or to implement an alternative system that will assure access to care and control health services costs.

NEW SECTION. Sec. 469. REPORTS OF HEALTH CARE COST CONTROL AND ACCESS COMMISSION. In carrying out its powers and duties under chapter . . . , Laws of 1993 (this act), the design of the uniform benefits package, and the development of guidelines and standards, the commission shall consider the reports of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990. Nothing in chapter . . . , Laws of 1993 (this act) requires the commission to follow any specific recommendation contained in those reports except as it may also be included in chapter . . . , Laws of 1993 (this act) or other law.

NEW SECTION. Sec. 470. EVALUATIONS, PLANS, AND STUDIES. (1) By July 1, 1997, the legislative budget committee either directly or by contract shall conduct the following studies:

(a) A study to determine whether the administrative structure of the Washington health services commission as set forth in section 403 of this act should be continued. The study shall analyze the structure as set forth in chapter . . . , Laws of 1993 (this act), a single administering-agency model, and at least one other salient organizational model, and recommend a structure that would be most efficient and effective;

(b) A study to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into the delivery and financing of uniform benefits package services through certified health plans:

(i) State and federal veterans' health services;

(ii) Civilian health and medical program of the uniformed services (CHAMPUS) of the federal department of defense and other federal agencies; and

(iii) Federal employee health benefits.

(2) The legislative budget committee shall evaluate the implementation of the provisions of chapter . . . , Laws of 1993 (this act). The study shall determine to what extent chapter . . . , Laws of 1993 (this act) has been implemented consistent with the principles and elements set forth in chapter . . . , Laws of 1993 (this act) and shall report its findings to the governor and appropriate committees of the legislature by July 1, 2003.

NEW SECTION. Sec. 471. FINANCIAL AND ACCOUNTING STRUCTURE OF STATE PURCHASED HEALTH CARE.

The commission, the office of financial management, and the legislative evaluation and accountability program committee shall jointly review the financial and accounting structure of all current state-purchased health care programs and any new programs established in chapter . . . , Laws of 1993 (this act). They shall report to the legislature on or before December 1, 1994, with recommendations on how to structure a state-purchased health services budget that: (1) Meets federal and state audit requirements; (2) exercises adequate fiscal and programmatic control; (3) provides management and organizational accountability and control; and (4) provides continuity with historical health services expenditure data.

NEW SECTION. Sec. 472. EVALUATION OF REFORM EFFORT. The office of financial management may undertake or facilitate evaluations of health care reform, including analysis of fiscal and economic impacts, the effectiveness of managed care and managed competition, and effects of reform on access and quality of service.

NEW SECTION. Sec. 473. COORDINATION OF CERTIFIED HEALTH PLANS AND OTHER INSURANCE. (1) On or before December 1, 1994, the legislative budget committee, whether directly or by contract, shall conduct a study related to coordination of certified health plans and other property and casualty insurance products. The goal of the study shall be to determine methods for containing costs of health services paid for through coverage underwritten by property and casualty insurers.

(2) The study shall address methods to integrate coverage sold by property and casualty insurance companies that covers medical and hospital expenses with coverage provided through certified health plans. In conducting the study, the legislative budget committee shall evaluate at least the following options:

(a) Requiring all property and casualty insurance coverage of health services to be provided through managed care systems rather than through fee for service or indemnification plans;

(b) Prohibiting certified health plans from recovering from property and casualty insurance companies amounts that the plan has expended for health services even if coverage for such services is available under property and casualty insurance policies;

(c) Requiring persons injured as a result of an accident, however caused, to obtain health services through a certified health plan, even if coverage for health services is available under a property and casualty insurance policy;

(d) Requiring property and casualty insurance companies to reduce premium rates for all coverage duplicated by a certified health plan to the extent that a certified health plan is denied subrogation rights against the property and casualty insurer;

(e) Prohibiting litigation by any person to recover amounts paid for health services available under a certified health plan, except in limited circumstances such as product liability or other areas of negligence where the negligent party would benefit from such a system without contributing to the costs of providing coverage under certified health plans; and

(f) Limiting property and casualty insurance companies' sale of coverage that would duplicate coverage provided by certified health plans.

NEW SECTION. Sec. 474. A new section is added to chapter 70.170 RCW to read as follows:

HOSPITAL REGULATION STUDY. The department, through a competitive bidding process restricted to those with suitable expertise to conduct such a study, shall contract for an examination of local, state, and federal regulations that apply to hospitals and shall report to the health care policy committees of the legislature by July 1, 1994, on the following:

(1) An inventory of health and safety regulations that apply to hospitals;

(2) A description of the costs to local, state, and federal agencies for operating the regulatory programs;

(3) An estimate of the costs to hospitals to comply with the regulations;

(4) A description of whether regulatory functions are duplicated among different regulatory programs;

(5) An analysis of the effectiveness of regulatory programs in meeting their safety and health objectives;

(6) An analysis of hospital charity care requirements under RCW 70.170.060 and their relevance under the health care reforms created under chapter . . . , Laws of 1993 (this act);

(7) Recommendations on elimination or consolidation of unnecessary or duplicative regulatory activities that would not result in a reduction in the health and safety objectives.

NEW SECTION. Sec. 475. NURSING HOME DOCUMENTATION STUDY. The department of social and health services aging and adult services administration shall, to the extent that resources are available, review all federal and state laws, and departmental rules that require health care providers in nursing homes to submit documentation. The departmental review shall be conducted to determine what documentation or protocols are redundant and can be modified or eliminated without jeopardizing the health and safety of residents or violating federal regulations. The review shall result in an itemized evaluation of the number of forms requiring physician's review and signature together with a citation of their origin. In addition, the department shall review and suggest efficiencies that could be realized through the development of standardized physicians' protocols for repetitive but nonlifethreatening conditions, such as but not limited to, skin tears, early stage decubiti, bowel and bladder care, and other common and predictable nursing home patient conditions. Whenever possible, source documentation should be enabled to allow multiple attestations to be consolidated into a single document. The department shall conduct this review in coordination with different

nursing home care constituent groups and professions, including but not limited to, a gerontologist to be selected by the Washington state medical association and the Washington osteopathic medical association, a nurse to be selected by the Washington state nurses association and other employee organizations representing nurses, one representative from each of the two largest nursing home associations, and a representative of a nursing home residency advocacy group to be selected by the department. The department shall make appropriate regulatory changes, or recommend appropriate regulatory changes to the appropriate regulatory agency, resulting from this review and report its actions and any statutory changes needed to further the goal of regulatory simplification to the chair of the house of representatives health care committee and the chair of the senate health and human services committee by December 12, 1994.

NEW SECTION. Sec. 476. CERTIFIED HEALTH PLAN LICENSING STUDY. The insurance commissioner shall undertake a study of the feasibility and benefits of developing a single licensing category for certified health plans that would replace current statutes licensing disability insurers, health care service contractors, and health maintenance organizations. The commissioner shall report his or her findings and recommendations to the legislature by January 1, 1994. In conducting such study, the commissioner shall:

(1) Consider standards for the regulation and inclusion of preferred provider organizations, independent practice associations, and independent physician organizations under such new certified health plan statute;

(2) Review existing capital and reserve statutes governing insurers, contractors, and health maintenance organizations to determine the appropriate level of capital and reserve for licensing of certified health plans to protect consumers while encouraging competition in the certified health plan market from new entrants into the market;

(3) Review existing rate regulation of disability insurance policies, health care service contracts, and health maintenance agreements and propose a uniform approach for regulation of rates that balances the need of certified health plans to freely compete and the need to protect consumers from inadequate, excessive, or unfairly discriminatory rates;

(4) Consider regulatory methods to ensure the adequate provision of and contracting with health care facilities and providers by certified health plans to meet the health care needs of enrollees of certified health plans;

(5) Consider the need to modify existing insurance statutes and regulations to govern the integration, development, and marketing of health care coverage that would supplement the uniform benefits package; and

(6) Consult with health care service contractors, health maintenance organizations, disability insurance companies, and other health care service providers who would be affected by such changes.

NEW SECTION. Sec. 477. CRIME VICTIMS' COMPENSATION MEDICAL BENEFITS. (1) On or before January 1, 1995, the department of labor and industries in coordination with the commission, shall complete a study related to the medical services component of the crime victims' compensation program of the department of labor and industries. The goal of the study shall be to determine whether and how the medical services component of the crime victims' compensation program can be modified to provide appropriate medical services to crime victims in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Required benefit design, necessary statutory changes, and the use of managed care to provide services to crime victims. The study shall evaluate at least the following options:

(a) Whether the medical services component of the crime victims' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to crime victims;

(b) Whether the medical services component of the crime victims' compensation program should be administered by the health care authority as the state health care purchasing agent;

(c) Whether the medical services component of the crime victims' compensation program should be included in the services offered by certified health plans.

(2) The department of labor and industries shall present the recommendations to the governor and the appropriate committees of the legislature by January 1, 1995.

L. WORKERS' COMPENSATION

NEW SECTION. Sec. 478. WORKERS' COMPENSATION MEDICAL BENEFITS. On or before December 1, 1994, the health services commission, in coordination with the department of labor and industries and the workers' compensation advisory committee, shall complete a study related to the medical services component of the workers' compensation program of the department of labor and industries. The goal of the study is to determine whether and how the medical services component of the workers' compensation program can be modified to provide appropriate medical services to injured workers in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Workers' choice of health care providers, twenty-four hour coverage, the relationship between rehabilitation and medical services, and the quasi-judicial system that overlays treatment. The study shall evaluate at least the following options:

(1) Whether the medical services component of the workers' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to injured workers;

(2) Whether the medical services component of the workers' compensation program should be administered by the health care authority as the state health services purchasing agent, pursuant to section 225 of this act. Any recommendation proposing that the state health services agent purchase injured workers' medical services shall assure that the uniform benefits package will provide benefits that are medically necessary under the workers' compensation program in 1993, including payment for medical determinations of disability under Title 51 RCW, and consider issues presented by twenty-four hour coverage and the use of managed care to provide medical services to injured workers;

(3) Whether the medical services component of the workers' compensation program should be included in the services offered by certified health plans through employer sponsorship as provided in chapter . . . , Laws of 1993 (this act). Any recommendation proposing the inclusion of workers' compensation medical services in the services offered by certified health plans shall assure that (a) no less than ninety-seven percent of state residents have access to the uniform benefits package as required in chapter . . . , Laws of 1993 (this act), (b) the uniform benefits package provides benefits that are medically necessary under the workers' compensation program in 1993, including payment for medical determinations of disability under Title 51 RCW, (c) time-loss benefits and rehabilitative services will not be reduced as a result of the transfer, and (d) the employees' share of the workers' compensation medical aid fund contribution will be returned to employees as increased wages.

M. MISCELLANEOUS

NEW SECTION. Sec. 479. SHORT TITLE. This act may be known and cited as the Washington health services act of 1993.

Sec. 480. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

EXECUTIVE STATE OFFICERS. For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges (~~(education)~~), state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage (~~(commissioners)~~) commissioners, pollution control hearings board, public disclosure commission, public pension commission,

shoreslines hearing board, ((state)) public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 481. RCW 43.20.050 and 1992 c 34 s 4 are each amended to read as follows:

STATE BOARD OF HEALTH--PUBLIC HEALTH POLICY. (1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the ((health)) forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by ((June)) January 1 of each even-numbered year for adoption by the governor. The governor, no later than ((September)) March 1 of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board ((shall)) may create ad hoc committees or other such committees of limited duration as necessary. ~~((Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.))~~

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted

by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 482. REPEAL--DENTISTRY--SOLICITATION. RCW 18.32.675 and 1935 c 112 s 19 are each repealed.

NEW SECTION. Sec. 483. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 484. SAVINGS CLAUSE. The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

NEW SECTION. Sec. 485. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 486. CODIFICATION. (1) Sections 401 through 407, 409, 424, 426 through 428, and 446 through 456 of this act shall constitute a new chapter in Title 43 RCW.

(2) Sections 425 and 429 through 445 of this act shall constitute a new chapter in Title 48 RCW.

(3) Sections 457 through 461 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 487. RESERVATION OF LEGISLATIVE AUTHORITY. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 488. EFFECTIVE DATE CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

(1) Sections 231 through 254 of this act, which shall take effect July 1, 1994; and

(2) Sections 301 through 303 of this act, which shall take effect January 1, 1996.", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5304 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5304 and the House amendment thereto: Senators Talmadge, Moyer and Niemi.

MOTION

On motion of Senator Talmadge, the Conference Committee appointments were confirmed.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1343, by House Committee on Corrections (originally sponsored by Representatives Morris, Ballasiotes, Brough, Leonard, Heavey, Scott, G. Cole, R. Fisher, Kremen, Long, Rust, Carlson, Veloria, Dellwo, Karahalios, Wang, Grant, Jones, Wolfe, Franklin, Forner, Jacobsen, Appelwick, Campbell, H. Myers, Kessler, Springer, Miller, Locke, Roland, Valle, Basich, Wood, Quall, King, Johanson, Hansen, L. Johnson, Ogden, J. Kohl, Wineberry and Anderson)

Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1343 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Rinehart and Vognild - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 1343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1495, by Representatives Dorn, Brough, Ogden, Rayburn, G. Cole, Springer and G. Fisher

Changing local effort assistance distribution.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1495.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1495 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 1495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1845, by Representatives Lemmon, Locke, R. Fisher, Forner, J. Kohl, Orr, Hansen, R. Meyers, Edmondson, Eide, Rayburn, Grant, Johanson, Leonard and Brough

Modifying certain horse racing purses.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that one-half of those moneys that would otherwise have been paid into the Washington thoroughbred racing fund be retained for the purpose of enhancing purses, excluding stakes purses, until that time as a permanent thoroughbred racing facility is built and operating in western Washington. It is recognized by the Washington legislature that the enhancement in purses provided in this legislation will not directly benefit all race tracks in Washington. It is the legislature's intent that the horse racing commission work with the horse racing community to ensure that this opportunity for increased purses will not inadvertently injure horse racing at tracks not directly benefiting from this legislation.

Sec. 2. RCW 67.16.105 and 1991 c 270 s 6 are each amended to read as follows:

(1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less shall withhold and pay to the commission daily for each authorized day of racing one-half percent of the daily gross receipts from all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section shall withhold and pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee shall withhold and pay to the commission daily two and one-half percent of the daily gross receipts; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee shall withhold and pay to the commission daily one percent of the daily gross receipts.

(3) In addition to those amounts in subsections (1) and (2) of this section, all licensees shall forward one-tenth of one percent of the daily gross receipts of all parimutuel machines to the commission daily for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but said percentage shall not be charged against the licensees. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 and subsection (1) of this section for the five consecutive years immediately preceding the year of payment.

(4) In addition to those sums paid to the commission in subsection (2) of this section, licensees who are nonprofit corporations and have race meets of thirty days or more shall withhold and pay to the commission daily for each authorized day of racing an amount equal to ~~((two))~~ one and ~~((one-half))~~ one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet. Said percentage shall come from that amount the licensee is authorized to retain under RCW 67.16.170(2). The commission shall deposit these moneys in the Washington thoroughbred racing fund created in RCW 67.16.250.

(5) The additional one and one-quarter percent of the moneys allowed to be retained by this section must be used for increased purses. The commission shall adopt such rules as may be necessary to enforce this subsection.

(6) Effective January 1, 1994, the amount of daily gross receipts withheld and paid to the commission, as set out in subsection (4) of this section, shall revert to two and one-half percent of the daily gross receipts of all parimutuel machines at each race meet.

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

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "purses;" strike the remainder of the title and insert "amending RCW 67.16.105; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1845, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1845, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1845, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator McCaslin - 1.

ENGROSSED HOUSE BILL NO. 1845, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2111, by Representative R. Fisher (by request of Office of Financial Management)

Adopting the supplemental transportation budget.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 2111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2111.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2111 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Amondson and McCaslin - 2.

ENGROSSED HOUSE BILL NO. 2111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:25 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Monday, April 12, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-NINTH DAY, APRIL 9, 1993

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NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 12, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Erwin, McCaslin, McDonald, Moyer, Owen, Pelz, Prentice, Rasmussen, Rinehart and von Reichbauer. On motion of Senator Oke, Senators Anderson, Erwin, McCaslin, McDonald, Moyer and von Reichbauer were excused. On motion of Senator Spanel, Senators Owen, Pelz, Prentice, Rasmussen and Rinehart were excused.

Eagle Scout Chad Blake of Chehalis and Eagle Scout Christopher Soliday of Bellingham, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT**

MOTION

On motion of Senator Haugen, Gubernatorial Appointment No. 9293, John M. Franklin, as Director of the Department of General Administration, was confirmed.

APPOINTMENT OF JOHN M. FRANKLIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Niemi, Oke, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 38.

Excused: Senators Anderson, Erwin, McCaslin, McDonald, Moyer, Owen, Pelz, Prentice, Rasmussen, M., Rinehart and von Reichbauer - 11.

MOTION

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

SENATE RESOLUTION 1993-8637

By Senators West, Oke, Moore, McAuliffe, Wojahn, Roach, Bauer, von Reichbauer, Sutherland, Owen, Nelson, Newhouse, Fraser, Hargrove, Vognild, Jesernig, Gaspard, Drew, Rasmussen, Haugen, Sellar, Winsley, Erwin, McDonald, Cantu, Bluechel, Sheldon, McCaslin, L. Smith, Amondson and Barr

WHEREAS, The Boy Scouts of America have been an integral part of building the character of youth for over eighty-three years; and

WHEREAS, The Scout Law; A Scout is: Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean and Reverent and provides an ethical code we would all do well to live by; and

WHEREAS, The Scout Motto of "Be Prepared" and the Scout Slogan of "Do a Good Turn Daily" provide a positive mission for Scouts of all ages; and

WHEREAS, The co-ed Learning for Life program prepares young children for school; and

WHEREAS, The co-ed Explorer program prepares teenagers for careers; and

WHEREAS, Scouts of all ages have provided assistance in many local and national emergencies; and

WHEREAS, Many Scouts participate annually in "Scouting for Food" good turn projects and have collected several hundred tons of food for local food banks; and

WHEREAS, There are over ninety thousand active Cub Scouts, Boy Scouts and Explorers in Washington State in eleven councils, including over three thousand six hundred Eagle Scouts; and

WHEREAS, Over eighteen thousand adults volunteer their time and efforts in support of Scouting in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and applaud the eleven councils of the Boy Scouts of America in Washington State for the service and benefit they provide the youth of this state; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourages all agencies of state government to recognize the positive impact that the Boy Scouts of America has on the youth of our state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the National Office of the Boy Scouts of America in Irving, Texas; to the Western Region Office of the Boy Scouts of America in Sunnyvale, California; and to the eleven Boy Scout councils serving Washington State.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following Eagle Scouts who were seated in the gallery: David Henrichsen, Edmonds, representing the Evergreen Area Council; Russell Harrington, Quincy, representing the Grand Columbia Council; Ben Dyer, Colbert, representing the Inland Northwest Council; Brian Houdak, Walla Walla, representing the Blue Mountain Council; Robert Stephenson of Kelso, representing the Cascade Pacific Council; Jamison Oishi, Auburn, representing the Pacific Harbors Council and Matthew Kahn, Bellevue, representing the Chief Seattle Council.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, Gubernatorial Appointment No. 9202, Ludwig Lobe, as a member of the Health Care Facilities Authority, was confirmed.

APPOINTMENT OF LUDWIG LOBE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 42.

Absent: Senator West - 1.

Excused: Senators Anderson, Erwin, McCaslin, McDonald, Moyer and von Reichbauer - 6.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1886, by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, Miller, Kessler, Horn, Kremen and Casada)

Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:

On page 2, line 19, delete "between inspections prescribed by the board" and insert "established by the board under RCW 70.79.240(1)"

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1886, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1886, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1886, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Anderson, Erwin, McCaslin, McDonald, Moyer and von Reichbauer - 6.

SUBSTITUTE HOUSE BILL NO. 1886, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1721, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Dorn, Zellinsky, Wang, Reams, G. Fisher, H. Myers and Mielke)

Authorizing jointly administered health and welfare benefits trusts for local government employees.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 48.62.121 and 1991 sp.s. c 30 s 12 are each amended to read as follows:

(1) No employee or official of a local government entity may directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. No employee or official of a local government entity may accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2)(a) No local government entity may participate in a joint self-insurance program in which local government entities do not retain complete governing control. This prohibition does not apply to:

(i) Local government contribution to a self-insured employee health and welfare benefits plan otherwise authorized and governed by state statute ((not to));

(ii) Local government participation in a multistate joint program where control is shared with local government entities from other states; or

(iii) Local government contribution to a self-insured employee health and welfare benefit trust in which the local government shares governing control with their employees.

(b) If a local government self-insured health and welfare benefit program, established by the local government as a trust, shares governing control of the trust with its employees:

(i) The local government must maintain at least a fifty percent voting control of the trust;

(ii) No more than one voting, nonemployee, union representative selected by employees may serve as a trustee; and

(iii) The trust agreement must contain provisions for resolution of any deadlock in the administration of the trust.

(3) Moneys made available and moneys expended by school districts and educational service districts for self-insurance under this chapter are subject to such rules of the superintendent of public instruction as the superintendent may adopt governing budgeting and accounting. However, the superintendent shall ensure that the rules are consistent with those adopted by the state risk manager for the management and operation of self-insurance programs.

(4) RCW 48.30.140, 48.30.150, 48.30.155, and 48.30.157 apply to the use of agents and brokers by local government self-insurance programs.

(5) Every individual and joint local government self-insured health and welfare benefits program that provides comprehensive coverage for health care services shall include mandated benefits that the state health care authority is required to provide under RCW 41.05.170 and 41.05.180. The state risk manager may adopt rules identifying the mandated benefits.

(6) An employee health and welfare benefit program established as a trust shall contain a provision that trust funds be expended only for purposes of the trust consistent with statutes and rules governing the local government or governments creating the trust.

NEW SECTION. Sec. 2. A new section is added to chapter 48.62 RCW to read as follows:

No local government self-insured employee health and welfare benefit program established as a trust by a local government entity or entities prior to the effective date of this act may continue in operation unless such program complies with the provisions of this chapter within one hundred eighty days after the effective date of this act. The state risk manager may extend such period if the risk manager finds that such local government entity or entities are making a good faith effort and taking all necessary steps to comply with this chapter; however, in no event may the risk manager extend the period required for compliance more than ninety days after the expiration of the initial one hundred eighty-day period.

NEW SECTION. Sec. 3. If Engrossed Second Substitute Senate Bill No. 5304 is enacted into law, the provisions of chapter 48.62 RCW shall be reviewed to evaluate the extent to which health care trusts provide benefits to certain individuals in the state; and to review the federal laws that may constrain the organization or operation of these joint employee-employer entities. The health services commission shall make appropriate recommendations to the governor and the legislature as to how these trusts can be brought under the provisions of Engrossed Second Substitute Senate Bill No. 5304."

On motion of Senator Talmadge, the following title amendment was adopted:
On page 1, line 2 of the title, after "trusts;" strike the remainder of the title and insert "amending RCW 48.62.121; adding a new section to chapter 48.62 RCW; and creating a new section."

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1721, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1721, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1721, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Anderson, McCaslin, McDonald and Moyer - 4.

SUBSTITUTE HOUSE BILL NO. 1721, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Roach was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1587, by House Committee on Higher Education (originally sponsored by Representatives Ogden, Wood, J. Kohl, Jacobsen, Forner, Quall, Ludwig, Pruitt, Jones, Basich, King, Johanson, Thibaudeau, R. Meyers, Kessler, Bray, Dorn, Karahalios, Roland, Eide, Sheldon, Kremen, Finkbeiner, Veloria, Morris, Hansen, Leonard, Van Luven, H. Myers and L. Johnson)

Helping single parents obtain a higher education.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1587.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1587 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Cantu - 1.

Excused: Senators Anderson, McCaslin, McDonald, Moyer and Roach - 5.

SUBSTITUTE HOUSE BILL NO. 1587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1501, by Representatives Silver, Jacobsen, Ballasiotes, Brumsickle, Carlson, Mielke, Talcott, Dyer, Cooke, Hansen, Jones, Quall, Padden and Wood

Notifying students at public institutions of higher education of the amount their education is supported by the state.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendment was adopted:

On page 2, line 16, strike "In addition, each student must acknowledge receipt of the information in a manner selected by the institution."

On motion of Senator Bauer, the rules were suspended, Engrossed House Bill No. 1501, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1501, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1501, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Anderson, McCaslin and McDonald - 3.

ENGROSSED HOUSE BILL NO. 1501, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1444, by Representatives Schmidt, Sheldon, Anderson, R. Fisher, Ballasiotes, Horn, Brough, Sheahan, Long, Campbell, Brumsickle, Ballard, Wood, Miller and Forner

Requiring identification for driver's licenses and identicards.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

On page 2, beginning on line 9, strike all material through "applicant," on line 10

Reletter remaining subsections accordingly.

On motion of Senator Vognild, the rules were suspended, House Bill No. 1444, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1444, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1444, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Anderson, McCaslin and McDonald - 3.

HOUSE BILL NO. 1444, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2055, by House Committee on State Government (originally sponsored by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway) (by request of Governor Lowry)

Creating the department of fish and wildlife.

The bill was read the second time.

MOTIONS

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Perpetuation of fish and wildlife in Washington requires clear, efficient, streamlined, scientific, management from a single state fish and wildlife agency. Such a consolidation will focus existing funds for the greatest protection of species and stocks. It will bring combined resources to bear on securing, managing, and enhancing habitats. It will simplify licensing, amplify research, increase field staff, avoid duplication, and magnify enforcement of laws and rules. It will provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent policies, procedures, and access.

NEW SECTION. Sec. 2. There is hereby created a department of state government to be known as the department of fish and wildlife. The department shall be vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law. All powers, duties, and functions of the department of fisheries and the department of wildlife are transferred to the department of fish and wildlife. All references in the Revised Code of Washington to the director or the department of fisheries or the director or department of wildlife shall be construed to mean the director or department of fish and wildlife.

NEW SECTION. Sec. 3. As used in this chapter, unless the context indicates otherwise:

(1) "Department" means the department of fish and wildlife.

(2) "Director" means the director of fish and wildlife.

(3) "Commission" means the fish and wildlife commission.

NEW SECTION. Sec. 4. The executive head and appointing authority of the department shall be the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 5. In addition to other powers and duties granted or transferred to the director, the director shall have the following powers and duties:

(1) Supervise and administer the department in accordance with law;

(2) Appoint personnel and prescribe their duties. Except as otherwise provided, personnel of the department are subject to chapter 41.06 RCW, the state civil service law;

(3) Enter into contracts on behalf of the agency;

(4) Adopt rules in accordance with chapter 34.05 RCW, the administrative procedure act;

(5) Delegate powers, duties, and functions as the director deems necessary for efficient administration but the director shall be responsible for the official acts of the officers and employees of the department;

(6) Appoint advisory committees and undertake studies, research, and analysis necessary to support the activities of the department;

(7) Accept and expend grants, gifts, or other funds to further the purposes of the department;

(8) Carry out basic goals and objectives as prescribed by the fish and wildlife commission pursuant to RCW 77.04.055;

and

(9) Perform other duties as are necessary and consistent with law.

NEW SECTION. Sec. 6. The director shall appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 7. The director of fisheries, the director of wildlife, the food fish and shellfish advisory council, and the fish and wildlife commission, shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of fisheries and the department of wildlife into the department of fish and wildlife so that the department of fish and wildlife will operate as a single entity on July 1, 1994. The wildlife commission shall review its area of responsibility in the consolidated agency and submit recommendations to the governor on any necessary changes in its statutory authority.

NEW SECTION. Sec. 8. The department of fisheries and the department of wildlife are abolished and their powers, duties, and functions are transferred to the department of fish and wildlife.

NEW SECTION. Sec. 9. All reports, documents, surveys, books, records, files, papers, or written material connected with the powers, duties, and functions transferred in this act shall be delivered to the custody of the department of fish and wildlife. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in connection with the powers, duties, and functions transferred shall be made available to the department of fish and wildlife. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the department of fish and wildlife.

Any appropriations made in connection with the powers, duties, and functions transferred shall, on the effective date of this section, be transferred and credited to the department of fish and wildlife.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, or as to the powers, duties, and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 10. All classified employees employed in connection with the powers, duties, and functions transferred are transferred to the jurisdiction of the department of fish and wildlife. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of fish and wildlife to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 11. All rules and all pending business before any agency of state government pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of fish and wildlife. All existing contracts, obligations, and agreements shall remain in full force and shall be performed by the department of fish and wildlife.

NEW SECTION. Sec. 12. The transfer of the powers, duties, functions, and personnel shall not affect the validity of any act performed by any employee before the effective date of this section.

NEW SECTION. Sec. 13. If apportionments of budgeted funds are required because of the transfers directed by sections 9 through 12 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 14. Nothing contained in sections 9 through 13 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 15. RCW 41.06.070 and 1990 c 60 s 101 are each amended to read as follows:

The provisions of this chapter do not apply to:

- (1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
- (2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
- (3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community and technical colleges (education), and the higher education personnel board;
- (4) The officers of the Washington state patrol;
- (5) Elective officers of the state;
- (6) The chief executive officer of each agency;
- (7) In the departments of employment security, (fisheries,) social and health services, the director and (his) the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, (his) the director's confidential secretary, and (his) the director's statutory assistant directors;
- (8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
 - (a) All members of such boards, commissions, or committees;
 - (b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;
 - (c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;
 - (d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;
- (9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- (10) Assistant attorneys general;
- (11) Commissioned and enlisted personnel in the military service of the state;
- (12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;
- (13) The public printer or to any employees of or positions in the state printing plant;
- (14) Officers and employees of the Washington state fruit commission;
- (15) Officers and employees of the Washington state apple advertising commission;
- (16) Officers and employees of the Washington state dairy products commission;
- (17) Officers and employees of the Washington tree fruit research commission;
- (18) Officers and employees of the Washington state beef commission;
- (19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;
- (20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);
- (21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);
- (22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;
- (23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;
- (24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;
- (25) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;
- (26) All employees of the marine employees' commission;
- (27) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;
- (28) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for

exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (24), (25), and (28) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 16. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) ~~((the department of fisheries, (6)))~~ the department of fish and wildlife, ~~((7))~~ (6) the department of transportation, ~~((8))~~ (7) the department of licensing, ~~((9))~~ (8) the department of general administration, ~~((10))~~ (9) the department of trade and economic development, ~~((11))~~ (10) the department of veterans affairs, ~~((12))~~ (11) the department of revenue, ~~((13))~~ (12) the department of retirement systems, ~~((14))~~ (13) the department of corrections, ~~((15))~~ (14) the department of community development, and ~~((16))~~ (15) the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 17. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) ~~((the director of fisheries, (6)))~~ the director of fish and wildlife, ~~((7))~~ (6) the secretary of transportation, ~~((8))~~ (7) the director of licensing, ~~((9))~~ (8) the director of general administration, ~~((10))~~ (9) the director of trade and economic development, ~~((11))~~ (10) the director of veterans affairs, ~~((12))~~ (11) the director of revenue, ~~((13))~~ (12) the director of retirement systems, ~~((14))~~ (13) the secretary of corrections, ~~((15))~~ (14) the director of community development, and ~~((16))~~ (15) the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year.))~~ The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 18. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of ~~((fisheries))~~ fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, ~~((the director of wildlife,))~~ the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges ~~((education))~~, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher

education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage ((~~commissioners~~)) commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 19. RCW 43.51.955 and 1987 c 506 s 93 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of fish and wildlife or the state fish and wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 20. RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are each reenacted and amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

(1) "Director" means the director of ((fisheries)) fish and wildlife.

(2) "Department" means the department of ((fisheries)) fish and wildlife.

(3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
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<i>Oncorhynchus tshawytscha</i>	Chinook salmon
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<i>Oncorhynchus kisutch</i>	Coho salmon
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<i>Oncorhynchus keta</i>	Chum salmon
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<i>Oncorhynchus gorbuscha</i>	Pink salmon
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<i>Oncorhynchus nerka</i>	Sockeye salmon
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(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(20) "Emerging commercial fishery" means any commercial fishery:

(a) For food fish or shellfish so designated by rule of the director, except that no species harvested under a license limitation program contained in chapter 75.30 RCW may be designated as a species in an emerging commercial fishery.

(b) Which will include, subject to the limitation in (a) of this subsection, all species harvested for commercial purposes as of June 7, 1990, and the future commercial harvest of all other species in the waters of the state of Washington.

(21) "Experimental fishery permit" means a permit issued by the director to allow the recipient to engage in an emerging commercial fishery.

Sec. 21. RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 are each amended to read as follows:

The director (~~(of fisheries)~~) shall supervise the administration and operation of the department (~~(of fisheries)~~) and perform the duties prescribed by law. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

Sec. 22. RCW 75.08.035 and 1992 c 63 s 11 are each amended to read as follows:

(1) The department (~~(of fisheries)~~) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 23. RCW 75.08.055 and 1987 c 506 s 94 are each amended to read as follows:

(1) The director, (~~(and the director of wildlife)~~) with the concurrence of the fish and wildlife commission, may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the (~~(wildlife commission)~~) department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 24. RCW 75.08.400 and 1989 c 336 s 1 are each amended to read as follows:

The legislature finds that:

(1) The fishery resources of Washington are critical to the social and economic needs of the citizens of the state;

(2) Salmon production is dependent on both wild and artificial production;

(3) The department (~~(of fisheries)~~) is directed to enhance Washington's salmon runs; and

(4) Full utilization of the state's salmon rearing facilities is necessary to enhance commercial and recreational fisheries.

Sec. 25. RCW 75.10.010 and 1985 c 155 s 1 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers within their respective jurisdictions, shall enforce this title, rules of the director, and other statutes as prescribed by the legislature.

(2) When acting within the scope of subsection (1) of this section and when an offense occurs in the presence of the fisheries patrol officer who is not an ex officio fisheries patrol officer, the fisheries patrol officer may enforce all criminal laws of the state. The fisheries patrol officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a fisheries patrol officer rests with the department (~~(of fisheries)~~) unless the fisheries patrol officer acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department (~~(of fisheries)~~) and another agency.

(4) Fisheries patrol officers may serve and execute warrants and processes issued by the courts.

Sec. 26. RCW 75.10.200 and 1990 c 144 s 3 are each amended to read as follows:

Persons who violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) Violating RCW 75.20.100; and

(b) Violating department statutes that require fish screens, fish ladders, and other protective devices for fish.

(2) The following violations are a class C felony and are punishable under RCW 9A.20.021(1)(c):

(a) Discharging explosives in waters that contain adult salmon or sturgeon: PROVIDED, That lawful discharge of devices for the purpose of frightening or killing marine mammals or for the lawful removal of snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are exempt from this subsection; and

(b) To knowingly purchase food fish or shellfish with a wholesale value greater than two hundred fifty dollars that were taken by methods or during times not authorized by department (~~(of fisheries)~~) rules, or were taken by someone who does not have a valid commercial fishing license, a valid fish buyer's license, or a valid wholesale dealer's license, or were taken with fishing gear authorized for personal use.

Sec. 27. RCW 75.12.040 and 1985 c 147 s 1 are each amended to read as follows:

(1) It is unlawful to use, operate, or maintain a gill net which exceeds 250 fathoms in length or a drag seine in the waters of the Columbia river for catching salmon.

(2) It is unlawful to construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon. The director may authorize the use of this gear for scientific investigations.

(3) The department (~~(of fisheries)~~), in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

Sec. 28. RCW 75.20.005 and 1991 c 322 s 21 are each amended to read as follows:

The department of ~~((fisheries, the department of))~~ fish and wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

Sec. 29. RCW 75.20.050 and 1988 c 36 s 32 are each amended to read as follows:

It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director ~~((of fisheries and the director of wildlife))~~ notice of each application for a permit to divert or store water. The director ~~((of fisheries and director of wildlife have))~~ has thirty days after receiving the notice to state ~~((their))~~ his or her objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director ~~((of fisheries or director of wildlife))~~, issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

Sec. 30. RCW 75.20.100 and 1991 c 322 s 30 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department ~~((of fisheries or the department of wildlife))~~ as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 and 75.20.1002, the department ~~((of fisheries or the department of wildlife))~~ shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department ~~((of fisheries or the department of wildlife))~~ shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If ~~((either))~~ the department ~~((of fisheries or the department of wildlife))~~ denies approval, ~~((that))~~ the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department ~~((of fisheries or the department of wildlife))~~ as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department ~~((of fisheries or department of wildlife))~~, through ~~((their))~~ its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

Sec. 31. RCW 75.20.1001 and 1991 c 322 s 12 are each amended to read as follows:

The department ~~((of fisheries and the department of wildlife))~~ shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

Sec. 32. RCW 75.20.103 and 1991 c 322 s 31 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 and 75.20.1002, the department (~~(of fisheries or the department of wildlife)~~) shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department (~~(of fisheries or the department of wildlife)~~) shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If (~~(either)~~) the department (~~(of fisheries or the department of wildlife)~~) denies approval, (~~(that)~~) the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department (~~(of fisheries or the department of wildlife)~~) to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department (~~(granting approval)~~) may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department (~~(issuing the approval)~~) to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department (~~(that issued the approval)~~) may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department (~~(of fisheries or department of wildlife)~~), through (~~(their)~~) its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

Sec. 33. RCW 75.20.104 and 1991 c 322 s 18 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department (~~(of fisheries and the department of wildlife)~~), upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

Sec. 34. RCW 75.20.1041 and 1991 c 322 s 19 are each amended to read as follows:

The department (~~(of fisheries, the department of wildlife,)~~) and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 35. RCW 75.20.106 and 1988 c 36 s 35 are each amended to read as follows:

The department (~~(of fisheries and the department of wildlife)~~) may (~~(each)~~) levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director (~~(of the appropriate department)~~) or

~~((that))~~ the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director ~~((of the department levying the penalty))~~. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director ~~((of the department of fisheries or the department of wildlife))~~ shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

Sec. 36. RCW 75.20.110 and 1988 c 36 s 36 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as ~~((jointly))~~ determined by the director ~~((of fisheries and the director of wildlife))~~.

(b) Except by ~~((concurrent))~~ order of the director ~~((of fisheries and director of wildlife))~~, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The director ~~((of fisheries and the director of wildlife))~~ may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2)(a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

Sec. 37. RCW 75.20.130 and 1989 c 175 s 160 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by ~~((either))~~ the department ~~((of fisheries or the department of wildlife))~~ under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 38. RCW 75.20.300 and 1989 c 213 s 3 are each amended to read as follows:

(1) The legislature intends to expedite flood-control, acquisition of sites for sediment retention, and dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director ~~((of fisheries and director of wildlife))~~ shall process hydraulic project applications submitted under RCW 75.20.100 within fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Cowlitz river from mile 22 to the confluence with the Columbia, and in the Toutle river from the mouth to the North Fork Toutle sediment dam site at North Fork mile 12, and to river mile 3 on the South Fork Toutle river, and volcano-affected areas of the Columbia river.

(3) For the purposes of this section, the emergency provisions of RCW 75.20.100 may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

(4) This section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

(5) This section expires on June 30, 1995.

Sec. 39. RCW 75.20.310 and 1988 c 36 s 39 are each amended to read as follows:

The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site

conditional upon the state assuming the maintenance and operation costs of the facility. The department (~~(of wildlife and the department of fisheries)~~) shall (~~(cooperatively)~~) operate and maintain a fish collection facility on the Toutle river. (~~(Each agency shall share in the cost of operating and maintaining the facility.)~~)

Sec. 40. RCW 75.24.065 and 1985 c 256 s 2 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The department (~~(of fisheries)~~) shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

Sec. 41. RCW 75.25.005 and 1989 c 305 s 1 are each amended to read as follows:

The following recreational fishing licenses are administered and issued by the department (~~(of fisheries)~~) under authority of the director (~~(of fisheries)~~):

- (1) Hood Canal shrimp license;
- (2) Razor clam license;
- (3) Personal use fishing license;
- (4) Salmon license; and
- (5) Sturgeon license.

Sec. 42. RCW 75.25.080 and 1989 c 305 s 4 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department (~~(of fisheries)~~) official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 43. RCW 75.25.170 and 1989 c 305 s 16 are each amended to read as follows:

Fees received for recreational licenses required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department (~~(of fisheries)~~).

Sec. 44. RCW 75.25.180 and 1989 c 305 s 14 are each amended to read as follows:

Recreational licenses issued by the department (~~(of fisheries)~~) under this chapter are valid for the following periods:

- (1) Recreational licenses issued without charge to persons designated by this chapter are valid:
 - (a) For life for blind persons;
 - (b) For the period of continued state residency for qualified disabled veterans;
 - (c) For the period of continued state residency for persons sixty-five years of age or more;
 - (d) For the period of the disability for persons with a developmental disability;
 - (e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card; and
 - (f) Until a child reaches fifteen years of age.
- (2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the

license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 45. RCW 75.50.010 and 1985 c 458 s 1 are each amended to read as follows:

Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department (~~(of fisheries)~~) is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

Sec. 46. RCW 75.50.070 and 1989 c 426 s 1 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department (~~(of fisheries)~~). The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

Sec. 47. RCW 75.50.080 and 1989 c 426 s 4 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;

(3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department ((of fisheries)).

Sec. 48. RCW 75.50.130 and 1992 c 88 s 1 are each amended to read as follows:

The director ((of fisheries)) shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

Sec. 49. RCW 75.52.010 and 1988 c 36 s 41 are each amended to read as follows:

The fish and ((game)) wildlife resources of the state benefit by the contribution of volunteer recreational and commercial fishing organizations, schools, and other volunteer groups in cooperative projects under agreement with the department ((of fisheries or the department of wildlife)). These projects provide educational opportunities, improve the communication between the natural resources agencies and the public, and increase the fish and game resources of the state. In an effort to increase these benefits and realize the full potential of cooperative projects, the department ((of fisheries and the department of wildlife each)) shall administer a cooperative fish and wildlife enhancement program and enter agreements with volunteer groups relating to the operation of cooperative projects.

Sec. 50. RCW 75.52.020 and 1988 c 36 s 42 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department ((of fisheries or the department of wildlife)) relating to a cooperative fish or ((game)) wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and ((game)) wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(3) "Department" means ((either)) the department of ((fisheries or the department of)) fish and wildlife ((, whichever is responsible for managing the species of fish or game most affected by the cooperative project)).

Sec. 51. RCW 75.52.035 and 1987 c 48 s 1 are each amended to read as follows:

The department ((of fisheries)) may authorize the sale of surplus salmon eggs and carcasses by permitted cooperative projects for the purposes of defraying the expenses of the cooperative project. In no instance shall the department allow a profit to be realized through such sales. The department shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 52. RCW 75.52.100 and 1989 c 85 s 3 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the ((state)) department ((of fisheries)). The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW to assist in the planning, construction, and operation of the spawning channel.

Sec. 53. RCW 75.52.110 and 1989 c 85 s 4 are each amended to read as follows:

The department ((of fisheries)) shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department ((of fisheries)), national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130. The technical committee will be guided by a policy committee, also to be chaired by the department ((of fisheries)), which shall consist of not more than six members: One representative from the department ((of fisheries)), one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130. The policy committee shall present a progress report to the senate and house of representatives natural resources and environment committees by January 1, 1990, and shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120.

Sec. 54. RCW 75.52.160 and 1989 c 85 s 10 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 not be met, the department ((of fisheries)) shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

Sec. 55. RCW 75.58.010 and 1988 c 36 s 43 are each amended to read as follows:

(1) The director of agriculture and the director ((of fisheries)) shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department ((of fisheries)) under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The director ((of fisheries)) shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The

director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department ((of fisheries)) by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 constitute the only authorities of the department ((of fisheries)) to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department ((of fisheries)), and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department ((of fisheries)) from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) It is unlawful for any person to violate the rules adopted under subsection (2) or (3) of this section or to violate RCW 75.58.040.

(5) In administering the program established under this section, the department ((of fisheries)) shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department ((of fisheries, the department of wildlife,)) or other fish-rearing entities.

Sec. 56. RCW 75.58.020 and 1985 c 457 s 9 are each amended to read as follows:

The directors of agriculture and ((fisheries)) fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010. The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010.

Sec. 57. RCW 75.58.030 and 1988 c 36 s 44 are each amended to read as follows:

(1) The director ((of fisheries)) shall consult regarding the disease inspection and control program established under RCW 75.58.010 with ((the department of wildlife,)) federal agencies((,)) and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director ((of fisheries)) may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director ((of fisheries)) shall provide for the creation and distribution of a roster of biologists having a speciality in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

Sec. 58. RCW 75.58.040 and 1988 c 36 s 45 are each amended to read as follows:

All aquatic farmers as defined in RCW 15.85.020 shall register with the department ((of fisheries)). The director shall develop and maintain a registration list of all aquaculture farms. Registered aquaculture farms shall provide the department production statistical data. The state veterinarian ((and the department of wildlife)) shall be provided with registration and statistical data by the department.

Sec. 59. RCW 77.04.020 and 1987 c 506 s 4 are each amended to read as follows:

The department ((of wildlife)) consists of the state fish and wildlife commission and the director ((of wildlife)). The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed pursuant to RCW 77.04.055.

Sec. 60. RCW 77.04.030 and 1987 c 506 s 5 are each amended to read as follows:

The state fish and wildlife commission consists of ((six)) nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large effective July 1, 1993: one of whom shall serve a one and one-half year term to end December 31, 1994; one of whom shall serve a three and one-half year term to end December 31, 1996; and one of whom shall serve a five and one-half year term to end December 31, 1998. Thereafter all members are to serve a six-year term. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 61. RCW 77.04.040 and 1987 c 506 s 6 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of game fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of game fish and wildlife. Persons eligible for appointment as wildlife commissioners shall not have a monetary interest in any private business that is involved with consumptive or nonconsumptive use of game fish or wildlife.

Sec. 62. RCW 77.04.055 and 1990 c 84 s 2 are each amended to read as follows:

(1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate game fish and wildlife, and game fish and wildlife habitat. The commission shall maximize hunting and fishing recreational opportunities.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

Sec. 63. RCW 77.04.080 and 1987 c 506 s 9 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of fish and wildlife. The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

Sec. 64. RCW 77.04.100 and 1985 c 208 s 2 are each amended to read as follows:

The director(~~(, in cooperation with the director of fisheries))~~ shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3).

Sec. 65. RCW 77.08.010 and 1989 c 297 s 7 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.
- (6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries (~~(commission))~~ service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.
- (12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.
- (13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.
- (14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.
- (15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.
- (16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director (~~(of fisheries))~~). The term "wildlife" includes all stages of development and the bodily parts of wildlife members.
- (17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).
- (18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.
- (19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.
- (20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.
- (21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.
- (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.
- (23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.
- (24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.
- (25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.
- (26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.
- (27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

Sec. 66. RCW 77.12.055 and 1988 c 36 s 50 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice

training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department ((of wildlife)) and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 67. RCW 77.12.103 and 1989 c 314 s 3 are each amended to read as follows:

(1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.

(2) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.12.101 for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director ((of wildlife)), the fish and wildlife commission, or the department ((of wildlife)) may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with wildlife offenses.

Sec. 68. RCW 77.12.440 and 1987 c 506 s 47 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. Sec. 777). The department ((of wildlife and the department of fisheries)) shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 69. RCW 77.12.710 and 1990 c 110 s 2 are each amended to read as follows:

The legislature hereby directs the department ((of wildlife)) to determine the feasibility and cost of doubling the state-wide game fish production by the year 2000. The department shall seek to equalize the effort and investment expended on anadromous and resident game fish programs. The department ((of wildlife)) shall provide the legislature with a specific plan for legislative approval that will outline the feasibility of increasing game fish production by one hundred percent over current levels by the year 2000. The plan shall contain specific provisions to increase both hatchery and naturally spawning game fish to a level that will support the production goal established in this section consistent with ((wildlife commission)) department policies. Steelhead trout, searun cutthroat trout, resident trout, and warmwater fish producing areas of the state shall be included in the plan. The department ((of wildlife)) shall provide the plan to the house of representatives and senate ways and means, environment and natural resources, environmental affairs, fisheries and wildlife, and natural resources committees by December 31, 1990.

The plan shall include the following critical elements:

(1) Methods of determining current catch and production, and catch and production in the year 2000;

(2) Methods of involving fishing groups, including Indian tribes, in a cooperative manner;

(3) Methods for using low capital cost projects to produce game fish as inexpensively as possible;

(4) Methods for renovating and modernizing all existing hatcheries and rearing ponds to maximize production capability;

(5) Methods for increasing the productivity of natural spawning game fish;

(6) Application of new technology to increase hatchery and natural productivity;

(7) Analysis of the potential for private contractors to produce game fish for public fisheries;

(8) Methods to optimize public volunteer efforts and cooperative projects for maximum efficiency;

(9) Methods for development of trophy game fish fisheries;

(10) Elements of coordination with the Pacific Northwest Power Council programs to ensure maximum Columbia river benefits;

(11) The role that should be played by private consulting companies in developing and implementing the plan;

(12) Coordination with federal fish and wildlife agencies, Indian tribes, and department ((of fisheries)) fish production programs;

(13) Future needs for game fish predator control measures;

(14) Development of disease control measures;

(15) Methods for obtaining access to waters currently not available to anglers; and

(16) Development of research programs to support game fish management and enhancement programs.

The department ((of wildlife)), in cooperation with the department of revenue, shall assess various funding mechanisms and make recommendations to the legislature in the plan. The department ((of wildlife)), in cooperation with the department of trade and economic development, shall prepare an analysis of the economic benefits to the state that will occur when the game fish production is increased by one hundred percent in the year 2000.

Sec. 70. RCW 77.12.730 and 1990 c 195 s 3 are each amended to read as follows:

(1) A ten-member firearms range advisory committee is hereby created to provide advice and counsel to the interagency committee for outdoor recreation. The members shall be appointed by the director of the interagency committee for outdoor recreation from the following groups:

(a) Law enforcement;

(b) Washington military department;

(c) Black powder shooting sports;

(d) Rifle shooting sports;

(e) Pistol shooting sports;

(f) Shotgun shooting sports;

(g) Archery shooting sports;

(h) Hunter education;

(i) Hunters; and

(j) General public.

(2) The firearms range advisory committee members shall serve two-year terms with five new members being selected each year beginning with the third year of the committee's existence. The firearms range advisory committee members shall not

receive compensation from the firearms range account. However, travel and per diem costs shall be paid consistent with regulations for state employees.

(3) The interagency committee for outdoor recreation shall provide administrative, operational, and logistical support for the firearms range advisory committee. Expenses directly incurred for supporting this program may be charged by the interagency committee for outdoor recreation against the firearms range account. Expenses shall not exceed ten percent of the yearly income for the range account.

(4) The interagency committee for outdoor recreation shall in cooperation with the firearms range advisory committee:

- (a) Develop an application process;
- (b) Develop an audit and accountability program;
- (c) Screen, prioritize, and approve grant applications; and
- (d) Monitor compliance by grant recipients.

(5) The department of natural resources, the department of fish and wildlife, and the Washington military department are encouraged to provide land, facilitate land exchanges, and support the development of shooting range facilities.

Sec. 71. RCW 77.12.750 and 1992 c 63 s 13 are each amended to read as follows:

(1) The department (~~(of wildlife)~~) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 72. RCW 77.16.060 and 1987 c 506 s 61 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by the commission or director (~~(of fisheries)~~). Game fish taken incidental to a lawful season established by the director (~~(of fisheries)~~) shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 73. RCW 77.16.135 and 1991 c 211 s 1 are each amended to read as follows:

(1) The director shall revoke all licenses and privileges extended under Title 77 RCW of a person convicted of assault on a state wildlife agent or other law enforcement officer provided that:

(a) The wildlife agent or other law enforcement officer was on duty at the time of the assault; and

(b) The wildlife agent or other law enforcement officer was enforcing the provisions of Title 77 RCW.

(2) For the purposes of this section, the definition of assault includes:

(a) RCW 9A.32.030; murder in the first degree;

(b) RCW 9A.32.050; murder in the second degree;

(c) RCW 9A.32.060; manslaughter in the first degree;

(d) RCW 9A.32.070; manslaughter in the second degree;

(e) RCW 9A.36.011; assault in the first degree;

(f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

(3) For the purposes of this section, a conviction includes:

(a) A determination of guilt by the court;

(b) The entering of a guilty plea to the charge or charges by the accused;

(c) A forfeiture of bail or a vacation of bail posted to the court; or

(d) The imposition of a deferred or suspended sentence by the court.

(4) No license described under Title 77 RCW shall be reissued to a person violating this section for a minimum of ten years, at (~~that~~ ~~which~~) which time a person may petition the director (~~(of wildlife)~~) for a reinstatement of his or her license or licenses. The ten-year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section. Upon review by the director, and if all provisions of the court that imposed sentencing have been completed, the director may reinstate in whole or in part the licenses and privileges under Title 77 RCW.

Sec. 74. RCW 77.16.170 and 1988 c 36 s 51 are each amended to read as follows:

It is unlawful to take a wild animal from another person's trap without permission, or to spring, pull up, damage, possess, or destroy the trap; however, it is not unlawful for a property owner, lessee, or tenant to remove a trap placed on the owner's, lessee's, or tenant's property by a trapper.

Trappers shall attach to the chain of their traps or devices a legible metal tag with either the department (~~(of wildlife)~~) identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

When an individual presents a trapper identification number to the department (~~(of wildlife)~~) and requests identification of the trapper, the department (~~(of wildlife)~~) shall provide the individual with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department (~~(of wildlife)~~) shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed.

Sec. 75. RCW 77.18.010 and 1991 c 253 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the (~~Washington~~) department of fish and wildlife.

(2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

(3) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

(4) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(5) "Person" means a natural person, corporation, trust, or other legal entity.

Sec. 76. RCW 77.32.380 and 1991 sp.s. c 7 s 12 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ten dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use department lands and access facilities when accompanied by the license holder.

Youth groups may use department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified department ((of wildlife)) lands shall exhibit the required license.

NEW SECTION. Sec. 77. A new section is added to chapter 77.12 RCW to read as follows:

Steelhead trout shall be managed solely as a recreational fishery for non-Indian fishermen under the rule-setting authority of the fish and wildlife commission.

Commercial non-Indian steelhead fisheries are not authorized.

NEW SECTION. Sec. 78. To aid and advise the department in the performance of its functions with regard to food fish and shellfish, a food fish and shellfish advisory council is created. The advisory council consists of six members appointed by the governor; four legislative ex officio nonvoting members, one appointed by each caucus in both the state senate and the house of representatives; and the director or his or her specifically appointed designee, who shall be the nonvoting chair. Of the members appointed by the governor, two shall represent non-Indian commercial fishers, two shall represent sports fishers, and two shall represent treaty Indian fishers. Of the treaty Indian fishers, one shall be selected from a list provided by the Washington state tribal coordinating body and one shall be selected from a list provided by the Columbia river tribal coordinating body defined in 16 U.S.C. Sec. 3302 (5) and (18).

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

Members shall receive reimbursement through the department for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 79. On July 1, 1994, the state treasurer shall follow the recommendations of the director of financial management on the disbursement of funds from the state wildlife fund to the department of fish and wildlife solely for the purposes of funding programs for wildlife and game fish. Funds from the state wildlife fund shall be used only for the department of fish and wildlife after June 30, 1994.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

(1) RCW 43.131.375 and 1991 c 253 s 5; and

(2) RCW 43.131.376 and 1991 c 253 s 6.

NEW SECTION. Sec. 81. Sections 1 through 6 and 78 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 82. Sections 1 through 6, 8 through 77, and 79 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 83. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Owen moved that the following amendment by Senators Owen, Oke, Sutherland and Erwin to the Committee on Natural Resources amendment be adopted:

On page 48, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 83. The legislature finds that recreational fishing opportunities for salmon and marine bottomfish have been dwindling in recent years. It is important to restore diminished recreational fisheries and to enhance the salmon and marine bottomfish resource to assure sustained productivity. Investments made in recreational fishing programs will repay the people of the state many times over in increased economic activity and in an improved quality of life.

NEW SECTION. Sec. 84. There is created a new position in the department subject to the civil service law, chapter 41.06 RCW, to be known as the sport fishing program administrator. The sport fishing program administrator shall be an advocate for increasing recreational salmon and marine bottomfish harvesting opportunities through programs specifically designed to improve recreational fishing in south Puget Sound, central Puget Sound, north Puget Sound, Hood Canal, and Lake Washington.

NEW SECTION. Sec. 85. The duties of the sport fishing program administrator are to use resources within the department to: Develop a short-term program of hatchery-based salmon enhancement using freshwater pond sites for the final rearing phase; solicit support from cooperative projects, regional enhancement groups, and other supporting organizations; conduct comprehensive research on resident and migratory salmon production opportunities; and conduct research on marine bottomfish production limitations and on methods for artificial propagation of marine bottomfish.

Long-term duties of the sport fishing program administrator are to: Fully implement enhancement efforts for Puget Sound and Hood Canal resident salmon and marine bottomfish; identify opportunities to reestablish salmon runs into areas where they no longer exist;

encourage naturally spawning salmon populations to develop to their fullest extent; and fully utilize hatchery programs to improve recreational fishing.

NEW SECTION. Sec. 86. The department shall seek recommendations from persons who are expert on the planning and operation of programs for enhancement of recreational fisheries. The department shall fully use the expertise of the University of Washington college of fisheries and the sea grant program to develop research and enhancement programs.

NEW SECTION. Sec. 87. The department shall develop new locations for the freshwater rearing of delayed-release chinook salmon. In calendar year 1994, at least one freshwater pond chinook salmon rearing site shall be developed and begin production in each of the following areas: South Puget Sound, central Puget Sound, north Puget Sound, and Hood Canal. Natural or artificial pond sites shall be preferred to net pens due to higher survival rates experienced from pond rearing. Rigorous predatory bird control measures shall be implemented. The goal of the program is to increase the production and planting of delayed release chinook salmon to a level of three million fish annually by the year 2000.

NEW SECTION. Sec. 88. The department shall conduct research, develop methods, and implement programs for the artificial rearing and release of marine bottomfish species. Lingcod, halibut, rockfish, and Pacific cod shall be the species of primary emphasis due to their importance in the recreational fishery.

NEW SECTION. Sec. 89. The department shall undertake additional research to more fully evaluate improved enhancement techniques, hooking mortality rates, methods of mass marking, improvement of catch models, and sources of marine bottomfish mortality. Research shall be designed to give the best opportunity to provide information that can be applied to real-world recreational fishing needs.

NEW SECTION. Sec. 90. The department shall work with the department of ecology, the department of wildlife, and local government entities to streamline the siting process for new enhancement projects. The department is encouraged to work with the legislature to develop statutory changes that enable expeditious processing and granting of permits for fish enhancement projects.

NEW SECTION. Sec. 91. The department's information and education section shall develop a public awareness program designed to educate the public on the elements of the recreational fishing program and to recruit volunteers to assist the department in implementing recreational fishing projects. Economic benefits of the program shall be emphasized.

NEW SECTION. Sec. 92. The department shall increase efforts to document the effects of bird predators, harbor seals, sea lions, and predatory fish upon the salmon and marine fish resource. Every opportunity shall be explored to convince the federal government to amend the marine mammal protection act to allow for lethal removal of predatory marine mammals, as well as to work with the United States fish and wildlife service to achieve workable control measures for predatory birds.

NEW SECTION. Sec. 93. Indian tribal fishing interests and non-Indian commercial fishing groups shall be invited to participate in development of plans for selective fisheries that target hatchery-produced fish and minimize catch of naturally spawned fish. In addition, talks shall be initiated on the feasibility of altering the rearing programs of department hatcheries to achieve higher survival and greater production of chinook and coho salmon.

NEW SECTION. Sec. 94. The department shall coordinate the sport fishing program with the wild stock initiative to assure that the two programs are compatible and potential conflicts are avoided.

NEW SECTION. Sec. 95. The department shall develop plans for increased recreational access to salmon and marine fish resources. Proposals for new boat launching ramps and pier fishing access shall be developed.

NEW SECTION. Sec. 96. The department shall contract with private consultants, aquatic farms, or construction firms, where appropriate, to achieve the highest benefit-to-cost ratio for recreational fishing projects.

NEW SECTION. Sec. 97. The requirements and provisions of this chapter are to be performed in addition to and not at the expense of existing salmon programs of the department. Nothing in this chapter shall be construed to authorize the department to advocate or to improve recreational fishing at the expense of commercial fishing or to increase recreational enhancement to the detriment of commercial enhancement.

NEW SECTION. Sec. 98. Beginning January 1, 1994, persons who recreationally fish for salmon or marine bottomfish in marine area codes 5 through 13 shall be assessed an annual recreational surcharge of ten dollars, in addition to other licensing requirements. Funds from the surcharge shall be deposited in the recreational fisheries enhancement account created in section 99 of this act, except that the first five hundred thousand dollars shall be deposited in the general fund before June 30, 1995, to repay the appropriation made by section 20, chapter, Laws of 1993 (section 102 of this act).

NEW SECTION. Sec. 99. The recreational fisheries enhancement account is created in the state treasury. All receipts from section 98 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

NEW SECTION. Sec. 100. The department shall develop and present to the legislature, no later than January 1, 1994, proposed legislation for a recreational fishing capital facilities improvement program financed through general obligation bonds.

NEW SECTION. Sec. 101. Sections 84 through 99 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 102. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the recreational fisheries enhancement account created in section 99 of this act for the purpose of achieving early implementation of this act. Funds appropriated by this section shall be repaid to the general fund from the proceeds of the surcharge established in section 98 of this act. Repayment shall occur before June 30, 1995.

NEW SECTION. Sec. 103. Sections 83 through 102 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Renumber the remaining section consecutively.

Debate ensued.

MOTION

On motion of Senator Owen, further consideration of Substitute House Bill No. 2055 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2023, by House Committee on Transportation (originally sponsored by Representative R. Meyers)

Transferring jurisdiction for certain roads and highways.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following amendment was adopted:

On page 4, after line 31, insert the following:

"**Sec. 7.** RCW 47.39.020 and 1992 c 26 s 2 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin; also

Beginning at the junction with state route number 17, in the vicinity of Coulee City, thence easterly to the junction with state route number 155;

(2) State route number 3, beginning at a junction with state route number ~~((106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also~~

Beginning at a junction of Erlands Point Road north of Bremerton thence northeasterly)) 101 in the vicinity of Shelton, thence northeasterly and northerly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number ~~((8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater)) 4, beginning at the junction with state route number 101, thence easterly through Cathlamet to Coal Creek road, approximately .5 miles west of the Longview city limits;~~

(4) State route number 6, beginning at the junction with state route number 101 in Raymond, thence easterly to the junction with state route number 5, in the vicinity of Chehalis;

(5) State route number 7, beginning at the junction with state route number 12 in Morton, thence northerly to the junction with state route number 507;

(6) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(7) State route number 9, beginning at the junction with state route number 530 in Arlington, thence northerly to the end of the route at the Canadian border;

(8) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

~~((5))~~ (9) State route number 11, beginning at the junction with state route number 5 in the vicinity of Burlington, thence in a northerly direction to the junction with state route number 5;

(10) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

~~((Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy)) Beginning at a junction with state route number 5, thence easterly by way of Morton, Randle, and Packwood to the junction with state route number 410, approximately 3.5 miles west of Naches; also~~

Beginning at the junction with state route number 124 in the vicinity of the Tri-Cities, thence easterly through Wallula and Touchet to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

~~((6))~~ (11) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, ((thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill,)) thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

~~((7))~~ (12) State route number 17, beginning at a junction with state route number 395 in the vicinity of ((Etopia)) Mesa, thence ((in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City)) northerly to the junction with state route number 97 in the vicinity of Brewster;

~~((8))~~ (13) State route number 19, the Chimacum-Beaver Valley road, beginning at the junction with state route number 104, thence northerly to the junction with state route number 20;

(14) State route number 20, beginning at the junction with state route number 101 to the ferry zone in Port Townsend; also

Beginning at the Keystone ferry slip on Whidbey Island, thence ((easterly and)) northerly and easterly to a junction with ((Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with)) state route number 153 southeast of Twisp; also

Beginning at a junction with state route number ((21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction)) 97 near Tonasket, thence easterly and southerly to a junction with state route number 2 at Newport;

((9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10)) (15) State route number 25, beginning at the Spokane river bridge, thence northerly through Cedonia, Gifford, Kettle Falls, and Northport, to the Canadian border;

(16) State route number 31, beginning at the junction with state route number 20 in Tiger, thence northerly to the Canadian border;

(17) State route number 82, beginning at the junction with state route number 395 south of the Tri-Cities area, thence southerly to the end of the route at the Oregon border;

(18) State route number 90, beginning at the ((CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum)) junction with East Sunset Way in the vicinity east of Issaquah, thence easterly to Thorp road 9.0 miles west of Ellensburg;

((14)) (19) State route number 97, beginning at the ((crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill)) Oregon border, in a northerly direction through Toppenish and Wapato to the junction with state route number 82 at Union Gap; also

Beginning at the junction with state route number 10, 2.5 miles north of Ellensburg, in a northerly direction to the junction with state route number 2, 4.0 miles east of Leavenworth;

(20) State route number 97 alternate, beginning at the junction with state route number 2 in the vicinity of Monitor, thence northerly to the junction with state route number 97, approximately 5.0 miles north of Chelan;

((12)) (21) State route number 101, beginning at the Astoria-Megler bridge, thence north to Fowler street in Raymond; also

Beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the ((west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a)) junction with ((the Airport road north of Shelton; also

Beginning at a junction with state route number 3 south of Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater)) state route number 5 in the vicinity of Olympia;

((13)) (22) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the ((vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble)) Kingston ferry crossing;

((14)) (23) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

((15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16)) (24) State route number 109, beginning at a junction with ((a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Meclips)) state route number 101 in Hoquiam to a junction with state route number 101 in the vicinity of Queets;

((17)) (25) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

((18)) (26) State route number 116, beginning at the junction with the Chimacum-Beaver Valley road, thence in an easterly direction to Fort Flagler State Park;

(27) State route number 119, beginning at the junction with state route number 101 at Hoodspout, thence northwesterly to the Mount Rose development intersection;

(28) State route number 122, Harmony road, between the junction with state route number 12 near Mayfield dam and the junction with state route number 12 in Mossyrock;

(29) State route number 123, beginning at the junction with state route number 12 in the vicinity of Morton, thence northerly to the junction with state route number 410;

(30) State route number 129, beginning at the Oregon border, thence northerly to the junction with state route number 12 in Clarkston;

(31) State route number 141, beginning at the junction with state route number 14 in Bingen, thence northerly to the end of the route at the Skamania county line;

(32) State route number 142, beginning at the junction with state route number 14 in Lyle, thence northeasterly to the junction with state route number 97, .5 miles from Goldendale;

(33) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

((19)) (34) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence ((in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

(20) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

(21)) northerly and westerly to the junction with state route number 215;

(35) State route number 194, beginning at the Port of Almota to the junction with state route number 195 in the vicinity of Pullman;

(36) State route number 202, beginning at the junction with state route number 522, thence in an easterly direction to the junction with state route number 90 in the vicinity of North Bend;

(37) State route number 211, beginning at the junction with state route number 2, thence northerly to the junction with state route number 20 in the vicinity of Usk;

(38) State route number 231, beginning at the junction with state route number 23, in the vicinity of Sprague, thence in a northerly direction to the junction with state route number 2, approximately 2.5 miles west of Reardan;

(39) State route number 261, beginning at the junction with state route number 12 in the vicinity of Delaney, thence northwesterly to the junction with state route number 260;

(40) State route number 262, beginning at the junction with state route number 26, thence northeasterly to the junction with state route number 17 between Moses Lake and Othello;

(41) State route number 272, beginning at the junction with state route number 195 in Colfax, thence easterly to the Idaho state line, approximately 1.5 miles east of Palouse;

(42) State route number 305, beginning at the Winslow ferry dock to the junction with state route number 3 approximately 1.0 mile north of Poulso;

(43) State route number 395, beginning at ((a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at)) the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

((22)) (44) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

((23)) (45) State route number 410, beginning 4.0 miles east of Enumclaw, thence in an easterly direction to the junction with state route number 12, approximately 3.5 miles west of Naches;

(46) State route number 501, beginning at the junction with state route number 5 in the vicinity of Vancouver, thence northwesterly on the New Lower River road around Vancouver Lake;

(47) State route number 503, beginning at the junction with state route number 500, thence northerly by way of Battle Ground and Yale to the junction with state route number 5 in the vicinity of Woodland;

(48) State route number 504, beginning at a junction with state route number 5 ((in the vicinity north of)) at Castle Rock, ((thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

(24)) to the end of the route on Johnston Ridge, approximately milepost 52;

(49) State route number 505, beginning at the junction with state route number 504, thence northwesterly by way of Toledo to the junction with state route number 5;

(50) State route number 508, beginning at the junction with state route number 5, thence in an easterly direction to the junction with state route number 7 in Morton;

(51) State route number 525, beginning at ((a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly)) the ferry toll booth on Whidbey Island to a junction with state route number 20 east of the Keystone ferry slip;

((25)) (52) State route number 542, beginning at the ((Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham)) junction with state route number 5, thence easterly to the vicinity of Austin pass in Whatcom county;

((26)) (53) State route number 547, beginning at the junction with state route number 542 in Kendall, thence northwesterly to the junction with state route number 9 in the vicinity of the Canadian border;

(54) State route number 706, beginning at the junction with state route number 7 in Elbe, in an easterly direction to the end of the route at Mt. Rainier National Park;

(55) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

(56) State route number 971, Navarre Coulee road, between the junction with state route number 97 and the junction with South Lakeshore road.

NEW SECTION. Sec. 8. Recognizing that the Intermodal Surface Transportation Efficiency Act of 1991 establishes a national "Scenic Byways" grant program and a new apportionment program called "Transportation Enhancement Activities," the department of transportation shall place high priority on obtaining funds from those sources for further development of a scenic and recreational highways program, including highway heritage projects on the designated scenic and recreational highway system. The department shall consider the use of the designated system by bicyclists and pedestrians in connection with nonmotorized routes in the state trail plan, and the state bicycle plan which are also eligible for ISTEAF funding. Appropriate signage may be used at intersections of nonmotorized and motorized systems to demonstrate the access, location, and the interconnectivity of various modes of travel for transportation and recreation.

NEW SECTION. Sec. 9. A new section is added to chapter 47.39 RCW to read as follows:

In developing the scenic and recreational highways program, the department shall consult with the department of trade and economic development, the department of community development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, state-wide bicycling organizations, and other interested parties. The scenic and recreational highways program may identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

Sec. 10. RCW 47.42.020 and 1991 c 94 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the Washington state department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(11) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place.

Sec. 11. RCW 47.42.100 and 1974 ex.s. c 154 s 3 are each amended to read as follows:

(1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended, shall be maintained by any person (a) after three years from May 10, 1971, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. Signs located in areas zoned by the governing county for predominantly commercial or industrial uses, that do not have development visible to the highway, as determined by the department, and that were lawfully installed after May 10, 1971, visible to any highway now or hereafter designated by the legislature as part of the scenic system, shall be allowed to be maintained.

Sec. 12. RCW 47.42.140 and 1992 c 26 s 3 are each amended to read as follows:

The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with West Lake Sammamish parkway in the vicinity of Issaquah, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 970 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 970 at Virden, thence via Blewett pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 106 beginning at the junction with state route number 101 in the vicinity of Union, thence northeasterly to the junction with state route number 3 in the vicinity of Belfair.

(8) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

~~((8))~~ (9) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

~~((9))~~ (10) State route number 206, Mt. Spokane Park Drive, beginning at the junction with state route number 2 near the north line section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park.

(11) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

~~((10))~~ (12) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

~~((11))~~ (13) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

~~((12))~~ (14) State route number 970 beginning at a junction with state route number 90 in the vicinity of Cle Elum thence via Teanaway to a junction with state route number 97 in the vicinity of Virden."

On motion of Senator Vognild, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "47.17.305," strike "and 47.17.577" and insert "47.17.577, 47.39.020, 47.42.020, 47.42.100, and 47.42.140"

On page 1, line 3 of the title, after "47.17 RCW;" insert "adding a new section to chapter 47.39 RCW; creating a new section;"

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2023, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2023, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2023, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Anderson, McCaslin and McDonald - 3.

SUBSTITUTE HOUSE BILL NO. 2023, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2055 and the pending amendment by Senators Owen, Oke, Sutherland and Erwin on page 48, after line 2, to the Committee on Natural Resources striking amendment, deferred earlier today.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen, Oke, Sutherland and Erwin on page 48, after line 2, to the Committee on Natural Resources striking amendment to Substitute House Bill No. 2055.

The amendment to the Committee on Natural Resources striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources striking amendment, as amended, to Substitute House Bill No. 2055.

Debate ensued.

The Committee on Natural Resources striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Owen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 41.06.070, 43.17.010, 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.035, 75.08.055, 75.08.400, 75.10.010, 75.10.200, 75.12.040, 75.20.005, 75.20.050, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.110, 75.20.130, 75.20.300, 75.20.310, 75.24.065, 75.25.005, 75.25.080, 75.25.170, 75.25.180, 75.50.010, 75.50.070, 75.50.080, 75.50.130, 75.52.010,

75.52.020, 75.52.035, 75.52.100, 75.52.110, 75.52.160, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.080, 77.04.100, 77.08.010, 77.12.055, 77.12.103, 77.12.440, 77.12.710, 77.12.730, 77.12.750, 77.16.060, 77.16.135, 77.16.170, 77.18.010, and 77.32.380; reenacting and amending RCW 75.08.011; adding a new section to chapter 77.12 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.131.375 and 43.131.376; and providing an effective date."

On page 48, line 23 of the title amendment, after "43 RCW;" insert "adding a new chapter to Title 75 RCW;"

On page 48, line 24 of the title amendment, after "43.131.376;" strike the remainder of the title and insert "making an appropriation; providing effective dates; and declaring an emergency."

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 2055, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2055, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2055, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Barr, Roach and West - 3.

Excused: Senators Anderson, McCaslin and McDonald - 3.

SUBSTITUTE HOUSE BILL NO. 2055, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:05 a.m., on motion of Senator Jesernig, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:11 a.m. by President Pritchard.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1520, by House Committee on Education (originally sponsored by Representatives Holm, Brumsickle, Wolfe, Chappell, Sheldon, Romero, Dorn, Basich, Kessler, Jones, Zellinsky, Pruitt, Brough, Cothorn, Riley, King, R. Meyers, Rayburn and Quall) (by request of Superintendent of Public Instruction)

Expanding the use of skill centers.

The bill was read the second time.

MOTIONS

On motion of Senator Pelz, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. As retraining becomes a common part of adult work life, it is important that all vocational education opportunities be used to the maximum extent possible. Skill centers established to provide vocational training for high school students are used during the morning and early afternoon. These facilities are idle during the late afternoon and evening hours. At the same time, community colleges have more students applying than they can accommodate. To assure that we meet the needs of our citizens in seeking training or retraining, all vocational training facilities should be used to the maximum extent possible.

NEW SECTION. Sec. 2. Skill centers, to the extent funds are available, are encouraged to operate afternoon and evening programs.

NEW SECTION. Sec. 3. The community colleges are encouraged to contract with skill centers to use the skill center facilities. The community colleges shall not be required to count the enrollments under these agreements toward the community college enrollment lid. Skill centers may charge fees to adult students under RCW 28A.225.220.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 28C RCW."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "and adding a new chapter to Title 28C RCW."

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1520, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1520, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1520, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Prince - 1.

Absent: Senator Barr - 1.

Excused: Senators Anderson and McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 1520, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1069, by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Mielke, Riley, Mastin, Bray, Orr, Vance, H. Myers, Lisk, R. Johnson, Grant, Basich, Edmondson, Schmidt, Campbell, Van Luven, Rayburn, Foreman, Ballasiotes, Long, Kremen, Brough, Brumsickle, Horn, Forner, Karahalios, Chandler, Wood, Cooke, Roland and Silver)

Providing for seizure of property involved in a felony.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter does not apply to property subject to forfeiture under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, 9.46.230, 9A.82.100, 9A.83.030, 7.48.090, or 77.12.101.

NEW SECTION. Sec. 2. (1) The following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.

A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party neither had knowledge of nor consented to the commission of the felony.

(2) Personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of personal property without process may be made if:

- (a) The seizure is incident to an arrest or a search under a search warrant;
- (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;
- (c) A law enforcement officer has probable cause to believe that the property is directly dangerous to health or safety; or
- (d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in the commission of a felony.

(3) In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within ninety days of the seizure, the item seized shall be deemed forfeited. A perfected security interest of a secured party may be extinguished only after a contested hearing or agreement by the secured party, and the burden of establishing that the security interest is not bona fide is upon the law enforcement agency requesting forfeiture.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within ninety days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The prosecuting attorney shall file the case into a court of competent jurisdiction. The court to which the matter is filed shall be the district court when the aggregate value of the personal property is within the jurisdictional limit of the district court. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be by a preponderance and upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the trier of fact that the claimant is the present lawful owner or is lawfully entitled to possession.

(6) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the criminal law;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(7) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(a) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(b) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(c) Retained property and net proceeds not required to be paid to the state treasurer, or otherwise required to be spent under this section, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 10 RCW."

On motion of Senator Adam Smith, the following amendments to the Committee on Law and Justice striking amendment were considered simultaneously and were adopted:

On page 2, line 20, after "seizure." insert "Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title."

On page 2, line 26, after "party" strike ", and the burden of establishing that the security interest is not bona fide is upon the law enforcement agency requesting forfeiture"

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Substitute House Bill No. 1069.

The Committee on Law and Justice striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and adding a new chapter to Title 10 RCW."

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1069, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Smith, I do want to clarify one thing. In these seizure bills, the usual requirement is that a conviction is not required. Rather, an individual can have his or her property seized because of the fear that the individual might take the airplane, the boat, the car, or whatever assets they may have and depart the scene. Can you explain for me how we are going to deal with that kind of problem if we only forfeit the property upon conviction?"

Senator Adam Smith: "In this particular case, we are not going to deal with that type of problem. In expanding this to all felonies, which is what this bill does--any felony committed--the property is subject to seizure. There was concern about how broad a net was going to be tossed. So, that is how the prime sponsor sent the bill, to try to focus on that area. It is conceivable that if we determine that if we can toss the net so broadly to say that if you have property that was in anyway related to the commission of a felony, then it is subject to forfeiture as well, but it was an expansion of the police power that the prime sponsor did not feel was warranted at this time."

Senator Talmadge: "So, specifically for example, with respect to drug offenses, if we have cash that is the proceeds of a drug offense or if we have a boat or a car or a plane, we can't seize any of those things until after a conviction or is that still treated under the drug act?"

Senator Adam Smith: "That is still treated under the drug act, both state and federal."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1069, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1069, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Anderson and McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 1069, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2073, by Representative Wang

Modifying eligibility requirements for the nonprofit homes for the aging property tax exemption.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 2073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2073.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2073 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Rasmussen, M. - 1.

Excused: Senators Anderson and McCaslin - 2.

HOUSE BILL NO. 2073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1667, by House Committee on Environmental Affairs (originally sponsored by Representatives Romero, H. Myers, Heavey, Finkbeiner and Wolfe)

Prohibiting additives for on-site sewage disposal systems.

The bill was read the second time.

MOTIONS

Senator Fraser moved that the following Committee on Ecology and Parks amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that most additives do not have a positive effect on the operation of on-site systems and can contaminate ground water aquifers, render septic drainfields dysfunctional, and result in costly repairs to homeowners. It is therefore the intent of the legislature to ban the use, sale, and distribution of additives within the state unless an additive has been specifically approved by the department of health.

Sec. 2. RCW 70.118.020 and 1991 c 3 s 367 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly indicates otherwise.

(1) "Nonwater-carried sewage disposal devices" means any device that stores and treats nonwater-carried human urine and feces.

(2) "Alternative methods of effluent disposal" means systems approved by the department of health, including at least, mound systems, alternating drain fields, anaerobic filters, evapotranspiration systems, and aerobic systems.

(3) "Failure" means: (a) Effluent has been discharged on the surface of the ground prior to approved treatment; or (b) effluent has percolated to the surface of the ground; or (c) effluent has contaminated or threatens to contaminate a ground water supply.

(4) "Additive" means any commercial product intended to affect the internal performance or aesthetics of an on-site sewage disposal system.

(5) "Department" means the department of health.

(6) "On-site sewage disposal system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on nearby property under the control of the user where the system is not connected to a public sewer system. For purposes of this chapter, an on-site sewage disposal system does not include indoor plumbing and associated fixtures.

NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW to read as follows:

(1) After July 1, 1994, a person may not use, sell, or distribute an additive to on-site sewage disposal systems unless such additive has been specifically approved by the department. The department may approve an additive if it can be demonstrated to the satisfaction of the department that the additive has a positive benefit, and no adverse effect, on the operation or performance of an on-site sewage system. Upon written request by an additive manufacturer or distributor for product evaluation, the department may charge a fee sufficient to cover the costs of evaluating the additive, including the development of standards and review procedures.

(2) The attorney general or appropriate city or county prosecuting attorney is authorized to bring an appropriate action to enjoin any violation of the prohibition on the sale or distribution of additives.

(3) The department is responsible for providing written notification to major distributors and wholesalers of additives of the state-wide prohibition on additives. The notification shall be provided no later than October 1, 1993. The department shall also provide notification to major distributors and wholesalers of additive products that have been approved."

On motion of Senator Fraser, the following amendment to the Committee on Ecology and Parks striking amendment was adopted:

On page 2, line 23 after "1993." insert the following:

"Within thirty days of notification from the department, distributors and wholesalers shall provide the same notification to their retail customers."

MOTION

Senator Bluechel moved that the following amendment by Senators Bluechel, Snyder, Hargrove, McDonald and Sellar to the Committee on Ecology and Parks striking amendment be adopted:

On page 2, line 14, strike "the department may charge a fee sufficient to cover the cost of evaluating an additive." and insert "the department may charge a fee which shall be set by the legislature."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Bluechel, Snyder, Hargrove, McDonald and Sellar on page 2, line 14, to the Committee on Ecology and Parks striking amendment to Substitute House Bill No. 1667.

The motion by Senator Bluechel failed and the amendment to the committee amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the Committee on Ecology and Parks striking amendment, as amended, to Substitute House Bill No. 1667.

The Committee on Ecology and Parks striking amendment, as amended, to Substitute House Bill No. 1667 was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "additives;" strike the remainder of the title and insert "amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; and creating a new section."

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1667, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1667, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1667, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Winsley - 36.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Hochstatter, Moyer, Roach, Sellar, Smith, L., Williams and Wojahn - 11.

Excused: Senators Anderson and McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 1667, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

HOUSE BILL NO. 1076, by Representatives Ludwig, Padden, Appelwick, Orr and Johanson

Allowing a personal representative with nonintervention powers to determine time and manner of distributing income.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1076.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1076 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Anderson and McCaslin - 2.

HOUSE BILL NO. 1076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1637, by Representatives Conway, Heavey, King, G. Cole, Basich, Kessler, G. Fisher, Karahalios, Jacobsen, Ogden and Veloria

Including municipal street railways in the definition of public work.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Where does that number come from, Senator Bluechel?"

Senator Bluechel: "If you estimate the transit system as somewhere between nine and thirteen billion dollars, the system that is currently being proposed for Pierce, King and Snohomish counties, and the average difference between the prevailing wage at the federal level and the prevailing wage at the state level--is about fifteen percent. Take the lower of the figures and just say a round figure of ten percent, it is ten billion dollars. You've got one billion dollars additional cost to the transits to build that system. That is not--that comes straight out of tax--everybody's taxes."

Senator Pelz: "Well, I have to challenge that figure. Building a transit system is not like building an apartment building. When you build an apartment building, there is a set number of contractors available at the prevailing wage and a set number of non-union lower wage contractors that you might choose from. When you build a transit system such as the one that is envisioned at ten billion dollars, you are dealing with some pretty complex engineering problems and you are generally dealing with a large engineering firm. Almost all of this work tends to be done by union workers anyway, because of the scale of the work and the type of contractors that are available in the field. So, I think that this figure is a pretty loose figure. I would challenge that almost anybody that we want to bid this project out there already is pretty high quality construction and they tend to be paying pretty good wages.

"I think what is important here is that this is an old loop-hole in prevailing wage and it doesn't belong on the books. I think we need to make a statement here that this transit system is going to be something--an investment--that we'll be living with for a

hundred or two hundred years. If you go to New York, the subways there are still running. I hope that we build our transit system with the best possible labor available. I urge support of the bill."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1637.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1637 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Sellar, Smith, L. and West - 16.

Excused: Senators Anderson and McCaslin - 2.

HOUSE BILL NO. 1637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Jesernig, the Senate recessed until 1:45 p.m.

The Senate was called to order at 2:03 p.m. by President Pritchard.

SECOND READING

ENGROSSED HOUSE BILL NO. 1107, by Representatives R. Fisher and Jacobsen

Requiring yielding right of way to buses.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

On page 1, after line 11, insert the following:

Sec. 2. RCW 46.37.190 and 1987 c 330 s 710 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the state patrol (~~(e#)~~), a publicly(-)owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(a) An "optical strobe light device" used by emergency vehicles means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the emergency vehicle in which the strobe light device is used to obtain the right of way at intersections.

(b) An "optical strobe light device" used by department of transportation, city, or county maintenance vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the department of transportation maintenance vehicle in which the strobe light device is used to perform maintenance tests.

(c) An "optical strobe light device" used by public transit vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the public transit vehicle in which the strobe light device is used to accelerate the cycle of the traffic control light. For the purposes of this section, "public transit vehicle" means vehicles, owned by a governmental entity, with a seating capacity for twenty-five or more persons and used to provide mass transportation. Public transit vehicles operating an optical strobe light will have second degree priority to emergency vehicles when simultaneously approaching the same traffic control light.

(5) The use of the signal equipment described herein, except the optical strobe light devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

NEW SECTION. Sec. 3. The state patrol shall adopt rules to implement RCW 46.37.190."

On motion of Senator Vognild, the following title amendment was adopted:

On line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.37.190; adding a new section to chapter 46.61 RCW; and creating a new section."

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1107, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1107, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1107, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 5; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Wojahn - 37.

Voting nay: Senators Bluechel, Hargrove, Owen, Roach and Winsley - 5.

Absent: Senators Cantu, Moore, Prentice, Rinehart and West - 5.

Excused: Senators Anderson and McCaslin - 2.

ENGROSSED HOUSE BILL NO. 1107, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, by House Committee on Environmental Affairs (originally sponsored by Representatives Locke, J. Kohl, Rust, Jacobsen, Wineberry, Shin, Dunshee, Holm, Pruitt, Jones, Finkbeiner, King, Basich, Quall, Orr, Johanson, Leonard and Anderson)

Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds.

The bill was read the second time.

MOTIONS

Senator Skratek moved that the following Committee on Trade, Technology and Economic Development amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) The legislature finds that the long-term health of the economy of Washington state depends on the sustainable management of its natural resources. Washington's forests, estuaries, waterways, and watersheds provide a livelihood for thousands of citizens of Washington state and millions of dollars of income and tax revenues every year from forests, fisheries, shellfisheries, recreation, tourism, and other water-dependent industries.

(2) The legislature further finds that the livelihoods and revenues produced by Washington's forests, estuaries, waterways, and watersheds are threatened by continuing degradation of water quality and habitat degradation, and that immediate investments in clean water infrastructure and habitat restoration and enhancement are required to prevent the burdening of future generations with clean-up costs, poorly functioning ecosystems, and the collapse of economically important industries that rely on a healthy environment.

(3) The legislature further finds that an insufficiency in financial resources, especially in timber-dependent communities, has resulted in investments in clean water and habitat restoration too low to ensure the long-term economic and environmental health of Washington's forests, estuaries, waterways, and watersheds.

(4) The legislature further finds that unemployed workers and Washington's economically distressed communities, especially timber-dependent areas, can benefit from opportunities for employment in environmental restoration projects.

(5) The legislature therefore declares that immediate investments in environmental restoration projects, based on sound principles of watershed management and environmental and forest restoration, are necessary to assist timber-dependent and other economically distressed communities and to rehabilitate damaged watersheds.

NEW SECTION. Sec. 2. PURPOSE AND INTENT--DEFINITIONS. (1) It is the intent of this chapter to provide financial resources to make substantial progress toward: (a) Implementing the Puget Sound water quality management plan and other watershed-based management strategies and plans; (b) ameliorating degradation to watersheds; and (c) keeping and creating stable, environmentally sound, good wage employment in Washington state. The legislature intends that employment under this

chapter is not to displace or partially displace currently employed workers, including but not limited to state employees and service employees under existing contracts.

(2) It is the purpose of this chapter to:

(a) Implement clean water, forest, and habitat restoration projects that will produce measurable improvements in water and habitat quality, that rate highly when existing environmental ranking systems are applied, and that provide economic stability.

(b) Facilitate the coordination and consistency of federal, state, tribal, local, and private water and habitat protection and enhancement programs in the state's watersheds.

(c) Fund necessary projects for which a public planning process has been completed.

(d) Provide immediate funding to create jobs and training for environmental restoration and enhancement jobs for unemployed workers and displaced workers in impact areas, especially timber-dependent communities.

(3) For purposes of this chapter "impact areas" means: (a) Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty areas in those counties not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (c) urban subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that the task force determines are likely to experience dislocations in the near future from downturns in natural resource-based industries.

(4) For purposes of this chapter, "high-risk youth" means youth eligible for Washington conservation corps programs under chapter 43.220 RCW or Washington service corps programs under chapter 50.65 RCW.

(5) For purposes of this chapter, "dislocated forest products worker" has the meaning set forth in RCW 50.70.010.

(6) For purposes of this chapter, "task force" means the environmental enhancement and job creation task force created under section 5 of this act.

NEW SECTION. Sec. 3. ENVIRONMENTAL AND FOREST RESTORATION ACCOUNT. (1) The environmental and forest restoration account is established in the state treasury. Money in the account may be spent only after appropriation by the legislature and in a manner consistent with this chapter. Private nonprofit organizations and state, local, and tribal entities are eligible for funds under this chapter. Money in the account may be used to make grants, loans, or interagency contracts as needed to implement environmental and forest restoration projects.

(2) At least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in rural communities impacted by the decline in timber harvest levels as defined in chapter 50.70 RCW and that employ displaced timber workers. These projects may include watershed restoration such as removing or upgrading roads to reduce erosion and sedimentation, and improvements in forest habitat such as thinning and pruning.

(3) The environmental and forest restoration account shall consist of funds appropriated by law, principal and interest from the repayment of loans granted under this chapter, and federal and other money received by the state for deposit in the account.

(4) At least ten percent of the funds distributed from the environmental and forest restoration account annually shall be allocated to the Washington conservation corps established under chapter 43.220 RCW to employ high-risk youth on projects consistent with this chapter and to fund administrative support services required by the senior environmental corps established under chapter 43.63A RCW.

(5) At least five percent of the funds distributed from the environmental and forest restoration account annually shall be used for contracts with nonprofit corporations to fund or finance projects, including those that increase private sector investments in pollution prevention activities and equipment and that are consistent with the provisions of this section and section 4 of this act.

(6) No more than five percent of the annual revenues to the environmental and forest restoration account may be expended for administrative purposes by any state agency or project administration; however, funds expended by the Washington conservation corps shall be subject solely to the limitations set forth in RCW 43.220.230.

(7) No project may receive more than five percent of the funds distributed from the environmental and forest restoration account in a given year.

(8) Except for essential administrative and supervisory purposes, funds in the environmental and forest restoration account may not be used for hiring permanent state employees.

NEW SECTION. Sec. 4. GRANTS OR LOANS FOR ENVIRONMENTAL AND FOREST RESTORATION PROJECTS--CRITERIA. (1) Subject to the limitations of section 3 of this act, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall require a contribution of local funds or resources to each project funded. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the proponents of the project to quantify their projected improvements in water quality, habitat quality, or both;

(b) The cost-effectiveness of the project based on (i) projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan;

(e) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(f) The project's use of environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(g) The ease with which the project can be administered from the community the project serves; and

(h) The extent to which the project will augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community.

(2) The task force shall evaluate and rate proposals for training programs using the following criteria:

(a) The number of dislocated forest products workers, high-risk youth, and residents of impact areas to be trained by the project;

(b) The extent to which the training program addresses long range, high priority environmental and forest restoration needs;

(c) The cost-effectiveness of the training as measured by similar past training programs;

(d) The use of environmental businesses to assist in training; and

(e) The prospect that the training will result in high-skill, long-term, and good wage jobs.

(3) The following types of projects and programs shall be given top priority in the first fiscal year after the effective date of this act:

(a) Projects in impact areas that employ dislocated forest products workers and high-risk youth;

(b) Training programs;

(c) Projects that are highly ranked in and implement adopted and approved watershed action plans, such as those developed pursuant to Puget Sound water quality authority rules adopted for local planning and management of nonpoint source pollution;

(d) Conservation district projects that provide water quality and habitat improvements;

(e) Indian tribe projects that provide water quality and habitat improvements; or

(f) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(4) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

NEW SECTION. Sec. 5. ENVIRONMENTAL ENHANCEMENT AND JOB CREATION TASK FORCE. (1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter . . . , Laws of 1993 (this act). The task force shall consist of the commissioner of public lands, the director of the department of wildlife, the director of the department of fisheries, the director of the department of ecology, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget sound water quality authority, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community development, the department of trade and economic development, the conservation commission, the employment security department, appropriate federal agencies and special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in section 4 of this act, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department;

(d) No later than December 31, 1993, providing recommendations to the appropriate standing committees of the legislature for improving the administration of grants for projects or training programs funded under this chapter that prevent habitat and environmental degradation or provide for its restoration;

(e) Submitting to the appropriate standing committees of the legislature a biennial report summarizing the jobs and the environmental benefits created by the projects funded under this chapter.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with section 4 of this act; and

(c) To determine funding allocations for projects to be funded from the account created in section 3 of this act and for projects or programs as designated in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 6. FIRST YEAR PROJECT FUNDING. The legislature recognizes the need for immediate job creation and environmental and forest restoration, especially in timber-dependent communities. For fiscal year 1994, funding to implement the purposes of this chapter shall be provided through individual agency appropriations as specified in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 7. UNANTICIPATED FEDERAL FUNDS. When an agency submits an unanticipated federal receipt under RCW 43.79.270, the governor shall consider placing these funds into the environmental and forest restoration account or requiring that the funds be used in a manner consistent with the criteria established in section 4 of this act.

NEW SECTION. Sec. 8. RECRUITMENT AND EMPLOYMENT. (1) Eligibility for training or employment in projects funded through the environmental and forest restoration account shall, to the extent practicable, be for workers who are currently unemployed.

(2) To the greatest extent practicable, the following groups of individuals shall be given preference for training or employment in projects funded through the environmental and forest restoration account:

(a) Dislocated forest products workers who are receiving unemployment benefits or have exhausted unemployment benefits; and

(b) High-risk youth.

(3) Projects funded for forest restoration shall be for workers whose employment was terminated in the Washington forest products industry within the previous four years.

(4) The task force shall submit a list to private industry councils and the employment security department of projects receiving funds under the provisions of this chapter. The list shall include the number, location, and types of jobs expected to be provided by each project. The employment security department shall recruit workers for these jobs by:

(a) Notifying dislocated forest workers who meet the definitions in chapter 50.70 RCW, who are receiving unemployment benefits or who have exhausted unemployment benefits, of their eligibility for the programs;

(b) Notifying other unemployed workers;

(c) Developing a pool of unemployed workers including high-risk youth eligible to enroll in the program; and

(d) Establishing procedures for workers to apply to the programs.

(5) The employment security department shall refer eligible workers to employers hiring under the environmental and forest restoration account programs. Recipients of funds shall consider the list of eligible workers developed by the employment security department before conducting interviews or making hiring decisions. Workers shall receive opportunities for vocational training, job placement, and remedial education.

(6) An individual is eligible for applicable employment security benefits while participating in training related to this chapter. Eligibility shall be confirmed by the commissioner of employment security by submitting a commissioner-approved training waiver.

(7) Persons receiving funds from the environmental and forest restoration account shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave, vacation, and civil service but shall receive health benefits. Persons receiving funds from this account who are hired by a state agency, except for Washington conservation and service corps enrollees, shall receive medical and dental benefits as provided under chapter 41.05 RCW and industrial insurance coverage under Title 51 RCW, but are exempt from the provisions of chapter 41.06 RCW.

(8) Compensation for employees, except for Washington conservation and service corps enrollees, hired under the program established by this chapter shall be based on market rates in accordance with the required skill and complexity of the jobs created. Remuneration paid to employees under this chapter shall be considered covered employment for purposes of chapter 50.04 RCW.

(9) Employment under this program shall not result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

NEW SECTION. Sec. 9. An individual shall be considered to be in training with the approval of the commissioner as defined in RCW 50.20.043, and be eligible for applicable unemployment insurance benefits while participating in and making satisfactory progress in training related to this chapter.

NEW SECTION. Sec. 10. For the purpose of providing the protection of the unemployment compensation system to individuals at the conclusion of training or employment obtained as a result of this chapter, a special base year and benefit year are established.

(1) Only individuals who have entered training or employment provided by the environmental and forest restoration account, and whose employment or training under such account was not considered covered under chapter 50.04 RCW, shall be allowed the special benefit provisions of this chapter.

(2) An application for initial determination made under this chapter must be filed in writing with the employment security department within twenty-six weeks following the week in which the individual commenced employment or training obtained as a result of this chapter. Notice from the individual, from the employing entity, or notice of hire from employment security department administrative records shall satisfy this requirement.

(3) For the purpose of this chapter, a special base year is established for an individual consisting of the first four of the last five completed calendar quarters, or if a benefit year is not established using the first four of the last five completed calendar quarters as the base year, the last four completed calendar quarters immediately prior to the first day of the calendar week in which the individual began employment or training provided by the environmental and forest restoration account.

(4) A special individual benefit year is established consisting of the entire period of training or employment provided by the environmental and forest restoration account and a fifty-two consecutive week period commencing with the first day of the calendar week in which the individual last participated in such employment or training. No special benefit year shall have a duration in excess of three hundred twelve calendar weeks. Such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year may elect to establish a special benefit year under this chapter, notwithstanding the provisions in RCW 50.04.030 relating to establishment of a subsequent benefit year, and RCW 50.40.010 relating to waiver of rights. Such unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish a special benefit year under this chapter.

(5) The individual's weekly benefit amount and maximum amount payable during the special benefit year shall be governed by the provisions contained in RCW 50.20.120. The individual's basic and continuing right to benefits shall be governed by the general laws and rules relating to the payment of unemployment compensation benefits to the extent that they are not in conflict with the provisions of this chapter.

(6) The fact that wages, hours, or weeks worked during the special base year may have been used in computation of a prior valid claim for unemployment compensation shall not affect a claim for benefits made under the provisions of this chapter. However, wages, hours, and weeks worked used in computing entitlement on a claim filed under this chapter shall not be available or used for establishing entitlement or amount of benefits in any succeeding benefit year.

(7) Benefits paid to an individual filing under the provisions of this section shall not be charged to the experience rating account of any contribution paying employer.

NEW SECTION. Sec. 11. On or before June 30, 1998, the legislative budget committee shall prepare a report to the legislature evaluating the implementation of the environmental restoration jobs act of 1993, chapter . . . , Laws of 1993 (this act).

Sec. 12. RCW 43.131.369 and 1990 c 115 s 11 are each amended to read as follows:

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, ((1995)) 1999, as provided in RCW 43.131.370.

Sec. 13. RCW 43.131.370 and 1990 c 115 s 12 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1996))

2000:

- (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;
- (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;
- (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;
- (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;
- (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

(6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;
(7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;
(8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;
(9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;
(10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and
(11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

Sec. 14. RCW 43.220.900 and 1987 c 367 s 5 are each amended to read as follows:

The Washington conservation corps shall cease to exist and chapter 43.220 RCW shall expire on July 1, ((1995, unless extended by law for an additional fixed period of time)) 2000.

NEW SECTION. Sec. 15. SHORT TITLE. This act shall be known as the environmental restoration jobs act of 1993.

NEW SECTION. Sec. 16. CAPTIONS AND PART HEADINGS. Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 17. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 20. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Skratek and Fraser to the Committee on Trade, Technology and Economic Development striking amendment was adopted:

On page 11, beginning on line 1 of the amendment, strike all of sections 12 and 13

Renumber the remaining sections consecutively and correct internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development striking amendment, as amended, to Engrossed Substitute House Bill No. 1785.

The Committee on Trade, Technology and Economic Development striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "watersheds;" strike the remainder of the title and insert "amending RCW 43.131.369, 43.131.370, and 43.220.900; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency."

On page 12, beginning on line 28 of the title amendment, strike "43.131.369, 43.131.370, and"

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1785, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Spanel, Senators Loveland and Rinehart were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1785, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1785, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogndild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Barr, Deccio, Hochstatter, Newhouse and Smith, L. - 6.

Excused: Senators Anderson, Loveland, McCaslin and Rinehart - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1183, by House Committee on Judiciary (originally sponsored by Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance)

Making it a crime for a person under age twenty-one to be under the influence of intoxicating liquor or drugs in public.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.44.270 and 1987 c 458 s 3 are each amended to read as follows:

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (4) or (5) of this section.

(3) ~~((This section does))~~ Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Adam Smith, the following amendment to the Committee on Law and Justice striking amendment was adopted:

On page 2, beginning on line 13 of the amendment, strike all of section 2

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Substitute House Bill No. 1183.

Debate ensued.

The Committee on Law and Justice striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "public;" strike the remainder of the title and insert "amending RCW 66.44.270; prescribing penalties; and declaring an emergency."

On page 2, line 21 of the title amendment, after "66.44.270;" insert "and" and on line 22, after "penalties" strike "; and declaring an emergency"

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1183, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1183, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Winsley and Wojahn - 38.

Voting nay: Senators Moore, Niemi, Pelz, Roach, Skratek and Williams - 6.

Absent: Senator Vognilid - 1.

Excused: Senators Anderson, Loveland, McCaslin and Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 1183, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1195, by House Committee on Judiciary (originally sponsored by Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard)

Allowing a person to dictate the disposition of his or her remains.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 68.50.160 and 1992 c 108 s 1 are each amended to read as follows:

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.

(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person((- unless other directions have been given by the decedent,)) vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:

((1)) (a) The surviving spouse.

((2)) (b) The surviving adult children of the decedent.

((3)) (c) The surviving parents of the decedent.

(d) The surviving siblings of the decedent.

(e) A person acting as a representative of the decedent under the signed authorization of the decedent.

(4) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent ((hereinbefore mentioned)) in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent."

On motion of Senator Adam Smith, the following title amendment was adopted:

On line 2 of the title, after "remains;" strike the remainder of the title and insert "and amending RCW 68.50.160."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1195, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Amondson: "Senator Haugen, I am just curious who the complaint would come from?"

Senator Haugen: "I think that is why I wanted to make the point. It is interesting that we have a bill here that is actually speaking to us from somewhere else that says, 'We're not happy with what has happened.' I get very suspicious when people who are in charge of these functions are here saying that we need to protect the big person interests. Let me tell you, I think that is the responsibility of the family. I think it is a very serious matter and I think we should leave it to the family to make those determinations without any help from anyone else. I think you need to honor your parent's wishes or your loved ones wishes. I think that if they have prepaid for a service, that is great, but I also think that when the end comes, it is the decision of those who are left to deal with the person the way they think best. They are the ones that are going to go on living and they are the ones who should make the determination at what is done at that time. I am very serious about this. I urge you to vote 'no.'"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1195, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1195, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Haugen and Talmadge - 2.

Excused: Senators Anderson, Loveland, McCaslin and Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 1195, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541, by House Committee on Health Care (originally sponsored by Representatives Orr, Flemming, King, Dellwo and Mielke)

Modifying emergency medical technician recertification.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.73.081 and 1990 c 269 s 24 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for certification, recertification, decertification, or modification of certificates(~~(- PROVIDED, That there shall be no practical examination for recertification if the applicant received a passing grade on the state written examination and completed a program of ongoing training and evaluation, approved in rule by the county medical program director and the secretary))~~);

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

~~((e))~~ (e) Review and approval or disapproval of training programs; and

~~((e))~~ (f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors."

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Rinehart to the Committee on Health and Human Services striking amendment was adopted:

On page 2, after line 7 of the amendment, insert the following:

"**Sec. 2.** RCW 43.70.110 and 1989 1st ex.s. c 9 s 263 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. ~~((Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate.))~~ The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees."

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services amendment, as amended, to Engrossed Substitute House Bill No. 1541.

Debate ensued.

The Committee on Health and Human Services amendment, as amended, to Engrossed Substitute House Bill No. 1541 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and were adopted:
On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 18.73.081."
On page 2, line 12 of the title amendment, after "18.73.081" insert "and 43.70.110"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1541, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1541, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1541, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Anderson, Loveland, McCaslin and Rinehart - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1678, by House Committee on Appropriations (originally sponsored by Representatives Eide, Brough, Wineberry, Pruitt, Valle, Quall and Sheldon)

Continuing funding for Operation New Market.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 1678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1678.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1678 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Anderson, Loveland, McCaslin and Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 1678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1801, by House Committee on Health Care (originally sponsored by Representatives Morris, Flemming, Dellwo, Dyer, Zellinsky, Dorn, Valle, Rayburn, Ludwig, Bray, Pruitt and Long)

Granting temporary licenses to dental hygienists licensed in another state.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Health and Human Service amendment be adopted:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that the granting of temporary licenses under this act is not intended to be a solution to the shortage of dental hygienists in the state of Washington. The legislature further declares that the long-term solution to these shortages must be addressed by expanding dental hygiene training programs at the state's colleges and universities.

NEW SECTION. Sec. 2. A new section is added to chapter 18.29 RCW to read as follows:

(1) The department shall issue a temporary license without the examination required by this chapter to any applicant who, as determined by the secretary:

- (a) Holds a valid license in another state that allows the scope of practice in subsection (3)(a) through (j) of this section;
- (b) Is currently engaged in active practice in another state. For the purposes of this section, "active practice" means five hundred sixty hours of practice in the preceding twenty-four months;
- (c) Files with the secretary documentation certifying that the applicant:
 - (i) Has graduated from an accredited dental hygiene school approved by the secretary;
 - (ii) Has successfully completed the dental hygiene national board examination; and
 - (iii) Is licensed to practice in another state;
- (d) Provides information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW;
- (e) Demonstrates to the secretary a knowledge of Washington state law pertaining to the practice of dental hygiene, including the administration of legend drugs;
- (f) Pays any required fees; and
- (g) Meets requirements for AIDS education.

(2) The term of the temporary license issued under this section is eighteen months and it is nonrenewable.

(3) A person practicing with a temporary license granted under this section has the authority to perform hygiene procedures that are limited to:

- (a) Oral inspection and measuring of periodontal pockets;
- (b) Patient education in oral hygiene;
- (c) Taking intra-oral and extra-oral radiographs;
- (d) Applying topical preventive or prophylactic agents;
- (e) Polishing and smoothing restorations;
- (f) Oral prophylaxis and removal of deposits and stains from the surface of the teeth;
- (g) Recording health histories;
- (h) Taking and recording blood pressure and vital signs;
- (i) Performing subgingival and supragingival scaling; and
- (j) Performing root planing.

(4)(a) A person practicing with a temporary license granted under this section may not perform the following dental hygiene procedures unless authorized in (b) or (c) of this subsection:

- (i) Give injections of local anesthetic;
- (ii) Place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration;
- (iii) Soft tissue curettage; or
- (iv) Administer nitrous oxide/oxygen analgesia.

(b) A person licensed in another state who can demonstrate substantively equivalent licensing standards in the administration of local anesthetic may receive a temporary endorsement to administer local anesthesia.

(c) A person licensed in another state who can demonstrate substantively equivalent licensing standards in restorative procedures may receive a temporary endorsement for restorative procedures.

NEW SECTION. Sec. 3. A new section is added to chapter 18.29 RCW to read as follows:

A person granted a temporary license under this chapter who does not meet the requirements for substantively equivalent licensing standards in restorative or local anesthetic must submit proof of completion of approved education in these procedures before being eligible to take the dental hygiene examination.

NEW SECTION. Sec. 4. A new section is added to chapter 18.29 RCW to read as follows:

The secretary in consultation with the dental hygiene examining committee shall develop rules and definitions to implement this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.125 RCW to read as follows:

(1) The state board for community and technical colleges, in coordination with the committee under this chapter, shall identify health professional training needs not currently met by community and technical colleges in the state. It shall recommend creation of new training

programs necessary to meet the shortages and identify where such programs shall be located within the state's community and technical college system.

(2) Every publicly funded community and technical college identified by the board in subsection (1) of this section shall include in their biennial budget, and institutional plan, a description of the training programs that will be created by the college or institute to alleviate the shortages.

(3) Health personnel shortages shall be determined in accordance with the health personnel resource plan required by this chapter.

NEW SECTION. Sec. 6. Sections 2 through 4 of this act shall expire on June 30, 1997.

NEW SECTION. Sec. 7. (1) The department of health shall report to the legislature by December 1, 1996, on the need to continue granting temporary licenses to dental hygienists. The report shall identify alternatives to granting temporary licenses that meet the same goals and objectives, including increasing the number of dental hygienists trained in the state of Washington.

(2) A temporary licenses granted by the department under sections 2 through 4 of this act is valid for the period issued."

Senator Niemi moved that the following amendments to the Committee on Health and Human Services striking amendment be considered simultaneously and be adopted:

On page 3, line 25 of the amendment, strike "through 4" and insert "and 3"

On page 3, line 26 of the amendment, strike "June 30, 1997" and insert "January 1, 1998"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 3, lines 25 and 26, to the Committee on Health and Human Services striking amendment to Substitute House Bill No. 1801.

The motion by Senator Niemi carried and the amendments to the Committee on Health and Human Services striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services striking amendment, as amended, to Substitute House Bill No. 1801.

The Committee on Health and Human Services striking amendment, as amended, to Substitute House Bill No. 1801 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "adding new sections to chapter 18.29 RCW; adding a new section to chapter 28B.125 RCW; creating new sections; and providing an expiration date."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1801, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1801, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1801, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Anderson, Loveland, McCaslin and Rinehart - 4.

SUBSTITUTE HOUSE BILL NO. 1801, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761, by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Forner)

Clarifying and extending dates established under the growth management act.

The bill was read the second time.

MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((adopt comprehensive land use plans and development regulations under))~~ conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by

December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with ~~((RCW 36.70A.040 through 36.70A.160))~~ all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet ~~((the requirements of))~~ either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall ~~((adopt a comprehensive land use plan in accordance with))~~ conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county ~~((cannot remove itself from))~~ and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to ~~((adopt a comprehensive land use plan))~~ conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and governing body of each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) the county legislative authority and governing body of each city located within the county shall adopt ((the) a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, ((+993)) 1994, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to ~~((adopt a comprehensive land use plan))~~ conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and governing body of each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county legislative authority and governing body of each city that is located within the county shall adopt ((the) a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than ((three)) four years from the date the county legislative ((body takes action as required by subsection (2) of this section)) authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((4))~~ (5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the ~~((requirements of))~~ sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall ~~((adopt))~~ take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and each city governing body shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; ((b)) (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county legislative authority and each city governing body shall adopt a comprehensive land use plan ((under this chapter)) and development regulations that are consistent with and implement the comprehensive plan within ((three)) four years of the certification by the office of financial management((; and (e) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan)), but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

Sec. 2. RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended to read as follows:

(1) Each county that is required or chooses to ~~((adopt a comprehensive land use))~~ plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county ~~((required to designate urban growth areas))~~ that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall designate urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall designate urban growth areas under this chapter. A permit or other authorization allowing land use activities not already vested shall not be issued or approved by a county or city after the county designates its urban growth areas if the permit or other authorization is inconsistent with these designations.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 3. RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each amended to read as follows:

~~(Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under RCW 36.70A.040 shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities)~~ Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform ((their) its activities and make capital budget decisions in conformity with ((their) its comprehensive plan(s)).

Sec. 4. RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of ((the) each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy((:)). In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith((:)).

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340((:)).

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction((: and)).

(e) No later than July 1, 1992, the legislative authority of ((the) each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

The governor may impose upon any county that is required or that chooses to plan under RCW 35.70A.040 a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of sanctions under this section shall be preceded by written findings by the governor that the county or city is not proceeding in good faith to meet the requirements of the act and that adequate state funding has been provided to the county or city to accomplish the goals of the act.

Sec. 6. RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is required to adopt its comprehensive plan and development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1993."

Senator Nelson moved that the following amendment by Senators Nelson and Haugen to the Committee on Government Operations striking amendment be adopted:

On page 1, beginning on line 7 of the amendment, strike everything through "adoption." on page 3, line 39, and insert the following:

Sec. 1. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((adopt comprehensive land use plans and development regulations under))~~ conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, ~~for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.~~

Once a county meets either of these sets of criteria, the requirement to conform with ~~((RCW 36.70A.040 through 36.70A.160))~~ all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet ~~((the requirements of))~~ either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall ~~((adopt a comprehensive land~~

use plan in accordance with) conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county ((cannot remove itself from)) and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to ((adopt a comprehensive land use plan)) conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) the county and each city located within the county shall adopt ((the)) a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, ((1993)) 1994, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to ((adopt a comprehensive land use plan)) conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt ((the)) a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than ((three)) four years from the date the county legislative ((body takes action as required by subsection (2) of this section)) authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

((4)) (5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the ((requirements of)) sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall ((adopt)) take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; ((b)) (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city shall adopt a comprehensive land use plan ((under this chapter)) and development regulations that are consistent with and implement the comprehensive plan within ((three)) four years of the certification by the office of financial management ((; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan)), but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption."

MOTION

Senator Hargrove moved that the following amendment to the amendment by Senators Nelson and Haugen on page 1, beginning on line 7, to the Committee on Government Operations amendment be adopted:

On page 2, line 18, strike "1994" and insert "1996"

POINT OF ORDER

Senator Haugen: "Mr. President, I rise to a point of order. I would ask that you would state how you can amend an amendment to an amendment."

RULING BY THE PRESIDENT

President Pritchard: "Senator Haugen raises a point of order and she is absolutely correct. The amendment is out of order."

The amendment by Senator Hargrove on page 2, line 18, to the amendment by Senators Nelson and Haugen on page 1, beginning on line 7, to the Committee on Government Operations striking amendment was ruled out of order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Haugen on page 1, beginning on line 7, to the Committee on Government Operations striking amendment to Engrossed Substitute House Bill No. 1761.

Debate ensued.

The amendment by Senators Nelson and Haugen on page 1, beginning on line 7, to the Committee on Government Operations striking amendment was not adopted on a rising vote.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Snyder, Amondson, Jesernig, Rasmussen, Haugen, Owen and Anderson to the Committee on Government Operations striking amendment be adopted:
On page 2, line 19, after "July 1, ((1993))" strike "1994" and insert "1996"

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. Didn't we just not adopt the committee amendment and did I hear you announce that this is an amendment to the committee amendment?"

REPLY BY THE PRESIDENT

President Pritchard: "No, we didn't adopt Senator Nelson's amendment to the committee amendment."

The amendment by Senators Hargrove, Snyder, Amondson, Jesernig, Rasmussen, Haugen, Owen and Anderson on page 2, line 19, to the Committee on Government Operations striking amendment was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Snyder, Amondson, Jesernig, Rasmussen, Haugen, Owen and Anderson on page 2, line 19, to the Committee on Government Operations striking amendment to Engrossed Substitute House Bill No. 1761.

The motion by Senator Hargrove failed and the amendment to the Committee on Government Operations striking amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson and Haugen to the Committee on Government Operations striking amendment was adopted:

On page 6, line 4 of the amendment, after "cities." insert "The exercise of the right of the people to petition for referendum is protected under RCW 4.24.500 through 4.24.520."

On motion of Senator Nelson, the following amendments by Senators Nelson and Haugen to the Committee on Government Operations striking amendment were considered simultaneously and were adopted:

On page 8, line 17 of the amendment, after "county" insert "or city"

On page 8, line 24 of the amendment, after "lands" insert ", forest lands, or mineral resource lands by the date such action was required to have been taken"

On page 8, line 33 of the amendment, after "act." insert "A delay caused by an initiative or referendum on subjects covered in chapter ..., Laws of 1993 (this act) is not an unreasonable delay."

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 1761.

Debate ensued.

The Committee on Government Operations amendment, as amended, to Engrossed Substitute House Bill No. 1761, was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "years;" strike the remainder of the title and insert "amending RCW 36.70A.040, 36.70A.110, 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter 36.70A RCW; providing an effective date; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1761, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1761, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1761, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Talmadge - 1.

Absent: Senator Vognild - 1.

Excused: Senators Anderson, Loveland, McCaslin and Rinehart - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SENATE BILL NO. 5101,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5320,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5515,
SUBSTITUTE SENATE BILL NO. 5535,
SENATE BILL NO. 5597,
SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5744, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 12, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5026,
SENATE BILL NO. 5053,
SENATE BILL NO. 5077,
SENATE BILL NO. 5082,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5112,
SENATE BILL NO. 5125,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SENATE BILL NO. 5205,
ENGROSSED SENATE BILL NO. 5217,
SENATE BILL NO. 5229,
SENATE BILL NO. 5233,
SUBSTITUTE SENATE BILL NO. 5255,
SUBSTITUTE SENATE BILL NO. 5262,
SENATE BILL NO. 5275,
SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5313,
SENATE BILL NO. 5324,
SENATE BILL NO. 5358,
SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SENATE BILL NO. 5378,
SENATE BILL NO. 5384,
SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SENATE BILL NO. 5411,
ENGROSSED SENATE BILL NO. 5423,
SENATE BILL NO. 5426,
ENGROSSED SENATE BILL NO. 5427,
SUBSTITUTE SENATE BILL NO. 5432,
ENGROSSED SENATE BILL NO. 5442,
SENATE BILL NO. 5444,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5482,
SUBSTITUTE SENATE BILL NO. 5487,
SENATE BILL NO. 5546,
SENATE BILL NO. 5572,
ENGROSSED SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5678,
SENATE BILL NO. 5693,
SENATE BILL NO. 5696,
SENATE BILL NO. 5703,
ENGROSSED SENATE BILL NO. 5729,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5778,

SUBSTITUTE SENATE BILL NO. 5821,
ENGROSSED SENATE BILL NO. 5831,
SENATE BILL NO. 5841,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5896,
SENATE BILL NO. 5905,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 12, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304. The Speaker has appointed the following members as conferees: Representatives Dellwo, Appelwick and Dyer.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5101,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5320,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5515,
SUBSTITUTE SENATE BILL NO. 5535,
SENATE BILL NO. 5597,
SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5744.

MOTION

At 3:22 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 4:24 p.m. by President Pro Tempore Wojahn.

MESSAGES FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1064,
HOUSE BILL NO. 1184,
ENGROSSED HOUSE BILL NO. 1264,
HOUSE BILL NO. 1324,
HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1476,
SUBSTITUTE HOUSE BILL NO. 1544,
SUBSTITUTE HOUSE BILL NO. 1707,
SUBSTITUTE HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1839,
HOUSE BILL NO. 1857,
SUBSTITUTE HOUSE BILL NO. 1973,
SUBSTITUTE HOUSE BILL NO. 1977,
HOUSE JOINT MEMORIAL NO. 4007, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 12, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1017,
HOUSE BILL NO. 1062,
HOUSE BILL NO. 1075,
HOUSE BILL NO. 1143,

ENGROSSED HOUSE BILL NO. 1152,
HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1258,
SUBSTITUTE HOUSE BILL NO. 1266,
ENGROSSED HOUSE BILL NO. 1484,
SUBSTITUTE HOUSE BILL NO. 1612,
ENGROSSED HOUSE BILL NO. 1621,
HOUSE BILL NO. 1651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
SUBSTITUTE HOUSE BILL NO. 1767,
SUBSTITUTE HOUSE BILL NO. 1787,
HOUSE BILL NO. 1884,
HOUSE BILL NO. 1943,
SUBSTITUTE HOUSE BILL NO. 1978,
ENGROSSED HOUSE BILL NO. 2061,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1064,
HOUSE BILL NO. 1184,
ENGROSSED HOUSE BILL NO. 1264,
HOUSE BILL NO. 1324,
HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1476,
SUBSTITUTE HOUSE BILL NO. 1544,
SUBSTITUTE HOUSE BILL NO. 1707,
SUBSTITUTE HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1839,
HOUSE BILL NO. 1857,
SUBSTITUTE HOUSE BILL NO. 1973,
SUBSTITUTE HOUSE BILL NO. 1977,
HOUSE JOINT MEMORIAL NO. 4007.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1017,
HOUSE BILL NO. 1062,
HOUSE BILL NO. 1075,
HOUSE BILL NO. 1143,
ENGROSSED HOUSE BILL NO. 1152,
HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1258,
SUBSTITUTE HOUSE BILL NO. 1266,
ENGROSSED HOUSE BILL NO. 1484,
SUBSTITUTE HOUSE BILL NO. 1612,
ENGROSSED HOUSE BILL NO. 1621,
HOUSE BILL NO. 1651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
SUBSTITUTE HOUSE BILL NO. 1767,
SUBSTITUTE HOUSE BILL NO. 1787,
HOUSE BILL NO. 1884,
HOUSE BILL NO. 1943,
SUBSTITUTE HOUSE BILL NO. 1978,
ENGROSSED HOUSE BILL NO. 2061,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

MOTION

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

STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed the votes on the following measures: House Bill No. 1618; Engrossed Substitute House Bill No. 1320; House Bill No. 2001, Engrossed Substitute House Bill No. 1326, as amended by the Senate; Substitute House Bill No. 1454, House Bill No. 1865, Substitute House Bill No. 1619, as amended by the Senate; Amendments to Engrossed Substitute House Bill No. 1569; House Bill No. 1165, as amended by the Senate; House Bill No. 1218; Substitute House Bill No. 1543; Substitute House Bill No. 1051, as amended by the Senate; Substitute House Bill No. 1595; Substitute House Bill No. 1778; Substitute House Bill No. 1077, as amended by the Senate; Engrossed Substitute House Bill No. 1734, as amended by the Senate; and House Bill No. 1559.

I would have voted 'yes' on the measures, although I would have voted 'no' on the amendments to Engrossed Substitute House Bill No. 1569.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

HOUSE BILL NO. 1618, by Representatives Shin, Wood, Forner, Pruitt, Sheldon, Brough, Ballasiotes, Brumsickle, Carlson, Vance, Jones, Foreman, Padden, Fuhrman, Sheahan, Schoesler, Miller, Campbell, Casada, Long, Jacobsen, Stevens, Linville, Kremen, Silver, Finkbeiner, Morton, Talcott, Horn, Sehlin, Tate, Van Luven and Anderson

Terminating defunct boards, commissions, and committees.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1618.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1618 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Talmadge - 1.

Excused: Senators Anderson, Cantu and McCaslin - 3.

HOUSE BILL NO. 1618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Pruitt and R. Johnson)

Modifying the forest fire protection assessment.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 1320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1320.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1320 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Barr, Hochstatter, Newhouse, Roach, Smith, L. and Williams - 7.

Absent: Senator Talmadge - 1.

Excused: Senators Anderson, Cantu and McCaslin - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Talmadge was excused.

SECOND READING

HOUSE BILL NO. 2001, by Representatives H. Myers and R. Fisher

Clarifying voter-approval procedures for transit agencies.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 2001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2001.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2001 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, McCaslin and Talmadge - 3.

HOUSE BILL NO. 2001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, by House Committee on Energy and Utilities (originally sponsored by Representatives Finkbeiner, Grant, Miller, Casada, R. Meyers, Ludwig, Heavey, Long and Johanson)

Relating to conservation tariffs allowing transfer of payment obligations to successive property owners.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The ability of utilities to acquire cost effective conservation measures is instrumental in assuring that Washington citizens have reasonable energy rates and that utilities have adequate energy resources to meet future energy demands;

(b) Customers may be more willing to accept investments in energy efficiency and conservation if real and perceived impediments to property transactions are avoided;

(c) Potential purchasers of real property should be notified of any utility conservation charges at the earliest point possible in the sale.

(2) It is the intent of the legislature to encourage utilities to develop innovative approaches designed to promote energy efficiency and conservation that have limited rate impacts on utility customers. It is not the intent of the legislature to restrict the authority of the utilities and transportation commission to approve tariff schedules.

(3) It is also the intent of the legislature that utilities which establish conservation tariffs should undertake measures to assure that potential purchasers of property are aware of the existence of any conservation tariffs. Measures that may be considered include, but are not limited to:

(a) Recording a notice of a conservation tariff payment obligation, containing a legal description, with the county property records;

(b) Annually notifying customers who have entered agreements of the conservation tariff obligation;

(c) Working with the real estate industry to provide for disclosure of conservation tariff obligations in standardized listing agreements and earnest money agreements; and

(d) Working with title insurers to provide recorded conservation tariff obligations as an informational note to the preliminary commitment for policy of title insurance.

NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW to read as follows:

(1) Upon request by an electrical or gas company, the commission may approve a tariff schedule that contains rates or charges for energy conservation measures, services, or payments provided to individual property owners or customers. The tariff schedule shall require the electrical or gas company to enter into an agreement with the property owner or customer receiving services at the time the conservation measures, services, or payments are initially provided. The tariff schedule may allow for the payment of the rates or charges over a period of time and for the application of the payment obligation to successive property owners or customers at the premises where the conservation measures or services were installed or performed or with respect to which the conservation payments were made.

(2) The electrical or gas company shall record a notice of a payment obligation, containing a legal description, resulting from an agreement under this section with the county auditor or recording officer as provided in RCW 65.04.030.

(3) The commission may prescribe by rule other methods by which an electrical or gas company shall notify property owners or customers of any such payment obligation.

NEW SECTION. Sec. 3. A new section is added to chapter 64.04 RCW to read as follows:

Prior to closing, the seller of real property subject to a rate or charge for energy conservation measures, services, or payments provided under a tariff approved by the utilities and transportation commission pursuant to section 2 of this act shall disclose to the purchaser of the real property the existence of the obligation and the possibility that the purchaser may be responsible for the payment obligation.

NEW SECTION. Sec. 4. A new section is added to chapter 48.29 RCW to read as follows:

The existence of notices of payment obligations in section 2 of this act may be disclosed as an informational note to a preliminary commitment for policy of title insurance. Neither the inclusion nor the exclusion of any such informational note shall create any liability against such title insurer under any preliminary commitment for title insurance, policy or otherwise."

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2 of the title, after "owners;" strike the remainder of the title and insert "adding a new section to chapter 80.28 RCW; adding a new section to chapter 64.04 RCW; adding a new section to chapter 48.29 RCW; and creating a new section."

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute House Bill No. 1326, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1326, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1326, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Anderson, McCaslin and Talmadge - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1454, by House Committee on Commerce and Labor (originally sponsored by Representatives King, G. Cole, Horn, Foreman, R. Johnson, Sheahan, Chandler, Vance, Brough, Miller, Ballasiotes, Brumsickle, Wood, Van Luven, Springer, Silver, Cooke, Long, Dyer, Morton, Talcott and Sehlin)

Revising the definition of "acting in the course of employment."

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1454.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1454 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Anderson, McCaslin and Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 1454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1865, by Representatives Mielke, Kremen, Zellinsky, Dorn, R. Meyers, Schmidt, Tate and Dellwo

Preventing check cashers and sellers from operating without a license.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1865 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1865.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1865 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams and Winsley - 45.

Absent: Senator Wojahn - 1.

Excused: Senators Anderson, McCaslin and Talmadge - 3.

HOUSE BILL NO. 1865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1619, by House Committee on Higher Education (originally sponsored by Representatives Shin, Jacobsen, Campbell, Finkbeiner, Sheldon, J. Kohl, Wood, Schoesler, Voloria, Dorn, G. Cole, Forner, Wineberry, Heavey, Edmondson, Cothorn, Long, Horn, Pruitt, Quall, Basich and King)

Creating the Washington Task Force on International Education and Cultural Exchanges.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendments were considered simultaneously and were adopted:

On page 1, line 11, after "labor leaders;" insert "native American tribal representatives;"

On page 2, line 7, after "lands" insert "and other indigenous cultures"

On page 2, line 9, after "lands" insert "and other indigenous cultures,"

On page 2, line 10, after "abroad" insert "or to study other cultures indigenous to this area"

On page 2, line 16, after "region" insert ", or of native American peoples,"

On page 2, line 23, after "international" insert "and multicultural"
On page 2, line 26, after "lands" insert ", or institutions serving native American peoples"
On page 2, line 31, after "lands" insert "and native American tribes"
On page 2, line 33, after "students" insert "and students from other indigenous cultures"
On page 2, line 35, after "students" insert "and students from other indigenous cultures"
On page 3, line 2, after "international" insert "and multicultural"
On page 3, line 5, after "international" insert "and multicultural"

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1619, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Cantu was excused.
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1619, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1619, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vogndild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Oke and Smith, L. - 2.

Excused: Senators Anderson, Cantu, McCaslin and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1619, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Veloria, Wineberry, Romero, Wang, Locke, Thibaudeau, Wolfe, Brough, Miller, Leonard, Campbell, Cothern, L. Johnson, J. Kohl and Anderson)

Changing provisions relating to malicious harassment.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 16, after "cross" insert "on public property or"

On page 4, line 18, after "Defaces" insert "public property or private"

On page 4, line 17, after "heritage," strike "or"

On page 4, line 19, after "swastika" insert "; or"

(c) Desecrates the American flag on public property or the property of a victim who is or who the actor perceives to be a military veteran"

On page 1, line 10, after "orientation," insert "military veteran status,"

On page 3, line 9, after "orientation," insert "military veteran status,"

On page 3, line 34, after "orientation," insert "military veteran status,"

On page 4, line 14, after "orientation," insert "military veteran status,"

On page 4, line 27, after "gender," insert "military veteran status,"

On page 4, after line 37, insert the following:

"Military veteran status" for the purposes of this section means someone who is either currently engaged in one of the branches of the armed forces or one who is a veteran of such service or who is defined as a veteran under RCW 41.04.005."

On page 17, line 9, after "orientation," insert "military veteran status,"

MOTION

On motion of Senator Nelson, the question was divided.
The President declared the question before the Senate to be the adoption of the amendments by Senator Roach on page 4, lines 16 and 18, to Engrossed Substitute House Bill No. 1569.
Debate ensued.
Senator Roach demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Roach on page 4, lines 16 and 18, to Engrossed Substitute House Bill No. 1569.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; Nays, 27; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 17.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognilid, Williams and Wojahn - 27.

Absent: Senator Bluechel - 1.

Excused: Senators Anderson, Cantu, McCaslin and Talmadge - 4.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

The President declared the question before the Senate to be the adoption of the amendments by Senator Roach on page 4, lines 17 and 19, to Engrossed Substitute House Bill No. 1569.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Roach on page 4, lines 17 and 19, to Engrossed Substitute House Bill No. 1569.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; Nays, 26; Absent, 0; Excused, 5.

Voting yea: Senators Barr, Deccio, Erwin, Hargrove, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 18.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognilid, Williams and Wojahn - 26.

Excused: Senators Amondson, Anderson, Cantu, McCaslin and Talmadge - 5.

MOTION

On motion of Senator Roach, and there being no objection, the amendments on page 1, line 10; page 3, lines 9 and 34; page 4, lines 14, 27, and 37; and page 17, line 9; to Engrossed Substitute House Bill No. 1569 were withdrawn.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 4, line 37, after "bisexuality" insert ", but does not include bestiality, necrophilia or pedophilia"

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

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Smith, if a person is heterosexual and also is a pedophile, would they be protected?"

Senator Adam Smith: "No, they would not, because it is kind of like the subset is all inclusive. If they are a pedophile, then they are not protected regardless of whatever else they might be doing."

Senator Roach: "So, if they are heterosexual and they participate in bestiality, they would also not be protected?"

Senator Adam Smith: "That is absolutely correct."

Senator Roach: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hochstatter on page 4, line 37, to Engrossed Substitute House Bill No. 1569.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L., von Reichbauer and West - 16.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 30.

Excused: Senators Anderson, McCaslin and Talmadge - 3.

MOTION

Senator Nelson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.94A.390 and 1990 c 3 s 603 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense either (i) manifested deliberate cruelty to the victim; or (ii) demonstrated malice toward a characteristic or characteristics of the victim, such as race, religion, ethnicity, or gender.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(e) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127;

(f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time; or

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

Sec. 2. RCW 13.40.150 and 1992 c 205 s 109 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;
(c) In no event may a disposition for a violation include confinement.
(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:
(a) Consider the facts supporting the allegations of criminal conduct by the respondent;
(b) Consider information and arguments offered by parties and their counsel;
(c) Consider any predisposition reports;
(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;
(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;
(f) Determine the amount of restitution owing to the victim, if any;
(g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;
(h) Consider whether or not any of the following mitigating factors exist:
(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;
(ii) The respondent acted under strong and immediate provocation;
(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;
(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and
(v) There has been at least one year between the respondent's current offense and any prior criminal offense;
(i) Consider whether or not any of the following aggravating factors exist:
(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;
(ii) The offense either (A) was committed in an especially heinous, cruel, or depraved manner; or (B) demonstrated malice toward a characteristic or characteristics of the victim, such as race, religion, ethnicity, or gender;
(iii) The victim or victims were particularly vulnerable;
(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;
(v) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127;
(vi) The respondent was the leader of a criminal enterprise involving several persons; and
(vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.
(4) The following factors may not be considered in determining the punishment to be imposed:
(a) The sex of the respondent;
(b) The race or color of the respondent or the respondent's family;
(c) The creed or religion of the respondent or the respondent's family;
(d) The economic or social class of the respondent or the respondent's family; and
(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.
(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community."
Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Nelson, with the language on page four that says, 'demonstrated malice toward a characteristic or characteristics of the victim such as race, religion, ethnicity, or gender,' could that possibly include sexual orientation and other types of things that are in this bill and we might want to cover in the future?"

Senator Nelson: "Yes."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Nelson to Engrossed Substitute House Bill No. 1569.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 24; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Williams and Wojahn - 24.

Absent: Senator Vognild - 1.

Excused: Senators Anderson, McCaslin and Talmadge - 3.

MOTION

On motion of Senator Adam Smith, further consideration of Engrossed Substitute House Bill No. 1569 was deferred.

SECOND READING

HOUSE BILL NO. 1165, by Representatives Riley, Cooke, Leonard, Appelwick and Johanson

Revising provisions relating to guardians ad litem for juveniles.

The bill was read the second time.

MOTIONS

Senator Niemi moved that the following Committee on Health and Human Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist;

(3) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter;

(4) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

Sec. 2. RCW 13.34.100 and 1988 c 232 s 1 are each amended to read as follows:

(1) The court shall in all contested cases appoint ((an attorney and/or) a guardian ad litem for a child who is ((a party to the proceedings in all contested proceedings)) the subject of an action under this chapter, unless a court((;)) for good cause((;)) finds the appointment unnecessary. ((An attorney and/or) A guardian ad litem may be appointed at the discretion of the court in uncontested proceedings(;- PROVIDED, That)). The requirement of a guardian ad litem shall be deemed satisfied if the child is represented by independent counsel in the proceedings. ((A))

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed. ((Such attorney and/or))

(3) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(4) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter. ((A report by the guardian ad litem to the court shall contain, where relevant, information on the legal status of a child's membership in any Indian tribe or band.))

(5) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(6) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To represent and be an advocate for the best interests of the child;

(b) To collect relevant information about the child's situation;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; and

(d) To report to the court information on the legal status of a child's membership in any Indian tribe or band.

(2) The guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(4), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any

records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

Sec. 4. RCW 26.44.053 and 1987 c 524 s 11 and 1987 c 206 s 7 are each reenacted and amended to read as follows:

(1) In any contested judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child: PROVIDED, That the requirement of a guardian ad litem ((shall)) may be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be ~~((a child subjected to abuse or neglect))~~ abused or neglected shall be a party to any proceeding that may ~~((as a practical matter))~~ impair or impede such person's interest in and custody or control of ~~((his or her))~~ the child.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On motion of Senator Roach, the following amendment by Senators Roach, Talmadge, Rasmussen, Adam Smith and Moyer to the Committee on Health and Human Services striking amendment was adopted:

On page 2, line 26 of the amendment, after "(3)" insert "Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem; and

(e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services amendment, as amended, to House Bill No. 1165.

The Committee on Health and Human Services amendment, as amended, to House Bill No. 1165 was adopted.

MOTIONS

On motion of Senator Niemi, the following title amendment was adopted:

On page 1, line 1 of the title, after "litem;" strike the remainder of the title and insert "amending RCW 13.34.030 and 13.34.100; reenacting and amending RCW 26.44.053; adding a new section to chapter 13.34 RCW; and creating a new section."

On motion of Senator Niemi, the rules were suspended, House Bill No. 1165, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1165, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1165, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Anderson, McCaslin and Talmadge - 3.

HOUSE BILL NO. 1165, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

HOUSE BILL NO. 1218, by Representatives Ludwig, Edmondson, Mastin, Reams, Scott, Bray, Riley, R. Fisher, Grant, Rayburn, Dellwo, Van Luven, Chandler, Zellinsky, Appelwick, Roland, Fuhrman, Kremen and Johanson

Changing requirements for claims against local governmental agencies.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1218.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1218 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Anderson, McCaslin, Smith, L. and Talmadge - 4.

HOUSE BILL NO. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1543, by House Committee on Appropriations (originally sponsored by Representatives Zellinsky, Mielke, Tate, Dellwo, Scott, Sommers, G. Cole, R. Johnson, Dyer, R. Meyers, Jones and Basich)

Insuring longshore and harbor workers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1543.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1543 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Absent: Senators Drew and Vognild - 2.

Excused: Senators Anderson, McCaslin, Smith, L. and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Drew was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1051, by House Committee on Judiciary (originally sponsored by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Forner, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland)

Providing for restitution for certain emergency responses.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a public agency incurs expenses in an emergency response. It is the intent of the legislature to allow a public agency to recover the expenses of an emergency response to an incident involving persons who operate a motor vehicle, boat or vessel, or a civil aircraft while under the influence of an alcoholic beverage or a drug, or the combined influence of an alcoholic beverage and a drug. It is the intent of the legislature that the recovery of expenses of an emergency response under this act shall supplement and shall not supplant other provisions of law relating to the recovery of those expenses.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; (3) use of a vessel while under the influence of alcohol or drugs, RCW 88.12.100; (4) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or (5) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

In no event shall a person's liability under this section for the expense of an emergency response exceed one thousand dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

Sec. 3. RCW 9.95.210 and 1992 c 86 s 1 are each amended to read as follows:

In granting probation, the court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (4) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation, ~~((and))~~ (5) to contribute to a county or interlocal drug fund, and (6) to make restitution to a public agency for the costs of an emergency response under section 2 of this act, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow implicitly the instructions of the secretary. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

Sec. 4. RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in section 2 of this act.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit [of] any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(32) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(33) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(34) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are

eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (29) of this section are not eligible for the work crew program.

(35) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(36) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 5. RCW 38.52.010 and 1986 c 266 s 23 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person who is registered with a local emergency management organization or the department of community development and holds an identification card issued by the local emergency management director or the department of community development for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except section 2 of this act shall mean an event or set of circumstances which: ~~((a))~~ (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or ~~((b))~~ (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in section 2 of this act means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in section 2 of this act.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of community development.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the department of community development.

(12) "Emergency response" as used in section 2 of this act means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in section 2 of this act means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 9.95.210 and 38.52.010; reenacting and amending RCW 9.94A.030; adding a new section to chapter 38.52 RCW; and creating a new section."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1051, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1051, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1051, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Anderson, Drew, McCaslin, Smith, L. and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1051, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1595, by House Committee on Appropriations (originally sponsored by Representatives Bray, Ballard, Peery, Ludwig, Locke, Finkbeiner and J. Kohl)

Concerning elected officials as members of the public employee retirement system.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Substitute House Bill No. 1595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1595.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1595 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Cantu and Newhouse - 2.

Excused: Senators Anderson, Drew, McCaslin, Smith, L. and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1778, by House Committee on Human Services (originally sponsored by Representatives Wolfe, Brown, Talcott, Leonard, Johanson, Kessler, Appelwick, Romero, Pruitt, H. Myers, Edmondson, Linville, Veloria, Anderson, Reams, Rust, Miller, Wang and J. Kohl)

Establishing the office of state employee child care.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 1778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1778.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1778 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar and West - 14.

Excused: Senators Anderson, Drew, McCaslin, Smith, L. and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1077, by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, Appelwick, Orr, Johanson and Karahalios)

Providing for the revocation of nonprobate asset arrangements for divorce or invalidation of marriage.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This section applies to all nonprobate assets, wherever situated, held at the time of entry by a superior court of this state of a decree of dissolution of marriage or a declaration of invalidity.

(2)(a) If a marriage is dissolved or invalidated, a provision made prior to that event that relates to the payment or transfer at death of the decedent's interest in a nonprobate asset in favor of or granting an interest or power to the decedent's former spouse is revoked. A provision affected by this section must be interpreted, and the nonprobate asset affected passes, as if the former spouse failed to survive the decedent, having died at the time of entry of the decree of dissolution or declaration of invalidity.

(b) This subsection does not apply if and to the extent that:

(i) The instrument governing disposition of the nonprobate asset expressly provides otherwise;

(ii) The decree of dissolution or declaration of invalidity requires that the decedent maintain a nonprobate asset for the benefit of a former spouse or children of the marriage, payable on the decedent's death either outright or in trust, and other nonprobate assets of the decedent fulfilling such a requirement for the benefit of the former spouse or children of the marriage do not exist at the decedent's death; or

(iii) If not for this subsection, the decedent could not have effected the revocation by unilateral action because of the terms of the decree or declaration, or for any other reason, immediately after the entry of the decree of dissolution or declaration of invalidity.

(3)(a) A payor or other third party in possession or control of a nonprobate asset at the time of the decedent's death is not liable for making a payment or transferring an interest in a nonprobate asset to a decedent's former spouse whose interest in the nonprobate asset is revoked under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the nonprobate asset, before the payor or other third party has actual knowledge of the dissolution or other invalidation of marriage. A payor or other third party is liable for a payment or transfer made or other action taken after the payor or other third party has actual knowledge of a revocation under this section.

(b) This section does not require a payor or other third party to pay or transfer a nonprobate asset to a beneficiary designated in a governing instrument affected by the dissolution or other invalidation of marriage, or to another person claiming an interest in the nonprobate asset, if the payor or third party has actual knowledge of the existence of a dispute between the former spouse and the beneficiaries or other persons concerning rights of ownership of the nonprobate asset as a result of the application of this section among the former spouse and the beneficiaries or among other persons, or if the payor or third party is otherwise uncertain as to who is entitled to the nonprobate asset under this section. In such a case, the payor or third party may, without liability, notify in writing all beneficiaries or other persons claiming an interest in the nonprobate asset of either the existence of the dispute or its uncertainty as to who is entitled to payment or transfer of the nonprobate asset. The payor or third party may also, without liability, refuse to pay or transfer a nonprobate asset in such a circumstance to a beneficiary or other person claiming an interest until the time that either:

(i) All beneficiaries and other interested persons claiming an interest have consented in writing to the payment or transfer;
or

(ii) The payment or transfer is authorized or directed by a court of proper jurisdiction.

(c) Notwithstanding subsections (1) and (2) of this section and (a) and (b) of this subsection, a payor or other third party having actual knowledge of the existence of a dispute between beneficiaries or other persons concerning rights to a nonprobate asset as a result of the application of this section may condition the payment or transfer of the nonprobate asset on execution, in a form and with security acceptable to the payor or other third party, of a bond in an amount that is double the fair market value of the nonprobate asset at the time of the decedent's death or the amount of an adverse claim, whichever is the lesser, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset.

(d) As used in this subsection, "actual knowledge" means, for a payor or other third party in possession or control of the nonprobate asset at or following the decedent's death, written notice to the payor or other third party, or to an officer of a payor or third party in the course of his or her employment, received after the decedent's death and within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge. The notice must identify the nonprobate asset with reasonable specificity. The notice also must be sufficient to inform the payor or other third party of the revocation of the provisions in favor of the decedent's spouse by reason of the dissolution or invalidation of marriage, or to inform the payor or third party of a dispute concerning rights to a nonprobate asset as a result of the application of this section. Receipt of the notice for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(4)(a) A person who purchases a nonprobate asset from a former spouse or other person, for value and without actual knowledge, or who receives from a former spouse or other person payment or transfer of a nonprobate asset without actual knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the nonprobate asset. However, a former spouse or other person who, with actual knowledge, not for value, or not in satisfaction of a legally enforceable obligation, receives payment or transfer of a nonprobate asset to which that person is not entitled under this section is obligated to return the payment or nonprobate asset, or is personally liable for the amount of the payment or value of the nonprobate asset, to the person who is entitled to it under this section.

(b) As used in this subsection, "actual knowledge" means, for a person described in (a) of this subsection who purchases or receives a nonprobate asset from a former spouse or other person, personal knowledge or possession of documents relating to the revocation upon dissolution or invalidation of marriage of provisions relating to the payment or transfer at the decedent's death of the nonprobate asset, received within a time after the decedent's death and before the purchase or receipt that is sufficient to afford the person purchasing or receiving the nonprobate asset reasonable opportunity to act upon the knowledge. Receipt of the personal knowledge or possession of the documents for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(5) As used in this section, "nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under only the following written instruments or arrangements other than the decedent's will:

(a) A payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account;

(b) A payable-on-death, trust, or joint with right of survivorship bank account;

(c) A trust of which the person is a grantor and that becomes effective or irrevocable only upon the person's death; or

(d) Transfer on death beneficiary designations of a transfer on death or pay on death security, if such designations are authorized under Washington law.

NEW SECTION. Sec. 2. Section 1 of this act shall constitute a new chapter in Title 11 RCW.

Sec. 3. RCW 41.26.510 and 1991 c 365 s 31 are each amended to read as follows:

(1) Except as provided in section 1 of this act, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 4. RCW 41.32.805 and 1991 c 365 s 30 are each amended to read as follows:

(1) Except as provided in section 1 of this act, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.32.765(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.32.785 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.765(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 5. RCW 41.40.700 and 1991 c 365 s 28 are each amended to read as follows:

(1) Except as provided in section 1 of this act, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.40.630(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's

credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "marriage;" strike the remainder of the title and insert "amending RCW 41.26.510, 41.32.805, and 41.40.700; and adding a new chapter to Title 11 RCW."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1077, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1077, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1077, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Anderson, Drew, McCaslin, Smith, L. and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1077, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Dellwo, Silver, Padden, Peery, Ogden, Mastin, Scott and Johanson) (by request of Administrator for the Courts)

Adding new judges to the court of appeals.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.06.020 and 1989 c 328 s 10 are each amended to read as follows:

The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have ~~((nine))~~ twelve judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have ~~((six))~~ eight judges;

(b) District 2 shall consist of Snohomish county and shall have two judges; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have ~~((one))~~ two judges.

(2) The second division shall have ~~((four))~~ six judges from the following districts:

(a) District 1 shall consist of Pierce county and shall have two judges;

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties and shall have ~~((one))~~ two judges;

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties and shall have ~~((one))~~ two judges.

(3) The third division shall have ~~((four))~~ five judges from the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties and shall have two judges;

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, and Whitman counties and shall have one judge;

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties and shall have ~~((one))~~ two judges.

NEW SECTION. Sec. 2. A new section is added to chapter 2.06 RCW to read as follows:

(1) Any judicial position created by section 1, chapter . . . , Laws of 1993 (section 1 of this act) shall be effective only if that position is specifically funded and is referenced by division and district in an omnibus appropriations act.

(2)(a) The full term of office for the judicial positions authorized pursuant to this act shall be six years.

(b) The authorized judicial positions shall be filled at the general election in the November immediately preceding the beginning of the full term except as provided in (d) and (e) of this subsection.

(c) The six-year terms shall be staggered as provided in (c)(i) through (iii) of this subsection.

(i) In the first division, the initial full terms of six years for the two positions in district 1 shall begin the second Monday in January following the general election held in November 1993. If the effective dates for the judicial positions are later than the deadline to include them in the November 1993 election, the initial full terms shall begin the second Monday in January following the general election held in November 1999. The initial full term of six years for the position in district 3 shall begin on the second Monday in January following the general election held in November 1996. If the effective date for the judicial position is later than the deadline to include it in the November 1996 election, the initial full term shall begin the second Monday in January following the general election held in November 2002.

(ii) In the second division, the initial full term of six years for the position in district 2 shall begin the second Monday in January following the general election held in November 1994. If the effective date of the judicial position is later than the deadline to include

it in the November 1994 election the initial full term shall begin the second Monday in January following the general election held in November 2000. The initial full term for the position in district 3 shall begin the second Monday in January following the general election held in November 1998. If the effective date of the judicial position is later than the deadline to include it in the November 1998 election, the initial full term shall begin the second Monday in January following the general election held in November 2004.

(iii) In the third division, the initial full term of six years for the position in district 3 shall begin the second Monday in January following the general election held in November 1994. If the effective date of the judicial position is later than the deadline to include it in the November 1994 election, the initial full term will begin the second Monday in January following the general election held in November 2000.

(d) Upon becoming effective pursuant to subsection (1) of this section, the governor shall appoint judges to the additional judicial positions authorized in section 1, chapter . . . , Laws of 1993 (section 1 of this act). The appointed judges shall hold office until the second Monday in January following the general election following the effective date of the position. The appointed judges and other judicial candidates are entitled to run for the judicial position at the general election following appointment.

(e) The initial election for these positions shall be held in November following the effective date of the position. If the initial election of a newly authorized position is not held on a date which corresponds to the beginning of a full term as specified in (c)(i) through (iii) of this subsection, the election shall be for a partial term.

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

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "appeals;" strike the remainder of the title and insert "amending RCW 2.06.020; adding a new section to chapter 2.06 RCW; and declaring an emergency."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1734, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1734, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1734, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Anderson, Drew, McCaslin, Smith, L. and Talmadge - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1559, by Representatives Brown, Wolfe, Ballasiotes, Flemming, Riley, Kessler, Linville, Thibaudeau, Leonard, J. Kohl, Mastin, Wang, Jones, Pruitt, Karahalios, Campbell, Johanson, Quall, G. Fisher, Cothorn, L. Johnson, Kremen and H. Myers

Developing a plan for school-aged child care programs.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, House Bill No. 1559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1559.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1559 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bauer, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Barr, Bluechel, Cantu, Hochstatter, Newhouse and Oke - 6.

Excused: Senators Anderson, Drew, McCaslin, Smith, L. and Talmadge - 5.

HOUSE BILL NO. 1559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:26 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Tuesday, April 13, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINETY-SECOND DAY, APRIL 12, 1993

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

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 13, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Adam Van Dyk and Jami Rubin, presented the Colors. Reverend John Maxwell, pastor of the Summit United Methodist Church of Puyallup, and a guest of Senator Albert Bauer, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 12, 1993, Governor Lowry approved the following Senate Bill entitled:

ENGROSSED SENATE BILL NO. 5351

Relating to teachers' retirement.

Sincerely,
ED FLEISHER, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed Senate Bill No. 5362 entitled:

"AN ACT Relating to full disclosure of civil court proceedings relating to public hazards."

Section 6 of Engrossed Senate No. 5362 is an emergency clause which implements this bill on July 1, 1993. I do not believe that the early effective date is appropriate in this case. The purpose of Engrossed Senate Bill No. 5362 is to inform the public of the existence of public hazards, such as products or instrumentalities which pose a danger of damage or injury to the public, by establishing as the public policy of this state that information regarding the existence of such hazards not be sealed by court order nor concealed by private contract or agreement. It is not the intent of this bill to disclose trade secrets or other proprietary information protected under existing statutes, case law and court rules. The existence of a public hazard will be determined by the courts and only such information as the court determines to be necessary to inform the public of the existence and nature of the hazard will be subject to the disclosure requirements of the bill.

With the exception of section 6, Engrossed Senate Bill No. 5362 is approved.

Respectfully submitted,
MIKE LOWRY, Governor

MOTION

On motion of Senator Jesernig, Engrossed Senate Bill No. 5362 was held on the desk.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Quoidbach, reappointed January 9, 1993, for a term ending January 1, 1997, as a member of the Forest Practices Appeals Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Natural Resources.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5578,
SENATE BILL NO. 5835, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5578,
SENATE BILL NO. 5835.

INTRODUCTION AND FIRST READING

SB 5985 by Senators Moore, Moyer, Prentice, Pelz, Deccio, Amondson, Fraser, Wojahn and Quigley

AN ACT Relating to childhood vaccines; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Health and Human Services.

SB 5986 by Senators Barr, Roach, L. Smith, Nelson, Amondson, McDonald, Erwin and McCaslin

AN ACT Relating to a state fish and wildlife commission; adding new sections to chapter 77.04 RCW; creating new sections; and repealing RCW 77.04.010, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.060, 77.04.080, and 77.04.090.

Referred to Committee on Natural Resources.

SCR 8408 by Senators Niemi and A. Smith

Creating a task force on sentencing disparities.

Referred to Committee on Law and Justice.

SCR 8409 by Senators Owen, Erwin, Franklin and Pelz

Concerning open pit metallic ore mining.

HOLD.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8409 was advanced to second reading and placed on the second reading calendar.

MOTION

At 10:14 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:54 a.m. by President Pritchard.
There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

April 13, 1993

SB 5971 Prime Sponsor, Senator Pelz: Expanding school breakfast and lunch programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5971 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1993

SB 5973 Prime Sponsor, Senator Gaspard: Requiring the secretary of state to provide a copy of the state-wide computer file of registered voters to persons requesting a copy. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1993

SB 5975 Prime Sponsor, Senator Rinehart: Regulating extradition agents' duties and payments. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1993

SB 5978 Prime Sponsor, Senator Rinehart: Modifying disposition of motor vehicle excise tax revenue. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Bauer, Gaspard, Hargrove, Hochstatter, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1993

SB 5982 Prime Sponsor, Senator Rinehart: Changing higher education tuition provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5982 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1993

ESHB 1435 Prime Sponsor, House Committee on Capital Budget: Adopting the supplemental capital budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Gaspard, Hargrove, Hochstatter, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 13, 1993

ESHB 1524 Prime Sponsor, House Committee on Appropriations: Making supplemental appropriations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 11:55 a.m., on motion of Senator Jesernig, the Senate recessed until 1:45 p.m.

The Senate was called to order at 2:06 p.m. by President Pritchard.
There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1119, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1119.

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

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818, by House Committee on Appropriations (originally sponsored by Representatives Karahalios, Sehlin, R. Meyers, Schmidt, Peery, Wood, Zellinsky, Edmondson, Stevens, Schoesler, Flemming, Mielke, Thomas, Foreman, Eide, Campbell, Pruitt, Holm and Talcott)

Providing for military dependent communities.

The bill was read the second time.

MOTIONS

On motion of Senator Sheldon, the following Committee on Trade, Technology and Economic Development amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that military base expansions, closures, and defense procurement contract cancellations may have extreme economic impacts on communities and firms. The legislature began to address this concern in 1990 by establishing the community diversification program in the department of community development. While this program has helped military dependent communities begin the long road to diversification, base expansions or closures or major procurement contract reductions in the near future will find these communities unable to respond adequately, endangering the health, safety, and welfare of the community. The legislature intends to target emergency state assistance to military dependent communities significantly impacted by defense spending. The emergency state assistance and the long-term strategy should be driven by the impacted community and consistent with the state plan for diversification required under RCW 43.63A.450(4).

NEW SECTION. Sec. 2. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may, by executive order, after consultation with the executive-legislative committee on economic development created by chapter ... (Senate Bill No. 5300), Laws of 1993, declare a community to be a "military impacted area." A

"military impacted area" means a community or communities, as identified in the executive order, that experience serious social and economic hardships because of a change in defense spending by the federal government in that community or communities.

(2) If the governor executes an order under subsection (1) of this section, the governor shall establish a response team to coordinate state efforts to assist the military impacted community. The response team may include, but not be limited to, one member from each of the following agencies: (a) The department of community development; (b) the department of trade and economic development; (c) the department of social and health services; (d) the employment security department; (e) the state board for community and technical colleges; (f) the higher education coordinating board; (g) the department of transportation; and (h) the Washington energy office. The governor may appoint a response team coordinator. The governor shall seek to actively involve the impacted community or communities in planning and implementing a response to the crisis. The governor may seek input or assistance from the community diversification advisory committee, and the governor may establish task forces in the community or communities to assist in the coordination and delivery of services to the local community. The state and community response shall consider economic development, human service, and training needs of the community or communities impacted.

(3) The governor shall report at the beginning of the next legislative session to the legislature and the executive-legislative committee on economic development created by chapter ... (Senate Bill No. 5300), Laws of 1993, as to the designation of a military impacted area. The report shall include recommendations regarding whether a military impacted area should become eligible for (a) funding provided by the community economic revitalization board, public facilities construction loan revolving account, Washington state development loan fund, basic health plan, the public works assistance account, department of trade and economic development, employment security department, and department of transportation; (b) training for dislocated defense workers; or (c) services for dislocated defense workers."

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "communities;" strike the remainder of the title and insert "adding a new section to chapter 43.06 RCW; and creating a new section."

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1818, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1818, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1818, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 46.

Absent: Senators Vognild and West - 2.

Excused: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1569, deferred April 12, 1993, after several amendments were considered but not adopted.

MOTIONS

On motion of Senator Adam Smith, the following amendment was adopted:

On page 5, beginning on line 21, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "9A.36.080" strike "and 13.40.0357"

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1569, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1569, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1569, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognil, Williams, Winsley and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Roach, Sellar, Smith, L., von Reichbauer and West - 20.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1911, by Representatives Zellinsky, Reams and H. Myers

Regulating fire protection districts in newly incorporated cities and towns.

The bill was read the second time.

MOTIONS

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 52.04 RCW to read as follows:

If the area of a newly incorporated city or town is located in one or more fire protection districts, the city or town is deemed to have been annexed by the fire protection district or districts effective immediately on the city's or town's official date of incorporation, unless the city or town council adopts a resolution during the interim transition period precluding the annexation of the newly incorporated city or town by the fire protection district or districts. The newly incorporated city or town shall remain annexed to the fire protection district or districts for the remainder of the year of the city's or town's official date of incorporation, or through the following year if such extension is approved by resolution adopted by the city or town council and by the board or boards of fire commissioners, and shall be withdrawn from the fire protection district or districts at the end of this period, unless a ballot proposition is adopted by the voters pursuant to RCW 52.04.071 providing for annexation of the city or town to a fire protection district.

If the city or town is withdrawn from the fire protection district or districts, the maximum rate of the first property tax levy that is imposed by the city or town after the withdrawal is calculated as if the city or town never had been annexed by the fire protection district or districts.

Sec. 2. RCW 52.08.025 and 1986 c 234 s 35 are each amended to read as follows:

Effective January 1, 1960, every city or town, or portion thereof, which is situated within the boundaries of a fire protection district shall become automatically removed from such fire protection district, and no fire protection district shall thereafter include any city or town, or portion thereof, within its boundaries except as provided for in RCW 52.02.020, 52.04.061, 52.04.071, 52.04.081, ~~((and))~~ 52.04.101, and section 1 of this act.

However, if the area which incorporates or is annexed includes all of a fire protection district, the fire protection district, for purposes of imposing regular property taxes, shall continue in existence: (1)(a) Until the first day of January in the year in which the initial property tax collections of the newly incorporated city or town will be made, if a resolution is adopted under section 1 of this act precluding annexation of the city or town to the district; (b) until the city or town is withdrawn from the fire protection district, if no such resolution is adopted and no ballot proposition under section 1 of this act is approved; or (c) indefinitely, if such a ballot proposition is approved; or (2) until the first day of January in the year the annexing city or town will collect its property taxes imposed on the newly annexed area. The members of the city or town council or commission shall act as the board of commissioners to impose, receive, and expend these property taxes.

Sec. 3. RCW 35.02.190 and 1989 c 76 s 2 are each amended to read as follows:

If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, or, if the city or town has been annexed by another fire protection district, in the other fire protection district, upon payment in cash, properties or contracts for fire protection services to the district within one year of the date on which the city or town withdraws from the fire protection district pursuant to section 1 of this act, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area. The fire protection district may elect, by a vote of a majority of the persons residing outside the annexed or incorporated area who vote on the proposition, to require the annexing or incorporating city or town or fire protection district to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district's property, facilities, and equipment throughout the district and to pay the city or town or fire protection district a reasonable fee for such fire protection, operation, and maintenance.

If all of a fire protection district is included in an area that incorporates as a city or town or is annexed to a city or town or fire protection district, all of the assets and liabilities of the fire protection district shall be transferred to the newly incorporated city or town ~~((upon its official date of incorporation))~~ on the date on which the fire protection district ceases to provide fire protection services pursuant to section 1 of this act or to the city or town or fire protection district upon the annexation.

Sec. 4. RCW 35.02.205 and 1989 c 267 s 3 are each amended to read as follows:

(1) A distribution of assets from the fire protection district to the city or town shall occur as provided in this section upon the annexation or, in the case of an incorporation, on the date on which the city or town withdraws from the fire protection district pursuant to section 1 of this act, of an area by the city or town that constitutes less than five percent of the area of the fire protection district upon the adoption of a resolution by the city or town finding that the annexation or incorporation will impose a significant increase in the fire suppression responsibilities of the city or town with a corresponding reduction in fire suppression responsibilities by the fire protection district. Such a resolution must be adopted within sixty days of the effective date of the annexation, or within

sixty days of the official date of incorporation of the city. If the fire protection district does not concur in the finding within sixty days of when a copy of the resolution is submitted to the board of commissioners, arbitration shall proceed under subsection (3) of this section over this issue.

(2) An agreement on the distribution of assets from the fire protection district to the city or town shall be entered into by the city or town and the fire protection district within ninety days of the concurrence by the fire protection district under subsection (1) of this section, or within ninety days of a decision by the arbitrators under subsection (3) of this section that a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the incorporation or annexation. A distribution shall be based upon the extent of the increased fire suppression responsibilities with a corresponding reduction in fire suppression responsibilities by the fire protection district, and shall consider the impact of any debt obligation that may exist on the property that is so annexed or incorporated. If an agreement is not entered into after this ninety-day period, arbitration shall proceed under subsection (3) of this section concerning this issue unless both parties have agreed to an extension of this period.

(3) Arbitration shall proceed under this subsection over the issue of whether a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the annexation or incorporation with a corresponding reduction in fire suppression responsibilities by the fire protection district, or over the distribution of assets from the fire protection district to the city or town if such a significant increase in fire protection responsibilities will be imposed. A board of arbitrators shall be established for an arbitration that is required under this section. The board of arbitrators shall consist of three persons, one of whom is appointed by the city or town within sixty days of the date when arbitration is required, one of whom is appointed by the fire protection district within sixty days of the date when arbitration is required, and one of whom is appointed by agreement of the other two arbitrators within thirty days of the appointment of the last of these other two arbitrators who is so appointed. If the two are unable to agree on the appointment of the third arbitrator within this thirty-day period, then the third arbitrator shall be appointed by a judge in the superior court of the county within which all or the greatest portion of the area that was so annexed or incorporated lies. The determination by the board of arbitrators shall be binding on both the city or town and the fire protection district."

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Haugen to the Committee on Government Operations amendment was adopted:

On page 3, line 2 of the amendment, after "maintenance." insert "When at least sixty percent, but less than one hundred percent, valuation of the real estate of a district is annexed to or incorporated into a city or town, a proportionate share of the liabilities of the district at the time of such annexation or incorporation, equal to the percentage of the total assessed valuation of the real estate of the district that has been annexed or incorporated, shall be transferred to the annexing or incorporating city or town."

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to House Bill No. 1911.

The Committee on Government Operations striking amendment, as amended, to House Bill No. 1911 was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 52.08.025, 35.02.190, and 35.02.205; and adding a new section to chapter 52.04 RCW."

On motion of Senator Haugen, the rules were suspended, House Bill No. 1911, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1911, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1911, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Deccio - 1.

HOUSE BILL NO. 1911, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1081, by Representatives Heavey and Eide

Redefining uniformed personnel for public employee collective bargaining.

The bill was read the second time.

MOTIONS

Senator Moore moved that the following Committee on Labor and Commerce amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7)(a) ~~Until July 1, 1995, "uniformed personnel" means ((a));~~ (i) Law enforcement officers as defined in RCW 41.26.030 ~~((as now or hereafter amended,))~~ of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more ~~((, or (b)));~~ (ii) fire fighters as that term is defined in RCW 41.26.030 ~~((, as now or hereafter amended));~~ (iii) security forces established under RCW 43.52.520; (iv) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (v) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vi) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(b) Beginning on July 1, 1995, "uniformed personnel" means: (i) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of seven thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of thirty-five thousand or more; (ii) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (iii) security forces established under RCW 43.52.520; (iv) fire fighters as that term is defined in RCW 41.26.030; (v) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (vi) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vii) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

Sec. 2. RCW 41.56.460 and 1988 c 110 s 1 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c)(i) For employees listed in RCW 41.56.030(7)(a) ~~(i), (iii),~~ and 41.56.495, comparison of the wages, hours and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(ii) For employees listed in RCW 41.56.030(7) ~~((b))~~ (a)(ii) and (iv) through (vi), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers shall not be considered;

(d) The average consumer prices for goods and services, commonly known as the cost of living;

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

NEW SECTION. Sec. 3. A new section is added to chapter 41.56 RCW to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(1) The constitutional and statutory authority of the employer;

(2) Stipulations of the parties;

(3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through (iii), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(b) For employees listed in RCW 41.56.030(7)(b)(iv) through (vii), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;

(4) The average consumer prices for goods and services, commonly known as the cost of living;

(5) Changes in any of the circumstances under subsection (1) through (4) of this section during the pendency of the proceedings; and

(6) Such other factors, not confined to the factors under subsection (1) through (5) of this section, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(b)(i) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

Sec. 4. RCW 41.56.123 and 1989 c 46 s 1 are each amended to read as follows:

(1) After the termination date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(2) This section does not apply to provisions of a collective bargaining agreement which both parties agree to exclude from the provisions of subsection (1) of this section and to provisions within the collective bargaining agreement with separate and specific termination dates.

(3) This section shall not apply to the following:

(a) Bargaining units covered by RCW 41.56.430 et seq. for factfinding and interest arbitration;

(b) Collective bargaining agreements authorized by chapter 53.18 RCW; or

(c) ~~((Security forces established under RCW 43.52.520; or~~

~~(e)))~~ Collective bargaining agreements authorized by chapter 54.04 RCW.

(4) This section shall not apply to collective bargaining agreements in effect or being bargained on July 23, 1989.

NEW SECTION. Sec. 5. RCW 41.56.460 and 1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4, 1979 ex.s. c 184 s 3, and 1973 c 131 s 5 are each repealed.

NEW SECTION. Sec. 6. RCW 41.56.495 and 1988 c 110 s 3 & 1985 c 150 s 1 are each repealed.

NEW SECTION. Sec. 7. (1) Sections 3 and 5 of this act shall take effect July 1, 1995.

(2) Sections 1, 2, 4, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Moore, the following amendment by Senator Moore to the Committee on Labor and Commerce amendment was adopted:

On page 3, line 12 of the amendment, after "in" strike "RCW 41.56.030(7)(a) (i), (iii), and 41.56.495" and insert "RCW 41.56.030(7)(a) (~~and 41.56.495~~) (i) and (iii)"

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment, as amended, to Engrossed House Bill No. 1081.

The Committee on Labor and Commerce striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "bargaining;" strike the remainder of the title and insert "amending RCW 41.56.460 and 41.56.123; reenacting and amending RCW 41.56.030; adding a new section to chapter 41.56 RCW; repealing RCW 41.56.460 and 41.56.495; providing an effective date; and declaring an emergency."

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1081, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1081, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1081, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, Loveland, McCaslin, McDonald, Nelson, Newhouse, Prince, Sellar, Smith, L. and West - 16.

Excused: Senator Moyer - 1.

ENGROSSED HOUSE BILL NO. 1081, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Talmadge was excused.

STATEMENT FOR THE JOURNAL

Due to the conference committee on health care reform, I missed the votes on House Bill No. 1993; House Bill No. 1263; House Bill No. 1355; Engrossed House Bill No. 1067, as amended by the Senate; Engrossed House Bill No. 1456, as amended by the Senate; Substitute House Bill No. 1063; Substitute House Bill No. 1169, as amended by the Senate; Engrossed Substitute House Bill No. 1922, as amended by the Senate; Substitute House Bill No. 1948, as amended by the Senate; House Bill No. 1111, Substitute House Bill No. 1144; House Bill No. 1142; Substitute House Bill No. 1350, as amended by the Senate; and the voice vote on Senate Concurrent Resolution No. 8409.

I would have voted 'yes' on each bill.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

HOUSE BILL NO. 1993, by Representatives Finkbeiner, Jacobsen, Quall, Wood, Brumsickle, Ogden, Basich, Dellwo and Miller

Making technical amendments to the future teachers and the health professionals conditional scholarship programs to continue existing repayment regulations.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 1993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1993.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1993 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Cantu, Deccio and Hochstatter - 3.

Excused: Senators Moyer and Talmadge - 2.

HOUSE BILL NO. 1993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1263, by Representatives R. Fisher, Schmidt, R. Meyers and Zellinsky

Specifying testing for state patrol promotion.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1263.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1263 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Moyer and Talmadge - 2.

HOUSE BILL NO. 1263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Niemi was excused.

SECOND READING

HOUSE BILL NO. 1355, by Representatives R. Fisher, Brough, R. Meyers, Edmondson, H. Myers and Van Luven

Increasing nonvoter-approved debt limit for metropolitan park districts.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1355.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1355 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Erwin, Haugen, McDonald, Roach, Sellar, Smith, L. and West - 9.

Excused: Senators Moyer, Niemi and Talmadge - 3.

HOUSE BILL NO. 1355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1067, by Representatives Orr, Mielke, Dellwo, King, Franklin, Ludwig, Riley, Brown, Jones, Holm, Chappell, Pruitt and J. Kohl

Providing for correctional employees collective bargaining.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Labor and Commerce amendments were considered simultaneously and were adopted:

On page 2, beginning on line 34, after "employed" strike all material through "or" on line 35

On page 2, line 38, after "in the" strike "facility or"

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1067, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1067, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1067, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L. and West - 16.

Excused: Senators Moyer, Niemi and Talmadge - 3.

ENGROSSED HOUSE BILL NO. 1067, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1456, by Representatives King, G. Cole, Lisk, R. Johnson, Horn, Foreman, Sheahan and Chandler

Allowing self-insured employers to close disability claims after July 1990.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following amendment was adopted:

On page 2, line 34, after "record" insert "at his previous job or at a job that has comparable wages, benefits and permanency"

On motion of Moore, the rules were suspended, Engrossed House Bill No. 1456, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

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

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1456, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1456, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Moyer, Niemi, Smith, L. and Talmadge - 4.

ENGROSSED HOUSE BILL NO. 1456, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1063, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Chandler, Chappell, Grant, Roland, Ludwig, Riley, Padden, Hansen, Lemmon and Lisk)

Modifying provisions regarding the Washington wine commission.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1063 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vogndild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Moyer, Niemi, Smith, L. and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, by House Committee on Education (originally sponsored by Representatives Peery, Ballard, Dorn, Jones, Brough, R. Meyers, Cothorn, Sheldon, Brumsickle, Roland, Eide, Holm, Jacobsen, Thomas, J. Kohl, Ogden, Franklin, G. Cole, Veloria, Wang, H. Myers, Horn, Scott, Karahalios, L. Johnson, Thibaudreau, Wolfe, Leonard, Locke, Basich, Orr, Kessler, Campbell, Linville, Pruitt and Wineberry) (by request of Council on Education Reform and Funding)

Reforming education.

The bill was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the performance-based education act.

NEW SECTION. Sec. 2. (1)(a) The mission of Washington's K-12 education system is to enable people to be responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive lives. To these ends, schools, together with parents and communities, shall strive to help all students develop the knowledge, skills, and attributes essential to function effectively and lead successful lives. Although schools, parents, and communities shall strive together in this mission, the legislature still believes that the primary functions of school and home differ: Ideally, school is where children learn to learn; home is where they learn to live.

(b) This mission is based on the recognition that our education system needs to keep pace with societal changes, changes in workplace environments, and an ever-changing international community. Finally, the mission recognizes that the education must be improved to prepare students better to meet the challenges of their future, including acquisition of certain skills and knowledge and the ability to act on information and conclusions once they have assimilated and analyzed information.

(c) This mission can be accomplished through a restructured system of world-class, performance-based education requiring all the elements in chapter . . . , Laws of 1993 (this act).

(2) For all parents, greater involvement in their child's education is critical to their child's success. It is the intent of chapter . . . , Laws of 1993 (this act) that parents be primary partners in the education of their children. Parents should also play a significant role in local school decision making affecting instruction at the school level.

(3) Creating a performance-based education system will require different ways of making decisions and completing work. Additional improvements envisioned will be brought about through different practices at the local level. Collaboration among parents, students, educators, community members, and elected officials will become a strong part of everyday effort. All systems and programs will be focused on what is best for increasing student achievement. In addition to a focused mission, other areas of paramount concern in school shall be the maintenance of order; the spending of time on the tasks; and maintenance of high expectations for all students. The purpose is to strive to help all students master the essential learning requirements.

(4) It is the intent of the legislature that all children will have the opportunity to achieve at significantly higher levels. This will require setting high expectations for all students. For all students, learning shall be the constant. Time spent on learning and gaining competence shall be the variable. The education system, from the schoolhouse to the state house, must be responsible and accountable to citizens for meeting specific goals and outcomes.

(5) Students will learn more when:

(a) Each student exercises fully his or her share of the responsibility for his or her educational experience and performance, given positive support from parents and community, and instructional guidance from the schools;

(b) Parents take more responsibility for their child's education;

(c) Businesses assume greater responsibility for supporting schools; and

(d) Educators take responsibility for meeting the diverse educational needs of all students.

(6) It is the intent of the legislature to provide students the opportunity for an ample educational experience and an educational environment that fosters mutually respectful interactions in an atmosphere of collaboration and cooperation, and in which students develop awareness, understanding, and sensitivity to differences among people, including but not limited to gender, race, color, national origin, and religion.

(7)(a) It is the intent of the legislature that any student, from those at-risk to students who may be developmentally delayed or disabled, who is having difficulty meeting the student learning goals under section 202 of this act be provided with instructional opportunities to help him or her meet the goals.

(b) Similarly, in support of subsection (6) of this section, it is the intent of the legislature that any highly capable student who has met or exceeded the student learning goals under section 202 of this act be provided with instructional opportunities to help him or her advance his or her educational experience.

PART I COMMUNITY SELECTION OF LOCAL EDUCATION PROGRAM

NEW SECTION. Sec. 101. (1) Each school district in the state shall develop educational programs designed to provide each student in the district with the opportunity to achieve the student learning goals under section 202 of this act.

(2) Each school district board of directors may authorize a school or schools in the district to participate in the performance-based education system developed under RCW 28A.630.885, following a public hearing by the school board and adoption of a motion stating the intent and scope of participation. The adopted motion shall require that schools authorized and choosing to participate in the performance-based education system shall administer the tests required under RCW 28A.230.190, 28A.230.230, and 28A.230.240 for at least five school years following the date of first participation in the performance-based system. A copy of the adopted motion shall be transmitted to the superintendent of public instruction by the district board of directors. After a public hearing, the school board may repeal the motion stating the intent and scope of participation and shall transmit a copy of the motion repealing the intent and scope of participation to the superintendent of public instruction.

(3) The state schools for the deaf and blind, pursuant to subsection (2) of this section, may participate in the performance-based education system developed under RCW 28A.630.885 and may apply for grants under section 401 of this act.

(4) Each school district board of directors may adopt procedures to permit parents to remove their children from courses of instruction offered primarily to meet student learning goal number four listed under section 201 of this act.

(5) Nothing under chapter . . . , Laws of 1993 (this act) shall affect the provisions of RCW 28A.230.070(4) that allow students not to participate in AIDS prevention education, and state board of education rules that allow students an excusal from planned instruction in sex education or human sexuality.

(6) For schools not authorized or choosing to participate in the performance-based education system developed under RCW 28A.630.885, sections 501 through 507, chapter 141, Laws of 1992 shall not apply.

PART II STUDENT LEARNING GOALS

NEW SECTION. Sec. 201. The following student learning goals for Washington's primary and secondary students, as recommended by the governor's council on education reform and funding, are supported by the legislature:

The ultimate goal of Washington's K-12 education system is to enable people to be responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, schools, together with parents and communities, shall help all students develop the knowledge, skills, and attributes essential to:

(1) Communicate effectively and responsibly in a variety of ways and settings;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; arts; humanities; and health and fitness;

(3) Think critically and creatively and integrate experience and knowledge to form reasoned judgments, solve problems, and resolve conflicts;

(4) Function as caring and responsible individuals and contributing members of families, work groups, and communities.

NEW SECTION. Sec. 202. The state board of education shall by rule adopt the final student learning goals in section 201 of this act recommended by the governor's council on education reform and funding. Of these goals, goal two, in section 201(2) of this act, shall be primary. The legislature finds that from achievement of goal two, achievement of the other goals might follow. The legislature finds that students must above all else achieve mastery of knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics. The legislature also finds that families and communities bear the primary responsibility for seeing that children function as caring and responsible members of families, work groups, and communities. The student learning goals shall be effective for all school districts beginning with the 1993-94 school year. The state board shall review the goals at least once every ten years and update them as necessary. Local school districts may add goals to the student learning goals in section 201 of this act.

NEW SECTION. Sec. 203. It is the intent of the legislature that instruction in the broad subject areas of mathematics, social sciences, physical sciences, life sciences, arts, humanities, and health and fitness identified under student learning goal number two under section 201(2) of this act will continue to be offered in ways that emphasize the importance of these basic areas of knowledge to the future success of students after they graduate.

PART III COMMISSION ON STUDENT LEARNING

Sec. 301. RCW 28A.630.884 and 1992 c 141 s 201 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.884 ((and)), 28A.630.885, and sections 101, 201, 202, 401, 502, 701, 801, 902, 903, 1201, and 1301 of this act.

(1) (~~"Academic assessment system" or~~) "Assessment system" means (a series of academic examinations and performance-based assessments developed by the commission on student learning to determine if students have mastered the) methods of assessing student achievement that require demonstration of the essential ((academic)) learning requirements.

(2) "Commission" means the commission on student learning created in RCW 28A.630.885(1).

(3) "Essential ((academic)) learning requirements" means the academic and technical knowledge and skills ((identified by the commission on student learning, as reviewed and amended by the legislature and state board of education, that students are expected to know and be able to do at specified intervals in their schooling. The essential academic learning requirements, at a minimum, shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking)) that students are expected to know and be able to do at specified intervals in their schooling. The essential learning requirements at a minimum shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking.

(4) "Outcome" means an example or indicator of what a student knows or is able to do in relation to a student learning goal.

(5) "Performance-based" or "outcomes-based" education means a system designed to help students achieve specific goals and standards of what students should know and be able to do. The system provides flexibility for students as they proceed toward achieving and demonstrating the goals and standards. Students proceed through a performance-based or outcomes-based system by demonstrating competency.

(6) "Site-based decision making" means an administrative system in which school employees, parents, and others in the community exercise shared decision making on some aspects of school operations.

(7) "Standards" means criterion or an agreed upon level of performance or achievement that are linked to the state-wide student learning goals and that serve as a basis for decision making.

(8) "Student learning goals" means the goals listed under section 201 of this act.

Sec. 302. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the final student learning goals ((of the governor's council on education reform and funding, to develop)) adopted by the state board of education under section 202 of this act, cause the further development of student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system.

(2)(a) The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed ~~((no later than February 1, 1993,))~~ by the governor elected in the November 1992 election. Three of the five members shall be appointed no later than February 1, 1993, and two of the five members shall be appointed no later than July 1, 1993. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ (b) The governor shall appoint a chair from the commission members. The governor shall fill vacancies that may occur on the commission except those vacancies determined by the state board of education.

(c) The commission shall begin its substantive work subject to ((subsection (1) of this section)) section 202(1), chapter 1, Laws of 1992.

~~((4))~~ (3) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (4) The commission, with the assistance of ~~((the))~~ any technical advisory committees, shall:

(a) ~~((Identify what all elementary and secondary students need to know and be able to do. At a minimum, these))~~ Develop essential ((academic)) learning requirements ((shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding)) based on the student learning goals adopted by the state board of education under section 202 of this act. These requirements shall be implemented through the development of performance standards. The essential learning requirements and standards shall not be less than world class so that Washington, its students, and its businesses might more effectively and continuously compete in the world market. "World class standards" means standards set at levels that will enable Washington's students to compete successfully with students throughout the world. In developing essential learning requirements and standards, the commission shall give effect to the legislature's intent (i) that student learning goal two is primary to the other goals; and (ii) that students must achieve world class knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics. In developing the performance standards and assessment systems under this section, the commission shall consider the experiences and information from local districts and schools that are already involved in these areas;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide ~~((academic))~~ assessment system for use in the elementary grades designed to determine if each student has mastered the essential ~~((academic))~~ learning requirements identified in (a) of this subsection. The ~~((academic))~~ assessment system shall include a variety of methodologies, including performance-based measures that are criterion-referenced. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential ~~((academic))~~ learning requirements. Mastery of each component of the essential ~~((academic))~~ learning requirements shall be required before students progress in subsequent components of the essential ~~((academic))~~ learning requirements. The state board of education and superintendent of public instruction shall implement the elementary ~~((academic))~~ assessment system beginning in the 1996-97 school year, if completed and for public schools choosing to participate, unless the legislature takes action to delay or prevent implementation of the assessment system and essential ((academic)) learning requirements. The state board of education and superintendent of public instruction ((may)) shall review and modify the ((academic)) assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide ((academic)) assessment system for use in the secondary grades designed to determine if each student has mastered the essential ((academic)) learning requirements identified for secondary students in (a) of this subsection. The ((academic)) assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential ((academic)) learning requirements, and shall lead to a certificate of mastery at about age sixteen. The certificate of mastery shall be required for graduation but shall be based only on student learning goals one through three in section 201 of this act. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential ((academic)) learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements ((or be required for graduation in addition to graduation requirements)). The state board of education and superintendent of public instruction shall implement the secondary ((academic)) assessment system beginning in the 1997-98 school year, if completed and for public schools choosing to participate, unless the legislature takes action to delay or prevent implementation of the assessment system and essential ((academic)) learning requirements. The state board of education and superintendent of public instruction ((may)) shall review and modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students and students who have demonstrated gaps in learning based on students' racial and ethnic minority status when developing the assessments in (b) and (c) of this subsection;

(e) ((Develop strategies that will assist educators in helping students master the essential academic learning requirements;

(f) ~~Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;~~

(g) ~~Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;~~

(h)) ~~Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential ((academic)) learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary ((academic)) assessment systems during the 1995-97 biennium and beyond;~~

((i)) ~~(f) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that ((would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements)) are consistent with a performance-based education system;~~

((j)) ~~(g) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts((- The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section));~~

((k)) ~~(h) Report annually by December 1st to the governor and the legislature ((and the state board of education)) on the progress, findings, and recommendations of the commission; and~~

((l)) ~~(i) Complete other tasks, as appropriate.~~

((m)) ~~(5) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.~~

((n)) ~~(6) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.~~

((o)) ~~(7) The commission shall select an entity to provide staff support and the office of ((financial management shall contract with that entity)) the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission on student learning. The superintendent shall report annually to the commission on student learning on the activities of the superintendent's office of educational restructuring, research, and technical assistance under RCW 28A.300.130. The commission may direct the ((office of financial management)) superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.~~

((p)) ~~(8) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

PART IV PLANNING AND TIME FOR RESTRUCTURING

NEW SECTION. Sec. 401. (1) From appropriated funds, beginning with the 1994-95 school year, the office of the superintendent of public instruction shall provide staff development program grants, to the extent funds are appropriated, to local districts to provide state-funded certificated instructional staff, state-funded classified staff with instructional responsibilities, and state-funded classified secretarial staff in each school in the district with the equivalent of an average of five additional days beyond the student school calendar year. These nonstudent days shall be used by schools for staff development, planning, and implementation activities as local districts and schools move toward a performance-based education program.

(2) The compensation for these days shall be at the regular salary rates and shall constitute supplemental compensation under RCW 28A.400.200(4).

(3) The staff development program grants shall be for school building activities related to planning, curriculum development, instructional strategies, assessment, evaluation, the use of technology, and other approaches to restructuring. The funds may be used by schools to shift to school-based decision making.

(4)(a) To be eligible for staff development program grants beginning in fiscal year 1994-95, districts shall submit to the state board of education, school building applications to develop broad-based strategic restructuring plans. The applications shall be submitted under the provisions of RCW 28A.305.140(1). Grants shall be renewed on the same basis as waivers are provided under RCW 28A.305.140(2).

(b) The building plan shall involve broad participation. In addition to the provisions of RCW 28A.305.140(1), the plan shall include: Performance-based assessment, evaluation, and in-service in cultural diversity, including how to work with diverse populations. The plan may contain elements including but not limited to technology, curriculum development, and continuous quality improvement.

(5) The school site council shall authorize the building plan and submit it to the school board.

(6) The school board shall conduct at least one public hearing on the building restructuring plans before the board votes to approve the plans and before the district files an application with the state for a staff development grant. Boards may hear more than one proposed plan at a hearing and may approve more than one plan at a hearing.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.240 RCW to read as follows:

(1) To be eligible for grants under section 401 of this act, a school district board of directors shall adopt a policy authorizing school site-based councils.

(2) The policy adopted by a school district board of directors shall include but is not limited to:

(a) Procedures for forming a school site-based council and official recognition of the council by the district;

(b) Membership of the school site-based council including parents, staff, community members, and age-appropriate students. Existing organizations may be used to form the school site-based council;

(c) Designation of activities with which school site-based councils may become involved, including management, budget, personnel, and program decisions affecting instruction at the school level;

(d) Delegation of authority to school site-based councils to adopt their own bylaws and charters; and

(e) Provisions for educating members of school site-based councils to help all members to become knowledgeable about school funding, educational programs, and options for change.

PART V LEADERSHIP FOR RESTRUCTURING

NEW SECTION. Sec. 501. (1) The Washington state principal internship support program is created. The purpose of the program is to provide funds to school districts for employees who are in a principal preparation program to complete an internship with a mentor principal.

(2)(a) Beginning in the 1994-95 school year, school districts may participate in the principal internship support program to the extent funds are appropriated.

(b) A principal internship shall consist of a minimum of ninety school days. For internships funded under this program, the state shall provide reimbursement for substitute costs at the daily rate allocated in the omnibus appropriations act for sixty-eight days of instruction and the district shall cover substitute costs for the remainder of the internship. The superintendent of public instruction shall establish procedures, by rule, for a district to receive additional funds to pay for additional substitute costs, if the district would otherwise be unable to participate in the program.

(c) Funds appropriated for the principal internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district.

(d) Once principal internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the principal internship.

(e) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

(3) The process for selecting participants in the principal internship support program shall be as follows:

(a) The candidate must be enrolled in a state board of education approved principal preparation program.

(b) The candidate must apply in writing to his or her local school district.

(c) Candidates shall be selected to: (i) Reflect the racial and ethnic diversity of the student population in the educational service district region; and (ii) to the extent practicable, represent an equal number of women and men.

(d) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program and shall notify in writing its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor principal for each principal intern applicant.

NEW SECTION. Sec. 502. (1) The state board of education shall appoint a principal internship advisory task force to develop and recommend to the board standards for the principal internship support program.

(2) Colleges, universities, and school districts may establish additional standards.

(3) Principal interns shall complete all the standards in order to complete the internship program successfully.

(4) Task force membership shall include, but is not limited to, persons representing the office of the superintendent of public instruction, principals, school administrators, teachers, school directors, higher education principal preparation programs, and educational service districts. The task force membership shall, to the extent possible, be culturally diverse and gender balanced.

PART VI MENTOR PROGRAM

Sec. 601. RCW 28A.415.250 and 1991 c 116 s 19 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a teacher assistance program. For the purposes of this section, the terms "mentor teachers," "beginning teachers," and "experienced teachers" may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW 28A.410.010. The program shall provide for:

(1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers, or both, both in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW 28A.405.100 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers and beginning teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW ((28A.58.095)) 28A.400.200: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title;

(3) Workshops for the training of mentor and beginning teachers;

(4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom;

(5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.405.010 through 28A.405.240, and who hold valid continuing certificates;

(6) Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process; and

(7) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public and private institutions of higher education, for the purposes of improving communication and cooperation and program review.

Any district may release a mentor teacher to work full time with beginning or experienced teachers, or both.

NEW SECTION. Sec. 602. A new section is added to chapter 28A.415 RCW to read as follows:

(1) From appropriated funds, the superintendent of public instruction shall establish a pilot program to support the pairing of full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers under RCW 28A.415.250. The superintendent shall select up to ten districts for the pilot program. At least one of the districts shall be a first class school district having within its boundaries a city with a population of four hundred thousand people or more, if an application to participate is received from such district. The pilot program shall begin the 1993-94 school year and conclude the end of the 1995-96 school year.

(2) The superintendent of public instruction shall submit a report to the legislature by December 31, 1995, with findings about the pilot program and recommendations regarding continuing the program beyond the 1995-96 school year.

(3) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the pilot program established under subsection (1) of this section.

PART VII CERTIFICATION REQUIREMENTS

NEW SECTION. Sec. 701. (1) In conducting its study on outcomes-based standards for the approval of educator preparation programs, the state board of education shall assure that the adoption of new program approval standards are consistent with and support the establishment of a performance-based education system under the provisions of chapter . . . , Laws of 1993 (this act). In addition, the new standards shall ensure that graduates from the preparing institutions of the state are appropriately prepared to enter the performance-based education system, including knowledge and skills to work with culturally diverse students. The new standards shall be adopted not later than the beginning of the 1996-97 school year.

(2) The state board shall report to the governor, the legislature, and the commission on student learning by December 31, 1993, on the progress and any findings of the board's study of outcomes-based program approval standards. When the study is completed, the board shall submit a final report to the governor, the legislature, and the commission on student learning. The final report shall include findings and recommendations regarding the impact of the new standards on the recruitment of culturally diverse candidates to the teaching profession.

(3) The state board shall adopt necessary rules under chapter 34.05 RCW to implement the recommendations of the certification study required under section 104, chapter 141, Laws of 1992.

(4) The superintendent of public instruction and the state board of education shall review the provisions of chapter 28A.690 RCW, interstate agreement on qualifications of educational personnel, and make recommendations as necessary to the legislature and the governor to amend these provisions to be consistent with the new certification requirements to be implemented under subsection (3) of this section.

PART VIII PARENT AND COMMUNITY INVOLVEMENT

NEW SECTION. Sec. 801. (1) The superintendent of public instruction shall appoint a twelve member parent and community advisory council whose membership shall include a minimum of six parents.

(2) The parent and community advisory council shall advise the state superintendent on:

(a) How to increase parent and citizen involvement in education with a particular focus on reaching parents who have not previously been involved with their children's education;

(b) Identifying obstacles to greater parent and community involvement in school site-based decision making; and

(c) Recommend strategies for helping parents and community members to participate effectively in school site-based decision making, including understanding and respecting the roles of building administrators and staff.

(3) Through the office of educational restructuring, research, and technical assistance under RCW 28A.300.130, the superintendent shall, in consultation with the parent and community advisory council, on a request basis, provide or contract to provide to any school, district, or community, information, technical assistance, or training regarding citizen participation in education, including training to promote the effective participation of parents and community members on school site councils.

PART IX INCENTIVE AND ASSISTANCE PROGRAM

NEW SECTION. Sec. 901. From appropriated funds, the superintendent of public instruction shall provide incentive grants under section 902 of this act and provide assistance grants under section 903 of this act.

NEW SECTION. Sec. 902. (1) The commission on student learning shall develop an incentive program to provide rewards to schools in which a large percentage of students significantly exceed the essential learning requirements. Each school shall be assessed individually against its own baseline for the incentive program. Data collected for the incentive program shall be collected and analyzed by gender, racial or ethnic background, and socioeconomic status and shall not be used to compare one school against another. Rewards shall be based on the rate of percentage change of students achieving the performance standards. An explicit account shall be taken of the rate of percentage change of special needs and at-risk students achieving the performance standards and the mobility of students.

(2) Staff at each school, in partnership with the school site council, shall decide how to spend the reward.

(3) The incentive program shall be administered by the superintendent of public instruction. The first incentive grants shall be awarded the 1997-98 school year. Incentive grants shall be awarded every two years to eligible schools, to the extent funds are appropriated.

NEW SECTION. Sec. 903. (1) The commission on student learning shall develop an assistance program to provide assistance other than monetary assistance to schools and districts experiencing difficulty in assisting a significant percentage of their students to achieve the essential learning requirements.

(2) The assistance program shall include a process for the superintendent of public instruction to intervene in the operation of districts or schools that dramatically and persistently fail to help students meet the essential learning requirements.

(3) The assistance program shall be administered by the superintendent of public instruction. The first assistance grants shall be awarded the 1997-98 school year. Assistance grants shall be awarded every two years to schools or districts as determined by the state superintendent, to the extent funds are appropriated.

Sec. 904. RCW 28A.300.130 and 1986 c 180 s 1 are each amended to read as follows:

(1) ~~((Recent and))~~ Expanding activity in educational research and educational restructuring initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible, including school-based technical assistance coordinated by the office of the superintendent of public instruction. To facilitate access to information and materials on ~~((education))~~ educational restructuring and research, the superintendent of public instruction shall ~~((act as the state clearinghouse for educational information))~~ establish an office of educational restructuring, research, and technical assistance.

(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, ~~((screen,))~~ organize, analyze, synthesize, and disseminate, including technical assistance, information pertaining to the state's ~~((educational system from preschool through grade twelve, including but not limited to))~~ common school system. The primary duty to collect and disseminate information is not limited to but shall include information on:

(a) The work and activities of the commission on student learning;

(b) In-state research and development efforts, including restructuring initiatives in Washington schools and districts;

(c) Descriptions of exemplary, model, and innovative programs; and

(d) Related information that can be used in ~~((developing))~~ helping schools and districts with restructuring initiatives and developing more effective programs.

(3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, ~~((monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system,))~~ and other applicable materials as necessary in order that the office of educational restructuring, research, and technical assistance can provide timely information services and technical assistance to educational staff, students, parents, schools, districts, and other groups or agencies as appropriate. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost.

(4) The superintendent of public instruction shall coordinate technical assistance and the dissemination of information with the educational service districts ~~((and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state)).~~ In coordinating technical assistance services, the superintendent shall make every effort to use practitioners to assist both agency staff as well as educators and others in schools and districts.

PART X COORDINATED SOCIAL AND HEALTH SERVICES

NEW SECTION. Sec. 1001. (1) The purpose of this section is to enhance the quantity, quality, efficiency, and effectiveness of services for children and families in order to enable children to learn while in school.

(2) Beginning with the 1993-94 school year, the office of the superintendent of public instruction, to the extent funds are appropriated, shall allocate funds for pilot programs in up to ten counties or municipalities to meet the needs of children and families better so that children can achieve in school.

(3) Beginning with the 1994-95 school year, the superintendent of public instruction, to the extent funds are appropriated, shall allocate funds annually for state-wide implementation for programs that assist children achieving in school. To qualify for funds, local districts and schools, local service providers, local governments, state agencies, and persons organized for the purpose of designing and providing services for children and families, shall develop plans for enhancing the flexibility, coordination, and

responsiveness of the educational, social, and health services for students and families identified as at-risk. Plans shall address the needs of children and families in a county or multicounty area, or in a municipal or multimunicipal area.

(4) The family policy council established in chapter 70.190 RCW shall determine the information that must be included in the plans. At a minimum, plans shall include:

(a) A description of services, funding sources, intended outcomes, and measures to evaluate the programs implemented under the plan;

(b) Agreed upon responsibilities of participating agencies;

(c) Means to accommodate cultural diversity and changes in student populations and to ensure equity, access, and relevance in providing services;

(d) Means to ensure parental involvement in planning and the use of services; and

(e) An identified lead agency to receive state funds allocated for the purposes of this section.

(5) Funds provided for the purposes of subsections (3) and (4) of this section shall be used only for those plans approved by the family policy council. The council shall review local plans by November 1, 1993, and the beginning of every school year thereafter.

(6) The family policy council shall coordinate the provision of technical assistance to local communities for the development of coordinated services for students.

PART XI TECHNOLOGY

NEW SECTION. Sec. 1101. The legislature recognizes the ongoing necessity for public schools to use up-to-date tools for learning to meet goals for education. To participate successfully in the contemporary workplace, students should be able to use technology and be able to get information electronically. Workplace technology requirements will continue to change and students should learn the new requirements.

Furthermore, the legislature finds that the Washington systemic initiative is a broad-based effort to promote widespread public literacy in mathematics, science, and technology. A critical component of the systemic initiative is the electronic access to information by students. It is the intent of the legislature that components of sections 1102 through 1105 of this act will support the state-wide systemic reform effort in mathematics, science, and technology as planned through the Washington systemic initiative.

NEW SECTION. Sec. 1102. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1101 through 1105 of this act.

(1) "Education technology" means the effective use of electronic tools and electronic pathways in meeting goals established for education.

(2) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.

NEW SECTION. Sec. 1103. (1) The superintendent of public instruction may establish an educational technology section, and through that section develop and implement a Washington state technology program, the coordination and development of which shall be consistent with the applicable provisions of chapter 43.105 RCW. The program shall include:

(a) State-wide support to help school districts plan, implement, and educate staff in the use of technology for educational and administrative purposes;

(b) Grants to school districts to help districts integrate technology into the learning process and to connect to the state-wide and national networks for educational purposes;

(c) Development of on-line information services for Washington state, with links to other services. These links shall provide avenues of communication between all levels of education;

(d) Staff support for on-line educational projects involving students throughout the state and nation; and

(e) Expansion of state-wide networks, including educational video teleconferences.

(2) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to educational service districts for:

(a) Establishing regional educational technology support centers to provide ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and other technical and program support. Each educational service district shall establish an advisory council to advise the educational service district about spending the grant moneys; and

(b) Establishing each educational service district as a site for video conferences on the network.

(3) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to school districts for:

(a) Support for school district personnel to become trainers on state-wide and national networks;

(b) Incentives to encourage school districts to plan for, implement, and evaluate the effective use of technology in the school curriculum; and

(c) Helping schools connect into the state-wide network for curricular purposes. The criteria for selection of schools to receive grants shall be based on schools' readiness to use network services and economic need.

(4) The superintendent of public instruction shall adopt rules requiring local districts to provide a twenty-five percent match of grant funds from other sources. However, the superintendent of public instruction shall adopt rules to waive all or part of the match requirement for districts that can demonstrate, based on the district's relative property tax wealth, that they would not be able to apply for the grant unless all or part of the match requirement was waived. A district capital levy for technology will satisfy the local match requirement under this section.

(5) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to the Washington school information processing cooperative, for equipment to expand the current state-wide network and to establish a system for video conferences.

NEW SECTION. Sec. 1104. The superintendent of public instruction shall appoint an educational technology advisory committee. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, educational service districts, school directors, school administrators, school principals, teachers, higher

education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, the state library, and the department of information services.

The committee shall advise the superintendent of public instruction on the implementation of sections 1101 through 1103 of this act.

NEW SECTION. Sec. 1105. (1) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of education technology and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(2) The education technology fund is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the fund all moneys received from gifts, grants, or endowments for education technology. Moneys in the fund may be spent only for education technology. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

PART XII DEREGULATION

NEW SECTION. Sec. 1201. (1) The superintendent of public instruction and the state board of education shall review all laws pertaining to K-12 public education. Except those laws that protect the health, safety, and civil rights of students and staff, the intent of the review is to justify, modify, and maintain only those laws that support the new performance-based education system for all students.

(2) The superintendent and the state board shall conduct the review in a manner that includes a broad representation of citizens, including parents, students, educators, and others, to assist in the review process.

(3) The superintendent shall determine a specific timetable for the review. Beginning January 1994, and each succeeding January until the review is done, but not later than January 1997, the superintendent shall submit to the governor and legislature a list of all laws reviewed during the preceding year and the laws to be reviewed the next year.

(4) Private schools and parents who home school their children are subject only to those minimum state controls necessary to ensure the health and safety of all students in the state and to ensure that students have a basic educational opportunity. Parents who are home schooling their children under chapter 28A.200 RCW and RCW 28A.225.010(4) and private schools under chapter 28A.195 RCW shall not be subject to:

(a) State-wide student learning goals and essential learning requirements under RCW 28A.150.210 and 28A.630.885(5)(a);

(b) The elementary assessment system under RCW 28A.630.885(5); or

(c) The secondary assessment system, including the certificate of mastery, under RCW 28A.630.885(5)(c).

(5) The review of statutes under subsections (1) and (2) of this section shall be conducted consistent with the exemptions provided under subsection (4) of this section for private schools and parents who home school their children.

Sec. 1202. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) ~~Beginning with the 1993-94 school year, school districts may not establish annual transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. ((Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.))~~ Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 1203. The superintendent of public instruction shall work with appropriate organizations to ensure that every teacher, district and building administrator, and school director is aware of the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015.

NEW SECTION. Sec. 1204. (1) A legislative fiscal study committee is hereby created. The committee shall be comprised of two members from each caucus of the senate, appointed by the president of the senate, and two members from each caucus of the house of representatives, appointed by the speaker. In consultation with the office of the superintendent of public instruction, the committee shall study the state operating budget for the common school system and other sections of the budget that have a direct or indirect impact on the common school system.

(2) At a minimum, the study shall include an analysis of all K-12 related appropriations to determine which might be classified as being investments in prevention and which might be classified as remedial expenditures.

(3) By January 16, 1995, the committee shall report to the full legislature on its findings and any recommendations for a new funding model for the common school system.

PART XIII RESTRUCTURING REPORTS

NEW SECTION. Sec. 1301. (1) Beginning with the 1994-95 school year, each school district shall publish an annual school performance report to the community. The annual report shall be published in a format that can be easily understood and be the basis of informed educational decisions by parents, guardians, and other members of the community who are not professional educators.

(2) Data and descriptive material included in the annual report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under section 202 of this act, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories. As data becomes available it shall include:

(a) The change in the percentage of students, including special education and gifted students, attaining mastery of the student learning goals;

(b) Attendance and completion rates;

(c) The use and condition of school facilities;

(d) The level of satisfaction by the community served by each school; and

(e) A brief description of the strategic restructuring plan for each school.

(3) The office of the superintendent of public instruction shall compile district data and report annually to the governor and the legislature beginning with the 1994-95 school year. The superintendent shall monitor the performance of districts and schools that demonstrate gaps in student learning based on students' gender, racial, and ethnic minority status.

(4) Each school shall have the annual school performance report delivered to the parents or guardians with whom children in attendance at the school reside. In addition to any periodic report concerning an individual student's progress, there shall be included with the annual school performance report an individual student report enabling a parent or guardian to determine whether his or her child is attaining mastery of the essential learning requirements.

Sec. 1302. RCW 28A.300.040 and 1992 c 198 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To give an annual address on the state of education in separate presentations to the house of representatives and the senate the week immediately following the second Monday in January.

(3) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools.

~~((3))~~ (4) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.305.130(9), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents.

~~((4))~~ (5) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials.

~~((5))~~ (6) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules and regulations related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount.

~~((6))~~ (7) To act as ex officio member and the chief executive officer of the state board of education.

~~((7))~~ (8) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to.

~~((8))~~ (9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

~~((9))~~ (10) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state.

~~((10))~~ (11) To issue certificates as provided by law.

~~((11))~~ (12) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education.

~~((12))~~ (13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall

publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction.

~~((13))~~ (14) To administer oaths and affirmations in the discharge of the superintendent's official duties.

~~((14))~~ (15) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office.

~~((15))~~ (16) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

~~((16))~~ (17) To perform such other duties as may be required by law.

NEW SECTION. Sec. 1303. (1) There is hereby created a joint select committee on education reform composed of twelve members as follows:

(a) Six members of the senate, three from each of the major caucuses, to be appointed by the president of the senate; and

(b) Six members of the house of representatives, three from each of the major caucuses, to be appointed by the speaker of the house of representatives.

(2) The cochairs shall be designated by the speaker of the house of representatives and the president of the senate.

(3) The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochairs of the joint select committee.

(4) The expenses of the committee members shall be paid by the legislature.

(5) The joint select committee on education reform shall monitor, review, and periodically report upon the enactment and implementation of education reform in Washington both at the state and local level, including the following:

(a) The progress of the commission on student learning in the completion of its tasks as designated by chapter 141, Laws of 1992, or any subsequent legislation relating to education reform;

(b) The progress of the commission on student learning in designing a state-wide assessment system that will accurately measure student mastery of essential academic learning requirements;

(c) The state board of education's implementation of teacher certification requirements that are required by law on the effective date of this section or subsequent to the effective date of this section, and whether such requirements as implemented are actually consistent with higher student achievement envisioned under a performance-based education system;

(d) Whether the shift to a performance-based education system is incurring or will incur resistance, and, if so, why;

(e) The progress and success of the commission on student learning in establishing essential learning requirements that accurately and clearly represent what students should know and be able to do at specified intervals in their schooling;

(f) The progress and success of the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges in carrying out such duties and completing tasks as designated by chapter 141, Laws of 1992, by the performance-based education act, chapter . . . , Laws of 1993 (House Bill No. 1209 or Senate Bill No. 5306), and any subsequent legislation relating to education reform;

(g) The percentage and identification of schools that are either authorized to or opt to participate in the performance-based education system under section 101(2) of this act, and whether schools not opting into the system but submitting restructuring plans under section 401 of this act are setting learning standards that are higher or lower than those required in the performance-based system; and

(h) Such other areas as the joint select committee may deem appropriate.

(6) The commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges shall each report to the joint select committee on education reform regarding their progress in completing tasks as designated by chapter 141, Laws of 1992, by the performance-based education act, chapter . . . , Laws of 1993 (House Bill No. 1209 or Senate Bill No. 5306), and any subsequent legislation relating to education reform.

(7) The joint select committee on education reform shall report its initial findings to the legislature by December 31, 1993, and shall report its findings annually thereafter until December 31, 1998, at which time the committee shall make its final report.

PART XIV SCHOOL-TO-WORK TRANSITIONS

NEW SECTION. Sec. 1401. (1) The legislature finds that demonstrated relevancy and practical application of school work is essential to improving student learning and to increasing the ability of students to transition successfully to the world of work. Employers have an increasing need for highly skilled people whether they are graduating from high school, a community college, a four-year university, or a technical college.

(2) The legislature further finds that the school experience must prepare students to make informed career direction decisions at appropriate intervals in their educational progress. The elimination of rigid tracking into educational programs will increase students' posthigh school options and will expose students to a broad range of interrelated career and educational opportunities.

(3) The legislature further finds that student motivation and performance can be greatly increased by the demonstration of practical application of course work content and its relevancy to potential career directions.

(4) The legislature further finds that secondary schools should provide students with multiple, flexible educational pathways. Each educational pathway should:

(a) Prepare students to demonstrate both core competencies common for all students and competencies in a career or interest area;

(b) Integrate academic and vocational education into a single curriculum; and

(c) Provide both classroom and workplace experience.

(5) The purpose of RCW 28A.630.862 through 28A.630.880 and section 1411 of this act is to equip students with improved school-to-work transition opportunities through the establishment of school-to-work transition model projects throughout the state.

Sec. 1402. RCW 28A.630.862 and 1992 c 137 s 2 are each amended to read as follows:

There is established in the office of the superintendent of public instruction (~~(an academic and vocational integration development)~~) a school-to-work transitions program which shall fund and coordinate (~~(pilot)~~) projects to develop model secondary school (~~(projects)~~) programs. The projects shall combine academic and vocational education into a single instructional system that is responsive to the educational needs of all students in secondary schools and shall provide multiple educational pathway options for all secondary students. Goals of the projects within the program shall include at a minimum:

- (1) Integration of vocational and academic instructional curriculum into a single curriculum;
- (2) Providing each student with a choice of multiple, flexible educational pathways based on the student's career or interest area;
- (3) Emphasis on increased vocational (~~(personal)~~) and academic guidance and counseling for students as an essential component of the student's high school experience;
- ~~((3))~~ (4) Development of student essential academic learning requirements, methods of accurately measuring student performance, and goals for improved student learning;
- (5) Partnership with local employers and employees to incorporate work sites as part of work-based learning experiences;
- (6) Active participation of educators in the planning, implementation, and operation of the project, including increased opportunities for professional development and in-service training; and
- ~~((4))~~ (7) Active participation by employers, private and public community service providers, parents, and community members in the development and operation of the project.

Sec. 1403. RCW 28A.630.864 and 1992 c 137 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop a process for schools or school districts to apply to participate in the (~~(academic and vocational integration development)~~) school-to-work transitions program. The office of the superintendent of public instruction shall review and select projects for grant awards, and monitor and evaluate the (~~(academic and vocational integration development)~~) program.

(2) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include collaboration with middle schools or junior high schools to develop school-to-work transition objectives. Middle school or junior high school programs may include career awareness and exploration, preparation for school-to-school transition, and preparation for educational pathway decisions.

(3) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include a tech prep site selected under P.L. 101-392 or other articulation agreements with a community or technical college.

(4) The superintendent of public instruction and the state board of education may develop a process for teacher certification programs to apply to participate in the school-to-work transitions program. The office of the superintendent of public instruction and the state board of education may review and select projects for grant awards. Teacher preparation grants shall be used to improve teacher preparation in school-to-work transitions, including course work related to integrated curriculum, tech prep concepts, updating technical skills, improving school and private sector partnerships, and assessing students.

Sec. 1404. RCW 28A.630.866 and 1992 c 137 s 4 are each amended to read as follows:

The superintendent of public instruction shall appoint a ten-member task force on (~~(academic and vocational integration)~~) school-to-work transitions. The task force shall include at least one representative from the work force training and education coordinating board and the state board for community and technical colleges. The task force shall advise the superintendent of public instruction in the development of the process for applying to participate in the (~~(academic and vocational integration development)~~) school-to-work transitions program, in the review and selection of projects under RCW 28A.630.864, and the monitoring and evaluation of the projects.

Sec. 1405. RCW 28A.630.868 and 1992 c 137 s 6 are each amended to read as follows:

- (1) The superintendent of public instruction shall administer RCW 28A.630.860 through RCW 28A.630.880.
- (2) The (~~(academic and vocational integration development)~~) school-to-work transitions projects may be conducted for up to six years, if funds are provided.

Sec. 1406. RCW 28A.630.870 and 1992 c 137 s 7 are each amended to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW 28A.630.860 through 28A.630.880 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW 28A.630.860 through 28A.630.880.

(2) The (~~(academic and vocational integration development)~~) school-to-work transitions program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of 28A.630.860 through 28A.630.880. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 1407. RCW 28A.630.874 and 1992 c 137 s 9 are each amended to read as follows:

(1) The superintendent of public instruction, in coordination with the state board of education, the state board for community and technical colleges, the work force training and education coordinating board, and the higher education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, secondary schools, junior high schools, middle schools, technical colleges, and colleges and universities.

(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW 28A.630.860 through RCW 28A.630.880.

Sec. 1408. RCW 28A.630.876 and 1992 c 137 s 10 are each amended to read as follows:

(1) The superintendent of public instruction shall report to the education committees of the legislature on the progress of the schools for the (~~academic and vocational integration development~~) school-to-work transitions program by December 15 of each odd-numbered year.

(2) Each school district selected to participate in the academic and vocational integration development program shall submit an annual report to the superintendent of public instruction on the progress of the (~~pilot~~) project as a condition of receipt of continued funding.

Sec. 1409. RCW 28A.630.878 and 1992 c 137 s 11 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the (~~academic and vocational integration development pilot~~) school-to-work transitions projects.

Sec. 1410. RCW 28A.630.880 and 1992 c 137 s 12 are each amended to read as follows:

RCW 28A.630.860 through 28A.630.880 may be known and cited as the (~~academic and vocational integration development~~) school-to-work transitions program.

NEW SECTION. Sec. 1411. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.862 through 28A.630.880.

(1) "Integration of vocational and academic instruction" means an educational program that combines vocational and academic concepts into a single curriculum to increase the relevancy of course work, to strengthen and increase academic standards, and to enable students to apply knowledge and skills to career and educational objectives.

(2) "School-to-work transition" means a restructuring effort which provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests.

(3) "Work-based learning" means a competency-based educational experience that coordinates and integrates classroom instruction with structured, work site employment in which the student receives occupational training that advances student knowledge and skills in essential academic learning requirements.

PART XV DESERVING STUDENT SCHOLARSHIPS

NEW SECTION. Sec. 1501. By December 1, 1998, the higher education coordinating board shall develop a two-year scholarship plan for deserving students who have achieved a certificate of mastery and have graduated from high school. Deserving students shall be those whose family income is below the state-wide median family income. Receiving students shall be allowed to use the scholarship at a community or technical college or a public, four-year institution of higher education.

PART XVI MISCELLANEOUS

NEW SECTION. Sec. 1601. The superintendent of public instruction and the state board of education shall each adopt rules, as necessary, under chapter 34.05 RCW to implement the applicable provisions of chapter . . . , Laws of 1993 (this act).

NEW SECTION. Sec. 1602. RCW 28A.215.904 is decodified.

NEW SECTION. Sec. 1603. The following acts or parts of acts are each repealed:

(1) 1992 c 141 s 505; and

(2) RCW 28A.630.860 and 1992 c 137 s 1.

NEW SECTION. Sec. 1604. Part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 1605. (1) Section 101 of this act is added to chapter 28A.150 RCW;

(2) Sections 901 through 903, sections 1101 through 1105, 1203, and 1601 of this act are each added to chapter 28A.300 RCW;

(3) Sections 202, 502, and 701 of this act are each added to chapter 28A.305 RCW;

(4) Section 1301 of this act is added to chapter 28A.320 RCW;

(5) Section 501 of this act is added to chapter 28A.410 RCW;

(6) Section 401 of this act is added to chapter 28A.415 RCW;

(7) Sections 1001 and 1303 of this act are each added to chapter 28A.600 RCW;

(8) Section 801 of this act is added to chapter 28A.615 RCW;

(9) Section 1411 of this act is added to chapter 28A.630 RCW; and

(10) Section 1501 of this act is added to chapter 28B.80 RCW.

NEW SECTION. Sec. 1606. Section 1303 of this act shall expire January 1, 1999.

NEW SECTION. Sec. 1607. If specific funding for the purposes of section 801 of this act, referencing this section by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 801 of this act shall be null and void.

NEW SECTION. Sec. 1608. If specific funding for the purposes of section 904 of this act, referencing this section by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 904 of this act shall be null and void.

NEW SECTION. Sec. 1609. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Cantu moved that the following amendment to the Committee on Education striking amendment be adopted:

On page 4, beginning on line 23 of the amendment, after "(1)" strike all material through "communities." on line 32 and insert "Read, write, speak, listen, and compute in order to communicate effectively and responsibly in a variety of ways and settings. This goal is established as the primary mission of the public schools;

(2) Know and apply the basic elements and principles of English, mathematics, science, history, geography, government, foreign languages, arts, health, and fitness;

(3) Be able to think critically and creatively using the knowledge and skills gained from goals one and two from subsections (1) and (2) of this section to form reasoned judgments, solve problems, and resolve conflicts;

(4) Appreciate their own worth and importance and have the character to be accountable for themselves and to act responsibly toward others. This goal is the primary responsibility of families but can be assisted by schools, work groups, and communities.

It is the intent of the legislature that all students should demonstrate acquisition of these goals when they graduate from the public schools through an assessment system that is valid and reliable and has the confidence of the communities served."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 4, beginning on line 23, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209.

The amendment by Senator Cantu on page 4, beginning on line 23, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209 was not adopted on a rising vote.

MOTION

Senator Skratek moved that the following amendments to the Committee on Education striking amendment be considered simultaneously and be adopted:

On page 19, line 31 of the amendment, after "(3)" insert "(a) It shall be an additional focus of the office of educational restructuring, research, and technical assistance to promote lifelong learning and community involvement in education, which is defined as coordinated efforts in communities to provide education to citizens of all ages in a variety of settings using, to the extent possible, shared funding, sites, and staffing.

(b) The legislature finds that promoting the effective and efficient coordination of all community educational services can provide for the lifelong learning and positive community involvement of Washington's citizens. Educational opportunities in a community might include early childhood education; parenting education and parent involvement; literacy training; job training and retraining; technical preparation programs; student career academies and career centers for all citizens; student apprenticeships, internships, and job mentor programs; tutoring; school staff sabbaticals; programs for business and labor participation in schools; release-time programs for community members to participate in schools; and other types of adult education, including programs for senior citizens. These services might be provided by state or community-based agencies including, but not limited to: Public schools, including skills centers; counties, cities, and towns, including parks departments, health departments, and libraries; community and technical colleges; business and labor organizations; service organizations; and private and nonprofit organizations.

(c) The office shall consult with appropriate state agencies and other groups and organizations that provide lifelong learning and community involvement in education services and: Provide assistance to local communities wishing to coordinate services for lifelong learning and community involvement in education; encourage local communities to coordinate program and facility resources; identify statutory and regulatory provisions impeding local collaboration for lifelong learning and community involvement in education; identify and promote effective models of lifelong learning and community involvement in education programs; and assist communities in exchanging information concerning lifelong learning and community involvement in education services.

(4)"

On page 20, at the beginning of line 6 of the amendment, strike "(4)" and insert "~~((4))~~ (5)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Skratek on page 19, line 31, and page 20, at the beginning of line 6, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209.

The amendments by Senator Skratek on page 19, line 31, and page 20, at the beginning of line 6, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209 were adopted.

MOTION

Senator Anderson moved that the following amendments to the Committee on Education striking amendment be considered simultaneously and be adopted:

On page 27, line 11 of the amendment, after "each school" strike "district"

On page 27, line 12 of the amendment, after "to" insert "each parent and to"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Anderson on page 27, lines 11 and 12, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209.

The amendments by Senator Anderson on page 27, lines 11 and 12, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209 were adopted.

MOTION

Senator Skratek moved that the following amendment to the Committee on Education striking amendment be adopted: On page 32, after line 4 of the amendment, strike everything through "requirements" on page 37, line 3 and insert the following:

"PART XIV SCHOOL-TO-WORK TRANSITIONS

NEW SECTION. Sec. 1401. (1) The legislature finds that demonstrated relevancy and practical application of school work is essential to improving student learning and to increasing the ability of students to transition successfully to the world of work. Employers have an increasing need for highly skilled people whether they are graduating from high school, a community college, a four-year university, or a technical college.

(2) The legislature further finds that the school experience must prepare students to make informed career direction decisions at appropriate intervals in their educational progress. The elimination of rigid tracking into educational programs will increase students' posthigh school options and will expose students to a broad range of interrelated career and educational opportunities.

(3) The legislature further finds that student motivation and performance can be greatly increased by the demonstration of practical application of course work content and its relevancy to potential career directions.

(4) The legislature further finds that secondary schools should provide students with multiple, flexible educational pathways. Each educational pathway should:

(a) Prepare students to demonstrate both core competencies common for all students and competencies in a career or interest area;

(b) Integrate academic and vocational education into a single curriculum; and

(c) Provide both classroom and workplace experience.

(5) The purpose of RCW 28A.630.862 through 28A.630.880 and section 1411 of this act is to equip students with improved school-to-work transition opportunities through the establishment of school-to-work transition model projects throughout the state.

Sec. 1402. RCW 28A.630.862 and 1992 c 137 s 2 are each amended to read as follows:

There is established in the office of the superintendent of public instruction (~~(an academic and vocational integration development)~~) a school-to-work transitions program which shall fund and coordinate (~~(the)~~) projects to develop model secondary school (~~(projects)~~) programs. The projects shall combine academic and vocational education into a single instructional system that is responsive to the educational needs of all students in secondary schools and shall provide multiple educational pathway options for all secondary students. Instruction shall include a combination of classroom and actual workplace learning. Workplace experience shall account for a minimum of forty percent of the total instruction provided over the life of the school-to-work transition program. Yearly percentages may vary during the program. Goals of the projects within the program shall include at a minimum:

(1) Integration of vocational and academic instructional curriculum into a single curriculum;

(2) Providing each student with a choice of multiple, flexible educational pathways based on the student's career or interest area;

(3) Emphasis on increased vocational (~~(personal)~~) and academic guidance and counseling for students as an essential component of the student's high school experience;

~~((3))~~ (4) Development of student essential academic learning requirements, methods of accurately measuring student performance, and goals for improved student learning;

(5) Partnership with local employers and employees to incorporate work sites as part of work-based learning experiences;

(6) Active participation of educators in the planning, implementation, and operation of the project, including increased opportunities for professional development and in-service training; (and)

~~((4))~~ (7) Active participation by employers, private and public community service providers, parents, and community members in the development and operation of the project; and

(8) A list of and justification for any request for waivers from specific state statutes or administrative rules.

Sec. 1403. RCW 28A.630.864 and 1992 c 137 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop a process for schools or school districts to apply to participate in the (~~(academic and vocational integration development)~~) school-to-work transitions program. The office of the superintendent of public instruction shall review and select projects for grant awards, and monitor and evaluate the (~~(academic and vocational integration development)~~) program.

(2) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include collaboration with middle schools or junior high schools to develop school-to-work transition objectives. Middle school or junior high school programs may include career awareness and exploration, preparation for school-to-school transition, and preparation for educational pathway decisions.

(3) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include a tech prep site selected under P.L. 101-392 or other articulation agreements with a community or technical college.

(4) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include the following elements: Paid student employment in an occupational area with growing labor market demand, instruction on the job from a mentor, demonstration of competency standards for program completion, and a contract to be signed by the participating student, the student's parent or legal guardian, the participating employer, and an education representative.

(5) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals are consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board.

(6) The superintendent of public instruction and the state board of education may develop a process for teacher certification programs to apply to participate in the school-to-work transitions program. The office of the superintendent of public instruction and the state board of education may review and select projects for grant awards. Teacher preparation grants shall be used to improve teacher preparation in school-to-work transitions, including course work related to integrated curriculum, tech prep concepts, updating technical skills, improving school and private sector partnerships, and assessing students.

Sec. 1404. RCW 28A.630.866 and 1992 c 137 s 4 are each amended to read as follows:

The superintendent of public instruction shall appoint a ten-member task force on (~~(academic and vocational integration)~~) school-to-work transitions. The task force shall include at least one representative from the work force training and education coordinating board and the state board for community and technical colleges. The task force shall advise the superintendent of public instruction in the development of the process for applying to participate in the (~~(academic and vocational integration)~~)

development)) school-to-work transitions program, in the review and selection of projects under RCW 28A.630.864, and the monitoring and evaluation of the projects.

Sec. 1405. RCW 28A.630.868 and 1992 c 137 s 6 are each amended to read as follows:

(1) The superintendent of public instruction shall administer RCW 28A.630.860 through RCW 28A.630.880.

(2) The ((~~academic and vocational integration development~~)) school-to-work transitions projects may be conducted for up to six years, if funds are provided.

Sec. 1406. RCW 28A.630.870 and 1992 c 137 s 7 are each amended to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW 28A.630.860 through 28A.630.880 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW 28A.630.860 through 28A.630.880.

(2) The ((~~academic and vocational integration development~~)) school-to-work transitions program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of 28A.630.860 through 28A.630.880. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 1407. RCW 28A.630.874 and 1992 c 137 s 9 are each amended to read as follows:

(1) The superintendent of public instruction, in coordination with the state board of education, the state board for community and technical colleges, the work force training and education coordinating board, and the higher education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, secondary schools, junior high schools, middle schools, technical colleges, and colleges and universities.

(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW 28A.630.860 through RCW 28A.630.880.

Sec. 1408. RCW 28A.630.876 and 1992 c 137 s 10 are each amended to read as follows:

(1) The superintendent of public instruction shall report to the education committees of the legislature on the progress of the schools for the ((~~academic and vocational integration development~~)) school-to-work transitions program by December 15 of each odd-numbered year.

(2) Each school district selected to participate in the academic and vocational integration development program shall submit an annual report to the superintendent of public instruction on the progress of the ((~~project~~)) project as a condition of receipt of continued funding.

Sec. 1409. RCW 28A.630.878 and 1992 c 137 s 11 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the ((~~academic and vocational integration development pilot~~)) school-to-work transitions projects.

Sec. 1410. RCW 28A.630.880 and 1992 c 137 s 12 are each amended to read as follows:

RCW 28A.630.860 through 28A.630.880 may be known and cited as the ((~~academic and vocational integration development~~)) school-to-work transitions program.

NEW SECTION. Sec. 1411. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.862 through 28A.630.880.

(1) "Integration of vocational and academic instruction" means an educational program that combines vocational and academic concepts into a single curriculum to increase the relevancy of course work, to strengthen and increase academic standards, and to enable students to apply knowledge and skills to career and educational objectives.

(2) "School-to-work transition" means a restructuring effort which provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests.

(3) "Work-based learning" means a competency-based educational experience that coordinates and integrates classroom instruction with structured, work site employment in which the student receives occupational training that advances student knowledge and skills in essential academic learning requirements."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Skratek on page 32, after line 4, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209.

The amendment by Senator Skratek on page 32, after line 4, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209 was adopted.

MOTION

Senator Cantu moved that the following amendment to the Committee on Education striking amendment be adopted:

On page 38, line 21, after "**1609.**" insert "Collective bargaining at the local school district level shall not alter or undermine any of the policies or purposes adopted under this act."

Renumber the remaining section(s) accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cantu on page 38, line 21, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209.

The amendment by Senator Cantu on page 38, line 21, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209 was not adopted.

MOTION

Senator Roach moved that the following amendment to the Committee on Education striking amendment be adopted:

On page 38, after line 24 of the amendment, insert the following:
"NEW SECTION. **Sec. 1610.** This act shall be submitted to the people for the adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Roach on page 38, after line 24, to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1209.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 29.

Excused: Senator Niemi - 1.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed Substitute House Bill No. 1209.

The Committee on Education striking amendment, as amended, to Engrossed Substitute House Bill No. 1209 was adopted.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.630.884, 28A.630.885, 28A.415.250, 28A.300.130, 28A.225.220, 28A.300.040, 28A.630.862, 28A.630.864, 28A.630.866, 28A.630.868, 28A.630.870, 28A.630.874, 28A.630.876, 28A.630.878, and 28A.630.880; adding a new section to chapter 28A.150 RCW; adding new sections to chapter 28A.305 RCW; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.240 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.615 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28B.80 RCW; creating new sections; decodifying RCW 28A.215.904; repealing RCW 28A.630.860; repealing 1992 c 141 s 505; and providing an expiration date."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1209, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1209, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1209, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, Moore, Moyer, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Winsley - 27.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Roach, Sellar, Smith, L., von Reichbauer, West and Wojahn - 21.

Excused: Senator Niemi - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204, by House Committee on Education (originally sponsored by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Rust, Sheldon, Jones, Chappell, Holm, Shin, R. Johnson, Johanson, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Brumsickle, Thomas, H. Myers, Rayburn and King) (by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district.

The joint resolution was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Education amendment be adopted:

On page 1, after line 2, strike everything through "effect." on page 4, line 16 and insert the following:

"THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 2 and Article VIII, section 6 of the Constitution of the state of Washington to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of ~~((persons))~~ voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total ~~((votes-cast))~~ number of voters voting in such taxing district at the last preceding general election when the number of ~~((electors))~~ voters voting on the proposition does not exceed forty per centum of the total ~~((votes-cast))~~ number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition to levy when the number of ~~((electors))~~ voters voting on the proposition exceeds forty ~~((percentum))~~ per centum of the total ~~((votes-cast))~~ number of voters voting in such taxing district in the last preceding general election: PROVIDED, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years: PROVIDED FURTHER, That a proposition under this subsection to levy an additional tax for a school district shall be authorized if approved by a majority of the voters voting on the proposition;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of ~~((persons))~~ voters voting on the proposition shall constitute not less than forty per centum of the total number of ~~((votes-cast))~~ voters voting in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein~~((;))~~: PROVIDED FURTHER, That a proposition by a school district to issue bonds with a term of nine years or less, and to pay the principal and interest on the bonds by an annual tax levy during the term of the bonds in excess of the limitation provided in this section, shall be authorized if approved by a majority of the voters voting on the proposition: PROVIDED FURTHER, That a proposition by a school district to issue bonds with a term greater than nine years and to pay the principal and interest on the bonds by an annual tax levy during the term of the bonds in excess of the limitation provided in this section shall be authorized if approved by at least three-fifths of the voters voting on the proposition; AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

Article VIII, section 6. No county, city, town, ~~((school-district,))~~ or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, ~~((school-district,))~~ or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment ~~((for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes))~~: PROVIDED, That the assent necessary to authorize a school district to incur such debt shall be a majority vote: PROVIDED FURTHER, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: PROVIDED FURTHER, That (a) any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality and (b) any school district with ~~((such))~~ majority assent, may be allowed to become indebted to a larger amount but not exceeding five per centum additional for capital outlays.

BE IT FURTHER RESOLVED, That the foregoing amendment shall be construed as a single amendment within the meaning of Article XXIII, section 1 of the state Constitution.

The legislature finds that the changes contained in the foregoing amendment constitute a single integrated plan providing for a simple majority of electors voting to authorize school district levies and bonds with a term of nine years or less; and providing for at least three-fifths of the electors voting to authorize school district bonds with a term of greater than nine years. If the foregoing

amendment is held to be separate amendments, this joint resolution shall be void in its entirety and shall be of no further force and effect."

Senator McCaslin moved that the following amendments to the Committee on Education amendment be considered simultaneously and be adopted:

On page 2, beginning on line 14 of the amendment, after "shall" strike everything through "proposition" on line 16, and insert "only be authorized if voted on at a state general election and approved by at least three-fifths of the voters voting on the proposition at that election"

On page 3, line 3 of the amendment, after "bonds" strike everything through "years"

On page 3, beginning on line 6 of the amendment, after "shall" strike everything through "proposition" on line 7, and insert "only be authorized if voted on at a state general election and approved by at least three-fifths of the voters voting on the proposition at that election"

On page 3, at the beginning of line 27 of the amendment, strike everything through "vote" on line 28, and insert "a proposition by a school district to incur such debt shall only be authorized if voted on at a state general election and approved by at least three-fifths of the voters voting on the proposition at that election"

On page 4, beginning on line 5 of the amendment, after "for" strike everything through "years" on line 9, and insert "the additional authorization of school district levies and bonds if voted on at a state general election and approved by at least three-fifths of the voters voting on the proposition at that election"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McCaslin on page 2, beginning on line 14; page 3, line 3; page 3, beginning on line 6; page 3, at the beginning of line 27; and page 4, beginning on line 5; to the Committee on Education amendment to Engrossed Substitute House Joint Resolution No. 4204.

The amendments by Senator McCaslin on page 2, beginning on line 14; page 3, line 3; page 3, beginning on line 6; page 3, at the beginning of line 27; and page 4, beginning on line 5; to the Committee on Education amendment to Engrossed Substitute House Joint Resolution No. 4204 were not adopted on a rising vote.

MOTION

Senator Barr moved that the following amendments by Senators Barr and Loveland to the Committee on Education amendment be considered simultaneously and be adopted:

On page 2, line 15, after "by" strike "a majority" and insert "three-fifths"

On page 2, line 36, after ":", strike all material through ":" on page 3, line 2

On page 2, line 3, after "bonds" strike all material through "years and"

On page 3, line 15, after "town," strike ((school district,)) and insert "school district"

On page 3, line 18, after "town" strike ((school district,)) and insert "school district"

On page 3, line 26, after "PROVIDED," strike all material through "FURTHER," on page 3, line 28

On page 3, line 36, after "with" strike "((such)) majority" and insert "such"

On page 4, line 5, after "for a" strike "simple" and insert "three-fifths"

On page 4, line 7, after "bonds" strike "with a term of nine years or less"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Barr and Loveland on page 2, lines 15 and 36; page 3, lines 3, 15, 18, 26 and 36; and page 4, lines 5 and 7; to the Committee on Education amendment to Engrossed Substitute House Joint Resolution No. 4204.

The amendments by Senator Barr and Loveland on page 2, lines 15 and 36; page 3, lines 3, 15, 18, 26 and 36; and page 4, lines 5 and 7; to the Committee on Education amendment to Engrossed Substitute House Joint Resolution No. 4204 were not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the Committee on Education amendment on page 1, after line 2, to Engrossed Substitute House Joint Resolution No. 4204.

The Committee on Education amendment on page 1, after line 2, to Engrossed Substitute House Joint Resolution No. 4204 was adopted.

MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Joint Resolution No. 4204, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

POINT OF INQUIRY

Senator Nelson: "Senator Pelz, in order to clarify for me this example that you gave on two occasions as far as the building of the King County Jail versus the building of school buildings. What was the revenue source for the jail bond issue in King County? I think all of us know that the source of revenue for the schools is a property tax. What was the source of revenue for the jails in King County?"

Senator Pelz: "I'll bet you could help me out with that, couldn't you?"

Senator Nelson: "I'll bet I could too, but I think there should be a distinction here on the revenue source and you have not made that as to why people, perhaps, would vote for that source to build the jails, versus that of a property tax which is by far the most objectionable form of taxes that I hear from the constituents in my legislative district--and I can't help but think it is the same way for all of you in your respective districts.

"I have always opposed the forty percent validation, Mr. President. I always thought that that should have been removed by the voters. It is unfortunate that they chose not to do that, but I have real problems voting for a simple majority in those time frames in which we allow schools to have special levies, namely February, March, April and May. If this measure were, in fact, to be a simple majority during the September or November time frame, I would be willing to vote for it without any trouble, but I think it causes major differences and different balance of what we are asking people to look at in order to now fund schools and I think it is inappropriate to have the special elections, also, in February, March, April and May carry only a simple majority."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Joint Resolution No. 4204, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 4204, as amended by the Senate, and the joint resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Erwin, Franklin, Fraser, Haugen, Jesernig, McAuliffe, Moore, Moyer, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Deccio, Drew, Gaspard, Hargrove, Hochstatter, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Smith, L., West and Williams - 20.

Excused: Senator Niemi - 1.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204, as amended by the Senate, having failed to receive the constitutional two-thirds majority, was declared lost.

NOTICE FOR RECONSIDERATION

Senator Gaspard, having voted on the prevailing side, served notice to reconsider the vote by which Engrossed Substitute House Joint Resolution No. 4204, as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Loveland, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1169, by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Chappell and Wood)

Regulating marine finfish rearing facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

(1) For the purposes of this section "marine finfish rearing facilities" means those private and public facilities located within the salt water of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale.

(2) Not later than October 31, 1994, the department shall adopt criteria under chapter 34.05 RCW for allowable sediment impacts from organic enrichment due to marine finfish rearing facilities.

(3) Not later than June 30, 1995, the department shall adopt standards under chapter 34.05 RCW for waste discharges from marine finfish rearing facilities. In establishing these standards, the department shall review and incorporate, to the extent possible, studies conducted by state and federal agencies on waste discharges from marine finfish rearing facilities, and any reports and other materials prepared by technical committees on waste discharges from marine finfish rearing facilities. The department shall approve or deny discharge permit applications for marine finfish rearing facilities within one hundred eighty days from the date of application, unless a longer time is required to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the requirements of the state environmental policy act under chapter 43.21C RCW. The department shall notify applicants as soon as it determines that a proposed discharge meets or fails to comply with the standards adopted pursuant to this section, or if a time period longer than one hundred eighty days is necessary to satisfy public participation requirements of the state environmental policy act.

(4) The department may adopt rules to exempt marine finfish rearing facilities not requiring national pollutant discharge elimination system permits under the federal water pollution control act from the discharge permit requirement.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 90.48 RCW; and creating a new section."

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1169, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1169, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1169, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Anderson - 1.

Absent: Senators Moyer and Talmadge - 2.

Excused: Senators Niemi and Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1169, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922, by House Committee on Corrections (originally sponsored by Representatives Lemmon, Mastin, Morris, Hansen, Basich, Kessler, Johanson, Scott, Tate, Bray, Campbell, Dunshee, Eide, Orr, Grant, Lisk, Ludwig, R. Meyers, Springer, Finkbeiner, Dorn, Vance, Quall, Kremen, Rayburn, Brough, Foreman, Riley, L. Johnson, Horn, King, Forner, Roland, Ogden, Thomas, Brumsickle, Long, Casada, Ballasiotes, Mielke, Cooke, Van Luven and Karahalios)

Creating a work ethic boot camp program within the department of corrections.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that high crime rates and a heightened sense of vulnerability have led to increased public pressure on criminal justice officials to increase offender punishment and remove the most dangerous criminals from the streets. As a result, there is unprecedented growth in the corrections populations and overcrowding of prisons and local jails. Skyrocketing costs and high rates of recidivism have become issues of major public concern. Attention must be directed towards implementing a long-range corrections strategy that focuses on inmate responsibility through intensive work ethic training.

The legislature finds that many offenders lack basic life skills and have been largely unaffected by traditional correctional philosophies and programs. In addition, many first-time offenders who enter the prison system learn more about how to be criminals than the important qualities, values, and skills needed to successfully adapt to a life without crime.

The legislature finds that opportunities for offenders to improve themselves are extremely limited and there has not been adequate emphasis on alternatives to total confinement for nonviolent offenders.

The legislature finds that the explosion of drug crimes since the inception of the sentencing reform act and the response of the criminal justice system have resulted in a much higher proportion of substance abuse-affected offenders in the state's prisons and jails. The needs of this population differ from those of other offenders and present a great challenge to the system. The problems are exacerbated by the shortage of drug treatment and counseling programs both in and outside of prisons.

The legislature finds that the concept of a work ethic camp that requires the offender to complete an appropriate and balanced combination of highly structured and goal-oriented work programs such as correctional industries based work camps and/or class I and class II work projects, drug rehabilitation, and intensive life management work ethic training, can successfully reduce offender recidivism and lower the overall cost of incarceration.

It is the purpose and intent of sections 1 and 3 through 6 of this act to implement a regimented work ethic camp that is designed to directly address the high rate of recidivism, reduce upwardly spiraling prison costs, preserve scarce and high cost prison space for the most dangerous offenders, and provide judges with a tough and sound alternative to traditional incarceration without compromising public safety.

Sec. 2. RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with

regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a

controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit ~~((off))~~ of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(32) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(33) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((33))~~ (34) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((34))~~ (35) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (29) of this section are not eligible for the work crew program.

~~((35))~~ (36) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences.

character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(37) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((36))~~ (38) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

NEW SECTION. Sec. 3. The department of corrections shall establish one work ethic camp. The secretary shall locate the work ethic camp within an already existing department compound or facility, or in a facility that is scheduled to come on line within the initial implementation date outlined in this section. The facility selected for the camp shall appropriately accommodate the logistical and cost-effective objectives contained in sections 1 and 3 through 6 of this act. The department shall be ready to assign inmates to the camp one hundred twenty days after the effective date of this act. The department shall establish the work ethic camp program cycle to last from one hundred twenty to one hundred eighty days. The department shall develop all aspects of the work ethic camp program including, but not limited to, program standards, conduct standards, educational components including general education development test achievement, offender incentives, drug rehabilitation program parameters, individual and team work goals, techniques for improving the offender's self-esteem, citizenship skills for successful living in the community, measures to hold the offender accountable for his or her behavior, and the successful completion of the work ethic camp program granted to the offender based on successful attendance, participation, and performance as defined by the secretary. The work ethic camp shall be designed and implemented so that offenders are continually engaged in meaningful activities and unstructured time is kept to a minimum. In addition, the department is encouraged to explore the integration and overlay of a military style approach to the work ethic camp.

NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible to be sentenced to a work ethic camp if the offender:

- (a) Is sentenced to a term of total confinement of not less than twenty-two months or more than thirty-six months;
- (b) Is between the ages of eighteen and twenty-eight years;
- (c) Has no current or prior convictions for any sex offenses or violent offenses; and
- (d) Has no prior convictions for any drug offense.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless the department determines that the offender has physical or mental impairments that would prevent participation and completion of the program, or the offender refuses to agree to the terms and conditions of the program.

(4) An inmate who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

(5) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(6) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

NEW SECTION. Sec. 5. The work ethic camp program shall employ one hundred percent of all inmates. The employment options available for inmates shall include meaningful work opportunities that provide the offender with real-world skills that help the offender find employment when he or she successfully completes the work ethic camp program. The department shall include in the work ethic

camp program, without limitation, class I, class II, and class IV correctional programs. No more than thirty-five percent of the total inmate population in the facility shall be employed in class III correctional industries programs in the first year and thereafter ten percent less per year until a maximum of ten percent of the inmates are working in this employment class. In addition, work options shall also include department-supervised work crews as defined by the department. These work crews shall have the ability to work on public roads conducting litter control, minor emergency repair or other minor tasks that do not negatively impact employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385, or have a negative impact on the local labor market or local business community as assessed by the department correctional industries advisory board of directors. The department shall establish, to the extent possible, programs that will positively impact our natural environment such as, but not limited to, recycling programs and minor environmental cleanup programs. If the department is directed by the legislature to increase the percentage of inmates employed in correctional industries programs, inmates employed through work ethic camps shall not be counted towards this total percentage.

NEW SECTION. Sec. 6. The work ethic camp program established in sections 1 and 3 through 6 of this act shall be considered a pilot alternative incarceration program and remain in effect until July 1, 1998. The department and the office of financial management shall monitor and analyze the effectiveness of the work ethic camp program and complete a final outcome evaluation study by January 15, 1998. The study shall include: The recidivism rates of successful program graduates, analysis of the overall program costs, the ability to maintain public safety, and any other pertinent data established by the department. The department may encourage interested universities to participate in studies that will enhance the effectiveness of the program.

The department of corrections shall seek the availability of federal funds for the planning, implementation, evaluation, and training of staff for work ethic camp programs, substance abuse programs, and offender education programs.

NEW SECTION. Sec. 7. Sections 1, 3, 5, and 6 of this act are each added to chapter 72.09 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Owen, the following amendments by Senators Owen and Adam Smith to the Committee on Law and Justice striking amendment were considered simultaneously and were adopted:

On page 10, line 28 of the amendment, after "years;" insert "and"

On page 10, beginning on line 30 of the amendment, after "offenses" strike all material through "offense" on line 31

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1922.

The Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1922 was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "camp;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.030; adding new sections to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; providing an effective date; and declaring an emergency."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1922, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1922, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1922, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Winsley and Wojahn - 43.

Voting nay: Senators McDonald and Williams - 2.

Absent: Senators Moyer and Talmadge - 2.

Excused: Senators Niemi and Vognild - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Owen, Erwin and Franklin

Concerning open pit metallic ore mining.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8409. Senate Concurrent Resolution No. 8409 was adopted by voice vote.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1948, by House Committee on State Government (originally sponsored by Representatives Bray, Ludwig, Rayburn and Grant)

Modifying provisions regarding the state commission on Hispanic affairs.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.115.010 and 1987 c 249 s 1 are each amended to read as follows:

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. ((The legislature finds that Hispanics have unique and special problems. It is the purpose of this chapter to improve the well-being of Hispanics by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Hispanics in obtaining governmental services in order to promote the health, safety and welfare of all the residents of this state.)) The legislature believes that it is the duty of the state to improve the well-being of Hispanics by enabling them to participate fully in all fields of endeavor and assisting them in obtaining governmental services. The legislature further finds that the development of public policy and the delivery of governmental services to meet the special needs of Hispanics can be improved by establishing a focal point in state government for the interests of Hispanics. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

Sec. 2. RCW 43.115.030 and 1987 c 249 s 3 are each amended to read as follows:

(1) The commission shall consist of eleven members of Hispanic origin appointed by the governor. ((The membership shall include:

- (a) Two members from workers in the agricultural field;
- (b) Three members from the general populace of Hispanics, but not of Mexican-American origin;
- (c) One member from the field of education;
- (d) One member who is a professional from the business community, government employment, or public service;
- (e) One member from among elected trade union officials; and
- (f) Three members from the Mexican-American community in the state.

(2) Members shall serve for four-year terms and until their successors are chosen and qualified.)) To the extent practicable, appointments to the commission shall be made to achieve a balanced representation based on the Hispanic population distribution within the state, geographic considerations, sex, age, and occupation. Members shall serve three-year terms. No member shall serve more than two full consecutive terms. Vacancies shall be filled in the same manner as the original appointments.

((3)) (2) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

((4)) (3) Six members of the commission shall constitute a quorum for the purpose of conducting business.

Sec. 3. RCW 43.115.040 and 1987 c 249 s 4 are each amended to read as follows:

The commission shall have the following powers and duties:

- (1) Elect one of its members to serve as chairman;
- (2) ((Appoint a full time director;
- (3) Appoint a staff who shall be state employees pursuant to Title 41 RCW; and
- (4)) Adopt rules and regulations pursuant to chapter 34.05 RCW;
- (3) Examine and define issues pertaining to the rights and needs of Hispanics, and make recommendations to the governor and state agencies for changes in programs and laws;
- (4) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of Hispanics;
- (5) Advise the legislature on issues of concern to the Hispanic community;
- (6) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for Hispanics; and
- (7) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

NEW SECTION. Sec. 4. A new section is added to chapter 43.115 RCW to read as follows:

(1) The commission shall be administered by an executive director, who shall be appointed by and serve at the pleasure of the governor. The governor shall base the appointment of the executive director on recommendations of the commission. The salary of the executive director shall be set by the governor.

(2) The executive director shall employ a staff, who shall be state employees pursuant to Title 41 RCW. The executive director shall prescribe the duties of the staff as may be necessary to implement the purposes of this chapter.

Sec. 5. RCW 43.131.341 and 1987 c 249 s 8 are each amended to read as follows:

The Washington state commission on Hispanic affairs and its powers and duties shall be terminated on June 30, ~~((1996))~~ 2021, as provided in RCW 43.131.342.

Sec. 6. RCW 43.131.342 and 1987 c 249 s 9 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1997))~~ 2022:

(1) Section 1, chapter 34, Laws of 1971 ex. sess., section 1, chapter 249, Laws of 1987, section 1, chapter . . . , Laws of 1993 (section 1 of this act) and RCW 43.115.010;

(2) Section 2, chapter 34, Laws of 1971 ex. sess., section 2, chapter 249, Laws of 1987 and RCW 43.115.020;

(3) Section 3, chapter 34, Laws of 1971 ex. sess., section 130, chapter 34, Laws of 1975-'76 2nd ex. sess., section 15, chapter 338, Laws of 1981, section 3, chapter 249, Laws of 1987, section 2, chapter . . . , Laws of 1993, (section 2 of this act) and RCW 43.115.030;

(4) Section 4, chapter 34, Laws of 1971 ex. sess., section 4, chapter 249, Laws of 1987, section 3, chapter . . . , Laws of 1993 (section 3 of this act) and RCW 43.115.040;

~~((5))~~ ~~(Section 5, chapter 34, Laws of 1971 ex. sess., section 5, chapter 249, Laws of 1987 and RCW 43.115.050;~~

~~((6))~~ Section 6, chapter 34, Laws of 1971 ex. sess., section 6, chapter 249, Laws of 1987 and RCW 43.115.060; ~~((and~~

~~((7))~~ (6) Section 7, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.900; and

(7) Section 4 of this act.

NEW SECTION. Sec. 7. RCW 43.115.050 and 1987 c 249 s 5 & 1971 ex.s. c 34 s 5 are each repealed."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "affairs;" strike the remainder of the title and insert "amending RCW 43.115.010, 43.115.030, 43.115.040, 43.131.341, and 43.131.342; adding a new section to chapter 43.115 RCW; and repealing RCW 43.115.050."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1948, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1948, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1948, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Moyer and Talmadge - 2.

Excused: Senators McCaslin, Niemi and Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 1948, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

HOUSE BILL NO. 1111, by Representatives Van Luven, Heavey, Schmidt, Riley, Forner, Finkbeiner, Johanson, Campbell and Wood

Protecting pedestrians in crosswalks.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1111.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1111 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Talmadge - 1.

Excused: Senators McCaslin, Moyer and Niemi - 3.

HOUSE BILL NO. 1111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, Senator Talmadge was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1144, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Linville, Leonard, H. Myers, Campbell, Jacobsen, Valle, R. Fisher, Ogden, J. Kohl and Locke) (by request of Office of Marine Safety)

Establishing a field operations program in the office of marine safety.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1144.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1144 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams and Wojahn - 44.

Absent: Senator Winsley - 1.

Excused: Senators McCaslin, Moyer, Niemi and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1142, by Representatives Zellinsky, Mielke, R. Meyers and Tate (by request of Department of General Administration, Division of Banking)

Requiring a bond for a license to sell checks, drafts, or money orders.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1142.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1142 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Deccio - 1.

Excused: Senators Moyer, Niemi and Talmadge - 3.

HOUSE BILL NO. 1142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1350, by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Fuhrman, Basich, Wood, Orr, Tate, Johanson and Foreman)

Requiring pink shrimp licenses.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 4, line 33, after "delivery" strike "permits" and insert "licenses"

On motion of Senator Snyder, the following amendment by Senators Snyder, Owen, Oke and Hargrove was adopted:

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

"**NEW SECTION. Sec. 11.** A new section is added to chapter 43.23 RCW to read as follows:

The director of agriculture, in consultation with the director of fisheries and the director of ecology, shall no later than June 1, 1993, develop and implement integrated pest management plans for the control of burrowing shrimp on registered aquatic farms."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 3 of the title, after "75.30 RCW;" insert "adding a new section to chapter 43.23 RCW;"

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1350, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1350, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1350, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Moyer, Niemi and Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 1350, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1411, by Representatives Pruitt, Morton, R. Johnson, Brown and Brough

Allowing metropolitan park districts to acquire open space, land, or rights to future development.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1411.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1411 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Niemi - 2.

HOUSE BILL NO. 1411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1864, by Representatives Finkbeiner, Dyer, Horn, L. Johnson, Orr, Brumsickle, Cothorn, Springer, Mastin, Brough, Long, King and R. Meyers

Affording accelerant detection dogs the same protection as police dogs.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1864 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1864.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1864 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Niemi - 2.

HOUSE BILL NO. 1864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:08 p.m., on motion of Senator Jesernig, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:24 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8636

By Senators Pelz and Moyer

WHEREAS, The Forum Foundation is a nonprofit, research corporation of Washington State organized in 1970 to improve the functioning of organizations and society; and

WHEREAS, Founders Richard J. Spady, President of The Forum Foundation, and Dr. Cecil H. Bell, Jr., of the University of Washington Graduate School of Business Administration and Vice-President of The Forum Foundation have worked tirelessly to promote new theories and technologies of innovative and effective communication strategies; and

WHEREAS, These new theories of administration and communication have been developed in Washington State to strengthen the effectiveness of new citizen involvement and education applications with the assistance of the late Dr. Stuart C. Dodd, professor-emeritus of sociology at the University of Washington; and

WHEREAS, A new communication technology called the "Fast Forum" technique, developed at the University of Washington Academic Computing Services beginning in 1970 and continuing there today, has emerged from these theories; and

WHEREAS, This communication technology facilitates the exchange of ideas among people in large and diverse groups, improves citizen participation, and has been used successfully by the municipalities of Redmond and Kent, and the Republic of Kryrgyzstan of the Commonwealth of Independent States; and

WHEREAS, The application of this communication technology to enhance citizenship education and critical-thinking curriculum materials for secondary schools in our state and elsewhere holds great promise;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the members of The Forum Foundation be recognized for their excellent work and research to improve communication in organizations and society, and that copies of this resolution be immediately transmitted by the Secretary of the Senate to the Governor, the Department of Community Development, the Superintendent of Public Instruction, Richard J. Spady, and Dr. Cecil H. Bell, Jr. to encourage the further innovative research of The Forum Foundation in citizenship education programs for communities and educational programs in schools.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374, by House Committee on Education (originally sponsored by Representatives Brough and Peery)

Changing provisions relating to the teacher admission to practice examination.

The bill was read the second time.

MOTION

Senator Pelz moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that development of an assessment for purposes of acquiring an initial teaching certificate is an issue that merits consideration. However, the legislature also finds that to pursue development and implementation of such an assessment at this point in time is premature in light of the state's commitment to develop a performance-based education system. Therefore, it is the intent of the legislature to repeal the existing requirement for an admission-to-practice examination. The state board of education shall monitor the development of a performance-based education system and report to the legislature by January 1, 1997, with recommendations for developing an individual assessment leading to initial teacher certification that is consistent with a performance-based education system.

NEW SECTION. Sec. 2. RCW 28A.410.030 and 1991 c 116 s 21 & 1987 c 525 s 203 are each repealed."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe the Senate committee amendment expands the scope and object of the bill. To explain, Mr. President, I think Senator Pelz was very candid. The original version of the bill was meant to clarify the requirements for the Teacher Entrance to Practice Examination and the intent of the House was to clarify that, so that the Teacher Entrance to Practice Examination could take place, I believe, starting in 1995 was the intention of the

original bill. The Senate committee amendment repeals the Entrance to Practice Examination entirely. I think, clearly, that expands the scope and object of the original legislation, which was merely to clarify and continue the existing test."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1374 was deferred.

SECOND READING

HOUSE BILL NO. 1212, by Representatives Dorn, Brumsickle, Hansen, Chappell, Lisk, Grant, Riley, Rayburn, Rust and Kremen

Changing the approval authority for state allocations for youth shows and fairs.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1212.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1212 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Prince and Smith, A. - 2.

Excused: Senator Niemi - 1.

HOUSE BILL NO. 1212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Prince was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294, by House Committee on Appropriations (originally sponsored by Representatives Locke, Mielke, Orr, Heavey, Scott, Quall, Chappell, R. Fisher, R. Meyers, Ludwig, R. Johnson, Wood, Grant, Riley, King, Mastin, Forner, Franklin, Karahalios, Jacobsen, Zellinsky, Romero, Johanson, Morris, Flemming, Leonard, Brown, Finkbeiner, Holm, Eide, G. Cole, Ogden, Jones, Wang, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, H. Myers, Vance, Brough, Dorn, Hansen, Schmidt, Cooke, Casada, Edmondson, Carlson and Brumsickle)

Changing provisions in LEOFF Plan II to allow retirement at age fifty.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 1294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1294.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1294 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Barr, Bluechel, Cantu, Hochstatter and Newhouse - 5.

Excused: Senators Niemi and Prince - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

Relating to improvement of retirement systems benefits.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5888 was substituted for Senate Bill No. 5888 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Gaspard was adopted:
Strike everything after the enacting clause and insert the following:

"PART I - COST-OF-LIVING ADJUSTMENT EXTENSION

NEW SECTION. Sec. 1. The benefit adjustment granted by sections 711(1) and 712(1), chapter 232, Laws of 1992 (uncodified) being received by plan I beneficiaries as of June 30, 1993, unless otherwise improper, shall be continued through June 30, 1995.

PART II - NEW TEMPORARY COST-OF-LIVING ADJUSTMENT

NEW SECTION. Sec. 2. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) Effective July 1, 1993, through June 30, 1995, the monthly benefit of each plan I beneficiary under this chapter is increased three dollars per month per year of creditable service established by the member, reflecting any actuarial reduction made or survivor option taken, if the beneficiary:

- (a) Is not receiving a minimum benefit under RCW 41.32.487 or cost-of-living adjustment under RCW 41.32.575; and
- (b) Is at least age seventy as of July 1, 1993; and
- (c) Was receiving benefits as of July 1, 1988; and
- (d) Is not a recipient of the temporary disability under RCW 41.32.540.

(2) Any fraction of a year is counted in the computation of this adjustment.

NEW SECTION. Sec. 3. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) Effective July 1, 1993, through June 30, 1995, the monthly benefit of each plan I beneficiary under this chapter is increased three dollars per month per year of creditable service established by the member, reflecting any actuarial reduction made or survivor option taken, if the beneficiary:

- (a) Is not receiving a minimum benefit under RCW 41.40.198 or cost-of-living adjustment under RCW 41.40.325; and
- (b) Is at least age seventy as of July 1, 1993; and
- (c) Was receiving benefits as of July 1, 1988.

(2) Any fraction of a year is counted in the computation of this adjustment.

PART III - EARLY RETIREMENT

NEW SECTION. Sec. 4. (1) Subject to subsection (2) of this section, in addition to members eligible to retire under RCW 41.40.180, any member of the public employees' retirement system plan I who meets the following criteria may retire after providing written notification to the member's employer and submitting the required application to the director on a form provided by the department:

- (a) The member is employed by an employer in an eligible position on March 1, 1993; and
- (b) The member has: (i) Attained the age of fifty-five years and completed five service credit years of service; (ii)

completed twenty-five service credit years of service; or (iii) attained the age of fifty years and completed twenty service credit years of service.

(2) A member who wishes to apply for retirement under subsection (1) of this section who is employed by a school district must submit the required notification and application form no later than July 1, 1993, setting forth that the member shall be retired no later than August 31, 1993. A member employed by any employer other than a school district must submit the required notification and application no later than August 31, 1993, setting forth that the member shall be retired no later than December 31, 1993.

NEW SECTION. Sec. 5. Section 4 of this act is added to chapter 41.40 RCW, but because of its temporary nature, shall not be codified.

NEW SECTION. Sec. 6. (1) Subject to subsection (2) of this section, in addition to members eligible to retire under RCW 41.32.480, any member of the teachers' retirement system plan I who meets the following criteria may retire after providing written notification to the member's employer and submitting the required application to the director on a form provided by the department:

- (a) The member is employed by an employer on March 1, 1993, and is not a substitute teacher; and
- (b) The member has: (i) Attained the age of fifty-five years and completed five service credit years of service; (ii)

completed twenty-five service credit years of service; or (iii) attained the age of fifty years and completed twenty service credit years of service.

(2) A member who wishes to apply for retirement under subsection (1) of this section must submit the required notification and application form no later than July 1, 1993, setting forth that the member shall be retired no later than August 31, 1993. A member employed by any employer other than a school district must submit the required notification and application no later than August 31, 1993, setting forth that the member shall be retired no later than December 31, 1993.

NEW SECTION. Sec. 7. Section 6 of this act is added to chapter 41.32 RCW, but because of its temporary nature, shall not be codified.

NEW SECTION. Sec. 8. The office of the state actuary shall study the actual utilization of the early retirement offered by this act, the replacement of persons who utilized the early retirement, and the fiscal and programmatic impact of early retirement on the state, local governments, and school districts. The office of financial management and the office of the superintendent of public instruction shall provide technical assistance and information to the office of the state actuary for the study required in this section. An initial report on the study shall be submitted to the joint committee on pension policy and the fiscal committees of the legislature by December 31, 1993, and the final report on the study shall be submitted to the same committees by October 1, 1994.

NEW SECTION. Sec. 9. In order to ensure that the state derives the expected benefits from the early retirement provisions of this act, no state agency may engage through personal service contracts persons who retire from service under the provisions of this act. Exceptions to this section may be granted by written approval from the director of the office of financial management if the director finds that the proposed contract is necessary to protect the public safety, protect against the loss of federal certification or loss of critical federal funds, or carry out functions so essential to the agency that even temporary suspension or delay of services would have a significant negative impact on the public. At the end of each three-month period in which exceptions are approved, the director shall forward a copy of any approvals, together with justification for the exceptions, to the fiscal committees of the legislature. Each forwarded approval shall include the name of the proposed contractor, the agency and division or department requesting the contract, duration and cost of the proposed contract, and specific functions and duties to be carried out under the contract. This section shall expire June 30, 1995.

NEW SECTION. Sec. 10. Section 9 of this act is added to chapter 39.29 RCW, but because of its temporary nature, shall not be codified.

NEW SECTION. Sec. 11. In order to ensure that the state derives the expected benefits from the early retirement provisions of this act, no board of directors of a school district or educational service district may engage through personal service contracts persons who retire from service under the provisions of this act. Exceptions to this section may be granted by written approval from the superintendent of public instruction if the superintendent finds that the proposed contract is necessary to protect student safety, protect against the loss of school district certification or loss of federal funds, or carry out functions so essential to the district that even temporary suspension or delay of services would have a significant negative impact on students. At the end of each three-month period in which exceptions are approved, the superintendent shall forward a copy of any approvals, together with justification for the exceptions, to the office of financial management and the fiscal committees of the legislature. Each forwarded approval shall include the name of the proposed contractor, the district requesting the contract, duration and cost of the proposed contract, and specific functions and duties to be carried out under the contract. This section shall expire August 31, 1995.

NEW SECTION. Sec. 12. Section 11 of this act is added to chapter 28A.400 RCW, but because of its temporary nature, shall not be codified.

Sec. 13. RCW 43.01.170 and 1992 c 234 s 11 are each amended to read as follows:

In order to ensure that the state derives the expected benefits from the early retirement provisions of chapter 234, Laws of 1992, and chapter . . . , Laws of 1993 (this act), no state agency may hire persons who retire from ((state)) service under the provisions of chapter 234, Laws of 1992, or chapter . . . , Laws of 1993 (this act), as temporary or project employees, as defined by the state personnel board for employees covered under chapter 41.06 RCW ((and)), by the higher education personnel board for employees covered under chapter 28B.16 RCW, and by the employer for persons not covered under chapter 28B.16 RCW who are employed by institutions of higher education or community or technical colleges. Exceptions to this section may be granted by written approval from the director of the office of financial management if the director finds that the temporary or project employment of a retiree is necessary to protect the public safety, protect against the loss of federal certification or loss of critical federal funds, or carry out functions so essential to the agency that even temporary suspension or delay of services would have a significant negative impact on the public. At the end of each three-month period in which exceptions are approved, the director shall forward a copy of any approvals, together with justification for the exceptions, to the fiscal committees of the legislature. Each forwarded approval shall include the name of the temporary or project employee, the agency and division or department requesting the employment, duration and cost of the proposed employment, and specific functions and duties to be carried out during the employment. This section shall expire June 30, 1995.

Sec. 14. RCW 28A.400.212 and 1992 c 234 s 13 are each amended to read as follows:

An employee of a school district that has established an attendance incentive program under RCW 28A.400.210 who retires under section 1 or 3, chapter 234, Laws of 1992, or section 4 or 6 of this act shall receive, at the time of his or her separation from school district employment, not less than one-half of the remuneration for accrued leave for illness or injury payable to him or her under the district's incentive program. The school district board of directors may, at its discretion, pay the remainder of such an employee's remuneration for accrued leave for illness or injury after the time of the employee's separation from school district employment, but the employee or the employee's estate is entitled to receive the remainder of the remuneration no later than the date the employee would have been eligible to retire under the provisions of RCW 41.40.180 or 41.32.480 had the employee continued to work for the district until eligible to retire, or three years following the date of the employee's separation from school district employment, whichever occurs first. A district exercising its discretion under this section to pay the remainder of the remuneration after the time of the employee's separation from school district employment shall establish a policy and procedure for paying the remaining remuneration that applies to all affected employees equally and without discrimination. Any remuneration paid shall be based on the number of days of leave the employee had accrued and the compensation the employee received at the time he or she retired under section 1 or 3, chapter 234, Laws of 1992, or section 4 or 6 of this act.

PART IV - CITIES' PORTABILITY

Sec. 15. RCW 41.54.061 and 1990 c 192 s 3 are each amended to read as follows:

(1) The cities of Seattle, Spokane, and Tacoma shall each have the option of making an irrevocable election to have its employee retirement system included in the coverage of this chapter by adopting a resolution transmitting it to the director and the joint committee on pension policy prior to December ((4, 1990)) 31, 1993.

The resolution shall indicate the city's desire to be covered by this chapter and its willingness to pay for the additional cost it may incur as a result of the benefits provided by this chapter.

(2) This chapter shall become effective on January 1, ((4994)) 1994, for each city which adopts a resolution pursuant to subsection (1) of this section. ((However, if all three cities adopt such resolutions prior to June 1, 1990, the provisions of this chapter shall become effective for those systems on July 1, 1990.))

Sec. 16. RCW 41.54.040 and 1990 c 192 s 5 are each amended to read as follows:

(1) ((Except where subsection (4) of this section applies.)) The retirement allowances calculated under RCW 41.54.030 shall be paid separately by each respective current and prior system. Any deductions from such separate payments shall be according to the provisions of the respective systems.

(2) Postretirement adjustments, if any, shall be applied by the respective systems based on the payments made under subsection (1) of this section.

(3) If a dual member dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of death based on service actually established in that system. However, this subsection does not make a surviving spouse eligible for the survivor benefits provided in RCW 43.43.270.

(4) The department shall adopt rules under chapter 34.05 RCW to ensure that where a dual member has service in a system established under chapter 41.32, 41.40, 41.44, or 43.43 RCW and service under the city employee retirement system for Seattle, Tacoma, or Spokane, the ((entire)) additional cost incurred as a result of the dual member receiving a benefit under this chapter shall be borne by the ((city)) retirement system ((that the person is a member of)) incurring the additional cost.

PART V - RETIREMENT CONTRIBUTION RATES

Sec. 17. RCW 41.45.030 and 1989 c 273 s 3 are each amended to read as follows:

(1) ((The economic and revenue forecast council shall adopt the economic assumptions used by the state actuary in conducting valuation studies of the state retirement systems.

(2)) Beginning September 1, 1989, and every six years thereafter, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system.

(2) The council shall review the information submitted by the state actuary and shall ((recommend any adjustments which may be needed to the state or employer contribution rates contained in RCW 41.45.060 and 41.45.070 for the public employees' retirement system; the teachers' retirement system; the law enforcement officers' and fire fighters' retirement system; and the Washington state patrol retirement system.)) adopt the economic assumptions used by the state actuary in conducting valuation studies of the state retirement systems.

(3) The council may utilize information provided by the state actuary and such other information as it may request.

Sec. 18. RCW 41.45.040 and 1989 c 273 s 4 are each amended to read as follows:

(1) The adoption of the economic assumptions and the ((recommendation of changes in employer and state)) contribution rates as provided in RCW 41.45.060 shall be by affirmative vote of at least five members of the council.

(2) The employer and state contribution rates ((recommended)) adopted by the council shall be the level percentages of pay which are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan I, the teachers' retirement system plan I, the law enforcement officers' and fire fighters' retirement system plan I, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024; and

(b) To also continue to fully fund the public employees' retirement system plan II, the teachers' retirement system plan II, and the law enforcement officers' and fire fighters' retirement system plan II in accordance with the provisions of RCW 41.40.650, 41.32.775, and 41.26.450, respectively.

Sec. 19. RCW 41.45.060 and 1992 c 239 s 2 are each amended to read as follows:

((Beginning July)) (1) For the period of September 1, 1993, through August 31, 1995, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and the basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall be as ((follows:

(1) 7.47% for all members of the public employees' retirement system;

(2) 12.60% for all members of the teachers' retirement system;

(3) 16.44% for all members of the law enforcement officers' and fire fighters' retirement system; and

(4) 15.53% for all members of the Washington state patrol retirement system)) determined in the 1991 valuations prepared by the office of the state actuary.

(2) Not later than September 30, 1994, and every two years thereafter:

(a) The council shall adopt the contributions to be used in the ensuing biennial period for the systems specified in subsection (1) of this section.

(b) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted under (a) of this subsection.

(c) The director of the department of retirement systems shall collect those rates adopted by the council under this chapter.

Sec. 20. RCW 41.45.0601 and 1992 c 239 s 1 are each amended to read as follows:

Beginning September 1, 1992, through ((June 30)) August 31, 1993, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and the basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall be as follows:

(1) 7.27% for all members of the public employees' retirement system;

(2) 12.08% for all members of the teachers' retirement system;

(3) 12.99% for all members of the law enforcement officers' and fire fighters' retirement system; and

(4) 17.16% for all members of the Washington state patrol retirement system.

NEW SECTION. Sec. 21. A new section is added to chapter 41.50 RCW to read as follows:

The director shall inform all employers in writing as to the employer rates adopted by the economic and revenue forecast council upon the notification of the council as prescribed in RCW 41.45.060.

PART VI - STATE INVESTMENT BOARD

Sec. 22. RCW 43.33A.020 and 1985 c 195 s 1 are each amended to read as follows:

There is hereby created the state investment board to consist of (~~fourteen~~) sixteen members to be appointed as provided in this section.

(1) One member who is an active member of the public employees' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be one year.

(2) One member who is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be two years.

(3) One member who is an active member of the teachers' retirement system and has been an active member for at least five years. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.

(4) The state treasurer or the assistant state treasurer if designated by the state treasurer.

(5) ~~((A))~~ Two members of the state house of representatives (~~(--This member shall be))~~ appointed by the speaker of the house of representatives, one from each of the majority and minority parties.

(6) ~~((A))~~ Two members of the state senate (~~(--This member shall be))~~ appointed by the president of the senate, one from each of the majority and minority parties.

(7) One member who is a retired member of a state retirement system shall be appointed by the governor, subject to confirmation by the senate. The initial term of appointment shall be three years.

(8) The director of the department of labor and industries.

(9) The director of the department of retirement systems.

(10) Five nonvoting members appointed by the state investment board who are considered experienced and qualified in the field of investments.

The legislative members shall serve terms of two years. The initial legislative members appointed to the board shall be appointed no sooner than January 10, 1983. The position of a legislative member on the board shall become vacant at the end of that member's term on the board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.

After the initial term of appointment, all other members of the state investment board, except ex officio members, shall serve terms of three years and shall hold office until successors are appointed. Members' terms, except for ex officio members, shall commence on January 1 of the year in which the appointments are made.

Members may be reappointed for additional terms. Appointments for vacancies shall be made for the unexpired terms in the same manner as the original appointments. Any member may be removed from the board for cause by the member's respective appointing authority.

Sec. 23. RCW 43.33A.040 and 1981 c 219 s 2 are each amended to read as follows:

(1) A quorum to conduct the business of the state investment board consists of at least (~~(four voting members of the board before January 10, 1983, and five)~~) six voting members (~~(thereafter)~~). No action may be taken by the board without the affirmative vote of (~~(four members before January 10, 1983, and five)~~) at least six members (~~(thereafter)~~).

(2) The state investment board shall meet at least quarterly at such times as it may fix. The board shall elect a chairperson and vice chairperson annually: PROVIDED, That the legislative members are not eligible to serve as chairperson.

PART VII - MISCELLANEOUS

NEW SECTION. **Sec. 24.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 25.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 43.01.170, 28A.400.212, 41.54.061, 41.54.040, 41.45.030, 41.45.040, 41.45.060, 41.45.0601, 43.33A.020, and 43.33A.040; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; creating new sections; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5888.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5888 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Niemi and Prince - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1012, by House Committee on Health Care (originally sponsored by Representatives Appelwick, King and Jacobsen)

Adopting the uniform anatomical gift act.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Service amendment was adopted: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The demand for donor organs and body parts exceeds the available supply for transplant.
(2) The discussion regarding advance directives including anatomical gifts is most appropriate with the primary care provider during an office visit.

(3) Federal law requires hospitals, skilled nursing facilities, home health agencies, and hospice programs to provide information regarding advance directives.

(4) Discretion and sensitivity must be used in discussion and requests for anatomical gifts.

The legislature declares that it is in the best interest of the citizens of Washington to provide a program that will increase the number of anatomical gifts available for donation, and the legislature further declares that wherever possible policies and procedures required in this chapter shall be consistent with the federal requirements.

NEW SECTION. Sec. 2. Unless the context requires otherwise, the definitions in this section apply throughout sections 1 through 16 of this act.

(1) "Anatomical gift" means a donation of all or part of a human body to take effect upon or after death.

(2) "Decedent" means a deceased individual.

(3) "Document of gift" means a card, a statement attached to or imprinted on a motor vehicle operator's license, a will, or other writing used to make an anatomical gift.

(4) "Donor" means an individual who makes an anatomical gift of all or part of the individual's body.

(5) "Enucleator" means an individual who is qualified to remove or process eyes or parts of eyes.

(6) "Hospital" means a facility licensed under chapter 70.41 RCW, or as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state, or a subdivision of a state.

(7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid, or other portion of a human body.

(8) "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, government, governmental subdivision or agency, or any other legal or commercial entity.

(9) "Physician" or "surgeon" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathy and surgery under chapters 18.71 and 18.57 RCW.

(10) "Procurement organization" means a person licensed, accredited, or approved under the laws of any state for procurement, distribution, or storage of human bodies or parts.

(11) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(12) "Technician" means an individual who is qualified to remove or process a part.

NEW SECTION. Sec. 3. (1) An individual who is at least eighteen years of age may (a) make an anatomical gift for any of the purposes stated in section 6(1) of this act, (b) limit an anatomical gift to one or more of those purposes, or (c) refuse to make an anatomical gift.

(2) An anatomical gift may be made by a document of gift signed by the donor. If the donor cannot sign, the document of gift must be signed by another individual and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other and state that it has been so signed.

(3) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's license, the document of gift must comply with subsection (2) of this section. Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

(4) The donee or other person authorized to accept the anatomical gift may employ or authorize a physician, surgeon, technician, or enucleator to carry out the appropriate procedures.

(5) An anatomical gift by will takes effect upon death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(6) A donor may amend or revoke an anatomical gift, not made by will, by:

(a) A signed statement;

- (b) An oral statement made in the presence of two individuals;
 - (c) Any form of communication during a terminal illness or injury; or
 - (d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.
- (7) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in subsection (6) of this section.

(8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of a person after the donor's death.

(9) An individual may refuse to make an anatomical gift of the individual's body or part by (a) a writing signed in the same manner as a document of gift, (b) a statement attached to or imprinted on a donor's motor vehicle operator's license, or (c) another writing used to identify the individual as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(10) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under section 4 of this act.

(11) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to subsection (9) of this section.

NEW SECTION. Sec. 4. (1) A member of the following classes of persons, in the order of priority listed, absent contrary instructions by the decedent, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, at the time of death, had made an unrevoked refusal to make that anatomical gift:

- (a) The appointed guardian of the person of the decedent at the time of death;
- (b) The individual, if any, to whom the decedent had given a durable power of attorney that encompassed the authority to make health care decisions;
- (c) The spouse of the decedent;
- (d) A son or daughter of the decedent who is at least eighteen years of age;
- (e) Either parent of the decedent;
- (f) A brother or sister of the decedent who is at least eighteen years of age;
- (g) A grandparent of the decedent.

(2) An anatomical gift may not be made by a person listed in subsection (1) of this section if:

- (a) A person in a prior class is available at the time of death to make an anatomical gift;
- (b) The person proposing to make an anatomical gift knows of a refusal or contrary indications by the decedent; or
- (c) The person proposing to make an anatomical gift knows of an objection to making an anatomical gift by a member of the person's class or a prior class.

(3) An anatomical gift by a person authorized under subsection (1) of this section must be made by (a) a document of gift signed by the person or (b) the person's telegraphic, recorded telephonic, or other recorded message, or other form of communication from the person that is contemporaneously reduced to writing and signed by the recipient of the communication.

(4) An anatomical gift by a person authorized under subsection (1) of this section may be revoked by a member of the same or a prior class if, before procedures have begun for the removal of a part from the body of the decedent, the physician, surgeon, technician, or enucleator removing the part knows of the revocation.

(5) A failure to make an anatomical gift under subsection (1) of this section is not an objection to the making of an anatomical gift.

NEW SECTION. Sec. 5. (1) On or before admission to a hospital, or as soon as possible thereafter, a person designated by the hospital shall ask each patient who is at least eighteen years of age: "Are you an organ or tissue donor?" If the answer is affirmative the person shall request a copy of the document of gift. If the answer is negative or there is no answer, the person designated shall provide the patient information about the right to make a gift and shall ask the patient if he or she wishes to become an anatomical parts donor. If the answer is affirmative, the person designated shall provide a document of gift to the patient. The answer to the questions, an available copy of any document of gift or refusal to make an anatomical gift, and any other relevant information shall be placed in the patient's medical record.

(2) If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a representative designated by the administrator shall discuss the option to make or refuse to make an anatomical gift and request the making of an anatomical gift under section 4(1) of this act. The request shall be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in section 6 of this act. An entry shall be made in the medical record of the patient, stating the name and affiliation of the individual making the request, and of the name, response, and relationship to the patient of the person to whom the request was made. The secretary of the department of health shall adopt rules to implement this subsection.

(3) The following persons shall make a reasonable search of the individual and his or her personal effects for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift:

- (a) The agency assuming jurisdiction over the decedent, such as the coroner or medical examiner; or
- (b) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available another source of that information.

(4) If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by subsection (3)(a) of this section, and the individual or body to whom it relates is taken to a hospital, the hospital shall be notified of the contents and the document or other evidence shall be sent to the hospital.

(5) If, at or near the time of death of a patient, a hospital knows that an anatomical gift has been made under section 4(1) of this act, or that a patient or an individual identified as in transit to the hospital is a donor, the hospital shall notify the donee if one is named and known to the hospital; if not, it shall notify an appropriate procurement organization. The hospital shall cooperate in the procurement of the anatomical gift or release and removal of a part.

(6) A person who fails to discharge the duties imposed by this section is not subject to criminal or civil liability.

(7) Hospitals shall develop policies and procedures to implement this section.

NEW SECTION. Sec. 6. (1) The following persons may become donees of anatomical gifts for the purposes stated:

(a) A hospital, physician, surgeon, or procurement organization for transplantation, therapy, medical or dental education, research, or advancement of medical or dental science;

(b) An accredited medical or dental school, college, or university for education, research, or advancement of medical or dental science; or

(c) A designated individual for transplantation or therapy needed by that individual.

(2) An anatomical gift may be made to a designated donee or without designating a donee. If a donee is not designated or if the donee is not available or rejects the anatomical gift, the anatomical gift may be accepted by any hospital.

(3) If the donee knows of the decedent's refusal or contrary indications to make an anatomical gift or that an anatomical gift made by a member of a class having priority to act is opposed by a member of the same class or a prior class under section 4(1) of this act, the donee may not accept the anatomical gift.

NEW SECTION. Sec. 7. (1) Delivery of a document of gift during the donor's lifetime is not required for the validity of an anatomical gift.

(2) If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after death. The document of gift, or a copy, may be deposited in a hospital, procurement organization, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of an interested person, upon or after the donor's death, the person in possession shall allow the interested person to examine or copy the document of gift.

NEW SECTION. Sec. 8. (1) Rights of a donee created by an anatomical gift are superior to rights of others except when under the jurisdiction of the coroner or medical examiner. A donee may accept or reject an anatomical gift. If a donee accepts an anatomical gift of an entire body, the donee, subject to the terms of the gift, may allow embalming and use of the body in funeral services. If the gift is of a part of a body, the donee, upon the death of the donor and before embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the person under obligation to dispose of the body.

(2) The time of death must be determined by a physician or surgeon who attends the donor at death or, if none, the physician or surgeon who certifies the death. Neither the physician or surgeon who attends the donor at death nor the physician or surgeon who determines the time of death may participate in the procedures for removing or transplanting a part.

(3) If there has been an anatomical gift, a technician may remove any donated parts and an enucleator may remove any donated eyes or parts of eyes, after determination of death by a physician or surgeon.

NEW SECTION. Sec. 9. Each hospital in this state, after consultation with other hospitals and procurement organizations, shall establish agreements or affiliations for coordination of procurement and use of human bodies and parts.

NEW SECTION. Sec. 10. (1) A person may not knowingly, for valuable consideration, purchase or sell a part for transplantation or therapy, if removal of the part is intended to occur after the death of the decedent.

(2) Valuable consideration does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transportation, or implantation of a part.

(3) A person who violates this section is guilty of a felony and upon conviction is subject to a fine not exceeding fifty thousand dollars or imprisonment not exceeding five years, or both.

NEW SECTION. Sec. 11. (1) An anatomical gift authorizes reasonable examination necessary to assure medical acceptability of the gift for the purposes intended.

(2) The provisions of sections 1 through 16 of this act are subject to the laws of this state governing the jurisdiction of the coroner or medical examiner.

(3) A hospital, physician, surgeon, coroner, medical examiner, local public health officer, enucleator, technician, or other person, who acts in accordance with sections 1 through 16 of this act or with the applicable anatomical gift law of another state or a foreign country or attempts in good faith to do so, is not liable for that act in a civil action or criminal proceeding.

(4) An individual who makes an anatomical gift under section 3 or 4 of this act and the individual's estate are not liable for injury or damage that may result from the making or the use of the anatomical gift.

NEW SECTION. Sec. 12. Sections 1 through 16 of this act apply to a document of gift, revocation, or refusal to make an anatomical gift signed by the donor or a person authorized to make or object to making an anatomical gift before, on, or after the effective date of this section.

NEW SECTION. Sec. 13. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

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

NEW SECTION. Sec. 15. In any case where a patient is in need of corneal tissue for a transplantation, corneal tissue may be provided by eye banks licensed by the secretary of health under rules promulgated by the department of health.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act may be cited as the "uniform anatomical gift act."

NEW SECTION. Sec. 17. Sections 1 through 16 of this act are each added to chapter 68.50 RCW.

Sec. 18. RCW 46.20.113 and 1987 c 331 s 81 are each amended to read as follows:

The department of licensing shall provide a statement whereby the licensee may certify ((in the presence of two witnesses)) his or her willingness to make an anatomical gift under ((RCW 68.50.370)) section 3 of this act, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

(1) On each driver's license; or

(2) With each driver's license; or

(3) With each in-person driver's license application.

Sec. 19. RCW 68.50.106 and 1987 c 331 s 59 are each amended to read as follows:

In any case in which an autopsy or post mortem is performed, the coroner or medical examiner, upon his or her own authority or upon the request of the prosecuting attorney or other law enforcement agency having jurisdiction, may make or cause to

be made an analysis of the stomach contents, blood, or organs, or tissues of a deceased person and secure professional opinions thereon and retain or dispose of any specimens or organs of the deceased which in his or her discretion are desirable or needful for anatomic, bacteriological, chemical, or toxicological examination or upon lawful request are needed or desired for evidence to be presented in court. ~~((When the autopsy or post mortem requires examination in the region of the pituitary gland, that gland may be removed and utilized for any desirable or needful purpose: PROVIDED, That a reasonable effort to obtain consent as required under RCW 68.50.350 shall be made if that organ is to be so utilized.))~~ Costs shall be borne by the county.

Sec. 20. RCW 68.50.500 and 1987 c 331 s 71 are each amended to read as follows:

Each hospital shall develop procedures for identifying potential ~~((organ and tissue))~~ anatomical parts donors. The procedures shall require that any deceased individual's next of kin or other individual, as set forth in ~~((RCW 68.50.350))~~ section 4 of this act, and the medical record does not specify the deceased as a donor, at or near the time of notification of death be asked whether the deceased was ~~((an organ))~~ a part donor. If not, the family shall be informed of the option to donate ~~((organs and tissues))~~ parts pursuant to the uniform anatomical gift act. With the approval of the designated next of kin or other individual, as set forth in ~~((RCW 68.50.350))~~ section 4 of this act, the hospital shall then notify an established ~~((eye bank, tissue bank, or organ procurement agency))~~ procurement organization including those organ procurement agencies associated with a national organ procurement transportation network or other eligible donee, as specified in ~~((RCW 68.50.360))~~ section 6 of this act, and cooperate in the procurement of the anatomical gift or gifts. The procedures shall encourage reasonable discretion and sensitivity to the family circumstances in all discussions regarding donations of ~~((tissue or organs))~~ parts. The procedures may take into account the deceased individual's religious beliefs or obvious unsuitability for ~~((organ and tissue))~~ an anatomical parts donation. Laws pertaining to the jurisdiction of the coroner shall be complied with in all cases of reportable deaths pursuant to RCW 68.50.010.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) RCW 68.50.280 and 1989 1st ex.s. c 9 s 224, 1987 c 331 s 64, & 1975-76 2nd ex.s. c 60 s 1;
- (2) RCW 68.50.340 and 1981 c 44 s 1 & 1969 c 80 s 2;
- (3) RCW 68.50.350 and 1987 c 331 s 66 & 1969 c 80 s 3;
- (4) RCW 68.50.360 and 1982 c 9 s 1, 1979 c 37 s 1, & 1969 c 80 s 4;
- (5) RCW 68.50.370 and 1987 c 331 s 67, 1975 c 54 s 2, & 1969 c 80 s 5;
- (6) RCW 68.50.380 and 1969 c 80 s 6;
- (7) RCW 68.50.390 and 1969 c 80 s 7;
- (8) RCW 68.50.400 and 1987 c 331 s 68 & 1969 c 80 s 8;
- (9) RCW 68.50.410 and 1987 c 331 s 69 & 1969 c 80 s 9; and
- (10) RCW 68.50.420 and 1987 c 331 s 70 & 1969 c 80 s 11."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "gifts;" strike the remainder of the title and insert "amending RCW 46.20.113, 68.50.106, and 68.50.500; adding new sections to chapter 68.50 RCW; repealing RCW 68.50.280, 68.50.340, 68.50.350, 68.50.360, 68.50.370, 68.50.380, 68.50.390, 68.50.400, 68.50.410, and 68.50.420; and prescribing penalties."

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1012, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1012, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1012, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Niemi, Prince and Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 1012, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senators Newhouse and McCaslin were excused.

On motion of Senator Roach, Senator Amondson was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, by House Committee on Human Services (originally sponsored by Representatives Sommers, Leonard, Cooke, Thibaudeau, Brough, Riley, Wolfe, Thomas, Karahalios, Ballasiotes, Forner, Long, Schmidt, Flemming, Silver, Eide, Wood, Shin, Linville, R. Meyers, J. Kohl, Ogden, Valle, Ludwig, Bray, Basich, Wineberry, Jones, Roland, Mielke, Wang, Heavey, Pruitt, Brown, Dellwo, Scott, Rayburn, King, Cothorn, Kessler, G. Cole, Rust, Springer, Kremen, Johanson, L. Johnson, Locke, Sheldon, Morris, H. Myers, Jacobsen and Anderson)

Providing a comprehensive program for teen pregnancy prevention.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND STATE POLICY. (1) The legislature finds that:

- (a) Each year in Washington approximately fifteen thousand teenage girls become pregnant;
- (b) The public cost of adolescent pregnancy is substantial. Eighty percent of teen prenatal care and deliveries are publicly funded. Over fifty percent of the women on public assistance became mothers as teenagers; and
- (c) The personal costs of adolescent pregnancy can be socially and economically overwhelming. These too young mothers are often unable to finish high school. Their economic potential is diminished, their probability of dependence on public assistance increases, and their children are more likely to grow up in poverty. The cycle of teen mothers raising children in poverty jeopardizes their future educational opportunity and economic viability of future generations.

(2) The legislature therefore declares that in the interest of health, welfare, and economics, it is the policy of the state to reduce the incidence of unplanned teen pregnancy. To reduce the rate of teen pregnancy in Washington, the legislature hereby:

- (a) Establishes four-year projects to prevent teen pregnancy;
- (b) Initiates a teen pregnancy prevention media campaign;
- (c) Increases funding for family planning education, outreach, and services; and
- (d) Expands medicaid eligibility for postpartum family planning services.

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

(1) "Community" means an individual political subdivision of the state, a group of such political subdivisions, or a geographic area within a political subdivision.

(2) "Department" means the department of health.

NEW SECTION. Sec. 3. TEEN PREGNANCY PREVENTION PROJECTS. There is established in the department a program to coordinate and fund community-based teen pregnancy prevention projects. Selection of projects shall be made competitively based upon compliance with the requirements of sections 4 and 5 of this act. To the extent practicable, the projects shall be geographically distributed throughout the state. Criteria shall be established by the department in consultation with other state agencies and groups involved in teen pregnancy prevention.

NEW SECTION. Sec. 4. TEEN PREGNANCY PREVENTION PROJECTS--REQUIREMENTS. (1) Each project shall be designed to reduce the incidence of unplanned teen pregnancy in the defined community, and may include preteens.

(2) At least fifty percent of the funding for teen pregnancy prevention projects shall be community matching funds provided by private or public entities. In-kind contributions such as, but not limited to, staff, materials, supplies, or physical facilities may be considered as all or part of the funding provided by the communities.

(3) The department shall perform evaluations of the projects. Each project shall be evaluated solely on the rate by which the teen pregnancy rates in the community are reduced, measured from the rates prior to the implementation of the project. Projects that demonstrate by empirical evidence that they have been successful in reducing the teen pregnancy rate in their community shall be eligible for consideration if reauthorized funding becomes available.

NEW SECTION. Sec. 5. TEEN PREGNANCY PREVENTION PROJECTS-- APPLICATIONS. Applications for teen pregnancy prevention project funding shall:

- (1) Define the community requesting funding;
- (2) Designate a lead agency or organization for the project;
- (3) Contain evidence of the active participation of entities in the community that will participate in the project;
- (4) Demonstrate the participation of teens in the development of the project;
- (5) Describe the specific activities that will be undertaken by the project;
- (6) Identify the community matching funds required under section 4 of this act;
- (7) Include statistics on teen pregnancy rates in the community over at least the past five years;
- (8) Include components that will demonstrate sensitivity to religious, cultural, and socioeconomic differences; and
- (9) Include components giving emphasis to the importance of sexual abstinence as a method of pregnancy prevention, as provided in RCW 28A.230.070 and 70.24.210.

The department shall not discriminate against applicants for teen pregnancy prevention project funding based on the type of pregnancy prevention strategies and services included in the applicant's proposal.

NEW SECTION. Sec. 6. REPORT. The department shall submit an annual report on the state's teen pregnancy rates over the previous five years, both state-wide and in the specific communities in which teen pregnancy prevention projects are located, to the appropriate standing committees of the legislature in the years 1995 through 1999.

NEW SECTION. Sec. 7. TEEN PREGNANCY PREVENTION MEDIA CAMPAIGN. The department shall develop a teen pregnancy prevention media campaign in collaboration with major media organizations and other organizations and corporations interested in playing a positive and constructive role in their communities. The media campaign shall be designed to reduce the incidence of teen pregnancies. The media campaign shall be directed to teens, their parents, and individuals and organizations

working with teens. The department may subcontract all or part of the activities associated with the media campaign to qualified private, nonprofit organizations.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall expire June 30, 1999.

Sec. 9. RCW 74.09.790 and 1990 c 151 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 74.09.760 through 74.09.820 and 74.09.510:

(1) "At-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) "Department" means the department of social and health services.

(4) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to this chapter or the prenatal care program administered by the department.

(5) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) "Support services" means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, family planning services, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose.

(7) "Family planning services" means planning the number of one's children by use of contraceptive techniques.

Sec. 10. RCW 74.09.800 and 1989 1st ex.s. c 10 s 5 are each amended to read as follows:

The department shall, consistent with the state budget act, develop a maternity care access program designed to ensure healthy birth outcomes as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy;

(7) ~~((Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989; and~~

~~(8))~~ Refer persons eligible for maternity care services under the program established by this section to persons, agencies, or organizations with maternity care service practices that primarily emphasize healthy birth outcomes;

(8) Provide family planning services including information about the synthetic progestin capsule implant form of contraception, for twelve months immediately following a pregnancy to women who were eligible for medical assistance under the maternity care access program during that pregnancy or who were eligible only for emergency labor and delivery services during that pregnancy; and

(9) Within available resources, provide family planning services to women who meet the financial eligibility requirements for services under subsections (1) and (2) of this section.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 12. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

POINT OF INQUIRY

Senator Linda Smith: "Senator Talmadge, under Medicaid now, can they allow Norplant? My understanding is that they can now. What would change here?"

Senator Talmadge: "I think the answer to your question is, 'Yes, they can,' but they wanted a more affirmative statement from the Legislature that it was something that would be allowed to them to provide to women who are receiving family planning services under Medicaid. When we heard testimony on Senator Winsley's bill that was a separate bill that became a part of this bill by virtue of amendments, the indication from the Department of Social and Health Services was that they were offering this kind of contraceptive information and material, but they wanted a more affirmative direction from the Legislature, as I understand it."

Senator Linda Smith: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1408.

The Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1408 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "amending RCW 74.09.790 and 74.09.800; adding a new chapter to Title 70 RCW; creating new sections; and providing an expiration date."

On motion of Senator Talmadge the rules were suspended, Engrossed Substitute House Bill No. 1408, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1408, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1408, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Senators Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Anderson, Cantu, Deccio, Hochstatter, McDonald, Oke, Smith, L. and West - 8.

Excused: Senators Amondson, McCaslin, Newhouse, Niemi and Prince - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1401, by Representatives Dunshee, Horn, R. Fisher and H. Myers

Describing when tax foreclosed property may be disposed of by private negotiations.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, House Bill No. 1401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1401.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1401 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Amondson, McCaslin, Newhouse, Niemi and Prince - 5.

HOUSE BILL NO. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1686, by House Committee on State Government (originally sponsored by Representatives Anderson, Ludwig, R. Meyers, Foreman, Dorn, Orr, Vance, Brough, Tate, Casada, Edmondson, Horn, Wood, Carlson, Ballard, Brumsickle, Ballasiotes, Van Luven, Mielke, Sheahan, Long, Thomas, Cooke, Forner, Morton and Lisk)

Defining a term for the administrative procedure act.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1686.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1686 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Moore and Snyder - 2.

Excused: Senators Amondson, McCaslin, Newhouse, Niemi and Prince - 5.

SUBSTITUTE HOUSE BILL NO. 1686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2048, by Representatives Jacobsen, Quall, Brumsickle, Finkbeiner and Miller

Allowing donations subject to conditions to be deposited in the American Indian scholarship endowment fund.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, House Bill No. 2048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2048.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2048 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Moore and Rinehart - 2.

Excused: Senators Amondson, McCaslin, Newhouse, Niemi and Prince - 5.

HOUSE BILL NO. 2048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1074, by Representatives Ludwig, Padden, Appelwick and Johanson

Regulating corporations.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.100.120 and 1982 c 35 s 169 are each amended to read as follows:

Corporations organized pursuant to this chapter shall render professional service and exercise its authorized powers under a name permitted by law and the professional ethics of the profession in which the corporation is so engaged. ~~((In the event that the words "company", "corporation" or "incorporated" or any other word, abbreviation, affix or prefix indicating that it is a corporation shall be used, it shall be accompanied with the abbreviation "P.S." or "P.C." or the words "professional service".))~~ The corporate name of a professional service corporation must contain either the words "professional service" or "professional

corporation" or the abbreviation "P.S." or "P.C." The corporate name may also contain either the words "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," "co.," or "Ltd." With the filing of its first annual report and any filings thereafter, professional service corporation shall list its then shareholders: PROVIDED, That notwithstanding the foregoing provisions of this section, the corporate name of a corporation organized to render dental services shall contain the full names or surnames of all shareholders and no other word than "chartered" or the words "professional services" or the abbreviation "P.S." or "P.C."

Sec. 2. RCW 50.04.165 and 1991 c 72 s 57 are each amended to read as follows:

~~((1))~~ Services performed by ~~((corporate officers as defined in subsection (2) of this section, [other than those]))~~ a person appointed as an officer of a corporation under RCW 23B.08.400, other than those covered by chapter 50.44 RCW, shall not be considered services in employment. However, a corporation may elect to cover not less than all of its corporate officers under RCW 50.24.160. If an employer does not elect to cover its corporate officers under RCW 50.24.160, the employer must notify its corporate officers in writing that they are ineligible for unemployment benefits. If the employer fails to notify any corporate officer, then that person shall not be considered to be a corporate officer for the purposes of this section.

~~((2) The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer.)~~

Sec. 3. RCW 23B.14.300 and 1989 c 165 s 163 are each amended to read as follows:

The superior courts may dissolve a corporation:

(1) In a proceeding by the attorney general if it is established that:

- (a) The corporation obtained its articles of incorporation through fraud; or
- (b) The corporation has continued to exceed or abuse the authority conferred upon it by law;

(2) In a proceeding by a shareholder if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered, or the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally, because of the deadlock;

(b) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent;

(c) The shareholders are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired; ~~((or))~~

(d) The corporate assets are being misapplied or wasted; or

(e) The corporation has ceased all business activity and has failed, within a reasonable time, to dissolve, to liquidate its assets, or to distribute its remaining assets among its shareholders;

(3) In a proceeding by a creditor if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment was returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

NEW SECTION. Sec. 4. A new section is added to chapter 23B.07 RCW to read as follows:

(1) An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation even though it is inconsistent with one or more other provisions of this title in that it:

(a) Eliminates the board of directors or restricts the discretion or powers of the board of directors;

(b) Governs the authorization or making of distributions whether or not in proportion to ownership of shares, subject to the limitations in RCW 23B.06.400;

(c) Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal;

(d) Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies;

(e) Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any shareholder, director, officer, or employee of the corporation or among any of them;

(f) Transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation;

(g) Resolves any issue about which there exists a deadlock among directors or shareholders;

(h) Requires dissolution of the corporation at the request of one or more shareholders or upon the occurrence of a specified event or contingency; or

(i) Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors, and the corporation, or among any of them, and is not contrary to public policy.

(2) An agreement authorized by this section shall be:

(a) Set forth in a written agreement that is signed by all persons who are shareholders at the time of the agreement and is made known to the corporation;

(b) Subject to amendment only by all persons who are shareholders at the time of the amendment, unless the agreement provides otherwise; and

(c) Valid for ten years, unless the agreement provides otherwise.

(3) The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate for outstanding shares or on the information statement required by RCW 23B.06.260(2). If at the time of the agreement the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate or information statement shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement shall be entitled to rescission of the purchase. A purchaser shall be deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate or information statement for the shares in compliance with this subsection and, if the shares are not represented by a certificate, the

information statement is delivered to the purchaser at or prior to the time of purchase of the shares. An action to enforce the right of rescission authorized by this subsection must be commenced within the earlier of ninety days after discovery of the existence of the agreement or two years after the time of purchase of the shares.

(4) An agreement authorized by this section shall cease to be effective when shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association.

(5) An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.

(6) The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

(7) Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by this section if no shares have been issued when the agreement is made.

Sec. 5. RCW 23B.16.220 and 1991 c 72 s 41 are each amended to read as follows:

(1) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall deliver to the secretary of state for filing initial and annual reports that set forth:

(a) The name of the corporation and the state or country under whose law it is incorporated;

(b) The street address of its registered office and the name of its registered agent at that office in this state;

(c) In the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated;

(d) The address of the principal place of business of the corporation in this state;

(e) The names and addresses of its directors, if the corporation has dispensed with or limited the authority of its board of directors pursuant to RCW 23B.08.010, in an agreement authorized under section 4 of this act, or analogous authority, the names and addresses of persons who will perform some or all of the duties of the board of directors;

(f) A brief description of the nature of its business; and

(g) The names and addresses of its chairperson of the board of directors, if any, president, secretary, and treasurer, or of individuals, however designated, performing the functions of such officers.

(2) Information in an initial report or an annual report must be current as of the date the report is executed on behalf of the corporation.

(3) A corporation's initial report must be delivered to the secretary of state within one hundred twenty days of the date on which the articles of incorporation for a domestic corporation were filed, or on which a foreign corporation's certificate of authority was filed. Subsequent annual reports must be delivered to the secretary of state on, or prior to, the date on which the domestic or foreign corporation is required to pay its annual corporate license fee, and at such additional times as the corporation elects."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "corporations;" strike the remainder of the title and insert "amending RCW 18.100.120, 50.04.165, 23B.14.300, and 23B.16.220; and adding a new section to chapter 23B.07 RCW."

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1074, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Oke, Senator Deccio was excused.

On motion of Senator Loveland, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1074, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1074, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Newhouse, Niemi and Prince - 7.

HOUSE BILL NO. 1074, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1374 and the pending Committee on Education striking amendment deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 1374 is a measure which makes changes to the examination procedures administered by the State Board of Education for teacher certification, allows the board to assess fees and provides for the disposition of those fees.

"The Committee on Education amendment would repeal the existing examination procedures and direct the State Board of Education to develop a new assessment process for initial teacher certification.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The Committee on Education striking amendment to Engrossed Substitute House Bill No. 1374 was ruled in order.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1374.

The Committee on Education striking amendment to Engrossed Substitute House Bill No. 1374 was adopted.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 2 of the title, after "candidates;" strike the remainder of the title and insert "creating a new section; and repealing RCW 28A.410.030."

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1374, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1374, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1374, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 13; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Bluechel, Drew, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West and Williams - 29.

Voting nay: Senators Anderson, Barr, Cantu, Erwin, Franklin, Hochstatter, Moyer, Oke, Roach, Smith, L., Talmadge, Winsley and Wojahn - 13.

Excused: Senators Amondson, Deccio, McCaslin, Moore, Newhouse, Niemi and Prince - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1150, by Representatives Anderson, Veloria, Pruitt, King, Brough, Vance, Forner, Valle, Eide and Jacobsen

Repealing the sunset provisions of the counselor registration statute.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1150.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1150 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Deccio, McCaslin, Moore, Newhouse, Niemi and Prince - 6.

HOUSE BILL NO. 1150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1384, by Representatives Chandler, Hansen, Karahalios, Dorn, Brough and Foreman

Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher.

The bill was read the second time.

MOTIONS

On motion of Senator Franklin, the following amendment was adopted:

On page 3, line 11, after "district," insert "the letting of any contract to the spouse of a school board member in a school district when such contract is solely for employment as a certificated employee of the school district."

On motion of Senator Pelz, the rules were suspended, House Bill No. 1384, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1384, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1384, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndil, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Deccio, McCaslin, Moore, Newhouse, Niemi and Prince - 6.

HOUSE BILL NO. 1384, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1026, by House Committee on Local Government (originally sponsored by Representatives Ludwig, H. Myers, Chandler, Bray, Edmondson and Springer)

Excepting public defender services from county competitive bid requirements.

The bill was read the second time.

MOTION

Senator Drew moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.32.245 and 1991 c 363 s 62 are each amended to read as follows:

(1) No contract for the purchase of materials, equipment, supplies, or services may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least ten days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between two thousand five hundred and twenty-five thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(6) This section does not apply to contracting for public defender services by a county."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment to Substitute House Bill No. 1026.

The Committee on Government Operations striking amendment to Substitute House Bill No. 1026 was adopted.

MOTIONS

On motion of Senator Drew, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 36.32.245."

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1026, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1026, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1026, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 18; Absent, 0; Excused, 6.

Voting yea: Senators Drew, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moyer, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Williams and Winsley - 25.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, McDonald, Oke, Roach, Sellar, Smith, L., Talmadge, Vognild, von Reichbauer, West and Wojahn - 18.

Excused: Senators Deccio, McCaslin, Moore, Newhouse, Niemi and Prince - 6.

SUBSTITUTE HOUSE BILL NO. 1026, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1650, by House Committee on State Government (originally sponsored by Representatives Romero, Campbell, Rayburn, Chappell, Ludwig, Jacobsen, Veloria and Pruitt)

Directing the attorney general to study the implementation of RCW 42.17.325.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The attorney general shall examine the implementation of RCW 42.17.325 regarding requests for reviews of decisions by state agencies to deny public access to records. The attorney general shall report to the legislature the results of that examination and any recommendations of the attorney general regarding the review process. The report shall be filed with the chief clerk of the house of representatives and the secretary of the senate not later than December 31, 1993.

Sec. 2. RCW 82.32.330 and 1991 c 330 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; and

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any officer, employee, agent, or representative thereof nor any other person may disclose any return or tax information.

(3) The foregoing, however, shall not prohibit the department of revenue or an officer, employee, agent, or representative thereof from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or ~~((failed {filed}))~~ filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure shall be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives such return or tax information may disclose that return or tax information only for use in the investigation and any related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; ~~((or~~

~~((j))~~ (j) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

~~((k))~~ (k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410; or

~~((l))~~ (l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business.

(4) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3) (f), (g), (h), ~~((or))~~ (i) or (j) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, shall ~~((upon conviction be punished by a fine not exceeding one thousand dollars and,))~~ be guilty of a misdemeanor. If the person found guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "amending RCW 82.32.330; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1650, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1650, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1650, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 16; Nays, 28; Absent, 0; Excused, 5.

Voting yea: Senators Barr, Drew, Fraser, Gaspard, Jesernig, Loveland, Nelson, Oke, Owen, Rasmussen, M., Rinehart, Sellar, Smith, A., Snyder, Spanel and Sutherland - 16.

Voting nay: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Erwin, Franklin, Hargrove, Haugen, Hochstatter, McAuliffe, McDonald, Moyer, Pelz, Prentice, Prince, Quigley, Roach, Sheldon, Skratek, Smith, L., Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 28.

Excused: Senators Deccio, McCaslin, Moore, Newhouse and Niemi - 5.

SUBSTITUTE HOUSE BILL NO. 1650, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Haugen served notice to reconsider the vote by which Substitute House Bill No. 1650, as amended by the Senate, failed to pass the Senate.

SECOND READING

ENGROSSED HOUSE BILL NO. 2009, by Representatives J. Kohl, Wineberry, G. Cole and Holm

Including condominiums in parking and business improvement areas.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 2009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2009.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2009 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognilid, von Reichbauer, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Franklin, Prince, Sutherland and West - 4.

Excused: Senators Deccio, McCaslin, Moore, Newhouse and Niemi - 5.

ENGROSSED HOUSE BILL NO. 2009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084, by House Committee on Judiciary (originally sponsored by Representatives Wineberry, Padden, Appelwick, Vance, Wang, Pruitt, Campbell, Johanson, Orr and Anderson)

Changing provisions relating to jury source lists.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 2.36 RCW to read as follows:

The supreme court is requested to adopt court rules to be effective by September 1, 1994, regarding methodology and standards for merging the list of registered voters in Washington state with the list of licensed drivers and identocard holders in Washington state for purposes of creating an expanded jury source list. The rules should specify the standard electronic format or formats in which the lists will be provided to requesting superior courts by the department of information services. In the interim, and

until such court rules become effective, the methodology and standards provided in section 3 of this act shall apply. An expanded jury source list shall be available to the courts for use by September 1, 1994.

NEW SECTION. Sec. 2. A new section is added to chapter 2.36 RCW to read as follows:

Not later than January 1, 1994, the secretary of state, the department of licensing, and the department of information services shall adopt administrative rules as necessary to provide for the implementation of the methodology and standards established pursuant to sections 1 and 3 of this act or by supreme court rule.

NEW SECTION. Sec. 3. A new section is added to chapter 2.36 RCW to read as follows:

Unless otherwise specified by rule of the supreme court, the jury source list and master jury list for each county shall be created as provided by this section.

(1) The superior court of each county, after consultation with the county clerk and county auditor of that jurisdiction, shall annually notify the department of information services not later than March 1 of each year of its election to use either a jury source list that is merged by the county or a jury source list that is merged by the department of information services. The department of information services shall annually furnish at no charge to the superior court of each county a separate list of the registered voters residing in that county as supplied annually by the secretary of state and a separate list of driver's license and identicard holders residing in that county as supplied annually by the department of licensing, or a merged list of all such persons residing in that county, in accordance with the annual notification required by this subsection. The lists provided by the department of information services shall be in an electronic format mutually agreed upon by the superior court requesting it and the department of information services. The annual merger of the list of registered voters residing in each county with the list of licensed drivers and identicard holders residing in each county to form a jury source list for each county shall be in accordance with the standards and methodology established in this chapter or by superseding court rule whether the merger is accomplished by the department of information services or by a county.

(2) Persons on the lists of registered voters and driver's license and identicard holders shall be identified by a minimum of last name, first name, middle initial where available, date of birth, gender, and county of residence. Identifying information shall be used when merging the lists to ensure to the extent reasonably possible that persons are only listed once on the merged list. Conflicts in addresses are to be resolved by using the most recent record by date of last vote in a general election, date of driver's license or identicard address change or date of voter registration.

(3) The department of information services shall provide counties that elect to receive a jury source list merged by department of information services with a list of names which are possible duplicates that cannot be resolved based on the identifying information required under subsection (2) of this section. If a possible duplication cannot subsequently be resolved satisfactorily through reasonable efforts by the county receiving the merged list, the possible duplicate name shall be stricken from the jury source list until the next annual jury source list is prepared.

Sec. 4. RCW 2.36.010 and 1992 c 93 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) A jury is a body of persons temporarily selected from the qualified inhabitants of a particular district, and invested with power—

(a) To present or indict a person for a public offense.

(b) To try a question of fact.

(2) "Court" when used without further qualification means any superior court or court of limited jurisdiction in the state of Washington.

(3) "Judge" means every judicial officer authorized to hold or preside over a court. For purposes of this chapter "judge" does not include court commissioners or referees.

(4) "Juror" means any person summoned for service on a petit jury, grand jury, or jury of inquest as defined in this chapter.

(5) "Grand jury" means those twelve persons impaneled by a superior court to hear, examine, and investigate evidence concerning criminal activity and corruption.

(6) "Petit jury" means a body of persons twelve or less in number in the superior court and six in number in courts of limited jurisdiction, drawn by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact.

(7) "Jury of inquest" means a body of persons six or fewer in number, but not fewer than four persons, summoned before the coroner or other ministerial officer, to inquire of particular facts.

(8) "Jury source list" means the list of all registered voters for any county, ~~((as compiled by each county auditor pursuant to the provisions of chapter 29.07 RCW))~~ merged with a list of licensed drivers and identicard holders who reside in the county. The list shall specify each ~~((voter's))~~ person's name ~~((,))~~ and residence address ~~((, and precinct as shown on the original registration card of each qualified voter))~~ and conform to the methodology and standards set pursuant to the provisions of section 3 of this act or by supreme court rule. The list shall be filed with the superior court by the county auditor.

(9) "Master jury list" means the list of prospective jurors from which jurors summoned to serve will be randomly selected. The master jury list shall be either randomly selected from the jury source list or may be an exact duplicate of the jury source list.

(10) "Jury term" means a period of time of one or more days, not exceeding one month, during which summoned jurors must be available to report for juror service.

(11) "Juror service" means the period of time a juror is required to be present at the court facility. This period of time may not extend beyond the end of the jury term, and may not exceed two weeks, except to complete a trial to which the juror was assigned during the two-week period.

(12) "Jury panel" means those persons randomly selected for jury service for a particular jury term.

Sec. 5. RCW 2.36.055 and 1988 c 188 s 4 are each amended to read as follows:

The ~~((county auditor shall prepare and file with the))~~ superior court at least annually ~~((, at a time or times set forth in an order of the judges of the superior court from the original registration files of voters of the county a list of all registered voters. The list may be divided into the respective voting precincts))~~ shall cause a jury source list to be compiled from a list of all registered voters and a list of licensed drivers and identicard holders residing in the county.

The superior court upon receipt of the jury source list ~~((of registered voters filed by the county auditor shall use that list as the jury source list and))~~ shall compile a master jury list ~~((from the source list))~~. The master jury list shall be certified by the superior

court and filed with the county clerk. All previous jury source lists and master jury lists shall be superseded. In the event that, for any reason, a county's jury source list is not timely created and available for use at least annually, the most recent previously compiled jury source list for that county shall be used by the courts of that county on an emergency basis only for the shortest period of time until a current jury source list is created and available for use.

Upon receipt of amendments to the list of registered voters (~~from the county auditor~~) and licensed drivers and identicard holders residing in the county the superior court may update the jury source list and master jury list as maintained by the county clerk accordingly.

Sec. 6. RCW 2.36.063 and 1988 c 188 s 5 are each amended to read as follows:

The judge or judges of the superior court of any county may employ a properly programmed electronic data processing system or device to compile the jury source list, and to compile the master jury list and to randomly select jurors from the master jury list.

Sec. 7. RCW 2.36.065 and 1988 c 188 s 6 are each amended to read as follows:

It shall be the duty of the judges of the superior court to ensure continued random selection of the master jury list and jury panels, which shall be done without regard to whether a person's name originally appeared on the list of registered voters, or on the list of licensed drivers and identicard holders, or both. The judges shall review the process from time to time and shall cause to be kept on file with the county clerk a description of the jury selection process. Any person who desires may inspect this description in said office.

Nothing in this chapter shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jury panels is achieved.

Sec. 8. RCW 2.36.095 and 1992 c 93 s 4 are each amended to read as follows:

(1) Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service. The county clerk shall issue summons and thereby notify persons selected for jury duty. The clerk may issue summons for any jury term, in any consecutive twelve-month period, at any time thirty days or more before the beginning of the jury term for which the summons are issued. However, when applicable, the provisions of RCW 2.36.130 apply.

(2) In courts of limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the county clerk may summon jurors for any and all courts in the county or judicial district.

(3) The county clerk shall notify the county auditor of each summons for jury duty that is returned by the postal service as undeliverable.

NEW SECTION. Sec. 9. A new section is added to chapter 2.36 RCW to read as follows:

Each court shall establish a means to preliminarily determine by a written declaration signed under penalty of perjury by the person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to their appearance at the court to which they are summoned to serve. Upon receipt by the summoning court of a written declaration stating that a declarant does not meet the qualifications set forth in RCW 2.36.070, that declarant shall be excused from appearing in response to the summons. If a person summoned to appear for jury duty fails to sign and return a declaration of his or her qualifications to serve as a juror prior to appearing in response to a summons and is later determined to be unqualified for one of the reasons set forth in RCW 2.36.070, that person shall not be entitled to any compensation as provided in RCW 2.36.150. Information provided to the court for preliminary determination of statutory qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose, except that the court, or designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

Sec. 10. RCW 29.04.160 and 1977 ex.s. c 226 s 1 are each amended to read as follows:

No later than February 15th and no later than August 15th of each year, the secretary of state shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the state central committee of each major political party(~~s~~) at actual duplication cost, (~~and~~) shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the statute law committee without cost, and shall provide a duplicate copy of the master state-wide computer tape or electronic data file of registered voters to the department of information services for purposes of creating the jury source list without cost. The master state-wide computer tape or data file of registered voters or portions of the tape or file shall be available to any other political party, at actual duplication cost, upon written request to the secretary of state. Restrictions as to the commercial use of the information on the state-wide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29.04.110 and 29.04.120 as now existing or hereafter amended.

Sec. 11. RCW 29.07.220 and 1991 c 81 s 22 are each amended to read as follows:

Each county auditor shall maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county. Where it is necessary or advisable, the auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as it now exists or is hereafter amended. The computer file shall include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, sex, date of registration, applicable taxing district and precinct codes and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates: PROVIDED, That if the voter has not voted at least five times since establishing his or her current registration record, only the available dates shall be included.

NEW SECTION. Sec. 12. A new section is added to chapter 46.20 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall annually provide to the department of information services at no charge a computer tape or electronic data file of all licensed drivers and identicard holders who are eighteen years of age or older and whose records have not expired for more than two years and which shall contain the following information on each such person: Full name, date of birth, residence address including county, sex, and most recent date of application, renewal, replacement, or change of driver's license or identicard.

(2) Before complying with subsection (1) of this section, the department shall remove from the tape or file the names of any certified participants in the Washington state address confidentiality program under chapter 40.24 RCW that have been identified to the department by the secretary of state.

NEW SECTION. Sec. 13. If specific funding for section 11 of this act, referencing section 11 of this act by bill number, is not provided by June 30, 1994, in the omnibus appropriations act, section 11 of this act is null and void.

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

NEW SECTION. Sec. 15. (1) Sections 1, 2, 3, 6, 8, and 13 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

(2) Sections 10 and 12 of this act shall take effect March 1, 1994.

(3) The remainder of this act shall take effect September 1, 1994."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "lists;" strike the remainder of the title and insert "amending RCW 2.36.010, 2.36.055, 2.36.063, 2.36.065, 2.36.095, 29.04.160, and 29.07.220; adding new sections to chapter 2.36 RCW; adding a new section to chapter 46.20 RCW; creating a new section; providing effective dates; and declaring an emergency."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1084, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1084, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1084, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Deccio, McCaslin, Moore, Newhouse and Niemi - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1317, by Representatives Pruitt, Ballard, Morton, Sheldon, Jones, Wolfe, Schoesler, R. Johnson, Kessler, Johanson and Chandler

Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1317.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1317 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Deccio, McCaslin, Moore, Newhouse and Niemi - 5.

HOUSE BILL NO. 1317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1703, by House Committee on Energy and Utilities (originally sponsored by Representatives Johanson, Grant and Jacobsen) (by request of Utilities and Transportation Commission)

Concerning alternate operator service companies.

The bill was read the second time.

MOTIONS

Senator Sutherland moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The joint select committee on telecommunications is hereby created. The committee shall consist of eight members, four from the house of representatives to be appointed by the speaker of the house of representatives and four from the senate to be appointed by the president of the senate, with not more than two members from each chamber being of the same political party. The chairperson and vice-chairperson of the committee shall be jointly selected by the president of the senate and the speaker of the house. Vacancies shall be filled in the same manner as the original appointment. The committee shall use existing legislative staff to the extent practicable.

The committee in the exercise of its responsibilities shall be deemed to be performing operations in assistance to the Washington utilities and transportation commission and shall be funded from the public service revolving fund. The committee shall have the authority to hire such additional staff, create such advisory committees, contract with such state agencies or private consultants, and incur such administrative, educational, and member and staff travel expenses as it deems necessary within its budget, subject to available funds and the approval of the senate facilities and operations committee and the house of representatives executive rules committee in accordance with the joint rules. Committee-related travel expenses of the committee members and staff shall be paid from the committee's budget.

The committee shall be housed in existing facilities and shall be subject to the rules of the house of the chairperson.

The committee shall report to the legislature in January 1994 and cease to exist on July 1, 1994."

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Hochstatter to the Committee on Energy and Utilities amendment was adopted:

On page 1, after line 29 of the amendment, insert the following:

"The committee may study the services and rates, tolls, rentals, charges, and surcharges of alternate operator service companies as they relate to local exchanges, local hotel exchanges, long distance service, and may recommend appropriate limits on rates, tolls, rentals, charges, surcharges, and other telecommunication issues."

The President declared the question before the Senate to be the adoption of the Committee on Energy and Utilities striking amendment, as amended, to Substitute House Bill No. 1703.

Debate ensued.

MOTION

On motion of Senator Gaspard, further consideration of Substitute House Bill No. 1703 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Wolfe, Anderson, Schmidt, Locke, Pruitt, Kremen, Springer and Eide) (by request of Department of General Administration)

Encouraging commute trip reduction programs.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the following Committee on Transportation amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that reducing the number of commute trips to work is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. The legislature intends that state agencies shall assume a leadership role in implementing programs to reduce vehicle miles traveled and single-occupant vehicle commuting, under RCW 70.94.521 through 70.94.551.

The legislature has established and directed an interagency task force to consider mechanisms for funding state agency commute trip reduction programs; and to consider and recommend policies for employee incentives for commuting by other than single-occupant vehicles, and policies for the use of state-owned vehicles.

It is the purpose of this act to provide state agencies with the authority to provide employee incentives, including subsidies for use of high occupancy vehicles to meet commute trip reduction goals, and to remove existing statutory barriers for state agencies to use public funds, including parking revenue, to operate, maintain, lease, or construct parking facilities at state-owned and leased facilities, to reduce parking subsidies, and to support commute trip reduction programs.

NEW SECTION. Sec. 2. A new section is added to chapter 43.01 RCW to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Guaranteed ride home" means an assured ride home for commuters participating in a commute trip reduction program who are not able to use their normal commute mode because of personal emergencies.

(2) "Pledged" means parking revenue designated through any means, including moneys received from the natural resource building, which is used for the debt service payment of bonds issued for parking facilities.

Sec. 3. RCW 43.41.140 and 1979 c 151 s 119 are each amended to read as follows:

Pursuant to policies and regulations promulgated by the office of financial management (~~after consultation with and approval by the automotive policy board~~), an elected state officer or ((his)) delegate or a state agency director or ((his)) delegate may permit an employee (~~commuting~~) to commute in a state-owned or leased vehicle (~~only~~) if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state, or as part of a commute trip reduction program as required by RCW 70.94.551.

Sec. 4. RCW 46.08.172 and 1991 sp.s. c 31 s 12 and 1991 sp.s. c 13 s 41 are each reenacted and amended to read as follows:

~~((There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account".))~~ The director of the department of general administration shall establish equitable and consistent parking rental fees for state-owned or leased property, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the terms of the collective bargaining agreement shall prevail. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. ~~((All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".))~~ However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

~~((The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 43.01 RCW to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account." All parking rental income collected from rental of parking space at state-owned or leased property shall be deposited in the "state capitol vehicle parking account." Revenue deposited in the "state capitol vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state capitol vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities on state-owned or leased properties;

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities at agency-owned and leased facilities off the capitol campus; and

(3) Support commute trip reduction programs under RCW 70.94.521 through 70.94.551.

Distribution of funds from the "state capitol vehicle parking account" are subject to appropriation by the legislature and will be made by the office of financial management after considering recommendations from the director of general administration and the interagency task force for commute trip reduction, under RCW 70.94.551.

NEW SECTION. Sec. 6. A new section is added to chapter 43.01 RCW to read as follows:

State agencies may, subject to appropriation and under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

NEW SECTION. Sec. 7. A new section is added to chapter 43.01 RCW to read as follows:

All state higher education institutions are exempt from section 5 of this act."

MOTION

Senator Drew moved that the following amendment by Senators Drew, Nelson and Vognild be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that reducing the number of commute trips to work is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. The legislature intends that state agencies shall assume a leadership role in implementing programs to reduce vehicle miles traveled and single-occupant vehicle commuting, under RCW 70.94.521 through 70.94.551.

The legislature has established and directed an interagency task force to consider mechanisms for funding state agency commute trip reduction programs; and to consider and recommend policies for employee incentives for commuting by other than single-occupant vehicles, and policies for the use of state-owned vehicles.

It is the purpose of this act to provide state agencies with the authority to provide employee incentives, including subsidies for use of high occupancy vehicles to meet commute trip reduction goals, and to remove existing statutory barriers for state agencies to use public funds, including parking revenue, to operate, maintain, lease, or construct parking facilities at state-owned and leased facilities, to reduce parking subsidies, and to support commute trip reduction programs.

It is also the purpose of this act to revise other portions of state law that will assist state agencies in meeting their commute trip reduction requirements. A revision to the requirement for motor vehicle tax exemptions for owners of ride-sharing vehicles is one cost-effective and practical incentive that encourages state employees to commute by carpool and vanpool.

NEW SECTION. Sec. 2. A new section is added to chapter 43.01 RCW to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Guaranteed ride home" means an assured ride home for commuters participating in a commute trip reduction program who are not able to use their normal commute mode because of personal emergencies.

(2) "Pledged" means parking revenue designated through any means, including moneys received from the natural resource building, which is used for the debt service payment of bonds issued for parking facilities.

Sec. 3. RCW 43.41.140 and 1979 c 151 s 119 are each amended to read as follows:

Pursuant to policies and regulations promulgated by the office of financial management (~~(after consultation with and approval by the automotive policy board)~~), an elected state officer or ((his)) delegate or a state agency director or ((his)) delegate may permit an employee ((commuting)) to commute in a state-owned or leased vehicle ((only)) if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state, or as part of a commute trip reduction program as required by RCW 70.94.551.

Sec. 4. RCW 46.08.172 and 1991 sp.s. c 31 s 12 and 1991 sp.s. c 13 s 41 are each reenacted and amended to read as follows:

~~((There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account".))~~ The director of the department of general administration shall establish equitable and consistent parking rental fees for state-owned or leased property, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the terms of the collective bargaining agreement shall prevail. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. ~~((All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".))~~ However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

~~((The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 43.01 RCW to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account." All parking rental income collected from rental of parking space at state-owned or leased property shall be deposited in the "state capitol vehicle parking account." Revenue deposited in the "state capitol vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state capitol vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities on state-owned or leased properties;

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities at agency-owned and leased facilities off the capitol campus; and

(3) Support commute trip reduction programs under RCW 70.94.521 through 70.94.551.

Distribution of funds from the "state capitol vehicle parking account" are subject to appropriation by the legislature and will be made by the office of financial management after considering recommendations from the director of general administration and the interagency task force for commute trip reduction, under RCW 70.94.551.

NEW SECTION. Sec. 6. A new section is added to chapter 43.01 RCW to read as follows:

State agencies may, subject to appropriation and under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

NEW SECTION. Sec. 7. A new section is added to chapter 43.01 RCW to read as follows:

All state higher education institutions are exempt from section 5 of this act.

Sec. 8. RCW 82.44.015 and 1982 c 142 s 1 are each amended to read as follows:

For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include: (1) ~~((Vans))~~ Passenger motor vehicles used ((regularly)) primarily as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not fewer than ((seven)) four persons, including passengers and driver((, or not fewer than five persons including the driver, when at least three of those persons are confined to wheelchairs when riding)); or (2) vehicles with a seating capacity greater than fifteen persons which otherwise qualify as ride-sharing vehicles under RCW 46.74.010(3) used exclusively for ride sharing for the elderly or the handicapped by not fewer than seven persons, including driver. The registered owner of one of these vehicles shall notify the department of licensing upon termination of ((regular)) primary use of the vehicle as a ride-sharing vehicle and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed.

Sec. 9. RCW 46.16.023 and 1987 c 175 s 2 are each amended to read as follows:

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of five dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the

special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who shall knowingly make any false statement of a material fact in the application for a special plate under subsection (1) of this section shall be guilty of a gross misdemeanor."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Drew, Nelson and Vognild to Engrossed Substitute House Bill No. 2067.

The motion by Senator Drew carried and the striking amendment to Engrossed Substitute House Bill No. 2067 was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.41.140, 82.44.015, and 46.16.023; reenacting and amending RCW 46.08.172; adding new sections to chapter 43.01 RCW; creating a new section; and prescribing penalties."

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 2067, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2067, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2067, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Deccio, McCaslin, Moore, Newhouse and Niemi - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1748, by Representatives Shin, Quall, Wood, Jacobsen, Veloria, Wineberry, Valle, Morris, Basich, Kessler, Orr, L. Johnson and J. Kohl

Changing financial aid provisions.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.820 and 1985 c 390 s 35 are each amended to read as follows:

(1) Each institution of higher education shall deposit two and one-half percent of revenues collected from tuition and services and activities fees in an institutional long-term loan fund which is hereby created and which shall be held locally. Moneys in such fund shall be used to make guaranteed loans to eligible students except as provided for in subsections (9) and (10) of this section.

(2) With the exception of subsection (9) of this section, an "eligible student" for the purposes of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the loans made under subsection (1) of this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program. Twenty percent of the total institutional long-term loan fund shall be used for the sole purpose of long-term loans repayable by the borrower and twenty percent of the institutional long-term loan fund shall be used for the sole purpose of short-term loans repayable by the borrower.

(4) Before approving a guaranteed loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of loans under subsection (1) of this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges ~~((education))~~ and shall be conducted under procedures adopted by such state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, which are paid by or on behalf of borrowers of funds under subsection (1) of this section, shall be deposited in each institution's general local fund and shall be used to cover the costs of making the loans under subsection (1) of this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principle. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be used for the support of the institution's operating budget.

(7) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community and technical colleges ~~((education))~~, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(8) Lending activities under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term ~~((interim))~~ loans, not to exceed one ~~((hundred twenty days))~~ year, may be made from the institutional long-term loan fund to students ~~((eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section))~~ enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional long-term loan fund which are not used in making long or short term loans or transferred to institutional operating budgets may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee waiver programs. These funds shall be used in addition to and not to replace institutional funds which would otherwise support these locally-administered financial aid programs. Priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study."

On motion of Senator Bauer, the following title amendment was adopted: On page 1, line 1 of the title, after "aid;" strike the remainder of the title and insert "and amending RCW 28B.15.820."

MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed House Bill No. 1748, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1748, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1748, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 43.

Voting nay: Senator Wojahn - 1.

Excused: Senators Deccio, McCaslin, Moore, Newhouse and Niemi - 5.

ENGROSSED HOUSE BILL NO. 1748, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1271, by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood (by request of Department of Transportation)

Prescribing allowed vehicle lengths.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:
On page 1, line 10, after "forty-" strike "five" and insert "six"

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1271, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1271, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1271, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Haugen - 1.

Excused: Senators Deccio, McCaslin, Moore, Newhouse and Niemi - 5.

ENGROSSED HOUSE BILL NO. 1271, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1379, by Representatives R. Fisher, Schmidt, Jones, Brumsickle, Horn, Quall, Brown, Brough, Orr and Wood (by request of Department of Licensing)

Making housekeeping changes in various service programs of the department of licensing.

The bill was read the second time.

MOTIONS

Senator Vognild moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.050 and 1990 c 238 s 3 are each amended to read as follows:

The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have ~~((the))~~ a certificate of ownership thereof in the applicant's name, shall ~~((thereupon))~~ issue an appropriate electronic record of ownership or a written certificate of ownership, over the director's signature, authenticated by seal, and if required, a new written certificate of license registration if certificate of license registration is required.

~~((Both))~~ The certificates of ownership and the certificates of license registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a ~~((change of registration))~~ transfer of ownership.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

"**Sec. 2.** RCW 46.68.010 and 1989 c 68 s 1 are each amended to read as follows:

Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the ~~((person paying the fee, upon satisfactory proof to the director of licensing, shall be))~~ payor is entitled to have refunded the amount so erroneously paid. A renewal license fee paid prior to the actual expiration date of the license being renewed shall be deemed to be erroneously paid if the vehicle for which the renewal license ~~((is being))~~ was purchased is destroyed or permanently removed from the state prior to the beginning date of the registration period for which the renewal fee ~~((is being))~~ was paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto ~~((: PROVIDED, That))~~. No claim for refund shall be allowed for such erroneous payments unless filed with the director within ~~((thirteen months))~~ three years after such claimed erroneous payment was made.

If due to error a person has been required to pay a vehicle license fee under this title and an excise tax ~~((which))~~ under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its

agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.

Sec. 3. RCW 82.44.120 and 1990 c 42 s 307 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director (~~(of licensing)~~) determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then the payor shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected.

In case no claim is to be made for the refund of the license fee or any part thereof, but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter and a vehicle license fee pursuant to Title 46 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

Any claim for refund of an erroneously excessive amount of excise tax or overpayment of excise tax with a motor vehicle license fee must be filed with the director within three years after the claimed erroneous payment was made.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds (~~(and the other refunds herein provided for)~~) from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement under which he or she obtains any amount of refund to which he or she is not entitled under the provisions of this section is guilty of a gross misdemeanor.

Sec. 4. RCW 46.70.021 and 1988 c 287 s 2 are each amended to read as follows:

It is unlawful for any person, firm, or association to act as a vehicle dealer or vehicle manufacturer, to engage in business as such, serve in the capacity of such, advertise himself, herself, or themselves as such, solicit sales as such, or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter, unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to (~~(one)~~) five thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. A distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter. Nothing in this chapter prohibits financial institutions from cooperating with vehicle dealers licensed under this chapter in dealer sales or leases. However, financial institutions shall not broker vehicles and cooperation is limited to organizing, promoting, and financing of such dealer sales or leases.

Sec. 5. RCW 46.70.023 and 1991 c 339 s 28 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display (~~(and repair)~~) of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to

locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

Sec. 6. RCW 46.70.041 and 1990 c 250 s 64 are each amended to read as follows:

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) ~~(Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;~~

~~(j))~~ (j) A certificate by a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established;

~~((k))~~ (k) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;

~~((l))~~ (l) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

~~((m))~~ (m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

- (d) The name or names of the vehicles that the licensee manufactures;
- (e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;
- (f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;
- (g) Any other information the department may reasonably require.

Sec. 7. RCW 46.70.051 and 1989 c 301 s 3 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW (~~(46.70.180 or 46.70.200)~~) 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

Sec. 8. RCW 46.70.083 and 1991 c 140 s 2 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date that is twelve consecutive months from the date of issuance. The license may be renewed by filing with the department prior to the expiration of the license, a renewal application containing such information as the department may require to indicate the number of vehicle sales transacted during the past year, and any material change in the information contained in the original application. Failure by the dealer to comply is grounds for denial of the renewal application or dealer license plate renewal.

The dealer's established place of business shall be certified by a representative of the department at least once every (~~(thirty-two)~~) thirty-six months, or more frequently as determined necessary by the department. The certification will verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply at any time is grounds for license suspension or revocation, denial of the renewal application, or monetary assessment.

Sec. 9. RCW 46.70.140 and 1973 1st ex.s. c 132 s 17 are each amended to read as follows:

Any vehicle dealer who (~~(shall)~~) knowingly or with reason to know, buys or receives, sells or disposes of, conceals or (~~(have in his)~~) has in the dealer's possession, any vehicle from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who (~~(shall)~~) removes from or installs in any motor vehicle registered with the department by motor block number, a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any vehicle dealer who (~~(shall)~~) loans or permits the use of vehicle dealer license plates by a person not entitled to the use thereof, (~~(shall be)~~) is guilty of a gross misdemeanor.

Sec. 10. RCW 46.70.290 and 1971 ex.s. c 231 s 23 are each amended to read as follows:

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, (~~(salesmen,)~~) distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

Sec. 11. RCW 46.70.300 and 1981 c 152 s 2 are each amended to read as follows:

(1) The provisions of this chapter relating to the licensing and regulation of vehicle dealers(~~(, salesmen,)~~) and manufacturers shall be exclusive, and no county, city, or other political subdivision of this state shall enact any laws, rules, or regulations licensing or regulating vehicle dealers(~~(, salesmen,)~~) or manufacturers.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business and occupation tax upon vehicle dealers or manufacturers maintaining an office within that political subdivision if a business and occupation tax is levied by such a political subdivision upon other types of businesses within its boundaries.

Sec. 12. RCW 46.87.020 and 1991 c 163 s 4 are each amended to read as follows:

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact), chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, each as separate and licensable vehicles. For IRP jurisdictions that require the registration of nonmotor vehicles, this term may include trailers, semitrailers, and pole trailers as applicable, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle by the registering jurisdiction under the Western Compact. Under the IRP, it is a certificate of registration issued by the base jurisdiction for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Commercial vehicle" is a term used by the Western Compact and means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

- (a) Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or
- (b) Is a motor vehicle having three or more axles with a declared gross weight in excess of twelve thousand pounds; or
- (c) Is a motor vehicle, trailer, pole trailer, or semitrailer used in combination when the gross weight or declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Although a two-axle motor vehicle, trailer, pole trailer, semitrailer, or any combination of such vehicles with an actual or declared gross weight or declared combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand is not considered to be a commercial vehicle, at the option of the owner, such vehicles may be considered as "commercial

vehicles" for the purpose of proportional registration. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, and buses. Trailers, pole trailers, and semitrailers, will also be considered as commercial vehicles for those jurisdictions who require registration of such vehicles.

(4) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(5) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(6) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(7) "Department" means the department of licensing.

(8) "Fleet" means one or more commercial vehicles in the Western Compact and one or more apportionable vehicles in the IRP.

(9) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(10) "IRP" means the International Registration Plan.

(11) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign ~~((county [country]))~~ country, and a state or province of a foreign country.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months ~~((immediately prior to July 1st of the year immediately preceding the commencement of))~~ ending three months before the registration or license year for which proportional registration is sought.

(14) "Properly registered," as applied to the place of registration under the provisions of the Western Compact, means:

(a) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which the vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from that place of business, and the vehicle has been assigned to that place of business; or

(b) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by that jurisdiction.

In case of doubt or dispute as to the proper place of registration of a commercial vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(15) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(16) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(17) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction. ~~((The "registration year" for Washington is the period from January 1st through December 31st of each calendar year.))~~

(18) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

(19) "Western Compact" means the Uniform Vehicle Registration, Proration, and Reciprocity Agreement.

Sec. 13. RCW 46.87.030 and 1987 c 244 s 18 are each amended to read as follows:

(1) When application to register an apportionable or commercial vehicle is made after ~~((March 31st of a))~~ the third month of the owner's registration year, the Washington prorated fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. ~~((The filing of any application with the department incurs liability for the fees and taxes applicable to the vehicles contained in the application.))~~ If a vehicle is being added to a currently registered fleet, the prorate percentage previously established for the fleet for such registration year shall be used in the computation of the proportional fees and taxes due.

(2) If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under this chapter, the registrant of the fleet shall notify the department on appropriate forms prescribed by the department. The department may require the registrant to surrender credentials that were issued to the vehicle. If a motor vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the fleet registrant, the unused portion of the licensing fee paid under RCW 46.16.070 with respect to the vehicle reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current registration year in which the vehicle was registered and the date the notice of withdrawal, accompanied by such credentials as may be required, is received in the department, shall be credited to the fleet proportional registration account of the registrant. Credit shall be applied against the licensing fee liability for subsequent additions of motor vehicles to be proportionally registered in the fleet during such registration year or for additional licensing fees due under RCW 46.16.070 or to be due upon audit under RCW 46.87.310. If any credit is less

than fifteen dollars, no credit will be entered. In lieu of credit, the registrant may choose to transfer the unused portion of the licensing fee for the motor vehicle to the new owner, in which case it shall remain with the motor vehicle for which it was originally paid. In no event may any amount be credited against fees other than those for the registration year from which the credit was obtained nor is any amount subject to refund.

Sec. 14. RCW 46.87.080 and 1987 c 244 s 23 are each amended to read as follows:

(1) Upon making satisfactory application and payment of applicable fees and taxes for proportional registration under this chapter, the department shall issue a cab card and validation tab for each vehicle, and to vehicles of Washington-based fleets, two distinctive apportionable license plates for each motor vehicle and one such plate for each trailer, semitrailer, pole trailer, or converter gear listed on the application. License plates shall be displayed on vehicles as required by RCW 46.16.240. The number and plate shall be of a design, size, and color determined by the department. The plates shall be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPORTIONED," both words to appear in full and without abbreviation.

(2) The cab card serves as the certificate of registration for a proportionally registered vehicle. The face of the cab card shall contain the name and address of the registrant as contained in the records of the department, the license plate number assigned to the vehicle by the base jurisdiction, the vehicle identification number, and such other description of the vehicle and data as the department may require. The cab card shall be signed by the registrant, or a designated person if the registrant is a business firm, and shall at all times be carried in or on the vehicle to which it was issued. In the case of nonpowered vehicles, the cab card may be carried in or on the vehicle supplying the motive power instead of in or on the nonpowered vehicle.

(3) The apportioned license plates are not transferrable from vehicle to vehicle unless otherwise determined by rule and shall be used only on the vehicle to which they are assigned by the department for as long as they are legible or until such time as the department requires them to be removed and returned to the department.

(4) ((A)) Distinctive validation tab(s) of a design, size, and color determined by the department shall be affixed to the apportioned license plate(s) as prescribed by the department to indicate the month, if necessary, and year for which the vehicle is registered. Foreign-based vehicles proportionally registered in this state under the provisions of the Western Compact shall display the validation tab on a backing plate or as otherwise prescribed by the department.

(5) Renewals shall be effected by the issuance and display of such tab(s) after making satisfactory application and payment of applicable fees and taxes.

(6) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation. However, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle may be operated in interstate or intrastate commerce in this state unless the owner has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless the vehicle is being operated in conformity with that authority.

(7) The department may issue temporary authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee shall be collected for each permit issued. The permit fee shall be deposited in the motor vehicle fund, and the filing fee shall be deposited in the highway safety fund. The department may adopt rules for use and issuance of the permits.

(8) The department may refuse to issue any license or permit authorized by subsection (1) or (7) of this section to any person: (a) Who formerly held any type of license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW that has been revoked for cause, which cause has not been removed; or (b) who is a subterfuge for the real party in interest whose license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW and has been revoked for cause, which cause has not been removed; or (c) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (d) who has an unsatisfied debt to the state assessed under either chapter 46.16, 46.85, 46.87, 82.36, 82.37, 82.38, or 82.44 RCW.

(9) The department may revoke the license or permit authorized by subsection (1) or (7) of this section issued to any person for any of the grounds constituting cause for denial of licenses or permits set forth in subsection (8) of this section.

(10) Before such refusal or revocation under subsection (8) or (9) of this section, the department shall grant the applicant a hearing and at least ten days written notice of the time and place of the hearing.

Sec. 15. RCW 46.87.310 and 1987 c 244 s 44 are each amended to read as follows:

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the preceding year or period upon which the application is based. These records shall be complete and shall include, but not be limited to, the following: Copies of proportional registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with other jurisdictions; vehicle license or trip permits; temporary authorization permits; documents establishing the latest purchase year and cost of each fleet vehicle in ready-for-the-road condition; weight certificates indicating the unladen, ready-for-the-road, weight of each vehicle in the fleet; periodic summaries of mileage by fleet and by individual vehicles; individual trip reports, driver's daily logs, or other source documents maintained for each individual trip that provide trip dates, points of origin and destinations, total miles traveled, miles traveled in each jurisdiction, routes traveled, vehicle equipment number, driver's full name, and all other information pertinent to each trip. Upon request of the department, the owner shall make the records available to the department at its designated office for audit as to accuracy of records, computations, and payments. The department shall assess and collect any unpaid fees and taxes found to be due the state and provide credits or refunds for overpayments of Washington fees and taxes as determined in accordance with formulas and other requirements prescribed in this chapter. If the owner fails to maintain complete records as required by this section, the department shall attempt to reconstruct or reestablish such records. However, if the department is unable to do so and the missing or incomplete records involve mileages accrued by vehicles while they are part of the fleet, the department may assess an amount not to exceed the difference between the Washington proportional fees and taxes paid and one hundred percent of the fees and taxes. Further, if the owner fails to maintain complete records as required by this section, or if the department determines that the owner should have registered more vehicles in this state under this chapter, the department may deny the owner the right of any further benefits provided by this chapter until any final audit or assessment made under this chapter has been satisfied.

The department may audit the records of any owner and may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any fees, taxes, penalties, or interest found to be due and owing the state upon audit shall bear interest at ~~((twelve percent per annum from the date on which the deficiency is incurred))~~ the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount should have been paid until the date of payment. If the audit discloses a deliberate and willful intent to evade the requirements of payment under RCW 46.87.140, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of five dollars has been made, the department shall certify the overpayment to the state treasurer who shall issue a warrant for the overpayment to the vehicle operator. Overpayments shall bear interest at the rate of eight percent per annum from the date on which the overpayment is incurred until the date of payment.

Sec. 16. RCW 46.87.340 and 1987 c 244 s 47 are each amended to read as follows:

If an owner of proportionally registered vehicles liable for the remittance of fees and taxes imposed by this chapter (~~for which an assessment has become final~~) fails to pay the fees and taxes, the amount thereof, including any interest, penalty, or addition to the fees and taxes together with any additional costs that may accrue, constitutes a lien in favor of the state upon all franchises, property, and rights to property, whether the property is employed by the person for personal or business use or is in the hands of a trustee, receiver, or assignee for the benefit of creditors, from the date the fees and taxes were due and payable until the amount of the lien is paid or the property is sold to pay the lien. The lien has priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that the lien is not valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached before the time the department has filed and recorded notice of the lien as provided in this chapter.

In order to avail itself of the lien created by this section, the department shall file with any county auditor a statement of claim and lien specifying the amount of delinquent fees and taxes, penalties, and interest claimed by the department. From the time of filing for record, the amount required to be paid constitutes a lien upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by the person in the county. Any lien as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state is of no effect, however, until the lien or a copy of it has been filed with the county auditor in the county where the property is located. When a lien is filed in compliance with this section and with the secretary of state, the filing has the same effect as if the lien had been duly filed for record in the office of each county auditor of this state.

NEW SECTION. Sec. 17. A new section is added to chapter 46.87 RCW to read as follows:

The department may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. The extension or diminishment of a vehicle license registration period must be by rule of the department. The rule shall provide for the collection of proportionally increased or decreased vehicle license registration fees and of excise or other taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

NEW SECTION. Sec. 18. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(2) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

NEW SECTION. Sec. 19. (1) Vessel dealer display decals may only be used:

(a) To demonstrate vessels held for sale when operated by a prospective customer holding a dated demonstration permit, and must be carried in the vessel at all times it is being operated by the individual;

(b) On vessels owned or consigned for sale that are in fact available for sale and being used only for vessel dealer business purposes by an officer of the corporation, a partner, a proprietor, or by a bona fide employee of the firm if a card so identifying the individual is carried in the vessel at all times it is so operated.

(2) A violation of this section and the rules adopted by the department under this section is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(3) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be credited to the current expense fund of the arresting jurisdiction.

(4) All law enforcement officers have the authority to enforce this section and the rules adopted by the department under this section.

NEW SECTION. Sec. 20. (1) Vessel dealers shall maintain an established place of business as follows:

(a) A place of business in the state of Washington, in an area where vessel dealer business may be lawfully conducted in accordance with the terms of all applicable building code, zoning, and other land use regulatory ordinances;

(b) Display of a sign, permanently affixed to the land or building, clearly visible to the public, identifying the nature of the business as marine sales, service, repair, or manufacturing;

(c) The dealer shall keep the place of business open or maintain a telecommunications system so that the public and representatives of the department may contact the vessel dealer or dealer's salesperson at reasonable times;

(d) The books, records, and files necessary to conduct the business shall be kept and maintained at the place of business listed on the vessel dealer's registration, and shall be available for inspection by representatives of the department at reasonable times.

(2) The department may waive any requirements pertaining to a vessel dealer's established place of business if the waiver both serves the purposes of this chapter and is necessary due to unique circumstances such as a highly specialized business or impediments to displaying a sign.

NEW SECTION. Sec. 21. For the purposes of an investigation or proceeding under this chapter the director or an officer designated by the director may administer oaths and affirmations, subpoena witnesses and records, compel their attendance, take evidence, and require the production of documents or records that the director deems relevant or material to the inquiry.

NEW SECTION. Sec. 22. A vessel dealer who receives cash or a negotiable instrument of deposit in excess of one thousand dollars, or a deposit of any amount that will be held for more than fourteen calendar days, shall place the funds in a separate trust account. Only cash or negotiable instruments from a retail purchaser are required to be placed in a trust account.

(1) Upon receipt, the cash or negotiable instrument must be immediately set aside and endorsed to the trust account.

(2) The dealer shall deposit the cash or negotiable instrument in the trust account by the close of banking hours on the day after receipt.

(3) After delivery of the purchaser's vessel the vessel dealer shall remove the deposited funds from the trust account.

(4) The dealer shall not commingle the trust account funds with any other funds.

(5) The funds must remain in the trust account until the delivery of the purchased vessel. However, upon written agreement from the purchaser, the vessel dealer may remove and release trust funds before delivery.

NEW SECTION. Sec. 23. If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. The director shall give reasonable notice of an opportunity for hearing. The director may issue a temporary order pending a hearing. The temporary order remains in effect until ten days after the hearing is held and becomes final if the person to whom notice is addressed does not request a hearing within twenty days after receipt of this notice.

NEW SECTION. Sec. 24. The department may adopt rules under chapter 34.05 RCW to ensure the implementation, proper operation, and enforcement of this chapter.

NEW SECTION. Sec. 25. RCW 46.12.120 and 46.12.140 are each recodified as sections in chapter 46.70 RCW.

NEW SECTION. Sec. 26. Sections 18 through 24 of this act and the following sections, upon recodification, shall constitute a new chapter in Title 88 RCW: RCW 88.02.060, 88.02.112, 88.02.115, 88.02.118, 88.02.125, 88.02.184, 88.02.188, 88.02.210, and 88.02.230.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) RCW 46.70.150 and 1961 c 12 s 46.70.150;

(2) RCW 46.87.160 and 1987 c 244 s 29;

(3) RCW 88.02.023 and 1987 c 149 s 4;

(4) RCW 88.02.078 and 1987 c 149 s 2; and

(5) RCW 88.02.220 and 1991 c 339 s 33 & 1987 c 149 s 11.

NEW SECTION. Sec. 28. The code reviser's office may correct all statutory references affected by the recodifications directed by sections 25 and 26 of this act."

Senator Vognild moved that the following amendment to the Committee on Transportation striking amendment be adopted:

On page 3, after line 36, insert the following:

"**NEW SECTION. Sec. 4.** A new section is added to chapter 46.16 RCW to read as follows:

Beginning January 1, 1996, all existing vehicle license plates that are not of the mountain background design, except those plates designated in RCW 46.16.305 (1) and (3), shall be replaced at the time of annual renewal. The cost of the replacement plates shall be in addition to other renewal fees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I would like the President to rule on the scope and object of this amendment. The basis for this measure is to clean up a few of the problems that we have in the Department of Licensing on statutes that should be repealed and deals with the issue of vessels and other programs that have been switched from statutory involvement to rules and regulations. This amendment deals with license plates and the abolishment of the existing plates that we have within the state of Washington to one plate with a background. I am sympathetic to the issue that is embodied within this amendment, but I certainly think it goes far beyond the scope and object of the original bill."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of House Bill No. 1379 was deferred.

MOTION

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

MOTIONS

On motion of Senator Jesernig, the Committee on Ecology and Parks was relieved of further consideration of Engrossed Substitute House Bill No. 1236.

On motion of Senator Jesernig, Engrossed Substitute House Bill No. 1236 was referred to the Committee on Ways and Means.

MOTION

At 8:59 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Wednesday, April 14, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINETY-THIRD DAY, APRIL 13, 1993

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

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 14, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Moyer, Rinehart and Skratek. On motion of Senator Oke, Senators Bluechel and Moyer were excused. On motion of Senator Spanel, Senators Rinehart and Skratek were excused.

The Sergeant at Arms Color Guard, consisting of Pages Casey Hanell and Sean Lassiter, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5066,
SUBSTITUTE SENATE BILL NO. 5159,
SENATE BILL NO. 5906, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 13, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5290, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5066,
SUBSTITUTE SENATE BILL NO. 5159,
SENATE BILL NO. 5290,
SENATE BILL NO. 5906.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5937.

INTRODUCTION AND FIRST READING

SB 5987 by Senator Pelz

AN ACT Relating to retail sales and use tax on motor vehicle fuels; and creating a new section.

HOLD.

MOTION

On motion of Senator Jesernig, Senate Bill No. 5987 was held on the desk.

MOTION

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

SENATE RESOLUTION 1993-8640

By Senators Fraser, Gaspard, Snyder, Amondson, Anderson, Sellar, Roach, Rasmussen and Prentice

WHEREAS, Washington State Government would cease to exist without the skill, dedication, and commitment of highly qualified and talented state employees; and

WHEREAS, State employees demonstrate consistent excellence in the performance of their duties and responsibilities, providing quality services to the public, and managing both human and fiscal resources efficiently and creatively; and

WHEREAS, The people of Washington greatly value state employees who are essential to the healthy functioning of state government and to the critical services provided to the citizens of our state; and

WHEREAS, The Governor's Distinguished Management Leadership Award was created in 1985 and the Sustaining Leadership Award was created in 1992 to formally recognize managers whose accomplishments are commendable and who demonstrate that leadership excellence is prevalent in state government; and

WHEREAS, Forty-nine people employed in nineteen different state agencies have been nominated for the Governor's 1993 Distinguished Management Leadership Award and the Governor's 1993 Sustaining Leadership Award, including: John M. Adsit, Corrections; Michael Arnis, Basic Health Plan; Joseph G. Bell, Social and Health Services; Bruce J. Bjork, State Patrol; Richard Bosse, Corrections; Lonnie R. Brackins, State Patrol; William Brookreson, Agriculture; Cheryl Brown-Young, Corrections; Robert Darling, Retirement Systems; Chris Drivdahl, Wildlife; John S. Gabler, Social and Health Services; Roger P. Gantz, Social and Health Services; Marilyn Glenn, Personnel; Ron Gray, Labor and Industries; Phil Grigg, General Administration; Kate Heimbach, Community Development; Dave Hogan, Social and Health Services; Martin M. Keeling, Social and Health Services; Leana D. Lamb-Miller, Social and Health Services; Robert M. Leichner, State Patrol; Christine Lewis, Trade and Economic Development; John Mills, Corrections; Ann Morgan, Natural Resources; Steven Meacham, Natural Resources; Robert E. Milam, Social and Health Services; Gary O'Neil, Revenue; Larry W. Peck, Fisheries; James A. Peterson, Social and Health Services; Bill Phillips, General Administration; Roger Polzin, Insurance Commissioner; Betty Reed, General Administration; Jeff Robinson, Community Development; Greg R. Sorlie, Ecology; Kenneth D. Stark, Social and Health Services; Marsha Tadano-Long, Licensing; Pat Terry, Social and Health Services; James E. Thatcher, Corrections; Dennis Thaut, Corrections; Leila K. Todorovich, Social and Health Services; Mel Tonasket, Social and Health Services; Barbara Vane, Revenue; Margaret Vonheeder, Corrections; Jeanne M. Ward, Social and Health Services; Colleen M. Waterhouse, Social and Health Services; Ron L. Weaver, Health; Cathy Wiggins, Social and Health Services; Joseph R. Williams, Ecology; Judy Winsor, Licensing; and Philip Young, Corrections; and

WHEREAS, These nominees, who have truly made a difference in state government, will be officially honored by Governor Mike Lowry today, April 14, in a reception at 2:30 p.m. in the State Reception Room;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, on behalf of all Washington citizens, recognize and applaud these leaders in state government who deserve the appreciation and gratitude of everyone who lives in our great state.

MOTION

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

SENATE RESOLUTION 1993-8633

By Senators Anderson and Fraser

WHEREAS, It is customary that the second Wednesday in April each year be designated as Arbor Day; and
WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by many citizens in the state of Washington; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, to neighborhoods and communities, to our state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, The state of Washington is appropriately called the Evergreen State due to the existence and special significance that trees and plants contribute to jobs, natural beauty, environment, and quality of life to our citizens; and

WHEREAS, By observing Arbor Day every year, our citizens can appreciate and express thanksgiving for our state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting trees and shrubs throughout the year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby proclaim April 14, 1993, as Arbor Day and encourage residents to plant a tree or shrub and celebrate this day.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

There being no objection, the Senate resumed consideration of House Bill No. 1379 and the pending amendment by Senator Vognild on page 3, line 36, to the Committee on Transportation striking amendment, deferred April 13, 1993.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that House Bill No. 1379 is a measure which makes several changes in the laws dealing with motor vehicle registration and sales, including an extension of time to claim refunds, staggering of renewal periods for licensing, dealer penalties and licensing of vehicle salespersons.

"The amendment by Senator Vognild on page 3, line 36, to the Committee on Transportation amendment, would mandate the replacement, at the time of annual renewal, of all license plates which are not of a mountain design background, or a horseless carriage plate, or a plate awarded congressional medal of honor winners.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Vognild on page 3, line 36, to the Committee on Transportation striking amendment to House Bill No. 1379 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to House Bill No. 1379.

The Committee on Transportation striking amendment to House Bill No. 1379 was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.12.050, 46.68.010, 82.44.120, 46.70.021, 46.70.023, 46.70.041, 46.70.051, 46.70.083, 46.70.140, 46.70.290, 46.70.300, 46.87.020, 46.87.030, 46.87.080, 46.87.310, and 46.87.340; adding a new section to chapter 46.87 RCW; adding new sections to chapter 46.70 RCW; adding a new chapter to Title 88 RCW; recodifying RCW 46.12.120, 46.12.140, 88.02.060, 88.08.112, 88.02.115, 88.02.118, 88.02.125, 88.02.184, 88.02.188, 88.02.210, and 88.02.230; repealing RCW 46.70.150, 46.87.160, 88.02.023, 88.02.078, and 88.02.220; and prescribing penalties."

On motion of Senator Vognild, the rules were suspended, House Bill No. 1379, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1379, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1379, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Anderson - 1.

Excused: Senators Bluechel, Moyer, Rinehart and Skratek - 4.

HOUSE BILL NO. 1379, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1870, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Heavey and R. Meyers)

Licensing bail bond agents.

The bill was read the second time.

MOTIONS

Senator Moore moved that the following Committee on Labor and Commerce amendment be adopted: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that the licensing of bail bond agents should be uniform throughout the state. Therefore, it is the intent of the legislature to preempt any local regulation of bail bond agents, including licensing fees, but not including local business license fees. Nothing in this chapter limits the discretion of the courts of this state to accept or reject a particular surety or recognizance bond in a particular case.

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

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

(3) "Collateral or security" means property of any kind given as security to obtain a bail bond.

(4) "Bail bond agency" means a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to insure the appearance of a criminal defendant before the courts of this state or the United States.

(5) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license.

(6) "Bail bond agent" means a person who is employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not mean a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds.

(7) "Licensee" means a bail bond agency or a bail bond agent or both.

NEW SECTION. Sec. 3. An applicant must meet the following minimum requirements to obtain a bail bond agent license:

(1) Be at least eighteen years of age;

(2) Be a citizen or resident alien of the United States;

(3) Not have been convicted of a crime in any jurisdiction in the preceding ten years, if the director determines that the applicant's particular crime directly relates to a capacity to perform the duties of a bail bond agent and the director determines that the license should be withheld to protect the citizens of Washington state. If the director shall make a determination to withhold a license because of previous convictions, the determination shall be consistent with the restoration of employment rights act, chapter 9.96A RCW;

(4) Be employed by a bail bond agency or be licensed as a bail bond agency; and

(5) Pay the required fee.

NEW SECTION. Sec. 4. (1) In addition to meeting the minimum requirements to obtain a license as a bail bond agent, a qualified agent must meet the following additional requirements to obtain a bail bond agency license:

(a) Pass an examination determined by the director to measure the person's knowledge and competence in the bail bond agency business; or

(b) Have had at least three years' experience as a manager, supervisor, or administrator in the bail bond business or a related field as determined by the director. A year's experience means not less than two thousand hours of actual compensated work performed before the filing of an application. An applicant shall substantiate the experience by written certifications from previous employers. If the applicant is unable to supply written certifications from previous employers, applicants may offer written certifications from persons other than employers who, based on personal knowledge, can substantiate the employment; and

(c) Pay any additional fees as established by the director.

(2) An agency license issued under this section may not be assigned or transferred without prior written approval of the director.

NEW SECTION. Sec. 5. (1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria, which may include fingerprints.

(2) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth in the application are true.

NEW SECTION. Sec. 6. (1) The director shall issue a bail bond agent license card to each licensed bail bond agent. A bail bond agent shall carry the license card whenever he or she is performing the duties of a bail bond agent and shall exhibit the card upon request.

(2) The director shall issue a license certificate to each licensed bail bond agency.

(a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and display the certificate in a conspicuous place in the principal office of the licensee within the state.

(b) It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon premises other than those described in the license certificate or to materially alter a license certificate.

(c) Every advertisement by a licensee that solicits or advertises business shall contain the name of the licensee, the address of record, and the license number as they appear in the records of the director.

(d) The licensee shall notify the director within thirty days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director.

NEW SECTION. Sec. 7. (1) The director shall adopt rules establishing precense training and testing requirements, which shall include a minimum of four hours of classes. The director may establish, by rule, continuing education requirements for bail bond agents.

(2) The director shall consult with the bail bond industry before adopting or amending the precense training or continuing education requirements of this section. (3) The director may appoint an advisory committee consisting of representatives from the bail bond industry and a consumer to assist in the development of rules to implement this chapter.

(4) A bail bond agent need not fulfill the precense training requirements of this chapter if he or she, within sixty days prior to July 1, 1994, provides proof to the director that he or she previously has met the training requirements of this chapter or has been employed as a bail bond agent for at least eighteen consecutive months immediately prior to the date of application.

NEW SECTION. Sec. 8. (1) No bail bond agency license may be issued under the provisions of this chapter unless the qualified agent files with the director a bond, executed by a surety company authorized to do business in this state, in the sum of ten thousand dollars conditioned to recover against the agency and its servants, officers, agents, and employees by reason of its

violation of the provisions of section 11 of this act. The bond shall be made payable to the state of Washington, and anyone so injured by the agency or its servants, officers, agents, or employees shall have the right and shall be permitted to sue directly upon this obligation in his or her own name. This obligation shall be subject to successive suits for recovery until the face amount is completely exhausted.

(2) Every licensed bail bond agency must at all times maintain on file with the director the bond required by this section in full force and effect. Upon failure by a licensee to do so, the director shall suspend the licensee's license and shall not reinstate the license until this requirement is met.

(3) In lieu of posting a bond, a qualified agent may deposit in an interest-bearing account, ten thousand dollars.

(4) The director may waive the bond requirements of this section, in his or her discretion, pursuant to adopted rules.

NEW SECTION. Sec. 9. (1) The provisions of this chapter relating to the licensing for regulatory purposes of bail bond agents and bail bond agencies are exclusive. No governmental subdivision of this state may enact any laws or rules licensing for regulatory purposes such persons, except as provided in subsections (2) and (3) of this section.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business fee, business and occupation tax, or other tax upon bail bond agencies if such fees or taxes are levied by the political subdivision on other types of businesses within its boundaries.

(3) This section shall not be construed to prevent this state or a political subdivision of this state from licensing for regulatory purposes bail bond agencies with respect to activities that are not regulated under this chapter.

NEW SECTION. Sec. 10. (1) A bail bond agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed bail bond agent.

(2) A bail bond agency shall notify the director within seventy-two hours upon receipt of information affecting a licensed bail bond agent's continuing eligibility to hold a license under the provisions of this chapter.

NEW SECTION. Sec. 11. (1) Every qualified agent shall keep adequate records for three years of all collateral and security received, all trust accounts required by this section, and all bail bond transactions handled by the bail bond agency, as specified by rule. The records shall be open to inspection without notice by the director or authorized representatives of the director.

(2) Every qualified agent who receives collateral or security is a fiduciary of the property and shall keep adequate records for three years of the receipt, safekeeping, and disposition of the collateral or security. Every qualified agent shall maintain a trust account in a federally insured financial institution located in this state. All moneys, including cash, checks, money orders, wire transfers, and credit card sales drafts, received as collateral or security or otherwise held for a bail bond agency's client shall be deposited in the trust account not later than the third banking day following receipt of the funds or money. A qualified agent shall not in any way encumber the corpus of the trust account or commingle any other moneys with moneys properly maintained in the trust account. Each qualified agent required to maintain a trust account shall report annually under oath to the director the account number and balance of the trust account, and the name and address of the institution that holds the trust account, and shall report to the director within ten business days whenever the trust account is changed or relocated or a new trust account is opened.

(3) Whenever a bail bond is exonerated by the court, the bail bond agency shall, within five business days after written notification of exonerated and upon demand, return all collateral or security to the person entitled thereto.

NEW SECTION. Sec. 12. The following acts are prohibited and constitute grounds for disciplinary action or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director:

(1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter;

(2) Knowingly making a material misstatement or omission in the application for or renewal of a license;

(3) Failing to meet the qualifications set forth in sections 3 and 4 of this act;

(4) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(5) Advertising that is false, fraudulent, or misleading;

(6) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(7) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(8) Failure to cooperate with the director by not:

(a) Furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter;

(b) Furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or

(c) Responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(10) Aiding or abetting an unlicensed person to practice if a license is required;

(11) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relies upon the word, representation, or conduct of the licensee;

(12) Failure to adequately supervise employees to the extent that the client funds are at risk;

(13) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(14) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in section 4 of this act;

(15) Conversion of any money or contract, deed, note, mortgage, or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, or other evidence of title within thirty days after the owner is entitled to possession, and makes demand for possession, shall be prima facie evidence of conversion;

(16) Failing to keep records, maintain a trust account, or return collateral or security, as required by section 11 of this act;

(17) Any conduct in a bail bond transaction which demonstrates bad faith, dishonesty, or untrustworthiness; or

(18) Violation of an order to cease and desist that is issued by the director under this chapter.

NEW SECTION. Sec. 13. The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules as deemed necessary to carry out this chapter;

(2) To issue an order providing for one or any combination of the following upon violation or violations of this chapter: Denying, suspending, or revoking a license; assessing monetary penalties; restricting or limiting practice; complying with conditions of probation for a designated period of time; making restitution to the person harmed by the licensee; or other corrective action;

(3) To issue subpoenas and administer oaths in connection with an investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To establish fees by rule under RCW 43.24.086 and chapter 34.05 RCW;

(7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the director;

(8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(10) To adopt standards of professional conduct or practice;

(11) In the event of a finding of unprofessional conduct by an applicant or license holder, to impose sanctions against an applicant or license holder as provided by this chapter;

(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, and the assurance shall not be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(13) To designate individuals authorized to sign subpoenas and statements of charges; and

(14) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 14. Any person may submit a written complaint to the department charging a license holder or applicant with unprofessional conduct and specifying the grounds for the charge. If the director determines that the complaint merits investigation, or if the director has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the director shall investigate to determine if there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 15. (1) If the director determines, upon investigation, that there is reason to believe a violation of this chapter has occurred, a statement of charges shall be prepared and served upon the license holder or applicant and notice of this action given to the owner or qualified agent of the employing bail bond agency. The statement of charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the director may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 16. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, shall govern all hearings before the director.

NEW SECTION. Sec. 17. If an order for payment of a monetary penalty is made as a result of a hearing and timely payment is not made as directed in the final order, the director may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the director may have as to a licensee ordered to pay a monetary penalty but shall not be construed to limit a licensee's ability to seek judicial review.

In an action for enforcement of an order of payment of a monetary penalty, the director's order is conclusive proof of the validity of the order of payment of a penalty and the terms of payment.

NEW SECTION. Sec. 18. (1) The director shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by this chapter. In the investigation of the complaints, the director has the same authority as provided the director under section 15 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders.

(2) The attorney general, a county prosecuting attorney, the director, or any person may, in accordance with the law of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by this chapter without a license from engaging in such practice or operating such business until the

required license is secured. However, the injunction shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) After June 30, 1994, any person who performs the functions and duties of a bail bond agent in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(4) After January 1, 1994, a person is guilty of a gross misdemeanor if he or she owns or operates a bail bond agency in this state without first obtaining a bail bond agency license.

(5) After June 30, 1994, the owner or qualified agent of a bail bond agency is guilty of a gross misdemeanor if he or she employs any person to perform the duties of a bail bond agent without the employee having in his or her possession a permanent bail bond agent license issued by the department.

(6) All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the department.

NEW SECTION. Sec. 19. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction.

NEW SECTION. Sec. 20. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 21. The director, in implementing and administering the provisions of this chapter, shall act in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 22. Failure to fulfill the fiduciary duties and other duties as prescribed in section 11 of this act is not reasonable in relation to the development and preservation of business. A violation of section 11 of this act is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW.

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

NEW SECTION. Sec. 24. The director of licensing may take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 26. Sections 1 through 23 of this act shall constitute a new chapter in Title 18 RCW."

On motion of Senator Moore, the following amendment to the Committee on Labor and Commerce amendment was adopted:

On page 4, line 15 of the amendment, after "employees" strike the remainder of the subsection and insert "may bring suit upon the bond in any county in which jurisdiction over the licensee may be obtained. The suit must be brought not later than two years after the failure to return property in accordance with section 11 of this act. If valid claims against the bond exceed the amount of the bond or deposit, each claimant shall be entitled only to a pro rata amount, based on the amount of the claim as it is valid against the bond, without regard to the date of filing of any claim or action."

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment, as amended, to Substitute House Bill No. 1870.

The Committee on Labor and Commerce striking amendment, as amended, to Substitute House Bill No. 1870 was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "agents;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1870, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Roach was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1870, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1870, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen,

Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognoild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Bluechel, Moyer, Roach and Skratek - 4.

SUBSTITUTE HOUSE BILL NO. 1870, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1645, by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, Wang, Cothorn, Wineberry and J. Kohl

Changing provisions relating to initiatives and referenda.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following amendment was adopted:

On page 6, after line 13, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 29.79 RCW to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of the state legislature or of the legislative authority of a unit of local government shall be composed of three elements: (a) An identification of the enacting legislative body; (b) a concise statement identifying the essential features of the enactment on which the referendum is filed; and (c) a question asking the voters whether the enactment should be approved or rejected by the people. The ballot issue shall be displayed on the ballot substantially as follows:

Referendum Measure No. XX. The (name of legislative body) has passed a law that (concise statement). Should this law be
APPROVED

OR

REJECTED

(2) For a referendum measure on a state enactment, the concise statement shall be prepared by the attorney general and shall not exceed twenty-five words.

(3) The concise statement for a referendum measure on an enactment of the legislative authority of a unit of local government shall not exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(4) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

Sec. 8. RCW 29.27.060 and 1985 c 252 s 1 are each amended to read as follows:

(1) When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding seventy-five words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city or town attorney for the city or town, and by the prosecuting attorney for the county or any other ~~((political subdivision of the state))~~ unit of local government, other than ~~((cities))~~ a city or town, the majority area of which is situated in the county.

The concise statement constitutes the ballot title.

(2) The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

(3) Subsection (1) of this section does not apply to referendum measures filed on an enactment of the state legislature or on an enactment of the legislative authority of a unit of local government, nor does it apply to the extent that other provisions of state law provide otherwise for a specific type of ballot question or proposition.

Sec. 9. RCW 29.79.040 and 1982 c 116 s 4 are each amended to read as follows:

Within seven calendar days after the receipt of an initiative or referendum measure the attorney general shall formulate and transmit to the secretary of state ~~((a))~~ the concise statement ~~((posed as a question and not to exceed twenty words,))~~ required by RCW 29.27.060 or section 7 of this act bearing the serial number of the measure and a summary of the measure, not to exceed seventy-five words, to follow the statement. The statement may be distinct from the legislative title of the measure, and shall give a true and impartial statement of the purpose of the measure. Neither the statement nor the summary may intentionally be an argument, nor likely to create prejudice, either for or against the measure. Except as provided for in section 7 of this act, such a concise statement shall constitute the ballot title. The ballot title or, for a referendum on a state enactment, the concise statement formulated by the attorney general shall be the ballot title of or concise statement describing the measure unless changed on appeal. When practicable, the question posed by the ballot title shall be written in such a way that an affirmative answer to such question and an affirmative vote on the measure would result in a change in then current law, and a negative answer to the question and a negative vote on the measure would result in no change to then current law.

Sec. 10. RCW 29.79.110 and 1982 c 116 s 11 are each amended to read as follows:
Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

PETITION FOR REFERENDUM

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No., ~~(entitled (here insert the established ballot title of the measure) being)~~ filed to revoke a (or part or parts of a) bill that (concise statement required by section 7 of this act) and that was passed by the legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the day of November, 19..; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

Petitioner's | Print name | Residence address, | City |
signature | for positive | street and number, | or | County
| identification | if any | Town |
| | | |

(Here follow 20 numbered lines divided into columns as below.)

1 | | | |
2 | | | |
3 | | | |
etc.

Sec. 11. RCW 29.27.065 and 1965 c 9 s 29.27.065 are each amended to read as follows:
Upon the filing of a ballot title as defined in RCW 29.27.060 or a concise statement as required under section 7 of this act, the secretary of state, in the event it is a state question, or the county auditor in the event it is a county or other local question, shall forthwith notify the persons proposing the measure of the exact language of the ballot title.

Sec. 12. RCW 29.27.067 and 1965 c 9 s 29.27.067 are each amended to read as follows:
If the persons filing any state or local question covered by RCW 29.27.060 or section 7 of this act are dissatisfied with the ballot title or concise statement formulated by the attorney general, city attorney, or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title or statement appeal to the superior court of Thurston county if it is a state-wide question, or to the superior court of the county where the question is to appear on the ballot, if it is a county or local question, by petition setting forth the measure, the ballot title or statement objected to, their objections to ~~((the ballot title))~~ it and praying for amendment thereof. The time of the filing of the ballot title or statement, as used herein in determining the time for appeal, is the time the ballot title or statement is first filed with the secretary of state, if concerning a state-wide question, or the county auditor, if a local question, the secretary of state or the county officer being herein called the "filing officer."

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the filing officer and the official preparing the ballot title or statement. Upon the filing of the petition on appeal, the court shall forthwith, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title or concise statement filed and the objections thereto and may hear arguments thereon, and shall as soon as possible render its decision and certify to and file with the filing officer such ballot title or statement as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title or statement so certified shall be the established ballot title or concise statement. Such appeal shall be heard without cost to either party.

Sec. 13. RCW 35A.29.120 and 1979 ex.s. c 18 s 31 are each amended to read as follows:
When any question is to be submitted to the voters of a code city, or when a proposition is to be submitted to the voters of an area under provisions of this title, the question or proposition shall be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a ~~((concise statement))~~ ballot title for the question or proposition in the form ~~((of a question and as otherwise provided in))~~ applicable under section 7 of this act, RCW 29.27.060, ~~((which statement))~~ 82.14.036, 82.46.021, or 82.80.090 or as otherwise expressly required by state law. The ballot title shall be prepared by the attorney for the code city, or ~~((by the prosecuting attorney for the county))~~ as specified in RCW 29.27.060 for elections held outside of a code city. ~~((The concise statement shall constitute the ballot title.))~~

NEW SECTION. **Sec. 14.** RCW 35.17.320 and 1965 c 7 s 35.17.320 are each repealed.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."
Renumber the remaining section consecutively.

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:
On page 1, line 2 of the title, after "29.79.490," strike "and 42.17.090" and insert "42.17.090, 29.27.060, 29.79.040, 29.79.110, 29.27.065, 29.27.067, and 35A.29.120"
On page 1, line 3 of the title, after "29.79 RCW;" insert "repealing RCW 35.17.320;"

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1645, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1645, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1645, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.
Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogndil, West, Williams and Wojahn - 33.
Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hochstatter, McDonald, Nelson, Newhouse, Oke, Sellar, Smith, L., von Reichbauer and Winsley - 15.
Excused: Senator Roach - 1.
HOUSE BILL NO. 1645, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Kremen, King, Lisk, G. Cole, Linville, Springer, Vance and R. Johnson)

Requiring verification of registration of contractors.

The bill was read the second time.

MOTIONS

Senator Sutherland moved that the following amendments be considered simultaneously and be adopted:
On page 1, line 6, after "unregistered" insert "and unqualified"
On page 1, line 11, after "contractors." insert "The department of labor and industries shall also develop and implement a program to educate and provide for competence of contractors involved with hazardous materials."
On page 7, after line 16, insert the following:

"NEW SECTION. Sec. 12. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 12 through 24 of this act.

(1) "Commission" means the commission appointed by the governor to develop a program to educate, test, and certify paint or coating applicators. The commission shall also advise the department on the application and administration of any regulations applicable to the paint and coating application industry as may be required by federal or state legislative or regulatory actions.

(2) "Paint or coating application" means the application of a substance in atomized, liquid, or particulate form that will adhere to or coat a surface and generally protect or preserve the surface, or the removal of paint or coatings. For the purposes of sections 12 through 24 of this act, paint and coating application includes applying or removing paints, pigments, extenders, metal primers and metal pigments, clear pigments, binders, thinners, and dryers, primers and sealers, oil paints and enamels, clear coatings, oils, stains, varnishes, lacquers, polyurethanes, chemical and epoxy coatings, emulsions, acrylic coatings, industrial coatings, and other materials commonly used in the paint and coating trade, preparation of surfaces to which paint or coatings will be applied or removed, and cleanup work in connection with painting.

(3) "Paint or coating applicator" means a person directly engaged in painting or coating application, removal, or treatment of painted or coated surfaces for compensation, including those employees directly supervising such employees. For the purposes

of sections 12 through 24 of this act, paint or coating applicator means a person who offers paint or coating application or removal as his or her primary business activity or whose job description or employment activity is primarily that of paint or coating application or removal. A person primarily engaged in roofing, printing, or the application of cosmetics is not considered a paint or coating applicator for the purpose of sections 12 through 24 of this act. A person engaged in the buying, selling, or leasing of industrial equipment, including agricultural, logging, or construction equipment, is not considered a paint or coating applicator for the purpose of sections 12 through 24 of this act and is exempted from the requirements of sections 12 through 24 of this act.

(4) "Employer" means a natural person, corporation, trust, unincorporated association or partnership that hires paint or coating applicators, contracts to provide painting services to other persons, or both. An employer engaged in the buying, selling, or leasing of industrial equipment, including agricultural, logging, or construction equipment is exempted from the requirements of sections 12 through 24 of this act.

(5) Employers of twenty-five thousand persons or more are presumed to have existing training programs at least equivalent to those which may be required under sections 12 through 24 of this act and are excluded from the provisions of sections 12 through 24 of this act.

NEW SECTION. Sec. 13. The commission shall develop and the department shall adopt a program to educate, and test paint and coating applicators in handling hazardous materials applicable to paint or coating application. The program shall include:

- (1) A certification application form;
- (2) Standards for certificates of competency;
- (3) Rules for revoking certificates of competency;
- (4) A definition of the relationship of training programs to the competency certification program;
- (5) Notification procedures to ensure that painting and coating applicators and employers are notified in a timely manner of the requirements of sections 12 through 24 of this act; and
- (6) Provisions for certificates of competency for persons who engage solely in a subspecialty of painting and coating application or removal.

A paint or coating applicator shall obtain a certificate of competency issued by the department after completing an approved training program.

NEW SECTION. Sec. 14. A paint or coating applicator's course of education shall include an understanding of materials applied, removed, or treated as they affect the applicator, the workers around the applicator, the general public, and the environment; methods of preparation, handling, and knowledge of the equipment used in painting or coating; and understanding of all pertinent federal and state safety laws and administrative rules.

It is the intent of the legislature that every effort be made to combine training requirements applicable to the application of paint and coating materials from all departments of state government in order to consolidate and reduce the regulatory burden and reduce the associated costs to the state.

NEW SECTION. Sec. 15. There is created a painting safety commission comprised of nine members:

- (1) Three from organizations or associations whose primary purpose is to represent employers of paint or coating applicators. Every effort shall be made to ensure that at least one member in this category represents employers of ten or fewer paint or coating applicators on an annual full-time equivalent basis;
- (2) Three from organizations or associations whose primary purpose is to represent paint or coating applicators;
- (3) Two representing the painting or coating industry at large; and
- (4) One representing the consumer.

The governor shall appoint the consumer representative to a three-year term, and the three paint or coating employee representatives and the three paint or coating employer representatives to one, two, and three year terms respectively. One at-large industry representative shall be appointed to a one-year term, and the other to a two-year term. Subsequent employee, employer, and at-large representatives shall serve for three years each. The governor shall consider recommendations from paint or coating organizations or associations whose primary purpose is to represent paint or coating employees and employers. The governor shall strive to make the commission appointments reflect the demographics of the state and reflect the make-up of the paint and coating industry. The director or the director's designee shall serve on the commission as an ex officio, nonvoting member. Each member of the commission shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day in which the member is actually engaged in the business of the commission. The department shall provide staff support to the commission.

NEW SECTION. Sec. 16. The department shall certify as meeting the requirements of sections 12 through 24 of this act, training programs of an employer or organization, that meet or exceed the standards established under section 13 of this act.

NEW SECTION. Sec. 17. The department shall charge fees for training and issuance, renewal, and reinstatement of all certificates of competency and examinations required by sections 12 through 24 of this act. The department shall set the fees by

rule. The fees shall cover the full cost of administering and enforcing sections 12 through 24 of this act and shall include travel, per diem, and administrative support costs.

NEW SECTION. Sec. 18. Authorized representatives of the department shall investigate alleged or apparent violations of sections 12 through 24 of this act and upon presentation of credentials may inspect a worksite for the purpose of determining compliance with sections 12 through 24 of this act. The department shall also promptly investigate alleged violations of sections 12 through 24 of this act based on a written complaint. The department shall notify the complainant, in writing, within sixty days of the action taken on all the complaints.

NEW SECTION. Sec. 19. Each day in which a paint or coating applicator works without a valid certificate of competency is a separate infraction. Each worksite at which a painting or coating applicator works in violation of sections 12 through 24 of this act is a separate infraction. Each day in which an employer employs such person is a separate infraction.

NEW SECTION. Sec. 20. An authorized representative of the department may issue a notice of an infraction if a person who is doing paint or coating application or removal fails to produce a certificate of competency issued by the department in accordance with sections 12 through 24 of this act. A notice of an infraction issued under this section must be personally served on the person named in the notice by an authorized representative of the department. However, no penalties may be assessed for notices of infraction issued for one year after the adoption of rules under section 13 of this act.

NEW SECTION. Sec. 21. The department shall establish monetary penalties for employee infractions, with the advice of the commission, not less than:

- (1) For the first offense, a sum of two hundred fifty dollars;
- (2) For the second offense, a sum of five hundred dollars;
- (3) For the third offense and subsequent offenses, a sum of one thousand dollars.

NEW SECTION. Sec. 22. The department shall establish monetary penalties for employer infractions, with the advice of the commission, not less than:

- (1) For the first offense, a sum of two hundred fifty dollars;
- (2) For the second offense, a sum of five hundred dollars;
- (3) For the third offense and subsequent offenses, a sum of one thousand dollars.

NEW SECTION. Sec. 23. An appeal by an employee or employer of a penalty set out in either section 21 or 22 of this act shall consist of an adjudicative proceeding set out in chapter 34.05 RCW.

NEW SECTION. Sec. 24. The paint and coating applicators account is created in the custody of the state treasurer. All receipts from fees and fines collected by the department under the authority of sections 12 through 24 of this act shall be deposited into the account. Expenditures from the account may be used only for the purposes of the commission and other expenditures approved by the director or the director's designee. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 25. Sections 12 through 24 of this act are each added to chapter 18.27 RCW.

NEW SECTION. Sec. 26. The director of the department of labor and industries may take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Cantu: "Mr. President, I rise to a point of order. I urge that you consider that the ruling on these amendments is outside the scope and object of the bill. The original bill dealt with registration of contractors. These amendments deal with painting and plating applications. It requests the commission develop training programs and education programs for the application of painting and I suggest and urge that you evaluate the scope and object of these amendments. I believe they do not fit this bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1505.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8634

By Senators Moyer, McCaslin, Moore and West

WHEREAS, The state of Washington applauds those educators who promote and encourage an interest in science by providing quality science experiences for students and teachers; and

WHEREAS, Scott Stowell and Rosemary Sweet have been named to the 1993 Honor Roll of Teachers by the Association of Science-Technology Centers and Pacific Science Center for their exemplary use of community resources to enhance and expand the science enrichment opportunities available to students and teachers; and

WHEREAS, Scott Stowell, science coordinator for the Spokane School District, has developed a district-wide training program in science education for elementary teachers, serves on the Advisory Committee for the Washington Systemic Initiative in Mathematics, Science and Technology Education, and serves on the Spokane Park Board Advisory Committee working to develop a permanent science center in Spokane; and

WHEREAS, Rosemary Sweet teaches 6th, 7th, and 8th grade science at St. Alphonsus School in Seattle, serves as a resource for kindergarten through 5th grade teachers by modifying her curriculum for their grade levels, spent a year as a Science Education Associate at Pacific Science Center, and builds on her own knowledge and skills by participating in teacher workshops frequently; and

WHEREAS, Scott Stowell and Rosemary Sweet, along with approximately forty other educators being named to the 1993 Honor Roll of Teachers, will be honored in Washington, D.C., on April 29 and 30, 1993, before members of Congress; and

WHEREAS, The National Science Foundation has declared April 25 through May 1, 1993, National Science and Technology Week to convey the importance of science to the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends Scott Stowell and Rosemary Sweet for their outstanding efforts as science educators; and

BE IT FURTHER RESOLVED, That the Senate commends the Pacific Science Center for its dedication to providing interactive science, mathematics and technology education to students and teachers throughout the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Scott Stowell, Rosemary Sweet, and the Directors of the Association of Science-Technology Centers and the Pacific Science Center.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and congratulated Mr. Scott Stowell and Ms. Rosemary Sweet, who were seated in the gallery.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1931, by House Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky and Wood)

Regulating steamboat operators.

The bill was read the second time.

MOTIONS

Senator Vognild moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.120 and 1984 c 7 s 307 are each amended to read as follows:

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department

excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(3) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

(While any revenue bonds issued by the department under the provisions of this chapter are outstanding no additional bonds may be issued for the purposes of acquiring, constructing, operating, or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the department unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of the outstanding bonds. The provisions of this section are binding upon the state, and all of its departments, agencies, and instrumentalities, as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, towns, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.)

NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

The ten-mile distance in RCW 47.60.120 means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

Sec. 3. RCW 81.84.010 and 1961 c 14 s 81.84.010 are each amended to read as follows:

(1) No ((steamboat company shall)) commercial ferry may hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued before or after the effective date of this act to a commercial ferry operator shall be exercised by the operator in a manner consistent with the conditions established in the certificate or tariffs: PROVIDED, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross annual earnings of such vessel: PROVIDED, That nothing herein shall be construed to affect the right of any county within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate carrier, nor shall this chapter be construed to affect, amend, or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter, or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a ((steamboat company)) commercial ferry, notwithstanding the provisions of any act or parts of acts inconsistent herewith.

(2) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. However, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

(3) The commission shall review certificates in existence as of the effective date of this act, where service is not being provided on all or any portion of the route or routes certificated. Based on progress reports required under subsection (2) of this

section, the commission may grant an extension beyond that provided in subsection (2) of this section. Such additional extension may not exceed a total of two years.

Sec. 4. RCW 81.84.020 and 1961 c 14 s 81.84.020 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities and counties, and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder ((shall fail and refuse)) has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that ((such steamboat company)) the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more ((steamboat companies)) commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of ((said companies)) the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ((companies to whom such)) ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of the effective date of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 81.84 RCW to read as follows:

The commission, in granting a certificate to operate as a commercial ferry, shall require the operator to first obtain liability and property damage insurance from a company licensed to write liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each vessel or ferry to be used, in the amount of not less than one hundred thousand dollars for any recovery for personal injury by one person, and not less than one million dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury and property damage by reason of one act of negligence, and not less than fifty thousand dollars for damage to property of any person other than the insured; or combined bodily injury and property damage liability insurance of not less than one million dollars, and to maintain such liability and property damage insurance or surety bond in force on each vessel or ferry while so used. Each policy for liability or property damage insurance or surety bond required by this section must be filed with the commission and kept in full force and effect, and failure to do so is cause for revocation of the operator's certificate.

Sec. 6. RCW 81.84.030 and 1961 c 14 s 81.84.030 are each amended to read as follows:

No certificate or any right or privilege thereunder held, owned, or obtained under the provisions of this chapter shall be sold, assigned, leased, mortgaged, or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization by the commission first obtained. ~~((The commission may at any time by its order duly entered after hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter, if the holder thereof wilfully violates or fails to observe the provisions or conditions of the certificate, or the orders, rules or regulations of the commission, or the provisions of this title.))~~

Sec. 7. RCW 81.84.050 and 1961 c 14 s 81.84.050 are each amended to read as follows:

Every ((steamboat company)) commercial ferry and every officer, agent, or employee of any ((steamboat company)) commercial ferry who violates or who procures, aids, or abets in the violation of any provision of this title, or any order, rule, regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or, if application for remission or mitigation has not been made, within fifteen days after the violator has received notice of the disposition of such application, the attorney general shall bring an action to recover the penalty in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered by the state under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

NEW SECTION. Sec. 8. A new section is added to chapter 81.84 RCW to read as follows:

The commission, upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter on any of the following grounds:

- (1) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);
- (2) Failure of the certificate holder to file an annual report;
- (3) The filing by a certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;
- (4) The violation of any provision of this chapter;
- (5) The violation of or failure to observe the provisions or conditions of the certificate or tariffs;
- (6) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;
- (7) Failure of a certificate holder to maintain the required insurance coverage in full force and effect; or
- (8) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that a provision of this section has been violated.

NEW SECTION. Sec. 9. A new section is added to chapter 81.84 RCW to read as follows:

The commission may, with or without a hearing, issue temporary certificates to operate under this chapter, but only after it finds that the issuance of the temporary certificate is necessary due to an immediate and urgent need and is otherwise consistent with the public interest. The certificate may be issued for a period of up to one hundred eighty days. The commission may prescribe such special rules and impose special terms and conditions on the granting of the certificate as in its judgment are reasonable and necessary in carrying out this chapter. The commission shall collect a filing fee, not to exceed two hundred dollars, for each application for a temporary certificate. The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application by another commercial ferry operator is pending.

Sec. 10. RCW 81.04.010 and 1991 c 272 s 3 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association, or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm, or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise, or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, (~~steamboat companies~~) commercial ferries, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

"(~~Steamboat company~~) Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

Sec. 11. RCW 81.24.030 and 1981 c 13 s 5 are each amended to read as follows:

Every (~~steamboat company~~) commercial ferry shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year."

Senator Haugen moved that the following amendments by Senators Haugen and Nelson to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 1, line 35 of the amendment, after "existence" strike "and being exercised" and insert "~~(and being exercised)~~"

On page 3, line 4 of the amendment, after "county" insert "public transportation benefit area or other public agency"

On page 3, beginning on line 10 of the amendment, strike "being served" and insert "~~(being served)~~ held"

On page 3, line 10 of the amendment, after "carrier" insert "without first acquiring the rights granted to such certificate holder under the certificate"

MOTION

On motion of Senator Vognild, the question was divided.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Nelson on page 1, line 35, to the Committee on Transportation striking amendment to Substitute House Bill No. 1931.

Debate ensued.

POINT OF INQUIRY

Senator Jesernig: "Senator Vognild, does this bill give any protection to current certificate holders?"

Senator Vognild: "Yes, Senator, it does. It effectively gives them five years to put their service in place, plus a two-year extension, plus, if they can qualify, another year extension up to a maximum of three. Under the bill, the current certificate holders are well-protected, but the one thing they must do is show that they are making some kind of progress toward initiating service and not simply holding the paper and trying to put value on the paper."

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Nelson on page 1, line 35, to the Committee on Transportation striking amendment to Substitute House Bill No. 1931.

The amendment by Senators Haugen and Nelson on page 1, line 35, to the Committee on Transportation striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Nelson on page 3, line 4, to the Committee on Transportation striking amendment to Substitute House Bill No. 1931.

The amendment by Senators Haugen and Nelson on page 3, line 4, to the Committee on Transportation striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendments by Senators Haugen and Nelson on page 3, beginning on line 10, and page 3, line 10, to the Committee on Transportation striking amendment to Substitute House Bill No. 1931.

Debate ensued.

The amendments by Senators Haugen and Nelson on page 3, beginning on line 10, and page 3, line 10, to the Committee on Transportation striking amendment were adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Substitute House Bill No. 1931.

The Committee on Transportation striking amendment, as amended, to Substitute House Bill No. 1931 was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On line 1 of the title, after "operators;" strike the remainder of the title and insert "amending RCW 47.60.120, 81.84.010, 81.84.020, 81.84.030, 81.84.050, 81.04.010, and 81.24.030; adding a new section to chapter 47.60 RCW; adding new sections to chapter 81.84 RCW; and prescribing penalties."

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1931, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1931, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1931, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Voting nay: Senator Franklin - 1.

SUBSTITUTE HOUSE BILL NO. 1931, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1490, by Representatives Wineberry, Forner, Shin, Sheldon, King, Karahalios, J. Kohl and Anderson

Providing for child care.

The bill was read the second time.

MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Wojahn be adopted:

On page 2, beginning on line 23, delete "~~(--After the 1991-93 fiscal biennium, no grant shall be distributed that is greater than twenty-five thousand dollars))~~" and insert ". After the 1991-93 fiscal biennium, no grant shall be distributed that is greater than twenty-five thousand dollars"

Debate ensued.

POINT OF INQUIRY

Senator Moyer: "Senator Talmadge, would this money strictly go out to local grants, rather than to regionals?"

Senator Talmadge: "These, I believe Senator Moyer, are for local referral networks--the networks that are in the communities. They make referrals for people who request information about appropriate child care. My understanding is that the grants are to be made to local referral networks and I believe those are based in local communities. I don't know that there are any regional ones in any regions of the state."

Senator Moyer: "Or the state could not absorb all the money at a central location?"

Senator Talmadge: "No, this is meant to go specifically to the local referral networks in the communities across the state and not to any larger groups than that."

Senator Moyer: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senators Anderson and Wojahn on page 2, beginning on line 23, to House Bill No. 1490.

The motion by Senator Anderson carried and the amendment was adopted on a rising vote.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1490, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Cantu was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1490, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1490, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Barr - 1.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 1490, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

April 14, 1993

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320, and the same is herewith transmitted:

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1855, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Kessler and R. Meyers) (by request of Insurance Commissioner)

Enabling accreditation of the insurance commissioner.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Labor and Commerce amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter may be known and cited as the Insurer Holding Company Act.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings set forth in this section, unless the context requires otherwise.

(1) An "affiliate" of, or person "affiliated" with, a specific person, is a person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) The term "control," including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in a manner similar to that provided by section 6(11) of this act that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(3) An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

(4) The term "insurer" has the same meaning as set forth in RCW 48.01.050; it does not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(5) A "person" is an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, a similar entity, or any combination of the foregoing acting in concert, but does not include a joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.

(6) A "securityholder" of a specified person is one who owns a security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

(7) A "subsidiary" of a specified person is an affiliate controlled by that person directly or indirectly through one or more intermediaries.

(8) The term "voting security" includes a security convertible into or evidencing a right to acquire a voting security.

NEW SECTION. Sec. 3. If an insurer ceases to control a subsidiary, it shall dispose of any investment in the subsidiary within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after the investment has been made, the investment meets the requirements for investment under any other section of this Title, and the insurer has notified the commissioner thereof.

NEW SECTION. Sec. 4. (1) No person other than the issuer may make a tender offer for or a request or invitation for tenders of, or enter into an agreement to exchange securities of, seek to acquire, or acquire, in the open market or otherwise, voting security of a domestic insurer if, after the consummation thereof, the person would, directly or indirectly, or by conversion or by exercise of a right to acquire, be in control of the insurer. No person may enter into an agreement to merge with or otherwise to acquire control of a domestic insurer or person controlling a domestic insurer unless, at the time the offer, request, or invitation is made or the agreement is entered into, or before the acquisition of the securities if no offer or agreement is involved, the person has filed with the commissioner and has sent to the insurer, a statement containing the information required by this section and the offer, request, invitation, agreement, or acquisition has been approved by the commissioner as prescribed in this section.

For purposes of this section a domestic insurer includes a person controlling a domestic insurer unless the person, as determined by the commissioner, is either directly or through its affiliates primarily engaged in business other than the business of insurance. However, the person shall file a preacquisition notification with the commissioner containing the information set forth in section 5(3)(a) of this act sixty days before the proposed effective date of the acquisition. Persons who fail to file the required preacquisition notification with the commissioner are subject to the penalties in section 5(5)(c) of this act. For the purposes of this section, "person" does not include a securities broker holding, in usual and customary broker's function, less than twenty percent of the voting securities of an insurance company or of a person who controls an insurance company.

(2) The statement to be filed with the commissioner under this section must be made under oath or affirmation and must contain the following information:

(a) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection (1) of this section is to be effected, hereinafter called "acquiring party," and:

(i) If that person is an individual, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years;

(ii) If that person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as the person and any predecessors have been in existence; an informative description of the business intended to be done by the person's subsidiaries; any convictions of crimes during the past ten years; and a list of all individuals who are or who have been selected to become directors or executive officers of the person, or who perform or will perform functions appropriate to those positions. The list must include for each such individual the information required by (a)(i) of this subsection.

(b) The source, nature, and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction in which funds were or are to be obtained for any such purpose, including a pledge of the insurer's stock, or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing the consideration. However, where a source of the consideration is a loan made in the lender's ordinary course of business, the identity of the lender must remain confidential if the person filing the statement so requests.

(c) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each acquiring party, or for such lesser period as the acquiring party and any predecessors have been in existence, and similar unaudited information as of a date not earlier than ninety days before the filing of the statement.

(d) Any plans or proposals that each acquiring party may have to liquidate the insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

(e) The number of shares of any security referred to in subsection (1) of this section that each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section, and a statement as to the method by which the fairness of the proposal was arrived at.

(f) The amount of each class of any security referred to in subsection (1) of this section that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(g) A full description of any contracts, arrangements, or understandings with respect to any security referred to in subsection (1) of this section in which an acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. The description must identify the persons with whom the contracts, arrangements, or understandings have been entered into.

(h) A description of the purchase of any security referred to in subsection (1) of this section during the twelve calendar months before the filing of the statement, by an acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid for the security.

(i) A description of any recommendations to purchase any security referred to in subsection (1) of this section made during the twelve calendar months before the filing of the statement, by an acquiring party, or by anyone based upon interviews or at the suggestion of the acquiring party.

(j) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection (1) of this section, and, if distributed, of additional soliciting material relating to the securities.

(k) The term of an agreement, contract, or understanding made with or proposed to be made with a broker-dealer as to solicitation or securities referred to in subsection (1) of this section for tender, and the amount of fees, commissions, or other compensation to be paid to broker-dealers with regard to the securities.

(l) Such additional information as the commissioner may prescribe by rule as necessary or appropriate for the protection of policyholders of the insurer or in the public interest.

If the person required to file the statement referred to in subsection (1) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by (a) through (l) of this subsection shall be given with respect to each partner of the partnership or limited partnership, each member of the syndicate or group, and each person who controls a partner or member. If a partner, member, or person is a corporation, or the person required to file the statement referred to in subsection (1) of this section is a corporation, the commissioner may require that the information called for by (a) through (l) of this subsection shall be given with respect to the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of the corporation.

If a material change occurs in the facts set forth in the statement filed with the commissioner and sent to the insurer under this section, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, must be filed with the commissioner and sent to the insurer within two business days after the person learns of the change.

(3) If an offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (1) of this section may use those documents in furnishing the information called for by that statement.

(4)(a) The commissioner shall approve a merger or other acquisition of control referred to in subsection (1) of this section unless, after a public hearing thereon, he or she finds that:

(i) After the change of control, the domestic insurer referred to in subsection (1) of this section would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly therein. In applying the competitive standard in (a)(ii) of this subsection:

(A) The informational requirements of section 5(3)(a) of this act and the standards of section 5(4)(b) of this act apply;

(B) The commissioner may not disapprove the merger or other acquisition if the commissioner finds that any of the situations meeting the criteria provided by section 5(4)(c) of this act exist; and

(C) The commissioner may condition the approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

(iii) The financial condition of an acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

(iv) The plans or proposals that the acquiring party has to liquidate the insurer, sell its assets, consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest;

(v) The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(vi) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(b) The commissioner shall approve an exchange or other acquisition of control referred to in section 4 of this act within sixty days after he or she declares the statement filed under section 4 of this act to be complete and after holding a public hearing. At the hearing, the person filing the statement, the insurer, and any person whose significant interest is determined by the commissioner to be affected may present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith may conduct discovery proceedings in the same manner as is allowed in the superior court of this state. All discovery proceedings must be concluded not later than three days before the commencement of the public hearing.

(c) The commissioner may retain at the acquiring person's expense any attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing the proposed acquisition of control. All reasonable costs of a hearing held under this section, as determined by the commissioner, including costs associated with the commissioner's use of investigatory, professional, and other necessary personnel, mailing of required notices and other information, and use of equipment or facilities, must be paid before issuance of the commissioner's order by the acquiring person.

(5) This section does not apply to:

(a) A transaction that is subject to RCW 48.31.010, dealing with the merger or consolidation of two or more insurers;

(b) An offer, request, invitation, agreement, or acquisition that the commissioner by order has exempted from this section as: (i) Not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (ii) otherwise not comprehended within the purposes of this section.

(6) The following are violations of this section:

(a) The failure to file a statement, amendment, or other material required to be filed under subsection (1) or (2) of this section; or

(b) The effectuation or an attempt to effectuate an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given approval thereto.

(7) The courts of this state have jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this section, and over all actions involving that person arising out of violations of this section, and each such person is deemed to have performed acts equivalent to and constituting an appointment by that person of the commissioner to be the person's true and lawful attorney upon whom may be served all lawful process in an action, suit, or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at the person's last known address.

NEW SECTION. Sec. 5. (1) The definitions in this subsection apply only for the purposes of this section.

(a) "Acquisition" means an agreement, arrangement, or activity, the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, bulk reinsurance, and mergers.

(b) An "involved insurer" includes an insurer which either acquires or is acquired, is affiliated with an acquirer or acquired, or is the result of a merger.

(2)(a) Except as exempted in (b) of this subsection, this section applies to any acquisition in which there is a change in control of an insurer authorized to do business in this state.

(b) This section does not apply to the following:

(i) An acquisition subject to approval or disapproval by the commissioner under section 4 of this act;

(ii) A purchase of securities solely for investment purposes so long as the securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in any insurance market in this state. If a purchase of securities results in a presumption of control under section 2(2) of this act, it is not solely for investment purposes unless the commissioner of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and the disclaimer action or affirmative finding is communicated by the domiciliary commissioner to the commissioner of this state;

(iii) The acquisition of a person by another person when neither person is directly nor through affiliates primarily engaged in the business of insurance, if preacquisition notification is filed with the commissioner in accordance with subsection (3)(a) of this section sixty days before the proposed effective date of the acquisition. However, preacquisition notification is not required for exclusion from this section if the acquisition would otherwise be excluded from this section by this subsection (2)(b);

(iv) The acquisition of already affiliated persons;

(v) An acquisition if, as an immediate result of the acquisition:

(A) In no market would the combined market share of the involved insurers exceed five percent of the total market;

(B) There would be no increase in any market share; or

(C) In no market would:

(I) The combined market share of the involved insurers exceed twelve percent of the total market; and

(II) The market share increase by more than two percent of the total market.

For the purpose of (b)(v) of this subsection, a "market" means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state;

(vi) An acquisition for which a preacquisition notification would be required under this section due solely to the resulting effect on the ocean marine insurance line of business;

(vii) An acquisition of an insurer whose domiciliary commissioner affirmatively finds: That the insurer is in failing condition; there is a lack of feasible alternative to improving such condition; and the public benefits of improving the insurer's condition through the acquisition exceed the public benefits that would arise from not lessening competition; and the findings are communicated by the domiciliary commissioner to the commissioner of this state.

(3) An acquisition covered by subsection (2) of this section may be subject to an order under subsection (5) of this section unless the acquiring person files a preacquisition notification and the waiting period has expired. The acquired person may file a preacquisition notification.

(a) The preacquisition notification must be in such form and contain such information as prescribed by the commissioner relating to those markets that, under subsection (2)(b)(v) of this section, cause the acquisition not to be exempted from this section. The commissioner may require such additional material and information as he or she deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard of subsection (4) of this section. The required information may include an opinion of an economist as to the competitive impact of the acquisition in this state accompanied by a summary of the education and experience of the person indicating his or her ability to render an informed opinion.

(b) The waiting period required begins on the date the commissioner declares the preacquisition notification to be complete and ends on the earlier of the sixtieth day after the date of the declaration or the termination of the waiting period by the commissioner. Before the end of the waiting period, the commissioner may require the submission of additional needed information relevant to the proposed acquisition. If additional information is required, the waiting period ends on the earlier of the sixtieth day after the commissioner declares he or she has received the additional information or the termination of the waiting period by the commissioner.

(4)(a) The commissioner may enter an order under subsection (5)(a) of this section with respect to an acquisition if there is substantial evidence that the effect of the acquisition may be substantially to lessen competition in a line of insurance in this state or tend to create a monopoly therein or if the insurer fails to file adequate information in compliance with subsection (3) of this section.

(b) In determining whether a proposed acquisition would violate the competitive standard of (a) of this subsection, the commissioner shall consider the following:

(i) An acquisition covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standards:

(A) If the market is highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
4%	4% or more
10%	2% or more
15%	1% or more; or

(B) If the market is not highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
5%	5% or more
10%	4% or more
15%	3% or more
19%	1% or more

A highly concentrated market is one in which the share of the four largest insurers is seventy-five percent or more of the market. Percentages not shown in the tables are interpolated proportionately to the percentages that are shown. If more than two insurers are involved, exceeding the total of the two columns in the table is prima facie evidence of violation of the competitive standard in (a) of this subsection. For the purpose of (b)(i) of this subsection, the insurer with the largest share of the market is Insurer A.

(ii) There is a significant trend toward increased concentration when the aggregate market share of a grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by seven percent or more of the market over a period of time extending from a base year five to ten years before the acquisition up to the time of the acquisition. An acquisition or merger covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standard in (a) of this subsection if:

(A) There is a significant trend toward increased concentration in the market;

(B) One of the insurers involved is one of the insurers in a grouping of such large insurers showing the requisite increase in the market share; and

(C) Another involved insurer's market is two percent or more.

(iii) For the purposes of (b) of this subsection:

(A) The term "insurer" includes a company or group of companies under common management, ownership, or control;

(B) The term "market" means the relevant product and geographical markets. In determining the relevant product and geographical markets, the commissioner shall give due consideration to, among other things, the definitions or guidelines, if any, adopted by the National Association of Insurance Commissioners and to information, if any, submitted by parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by insurers doing business in this state, and the relevant geographical market is assumed to be this state;

(C) The burden of showing prima facie evidence of violation of the competitive standard rests upon the commissioner.

(iv) Even though an acquisition is not prima facie violative of the competitive standard under (b)(i) and (ii) of this subsection, the commissioner may establish the requisite anticompetitive effect based upon other substantial evidence. Even though an acquisition is prima facie violative of the competitive standard under (b)(i) and (ii) of this subsection, a party may establish the absence of the requisite anticompetitive effect based upon other substantial evidence. Relevant factors in making a determination under (b)(iv) of this subsection include, but are not limited to, the following: Market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market.

(c) An order may not be entered under subsection (5)(a) of this section if:

(i) The acquisition will yield substantial economies of scale or economies in resource use that cannot be feasibly achieved in any other way, and the public benefits that would arise from the economies exceed the public benefits that would arise from not lessening competition; or

(ii) The acquisition will substantially increase the availability of insurance, and the public benefits of the increase exceed the public benefits that would arise from not lessening competition.

(5)(a)(i) If an acquisition violates the standards of this section, the commissioner may enter an order:

(A) Requiring an involved insurer to cease and desist from doing business in this state with respect to the line or lines of insurance involved in the violation; or

(B) Denying the application of an acquired or acquiring insurer for a license to do business in this state.

(ii) The commissioner may not enter the order unless: (A) There is a hearing; (B) notice of the hearing is issued before the end of the waiting period and not less than fifteen days before the hearing; and (C) the hearing is concluded and the order is issued no later than sixty days after the end of the waiting period. Every order must be accompanied by a written decision of the commissioner setting forth his or her findings of fact and conclusions of law.

(iii) An order entered under (a) of this subsection may not become final earlier than thirty days after it is issued, during which time the involved insurer may submit a plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon the plan or other information, the commissioner shall specify the conditions, if any, under the time period during which the aspects of the acquisition causing a violation of the standards of this section would be remedied and the order vacated or modified.

(iv) An order pursuant to (a) of this subsection does not apply if the acquisition is not consummated.

(b) A person who violates a cease and desist order of the commissioner under (a) of this subsection and while the order is in effect, may, after notice and hearing and upon order of the commissioner, be subject at the discretion of the commissioner to one or more of the following:

(i) A monetary penalty of not more than ten thousand dollars for every day of violation; or

(ii) Suspension or revocation of the person's license; or

(iii) Both (b)(i) and (b)(ii) of this subsection.

(c) An insurer or other person who fails to make a filing required by this section and who also fails to demonstrate a good faith effort to comply with the filing requirement, is subject to a civil penalty of not more than fifty thousand dollars.

(6) Sections 10 (2) and (3) and 11 of this act do not apply to acquisitions covered under subsection (2) of this section.

NEW SECTION. Sec. 6. (1) Every insurer authorized to do business in this state that is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in:

(a) This section;

(b) Section 7(1)(a), (2), and (3) of this act; and

(c) Either section 7(1)(b) of this act or a provision such as the following: Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen days after the end of the month in which it learns of each change or addition.

An insurer subject to registration under this section shall register within fifteen days after it becomes subject to registration, and annually thereafter by May 15th of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require an insurer authorized to do business in the state that is a member of a holding company system, but that is not subject to registration under this section, to furnish a copy of the registration statement, the summary specified in subsection (3) of this section, or other information filed by the insurance company with the insurance regulatory authority of its domiciliary jurisdiction.

(2) An insurer subject to registration shall file the registration statement on a form prescribed by the commissioner, containing the following current information:

(a) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

(b) The identity and relationship of every member of the insurance holding company system;

(c) The following agreements in force, and transactions currently outstanding or that have occurred during the last calendar year between the insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchange of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management agreements, service contracts, and cost-sharing arrangements;

(vi) Reinsurance agreements;

(vii) Dividends and other distributions to shareholders; and

(viii) Consolidated tax allocation agreements;

(d) Any pledge of the insurer's stock, including stock of subsidiary or controlling affiliate, for a loan made to a member of the insurance holding company system;

(e) Other matters concerning transactions between registered insurers and affiliates as may be included from time to time in registration forms adopted or approved by the commissioner.

(3) Registration statements must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(4) No information need be disclosed on the registration statement filed under subsection (2) of this section if the information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of the 31st day of the previous December are not material for purposes of this section.

(5)(a) Subject to section 7(2) of this act, each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within five business days after their declaration and at least fifteen business days before payment, and shall provide the commissioner such other information as may be required by rule.

(b) If the commissioner determines that a registered insurer's surplus as regards policyholders is not reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the commissioner may order the registered insurance company to limit or discontinue the payment of stockholder dividends until such time as the surplus is adequate.

(6) A person within an insurance holding company system subject to registration shall provide complete and accurate information to an insurer, where the information is reasonably necessary to enable the insurer to comply with this chapter.

(7) The commissioner shall terminate the registration of an insurer that demonstrates that it no longer is a member of an insurance holding company system.

(8) The commissioner may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement.

(9) The commissioner may allow an insurer authorized to do business in this state and part of an insurance holding company system to register on behalf of an affiliated insurer that is required to register under section 6(1) of this act and to file all information and material required to be filed under this section.

(10) This section does not apply to an insurer, information, or transaction if and to the extent that the commissioner by rule or order exempts the insurer, information, or transaction from this section.

(11) A person may file with the commissioner a disclaimer of affiliation with an authorized insurer, or an insurer or a member of an insurance holding company system may file the disclaimer. The disclaimer must fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming the affiliation. After a disclaimer has been filed, the insurer is relieved of any duty to register or report under this section that may arise out of the insurer's relationship with the person unless and until the commissioner disallows the disclaimer. The commissioner shall disallow the a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.

(12) Failure to file a registration statement or a summary of the registration statement required by this section within the time specified for the filing is a violation of this section.

NEW SECTION. Sec. 7. (1)(a) Transactions within a holding company system to which an insurer subject to registration is a party are subject to the following standards:

- (i) The terms must be fair and reasonable;
- (ii) Charges or fees for services performed must be fair and reasonable;
- (iii) Expenses incurred and payment received must be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;
- (iv) The books, accounts, and records of each party to all such transactions must be so maintained as to clearly and accurately disclose the nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and
- (v) The insurer's surplus regarding policyholders after dividends or distributions to shareholders or affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) The following transactions involving a domestic insurer and a person in its holding company system may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into the transaction and the commissioner declares the notice to be sufficient at least sixty days before, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period:

- (i) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments if the transactions are equal to or exceed: (A) With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders; (B) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of the previous December;
- (ii) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes the loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, an affiliate of the insurer making the loans or extensions of credit if the transactions are equal to or exceed: (A) With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders; (B) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of the previous December;
- (iii) Reinsurance agreements or modifications to them in which the reinsurance premium or a change in the insurer's liabilities equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the 31st day of the previous December, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;
- (iv) Management agreements, service contracts, and cost-sharing arrangements; and
- (v) Material transactions, specified by rule, that the commissioner determines may adversely affect the interests of the insurer's policyholders.

Nothing contained in this section authorizes or permits a transaction that, in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.

(c) A domestic insurer may not enter into transactions that are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that the separate transactions were entered into over a twelve-month period for that purpose, the commissioner may apply for an order as described in section 10(1) of this act.

(d) The commissioner, in reviewing transactions under (b) of this subsection, shall consider whether the transactions comply with the standards set forth in (a) of this subsection and whether they may adversely affect the interests of policyholders.

(e) The commissioner shall be notified within thirty days of an investment of the domestic insurer in any one corporation if the total investment in the corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities.

(2)(a) No domestic insurer may pay an extraordinary dividend or make any other extraordinary distribution to its shareholders until: (i) Thirty days after the commissioner declares that he or she has received sufficient notice of the declaration thereof and has not within that period disapproved the payment; or (ii) the commissioner has approved the payment within the thirty-day period.

(b) For purposes of this section, an extraordinary dividend or distribution is a dividend or distribution of cash or other property whose fair market value, together with that of other dividends or distributions made within the period of twelve consecutive months ending on the date on which the proposed dividend is scheduled for payment or distribution, exceeds the greater of: (i) Ten percent of the company's surplus as regards policyholders as of the 31st day of the previous December; or (ii) the net gain from operations of the company if the company is a life insurance company, or the net income if the company is not a life insurance company, for the twelve month period ending the 31st day of the previous December, but does not include pro rata distributions of any class of the company's own securities.

(c) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditional upon the commissioner's approval. The declaration confers no rights upon shareholders until: (i) The commissioner has approved the payment of the dividend or distribution; or (ii) the commissioner has not disapproved the payment within the thirty-day period referred to in (a) of this subsection.

(3) For purposes of this chapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, may be considered:

(a) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(b) The extent to which the insurer's business is diversified among the several lines of insurance;

(c) The number and size of risks insured in each line of business;

(d) The extent of the geographical dispersion of the insurer's insured risks;

(e) The nature and extent of the insurer's reinsurance program;

(f) The quality, diversification, and liquidity of the insurer's investment portfolio;

(g) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(h) The surplus as regards policyholders maintained by other comparable insurers;

(i) The adequacy of the insurer's reserves;

(j) The quality and liquidity of investments in affiliates. The commissioner may discount any such investment or may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his or her judgment the investment so warrants; and

(k) The quality of the insurer's earnings and the extent to which the reported earnings include extraordinary items.

NEW SECTION. Sec. 8. (1) Subject to the limitation contained in this section and in addition to the powers that the commissioner has under chapter 48.03 RCW relating to the examination of insurers, the commissioner also may order an insurer registered under section 6 of this act to produce such records, books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to ascertain the financial condition of the insurer or to determine compliance with this title. If the insurer fails to comply with the order, the commissioner may examine the affiliates to obtain the information.

(2) The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as are reasonably necessary to assist in the conduct of the examination under subsection (1) of this section. Persons so retained are under the direction and control of the commissioner and shall act in a purely advisory capacity.

(3) Each registered insurer producing for examination records, books, and papers under subsection (1) of this section are liable for and shall pay the expense of the examination in accordance with RCW 48.03.060.

NEW SECTION. Sec. 9. The commissioner may, upon notice and opportunity for all interested persons to be heard, adopt rules and issue orders that are necessary to carry out this chapter.

NEW SECTION. Sec. 10. (1) Whenever it appears to the commissioner that an insurer or a director, officer, employee, or agent of the insurer has committed or is about to commit a violation of this chapter or any rule or order of the commissioner under this chapter, the commissioner may apply to the superior court for Thurston county or to the court for the county in which the principal office of the insurer is located for an order enjoining the insurer or the director, officer, employee, or agent from violating or continuing to violate this chapter or any such rule or order, and for such other equitable relief as the nature of the case and the interest of the insurer's policyholders, creditors, and shareholders or the public may require.

(2) No security that is the subject of an agreement or arrangement regarding acquisition, or that is acquired or to be acquired, in contravention of this chapter or of a rule or order of the commissioner under this chapter may be voted at a shareholders' meeting, or may be counted for quorum purposes. Any action of shareholders requiring the affirmative vote of a

percentage of shares may be taken as though the securities were not issued and outstanding, but no action taken at any such meeting may be invalidated by the voting of the securities, unless the action would materially affect control of the insurer or unless the courts of this state have so ordered. If an insurer or the commissioner has reason to believe that a security of the insurer has been or is about to be acquired in contravention of this chapter or of a rule or order of the commissioner under this chapter, the insurer or the commissioner may apply to the superior court for Thurston county or to the court for the county in which the insurer has its principal place of business to enjoin an offer, request, invitation, agreement, or acquisition made in contravention of section 4 of this act or a rule or order of the commissioner under that section to enjoin the voting of a security so acquired, to void a vote of the security already cast at a meeting of shareholders, and for such other relief as the nature of the case and the interest of the insurer's policyholders, creditors, and shareholders or the public may require.

(3) If a person has acquired or is proposing to acquire voting securities in violation of this chapter or a rule or order of the commissioner under this chapter, the superior court for Thurston county or the court for the county in which the insurer has its principal place of business may, on such notice as the court deems appropriate, upon the application of the insurer or the commissioner seize or sequester voting securities of the insurer owned directly or indirectly by the person, and issue such order with respect to the securities as may be appropriate to carry out this chapter.

Notwithstanding any other provisions of law, for the purposes of this chapter, the situs of the ownership of the securities of domestic insurers is in this state.

NEW SECTION. Sec. 11. (1) The commissioner shall require, after notice and hearing, an insurer failing, without just cause, to file a registration statement as required in this chapter, to pay a penalty of not more than ten thousand dollars per day. The maximum penalty under this section is one million dollars. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer. The commissioner shall pay a fine collected under this section to the state treasurer for the account of the general fund.

(2) Every director or officer of an insurance holding company system who knowingly violates this chapter, or participates in, or assents to, or who knowingly permits an officer or agent of the insurer to engage in transactions or make investments that have not been properly reported or submitted under section 6(1) or 7(1)(b) or (2) of this act, or that violate this chapter, shall pay, in their individual capacity, a civil forfeiture of not more than ten thousand dollars per violation, after notice and hearing before the commissioner. In determining the amount of the civil forfeiture, the commissioner shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(3) Whenever it appears to the commissioner that an insurer subject to this chapter or a director, officer, employee, or agent of the insurer has engaged in a transaction or entered into a contract that is subject to section 7 of this act and that would not have been approved had approval been requested, the commissioner may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the commissioner may also order the insurer to void any such contracts and restore the status quo if that action is in the best interest of the policyholders, creditors, or the public.

(4) Whenever it appears to the commissioner that an insurer or a director, officer, employee, or agent of the insurer has committed a willful violation of this chapter, the commissioner may refer the matter to the prosecuting attorney of Thurston county or the county in which the principal office of the insurer is located. An insurer that willfully violates this chapter may be fined not more than one million dollars. Any individual who willfully violates this chapter may be fined in his or her individual capacity not more than ten thousand dollars, or be imprisoned for not more than three years, or both.

(5) An officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made a false statement or false report or false filing with the intent to deceive the commissioner in the performance of his or her duties under this chapter, upon conviction thereof, shall be imprisoned for not more than three years or fined not more than ten thousand dollars or both. The officer, director, or employee upon whom the fine is imposed shall pay the fine in his or her individual capacity.

NEW SECTION. Sec. 12. Whenever it appears to the commissioner that a person has committed a violation of this chapter that so impairs the financial condition of a domestic insurer as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders, or the public, the commissioner may proceed as provided in RCW 48.31.030 and 48.31.040 to take possession of the property of the domestic insurer and to conduct the business of the insurer.

NEW SECTION. Sec. 13. (1) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed under the order may recover on behalf of the insurer: (a) From a parent corporation or holding company or person or affiliate who otherwise controlled the insurer, the amount of distributions, other than distributions of shares of the same class of stock, paid by the insurer on its capital stock; or (b) a payment in the form of a bonus, termination settlement, or extraordinary lump sum salary adjustment made by the insurer or its subsidiary to a director, officer, or employee, where the distribution or payment under (a) or (b) of this subsection is made at any time during the one year before the petition for liquidation, conservation, or rehabilitation, as the case may be, subject to the limitations of subsections (2), (3), and (4) of this section.

(2) No such distribution is recoverable if it is shown that when paid, the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) A person who was a parent corporation or holding company or a person who otherwise controlled the insurer or affiliate when the distributions were paid is liable up to the amount of distributions or payments under subsection (1) of this section the person received. A person who controlled the insurer at the time the distributions were declared is liable up to the amount of distributions he or she would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they are jointly and severally liable.

(4) The maximum amount recoverable under this section is the amount needed in excess of all other available assets of the impaired or insolvent insurer to pay the contractual obligations of the impaired or insolvent insurer and to reimburse any guaranty funds.

(5) To the extent that a person liable under subsection (3) of this section is insolvent or otherwise fails to pay claims due from it under those provisions, its parent corporation or holding company or person who otherwise controlled it at the time the distribution was paid, is jointly and severally liable for a resulting deficiency in the amount recovered from the parent corporation or holding company or person who otherwise controlled it.

NEW SECTION. Sec. 14. Whenever it appears to the commissioner that a person has committed a violation of this chapter that makes the continued operation of an insurer contrary to the interests of policyholders or the public, the commissioner may, after giving notice and an opportunity to be heard, determine to suspend, revoke, or refuse to renew the insurer's license or authority to do business in this state for such period as he or she finds is required for the protection of policyholders or the public. Such a determination must be accompanied by specific findings of fact and conclusions of law.

NEW SECTION. Sec. 15. (1) A person aggrieved by an act, determination, rule, order, or any other action of the commissioner under this chapter may proceed in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(2) A person aggrieved by a failure of the commissioner to act or make a determination required by this chapter may petition the commissioner under the procedure described in RCW 34.05.330.

NEW SECTION. Sec. 16. This chapter may be known and cited as the Business Transacted with Broker-controlled Property and Casualty Insurer Act.

NEW SECTION. Sec. 17. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited state" means a state in which the insurance department or regulatory agency has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the National Association of Insurance Commissioners.

(2) "Broker" means an insurance broker or brokers or any other person, firm, association, or corporation, when, for compensation, commission, or other thing of value, the person, firm, association, or corporation acts or aids in any manner in soliciting, negotiating, or procuring the making of an insurance contract on behalf of an insured other than the person, firm, association, or corporation.

(3) "Control" or "controlled by" has the meaning ascribed in section 2(2) of this act.

(4) "Controlled insurer" means a licensed insurer that is controlled, directly or indirectly, by a broker.

(5) "Controlling producer" means a broker who, directly or indirectly, controls an insurer.

(6) "Licensed insurer" or "insurer" means a person, firm, association, or corporation licensed to transact property and casualty insurance business in this state. The following, among others, are not licensed insurers for purposes of this chapter:

(a) Risk retention groups as defined in the Superfund Amendments Reauthorization Act of 1986, P.L. 99-499, 100 Stat. 1613 (1986), the Risk Retention Act, 15 U.S.C. Sec. 3901 et seq. (1982 and Supp. 1986), and chapter 48.92 RCW;

(b) Residual market pools and joint underwriting associations; and

(c) Captive insurers. For the purposes of this chapter, captive insurers are insurance companies owned by another organization, whose exclusive purpose is to insure risks of the parent organization and affiliated companies or, in the case of groups and associations, insurance organizations owned by the insureds whose exclusive purpose is to insure risks to member organizations or group members, or both, and their affiliates.

NEW SECTION. Sec. 18. This chapter applies to licensed insurers either domiciled in this state or domiciled in a state that is not an accredited state having in effect a substantially similar law. All provisions of the Insurer Holding Company Act, chapter 48.-- RCW (sections 1 through 15 of this act), or its successor act, to the extent they are not superseded by this chapter, continue to apply to all parties within the holding company systems subject to this chapter.

NEW SECTION. Sec. 19. (1)(a) This section applies in a particular calendar year if in that calendar year the aggregate amount of gross written premium on business placed with a controlled insurer by a controlling broker is equal to or greater than five

percent of the admitted assets of the controlled insurer, as reported in the controlled insurer's quarterly statement filed as of September 30th of the prior year.

(b) Notwithstanding (a) of this subsection, this section does not apply if:

(i) The controlling producer:

(A) Places insurance only with the controlled insurer; or only with the controlled insurer and a member or members of the controlled insurer's holding company system, or the controlled insurer's parent, affiliate, or subsidiary and receives no compensation based upon the amount of premiums written in connection with the insurance; and

(B) Accepts insurance placements only from nonaffiliated subbrokers, and not directly from insureds; and

(ii) The controlled insurer, except for business written through a residual market facility such as the assigned risk plan, fair plans, or other such plans, accepts insurance business only from a controlling broker, a broker controlled by the controlled insurer, or a broker that is a subsidiary of the controlled insurer.

(2) A controlled insurer may not accept business from a controlling broker and a controlling broker may not place business with a controlled insurer unless there is a written contract between the controlling broker and the insurer specifying the responsibilities of each party, which contract has been approved by the board of directors of the insurer and contains the following minimum provisions:

(a) The controlled insurer may terminate the contract for cause, upon written notice to the controlling broker. The controlled insurer shall suspend the authority of the controlling broker to write business during the pendency of a dispute regarding the cause for the termination;

(b) The controlling broker shall render accounts to the controlling insurer detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by, or owing to, the controlling broker;

(c) The controlling broker shall remit all funds due under the terms of the contract to the controlling insurer on at least a monthly basis. The due date must be fixed so that premiums or installments collected are remitted no later than ninety days after the effective date of a policy placed with the controlling insurer under this contract;

(d) The controlling broker shall hold all funds collected for the controlled insurer's account in a fiduciary capacity, in one or more appropriately identified bank accounts in banks that are members of the federal reserve system, in accordance with the applicable provisions of this title. However, funds of a controlling broker not required to be licensed in this state must be maintained in compliance with the requirements of the controlling broker's domiciliary jurisdiction;

(e) The controlling broker shall maintain separately identifiable records of business written for the controlled insurer;

(f) The contract shall not be assigned in whole or in part by the controlling broker;

(g) The controlled insurer shall provide the controlling broker with its underwriting standards, rules, and procedures, manuals setting forth the rates to be charged, and the conditions for the acceptance or rejection of risks. The controlling broker shall adhere to the standards, rules, procedures, rates, and conditions that are the same as those applicable to comparable business placed with the controlled insurer by a broker other than the controlling broker;

(h) The rates of the controlling broker's commissions, charges, and other fees must be no greater than those applicable to comparable business placed with the controlled insurer by brokers other than controlling brokers. For purposes of (g) and (h) of this subsection, examples of comparable business include the same lines of insurance, same kinds of insurance, same kinds of risks, similar policy limits, and similar quality of business;

(i) If the contract provides that the controlling broker, on insurance business placed with the insurer, is to be compensated contingent upon the insurer's profits on that business, then the compensation shall not be determined and paid until at least five years after the premiums on liability insurance are earned and at least one year after the premiums are earned on any other insurance. In no event may the commissions be paid until the adequacy of the controlled insurer's reserves on remaining claims has been independently verified under subsection (3) of this section;

(j) The insurer may establish a different limit on the controlling broker's writings in relation to the controlled insurer's surplus and total writings for each line or subline of business. The controlled insurer shall notify the controlling broker when the applicable limit is approached and may not accept business from the controlling broker if the limit is reached. The controlling broker may not place business with the controlled insurer if it has been notified by the controlled insurer that the limit has been reached; and

(k) The controlling broker may negotiate but may not bind reinsurance on behalf of the controlled insurer on business the controlling broker places with the controlled insurer, except that the controlling broker may bind facultative reinsurance contracts under obligatory facultative agreements if the contract with the controlled insurer contains underwriting guidelines including, for both reinsurance assumed and ceded, a list of reinsurers with which the automatic agreements are in effect, the coverages and amounts of percentages that may be reinsured, and commission schedules.

(3) Every controlled insurer shall have an audit committee of the board of directors composed of independent directors. The audit committee shall annually meet with management, the insurer's independent certified public accountants, and an

independent casualty actuary or other independent loss reserve specialist acceptable to the commissioner to review the adequacy of the insurer's loss reserves.

(4)(a) In addition to any other required loss reserve certification, the controlled insurer shall, annually, on April 1st of each year, file with the commissioner an opinion of an independent casualty actuary, or such other independent loss reserve specialist acceptable to the commissioner, reporting loss ratios for each line of business written and attesting to the adequacy of loss reserves established for losses incurred and outstanding as of year-end, including losses incurred but not reported, on business placed by the broker; and

(b) The controlled insurer shall annually report to the commissioner the amount of commissions paid to the producer, the percentage that amount represents of the net premiums written, and comparable amounts and percentages paid to noncontrolling brokers for placements of the same kinds of insurance.

NEW SECTION. Sec. 20. The broker, before the effective date of the policy, shall deliver written notice to the prospective insured disclosing the relationship between the broker and the controlled insurer, except that, if the business is placed through a subbroker who is not a controlling broker, the controlling broker shall retain in his or her records a signed commitment from the subbroker that the subbroker is aware of the relationship between the insurer and the broker and that the subbroker has notified or will notify the insured.

NEW SECTION. Sec. 21. (1)(a) If the commissioner believes that the controlling broker has not materially complied with this chapter, or a rule adopted or order issued under this chapter, the commissioner may after notice and opportunity to be heard, order the controlling broker to cease placing business with the controlled insurer; and

(b) If it is found that because of material noncompliance that the controlled insurer or any policyholder thereof has suffered loss or damage, the commissioner may maintain a civil action or intervene in an action brought by or on behalf of the insurer or policyholder for recovery of compensatory damages for the benefit of the insurer or policyholder or other appropriate relief.

(2) If an order for liquidation or rehabilitation of the controlled insurer has been entered under chapter 48.31 RCW, and the receiver appointed under that order believes that the controlling broker or any other person has not materially complied with this chapter, or a rule adopted or order issued under this chapter, and the insurer suffered any loss or damage from the noncompliance, the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the insurer.

(3) Nothing contained in this section alters or affects the right of the commissioner to impose other penalties provided for in this title.

(4) Nothing contained in this section alters or affects the rights of policyholders, claimants, creditors, or other third parties.

NEW SECTION. Sec. 22. This chapter may be known and cited as the Reinsurance Intermediary Act.

NEW SECTION. Sec. 23. The definitions set forth in this section apply throughout this chapter:

(1) "Actuary" means a person who is a member in good standing of the American Academy of Actuaries.

(2) "Controlling person" means a person, firm, association, or corporation who directly or indirectly has the power to direct or cause to be directed, the management, control, or activities of the reinsurance intermediary.

(3) "Insurer" means insurer as defined in RCW 48.01.050.

(4) "Licensed producer" means an agent, broker, or reinsurance intermediary licensed under the applicable provisions of this title.

(5) "Reinsurance intermediary" means a reinsurance intermediary-broker or a reinsurance intermediary-manager as these terms are defined in subsections (6) and (7) of this section.

(6) "Reinsurance intermediary-broker" means a person, other than an officer or employee of the ceding insurer, firm, association, or corporation who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the insurer.

(7) "Reinsurance intermediary-manager" means a person, firm, association, or corporation who has authority to bind or manages all or part of the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as an agent for the reinsurer whether known as a reinsurance intermediary-manager, manager, or other similar term. Notwithstanding this subsection, the following persons are not considered a reinsurance intermediary-manager, with respect to such reinsurer, for the purposes of this chapter:

(a) An employee of the reinsurer;

(b) A United States manager of the United States branch of an alien reinsurer;

(c) An underwriting manager who, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the Insurer Holding Company Act, chapter 48.-- RCW (sections 1 through 15 of this act), and whose compensation is not based on the volume of premiums written;

(d) The manager of a group, association, pool, or organization of insurers that engages in joint underwriting or joint reinsurance and that are subject to examination by the insurance commissioner of the state in which the manager's principal business office is located.

(8) "Reinsurer" means a person, firm, association, or corporation licensed in this state under this title as an insurer with the authority to assume reinsurance.

(9) "To be in violation" means that the reinsurance intermediary, insurer, or reinsurer for whom the reinsurance intermediary was acting failed to substantially comply with this chapter.

(10) "Qualified United States financial institution" means an institution that:

(a) Is organized or, in the case of a United States office of a foreign banking organization, licensed, under the laws of the United States or any state thereof;

(b) Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and

(c) Has been determined by either the commissioner, or the securities valuation office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

NEW SECTION. Sec. 24. (1) No person, firm, association, or corporation may act as a reinsurance intermediary-broker in this state if the person, firm, association, or corporation maintains an office either directly or as a member or employee of a firm or association, or an officer, director, or employee of a corporation:

(a) In this state, unless the person, firm, association, or corporation is a licensed reinsurance intermediary-broker in this state; or

(b) In another state, unless the person, firm, association, or corporation is a licensed reinsurance intermediary-broker in this state or another state having a regulatory scheme substantially similar to this chapter.

(2) No person, firm, association, or corporation may act as a reinsurance intermediary-manager:

(a) For a reinsurer domiciled in this state, unless the person, firm, association, or corporation is a licensed reinsurance intermediary-manager in this state;

(b) In this state, if the person, firm, association, or corporation maintains an office either directly or as a member or employee of a firm or association, or an officer, director, or employee of a corporation in this state, unless the person, firm, association, or corporation is a licensed reinsurance intermediary-manager in this state;

(c) In another state for a nondomestic reinsurer, unless the person, firm, association, or corporation is a licensed reinsurance intermediary-manager in this state or another state having a substantially similar regulatory scheme.

(3) The commissioner may require a reinsurance intermediary-manager subject to subsection (2) of this section to:

(a) File a bond in an amount and from an insurer acceptable to the commissioner for the protection of the reinsurer; and

(b) Maintain an errors and omissions policy in an amount acceptable to the commissioner.

(4)(a) The commissioner may issue a reinsurance intermediary license to a person, firm, association, or corporation who has complied with the requirements of this chapter. Any such license issued to a firm or association authorizes all the members of the firm or association and any designated employees to act as reinsurance intermediaries under the license, and all such persons may be named in the application and any supplements to it. Any such license issued to a corporation authorizes all of the officers, and any designated employees and directors of it, to act as reinsurance intermediaries on behalf of the corporation, and all such persons must be named in the application and any supplements to it.

(b) If the applicant for a reinsurance intermediary license is a nonresident, the applicant, as a condition precedent to receiving or holding a license, shall designate the commissioner as agent for service of process in the manner, and with the same legal effect, provided for by this title for designation of service of process upon unauthorized insurers, and also shall furnish the commissioner with the name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting the nonresident reinsurance intermediary may be served. The licensee shall promptly notify the commissioner in writing of every change in its designated agent for service of process, but the change does not become effective until acknowledged by the commissioner.

(5) The commissioner may refuse to issue a reinsurance intermediary license if, in his or her judgment, the applicant, anyone named on the application, or a member, principal, officer, or director of the applicant, is not trustworthy, or that a controlling person of the applicant is not trustworthy to act as a reinsurance intermediary, or that any of the foregoing has given cause for revocation or suspension of the license, or has failed to comply with a prerequisite for the issuance of such license. Upon written request, the commissioner will furnish a summary of the basis for refusal to issue a license, which document is privileged and not subject to chapter 42.17 RCW.

(6) Licensed attorneys at law of this state when acting in their professional capacity as such are exempt from this section.

NEW SECTION. Sec. 25. Brokers transactions between a reinsurance intermediary-broker and the insurer it represents in such capacity may be entered into only under a written authorization, specifying the responsibilities of each party. The authorization must, at a minimum, provide that:

(1) The insurer may terminate the reinsurance intermediary-broker's authority at any time.

(2) The reinsurance intermediary-broker shall render accounts to the insurer accurately detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by, or owing, to the reinsurance intermediary-broker, and remit all funds due to the insurer within thirty days of receipt.

(3) All funds collected for the insurer's account must be held by the reinsurance intermediary-broker in a fiduciary capacity in a bank that is a qualified United States financial institution as defined in this chapter.

(4) The reinsurance intermediary-broker will comply with section 26 of this act.

(5) The reinsurance intermediary-broker will comply with the written standards established by the insurer for the cession or retrocession of all risks.

(6) The reinsurance intermediary-broker will disclose to the insurer any relationship with any reinsurer to which business will be ceded or retroceded.

NEW SECTION. Sec. 26. (1) For at least ten years after expiration of each contract of reinsurance transacted by the reinsurance intermediary-broker, the reinsurance intermediary-broker shall keep a complete record for each transaction showing:

(a) The type of contract, limits, underwriting restrictions, classes, or risks and territory;

(b) Period of coverage, including effective and expiration dates, cancellation provisions, and notice required of cancellation;

(c) Reporting and settlement requirements of balances;

(d) Rate used to compute the reinsurance premium;

(e) Names and addresses of assuming reinsurers;

(f) Rates of all reinsurance commissions, including the commissions on any retrocessions handled by the reinsurance intermediary-broker;

(g) Related correspondence and memoranda;

(h) Proof of placement;

(i) Details regarding retrocessions handled by the reinsurance intermediary-broker including the identity of retrocessionaires and percentage of each contract assumed or ceded;

(j) Financial records, including but not limited to, premium and loss accounts; and

(k) When the reinsurance intermediary-broker procures a reinsurance contract on behalf of a licensed ceding insurer:

(i) Directly from any assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or

(ii) If placed through a representative of the assuming reinsurer, other than an employee, written evidence that the reinsurer has delegated binding authority to the representative.

(2) The insurer has access and the right to copy and audit all accounts and records maintained by the reinsurance intermediary-broker related to its business in a form usable by the insurer.

NEW SECTION. Sec. 27. (1) An insurer may not engage the services of a person, firm, association, or corporation to act as a reinsurance intermediary-broker on its behalf unless the person is licensed as required by section 24(1) of this act.

(2) An insurer may not employ an individual who is employed by a reinsurance intermediary-broker with which it transacts business, unless the reinsurance intermediary-broker is under common control with the insurer and subject to the Insurer Holding Company Act, chapter 48.-- RCW (sections 1 through 15 of this act).

(3) The insurer shall annually obtain a copy of statements of the financial condition of each reinsurance intermediary-broker with which it transacts business.

NEW SECTION. Sec. 28. Transactions between a reinsurance intermediary manager and the reinsurer it represents in such capacity may be entered into only under a written contract, specifying the responsibilities of each party, which shall be approved by the reinsurer's board of directors. At least thirty days before the reinsurer assumes or cedes business through the reinsurance intermediary-manager, a true copy of the approved contract must be filed with the commissioner for approval. The contract must, at a minimum, provide that:

(1) The reinsurer may terminate the contract for cause upon written notice to the reinsurance intermediary-manager. The reinsurer may immediately suspend the authority of the reinsurance intermediary-manager to assume or cede business during the pendency of a dispute regarding the cause for termination.

(2) The reinsurance intermediary-manager shall render accounts to the reinsurer accurately detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by, or owing to, the reinsurance intermediary-manager, and remit all funds due under the contract to the reinsurer on not less than a monthly basis.

(3) All funds collected for the reinsurer's account must be held by the reinsurance intermediary-manager in a fiduciary capacity in a bank that is a qualified United States financial institution. The reinsurance intermediary-manager may retain no more than three months' estimated claims payments and allocated loss adjustment expenses. The reinsurance intermediary-manager shall maintain a separate bank account for each reinsurer that it represents.

(4) For at least ten years after expiration of each contract of reinsurance transacted by the reinsurance intermediary-manager, the reinsurance intermediary-manager shall keep a complete record for each transaction showing:

- (a) The type of contract, limits, underwriting restrictions, classes, or risks and territory;
- (b) Period of coverage, including effective and expiration dates, cancellation provisions, and notice required of cancellation, and disposition of outstanding reserves on covered risks;
- (c) Reporting and settlement requirements of balances;
- (d) Rate used to compute the reinsurance premium;
- (e) Names and addresses of reinsurers;
- (f) Rates of all reinsurance commissions, including the commissions on any retrocessions handled by the reinsurance intermediary-manager;
- (g) Related correspondence and memoranda;
- (h) Proof of placement;
- (i) Details regarding retrocessions handled by the reinsurance intermediary-manager, as permitted by section 30(4) of this act, including the identity of retrocessionaires and percentage of each contract assumed or ceded;
- (j) Financial records, including but not limited to, premium and loss accounts; and
- (k) When the reinsurance intermediary-manager places a reinsurance contract on behalf of a ceding insurer:
 - (i) Directly from an assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or
 - (ii) If placed through a representative of the assuming reinsurer, other than an employee, written evidence that the reinsurer has delegated binding authority to the representative.

(5) The reinsurer has access and the right to copy all accounts and records maintained by the reinsurance intermediary-manager related to its business in a form usable by the reinsurer.

(6) The reinsurance intermediary-manager may not assign the contract in whole or in part.

(7) The reinsurance intermediary-manager shall comply with the written underwriting and rating standards established by the insurer for the acceptance, rejection, or cession of all risks.

(8) The rates, terms, and purposes of commissions, charges, and other fees that the reinsurance intermediary-manager may levy against the reinsurer are clearly specified.

(9) If the contract permits the reinsurance intermediary-manager to settle claims on behalf of the reinsurer:

(a) All claims will be reported to the reinsurer in a timely manner;

(b) A copy of the claim file will be sent to the reinsurer at its request or as soon as it becomes known that the claim:

(i) Has the potential to exceed the lesser of an amount determined by the commissioner or the limit set by the reinsurer;

(ii) Involves a coverage dispute;

(iii) May exceed the reinsurance intermediary-manager's claims settlement authority;

(iv) Is open for more than six months; or

(v) Is closed by payment of the lesser of an amount set by the commissioner or an amount set by the reinsurer;

(c) All claim files are the joint property of the reinsurer and reinsurance intermediary-manager. However, upon an order of liquidation of the reinsurer, the files become the sole property of the reinsurer or its estate; the reinsurance intermediary-manager has reasonable access to and the right to copy the files on a timely basis;

(d) Settlement authority granted to the reinsurance intermediary-manager may be terminated for cause upon the reinsurer's written notice to the reinsurance intermediary-manager or upon the termination of the contract. The reinsurer may suspend the settlement authority during the pendency of a dispute regarding the cause of termination.

(10) If the contract provides for a sharing of interim profits by the reinsurance intermediary-manager, such interim profits will not be paid until one year after the end of each underwriting period for property business and five years after the end of each underwriting period for casualty business, or a later period set by the commissioner for specified lines of insurance, and not until the adequacy of reserves on remaining claims has been verified under section 30(3) of this act.

(11) The reinsurance intermediary-manager shall annually provide the reinsurer with a statement of its financial condition prepared by an independent certified accountant.

(12) The reinsurer shall periodically, at least semiannually, conduct an on-site review of the underwriting and claims processing operations of the reinsurance intermediary-manager.

(13) The reinsurance intermediary-manager shall disclose to the reinsurer any relationship it has with an insurer before ceding or assuming any business with the insurer under this contract.

(14) Within the scope of its actual or apparent authority the acts of the reinsurance intermediary-manager are deemed to be the acts of the reinsurer on whose behalf it is acting.

NEW SECTION. Sec. 29. The reinsurance intermediary-manager may not:

(1) Cede retrocessions on behalf of the reinsurer, except that the reinsurance intermediary-manager may cede facultative retrocessions under obligatory automatic agreements if the contract with the reinsurer contains reinsurance underwriting guidelines for the retrocessions. The guidelines must include a list of reinsurers with which the automatic agreements are in effect, and for each such reinsurer, the coverages and amounts or percentages that may be reinsured, and commission schedules.

(2) Commit the reinsurer to participate in reinsurance syndicates.

(3) Appoint a reinsurance intermediary without assuring that the reinsurance intermediary is lawfully licensed to transact the type of reinsurance for which he or she is appointed.

(4) Without prior approval of the reinsurer, pay or commit the reinsurer to pay a claim, net of retrocessions, that exceeds the lesser of an amount specified by the reinsurer or one percent of the reinsurer's policyholder's surplus as of December 31st of the last complete calendar year.

(5) Collect a payment from a retrocessionaire or commit the reinsurer to a claim settlement with a retrocessionaire, without prior approval of the reinsurer. If prior approval is given, a report must be promptly forwarded to the reinsurer.

(6) Jointly employ an individual who is employed by the reinsurer unless the reinsurance intermediary-manager is under common control with the reinsurer subject to the Insurer Holding Company Act, chapter 48.-- RCW (sections 1 through 15 of this act).

(7) Appoint a subreinsurance intermediary-manager.

NEW SECTION. Sec. 30. (1) A reinsurer may not engage the services of a person, firm, association, or corporation to act as a reinsurance intermediary-manager on its behalf unless the person is licensed as required by section 24(2) of this act.

(2) The reinsurer shall annually obtain a copy of statements of the financial condition of each reinsurance intermediary-manager that the reinsurer has had prepared by an independent certified accountant in a form acceptable to the commissioner.

(3) If a reinsurance intermediary-manager establishes loss reserves, the reinsurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the reinsurance intermediary-manager. This opinion is in addition to any other required loss reserve certification.

(4) Binding authority for all retrocessional contracts or participation in reinsurance syndicates must rest with an officer of the reinsurer who is not affiliated with the reinsurance intermediary-manager.

(5) Within thirty days of termination of a contract with a reinsurance intermediary-manager, the reinsurer shall provide written notification of the termination to the commissioner.

(6) A reinsurer may not appoint to its board of directors an officer, director, employee, controlling shareholder, or subproducer of its reinsurance intermediary-manager. This subsection does not apply to relationships governed by the Insurer Holding Company Act, chapter 48.-- RCW (sections 1 through 15 of this act), or, if applicable, the Broker-controlled Property and Casualty Insurer Act, chapter 48.-- RCW (sections 16 through 21 of this act).

NEW SECTION. Sec. 31. (1) A reinsurance intermediary is subject to examination by the commissioner. The commissioner has access to all books, bank accounts, and records of the reinsurance intermediary in a form usable to the commissioner.

(2) A reinsurance intermediary-manager may be examined as if it were the reinsurer.

NEW SECTION. Sec. 32. (1) A reinsurance intermediary, insurer, or reinsurer found by the commissioner, after a hearing conducted in accordance with chapters 48.17 and 34.05 RCW, to be in violation of any provision of this chapter, shall:

(a) For each separate violation, pay a penalty in an amount not exceeding five thousand dollars;

(b) Be subject to revocation or suspension of its license; and

(c) If a violation was committed by the reinsurance intermediary, make restitution to the insurer, reinsurer, rehabilitator, or liquidator of the insurer or reinsurer for the net losses incurred by the insurer or reinsurer attributable to the violation.

(2) The decision, determination, or order of the commissioner under subsection (1) of this section is subject to judicial review under this title and chapter 34.05 RCW.

(3) Nothing contained in this section affects the right of the commissioner to impose any other penalties provided in this title.

(4) Nothing contained in this chapter is intended to or in any manner limits or restricts the rights of policyholders, claimants, creditors, or other third parties or confer any rights to those persons.

NEW SECTION. Sec. 33. The commissioner may adopt reasonable rules for the implementation and administration of this chapter.

NEW SECTION. Sec. 34. This chapter may be known and cited as the Managing General Agents Act.

NEW SECTION. Sec. 35. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Actuary" means a person who is a member in good standing of the American Academy of Actuaries.

(2) "Insurer" means a person having a certificate of authority in this state as an insurance company under RCW 48.01.050.

(3) "Managing general agent" means:

(a) A person who manages all or part of the insurance business of an insurer, including the management of a separate division, department, or underwriting office, and acts as a representative of the insurer whether known as a managing general agent, manager, or other similar term, and who, with or without the authority, either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross direct written premium equal to or more than five percent of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year together with one or more of the following activities related to the business produced:

(i) Adjusts or pays claims in excess of an amount to be determined by the commissioner; or

(ii) Negotiates reinsurance on behalf of the insurer.

(b) Notwithstanding (a) of this subsection, the following persons may not be managing general agents for purposes of this chapter:

(i) An employee of the insurer;

(ii) A United States manager of the United States branch of an alien insurer;

(iii) An underwriting manager who, under a contract, manages all of the insurance operations of the insurer, is under common control with the insurer, subject to the Insurer Holding Company Act, chapter 48.-- RCW (sections 1 through 15 of this act), and whose compensation is not based on the volume of premiums written; or

(iv) The attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange under powers of attorney.

(4) "Underwrite" means to accept or reject risks on behalf of the insurer.

NEW SECTION. Sec. 36. (1) No person may act in the capacity of a managing general agent with respect to risks located in this state, for an insurer authorized by this state, unless that person is licensed in this state as an agent, under chapter 48.17 RCW, for the lines of insurance involved and is designated as a managing general agent and appointed as such by the insurer.

(2) No person may act in the capacity of a managing general agent representing an insurer domiciled in this state with respect to risks located outside this state unless that person is licensed as an agent in this state, under chapter 48.17 RCW, for the lines of insurance involved and is designated as a managing general agent and appointed as such by the insurer.

(3) The commissioner may require a bond for the protection of each insurer.

(4) The commissioner may require the managing general agent to maintain an errors and omissions policy.

NEW SECTION. Sec. 37. No managing general agent may place business with an insurer unless there is in force a written contract between the managing general agent and the insurer that sets forth the responsibilities of each party and, where both parties share responsibility for a particular function, specifies the division of the responsibilities, and that contains the following minimum provisions:

(1) The insurer may terminate the contract for cause upon written notice to the managing general agent. The insurer may suspend the underwriting authority of the managing general agent during the pendency of a dispute regarding the cause for termination.

(2) The managing general agent shall render accounts to the insurer detailing all transactions and remit all funds due under the contract to the insurer on not less than a monthly basis.

(3) The managing general agent shall hold funds collected for the account of an insurer in a fiduciary capacity in a financial institution located in this state that is a member of the federal reserve system. This account must be used for all payments on behalf of the insurer. The managing general agent may retain no more than three months' estimated claims payments and allocated loss adjustment expenses.

(4) The managing general agent shall maintain separate records of business written for each insurer. The insurer has access to and the right to copy all accounts and records related to its business in a form usable by the insurer, and the commissioner has access to all books, bank accounts, and records of the managing general agent in a form usable to the commissioner. Those records shall be retained according to the requirements of this title and rules adopted under it.

(5) The managing general agent may not assign the contract in whole or part.

(6)(a) Appropriate underwriting guidelines must include at least the following: The maximum annual premium volume; the basis of the rates to be charged; the types of risks that may be written; maximum limits of liability; applicable exclusions; territorial limitations; policy cancellation provisions; and the maximum policy period.

(b) The insurer has the right to cancel or not renew any policy of insurance, subject to the applicable laws and rules, including those in chapter 48.18 RCW.

(7) If the contract permits the managing general agent to settle claims on behalf of the insurer:

(a) All claims must be reported to the insurer in a timely manner.
(b) A copy of the claim file must be sent to the insurer at its request or as soon as it becomes known that the claim:
(i) Has the potential to exceed an amount determined by the commissioner, or exceeds the limit set by the insurer, whichever is less;
(ii) Involves a coverage dispute;
(iii) May exceed the managing general agent's claims settlement authority;
(iv) Is open for more than six months; or
(v) Is closed by payment in excess of an amount set by the commissioner or an amount set by the insurer, whichever is less.

(c) All claim files are the joint property of the insurer and the managing general agent. However, upon an order of liquidation of the insurer, those files become the sole property of the insurer or its liquidator or successor. The managing general agent has reasonable access to and the right to copy the files on a timely basis.

(d) Settlement authority granted to the managing general agent may be terminated for cause upon the insurer's written notice to the managing general agent or upon the termination of the contract. The insurer may suspend the managing general agent's settlement authority during the pendency of a dispute regarding the cause for termination.

(8) Where electronic claims files are in existence, the contract must address the timely transmission of the data.

(9) If the contract provides for a sharing of interim profits by the managing general agent, and the managing general agent has the authority to determine the amount of the interim profits by establishing loss reserves or controlling claim payments or in any other manner, interim profits shall not be paid to the managing general agent until one year after they are earned for property insurance business and five years after they are earned on casualty business and not until the profits have been verified under section 38 of this act.

(10) The managing general agent may not:

(a) Bind reinsurance or retrocessions on behalf of the insurer, except that the managing general agent may bind automatic reinsurance contracts under obligatory automatic agreements if the contract with the insurer contains reinsurance underwriting guidelines including, for both reinsurance assumed and ceded, a list of reinsurers with which the automatic agreements are in effect, the coverages and amounts or percentages that may be reinsured, and commission schedules;

(b) Commit the insurer to participate in insurance or reinsurance syndicates;

(c) Use an agent that is not appointed to represent the insurer in accordance with the requirements of chapter 48.17 RCW;

(d) Without prior approval of the insurer, pay or commit the insurer to pay a claim over a specified amount, net of reinsurance, that shall not exceed one percent of the insurer's policyholder surplus as of December 31st of the last-completed calendar year;

(e) Collect a payment from a reinsurer or commit the insurer to a claim settlement with a reinsurer, without prior approval of the insurer. If prior approval is given, a report shall be promptly forwarded to the insurer;

(f) Permit an agent appointed by it to serve on the insurer's board of directors;

(g) Jointly employ an individual who is employed by the insurer; or

(h) Appoint a submanaging general agent.

NEW SECTION. Sec. 38. (1) The insurer shall have on file an independent audited financial statement, in a form acceptable to the commissioner, of each managing general agent with which it is doing or has done business.

(2) If a managing general agent establishes loss reserves, the insurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the managing general agent. This is in addition to any other required loss reserve certification.

(3) The insurer shall periodically, and no less frequently than semiannually, conduct an on-site review of the underwriting and claims processing operations of the managing general agent.

(4) Binding authority for all reinsurance contracts or participation in insurance or reinsurance syndicates must rest with an officer of the insurer, who may not be affiliated with the managing general agent.

(5) Within thirty days of entering into or terminating a contract with a managing general agent, the insurer shall provide written notification of that appointment or termination to the commissioner. Notices of appointment of a managing general agent must include a statement of duties that the managing general agent is expected to perform on behalf of the insurer, the lines of insurance for which the managing general agent is to be authorized to act, and any other information the commissioner may request. This subsection applies to managing general agents operating in this state.

(6) An insurer shall review its books and records each calendar quarter to determine if any agent has become a managing general agent. If the insurer determines that an agent has become a managing general agent under section 35 of this act, the

insurer shall promptly notify the agent and the commissioner of that determination, and the insurer and agent shall fully comply with this chapter within thirty days.

(7) An insurer may not appoint to its board of directors an officer, director, employee, subagent, or controlling shareholder of its managing general agents. This subsection does not apply to relationships governed by the Insurer Holding Company Act, chapter 48.-- RCW (sections 1 through 15 of this act), or, if applicable, the business transacted with Broker-controlled Property and Casualty Insurer Act, chapter 48.-- RCW (sections 16 through 21 of this act).

NEW SECTION. Sec. 39. The acts of the managing general agent are considered to be the acts of the insurer on whose behalf it is acting. A managing general agent may be examined as if it were the insurer, as provided in chapter 48.03 RCW.

NEW SECTION. Sec. 40. (1) Subject to a hearing in accordance with chapters 34.05 and 48.04 RCW, upon a finding by the commissioner that any person has violated any provision of this chapter, the commissioner may order:

(a) For each separate violation, a penalty in an amount of not more than one thousand dollars;

(b) Revocation, or suspension for up to one year, of the agent's license; and

(c) The managing general agent to reimburse the insurer, the rehabilitator, or liquidator of the insurer for losses incurred by the insurer caused by a violation of this chapter committed by the managing general agent.

(2) The decision, determination, or order of the commissioner under this section is subject to judicial review under chapters 34.05 and 48.04 RCW.

(3) Nothing contained in this section affects the right of the commissioner to impose any other penalties provided for in this title.

(4) Nothing contained in this chapter is intended to or in any manner limits or restricts the rights of policyholders, claimants, and auditors.

NEW SECTION. Sec. 41. The commissioner may adopt rules for the implementation and administration of this chapter, that shall include but are not limited to licensure of managing general agents.

NEW SECTION. Sec. 42. No insurer may continue to use the services of a managing general agent on and after January 1, 1994, unless that use complies with this chapter.

Sec. 43. RCW 48.03.010 and 1982 c 181 s 1 are each amended to read as follows:

(1) The commissioner shall examine the affairs, transactions, accounts, records, documents, and assets of each authorized insurer as often as he or she deems advisable. ~~((He))~~ The commissioner shall so examine each ~~((domestic))~~ insurer holding a certificate of authority or certificate of registration not less frequently than every five years. Examination of an alien insurer may be limited to its insurance transactions in the United States. In scheduling and determining the nature, scope, and frequency of an examination, the commissioner shall consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants, and other criteria as set forth in the examiner's handbook adopted by the National Association of Insurance Commissioners and in effect when the commissioner exercises discretion under this section.

(2) As often as ~~((he))~~ the commissioner deems advisable and at least once in five years, the commissioner shall fully examine each rating organization and examining bureau licensed in this state. As often as he or she deems it advisable ~~((he))~~ the commissioner may examine each advisory organization and each joint underwriting or joint reinsurance group, association, or organization.

(3) The commissioner shall in like manner examine each insurer or rating organization applying for authority to do business in this state.

(4) In lieu of making ~~((his own))~~ an examination under this chapter, the commissioner may accept a full report of the last recent examination of a nondomestic ~~((insurer or))~~ rating or advisory organization, or joint underwriting or joint reinsurance group, association or organization, ~~((certified to))~~ as prepared by the insurance supervisory official of the state of domicile or of entry. In lieu of an examination under this chapter of a foreign or alien insurer licensed in this state, the commissioner may accept an examination report on the company as prepared by the insurance department for the company's state of domicile or port-of-entry state until January 1, 1994. Thereafter, an examination report may be accepted only if: (a) That insurance department was at the time of the examination accredited under the National Association of Insurance Commissioners' financial regulation standards and accreditation program; or (b) the examination was performed either under the supervision of an accredited insurance department or with the participation of one or more examiners employed by an accredited state insurance department who, after a review of the examination work papers and report, state under oath that the examination was performed in a manner consistent with the standards and procedures required by their insurance department.

(5) The commissioner may elect to accept and rely on an audit report made by an independent certified public accountant for the insurer in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(6) For the purposes of completing an examination of any company under this chapter, the commissioner may examine or investigate any managing general agent or any other person, or the business of any managing general agent or other person, insofar as that examination or investigation is, in the sole discretion of the commissioner, necessary or material to the examination of the company.

NEW SECTION. Sec. 44. A new section is added to chapter 48.03 RCW to read as follows:

Upon determining that an examination should be conducted, the commissioner or the commissioner's designee shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the examiners' handbook adopted by the National Association of Insurance Commissioners. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

Sec. 45. RCW 48.03.040 and 1965 ex.s. c 70 s 1 are each amended to read as follows:

(1) No later than sixty days after completion of each examination, the commissioner shall make a full written report of each examination made by him or her containing only facts ascertained from the accounts, records, and documents examined and from the sworn testimony of individuals, and such conclusions and recommendations as may reasonably be warranted from such facts.

(2) The report shall be certified by the commissioner or by his or her examiner in charge of the examination, and shall be filed in the commissioner's office subject to subsection (3) of this section.

(3) The commissioner shall furnish a copy of the examination report to the person examined not less than ten days and, unless the time is extended by the commissioner, not more than thirty days prior to the filing of the report for public inspection in the commissioner's office. If such person so requests in writing within such ~~((ten-day))~~ period, the commissioner shall hold a hearing to consider objections of such person to the report as proposed, and shall not so file the report until after such hearing and until after any modifications in the report deemed necessary by the commissioner have been made.

(4) Within thirty days of the end of the period described in subsection (3) of this section, unless extended by order of the commissioner, the commissioner shall consider the report, together with any written submissions or rebuttals and any relevant portions of the examiner's workpapers and enter an order:

(a) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, rule, or order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure that violation;

(b) Rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation, or information, and refile under this section; or

(c) Calling for an investigatory hearing with no less than twenty days' notice to the company for purposes of obtaining additional documentation, data, information, and testimony.

(5) All orders entered under subsection (4) of this section must be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the examination report, relevant examiner workpapers, and any written submissions or rebuttals. Such an order is considered a final administrative decision and may be appealed under the Administrative Procedure Act, chapter 34.05 RCW, and must be served upon the company by certified mail, together with a copy of the adopted examination report. A copy of the adopted examination report must be sent by certified mail to each director at the director's residence address.

(6)(a) Upon the adoption of the examination report under subsection (4) of this section, the commissioner shall continue to hold the content of the examination report as private and confidential information for a period of five days except that the order may be disclosed to the person examined. Thereafter, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

(b) Nothing in this title prohibits the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the insurance department of any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time, so long as the agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this chapter.

(c) If the commissioner determines that regulatory action is appropriate as a result of any examination, he or she may initiate any proceedings or actions as provided by law.

(d) Nothing contained in this section requires the commissioner to disclose any information or records that would indicate or show the existence or content of any investigation or activity of a criminal justice agency.

Sec. 46. RCW 48.03.050 and 1947 c 79 s .03.05 are each amended to read as follows:

The commissioner may withhold from public inspection any examination or investigation report for so long as he or she deems it advisable, subject to RCW 48.32.080.

Sec. 47. RCW 48.03.060 and 1981 c 339 s 2 are each amended to read as follows:

(1) Examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or his or her examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by ~~((him))~~ the commissioner and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) When making an examination under this chapter, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners, the cost of which shall be borne by the person who is the subject of the examination, except as provided in subsection (1) of this section.

(4) The person examined and liable therefor shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem salary and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the National Association of Insurance Commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the state personnel board and the expense schedule established by the office of financial management, whichever is higher. Domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by him or her.

The commissioner or his or her examiners shall not receive or accept any additional emolument on account of any examination.

(5) Nothing contained in this chapter limits the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action under the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination are prima facie evidence in any legal or regulatory action.

NEW SECTION. Sec. 48. A new section is added to chapter 48.03 RCW to read as follows:

(1) No examiner may be appointed by the commissioner if the examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in a person subject to examination under this chapter. This section does not automatically preclude an examiner from being:

- (a) A policyholder or claimant under an insurance policy;
- (b) A grantor of a mortgage or similar instrument on the examiner's residence to a regulated entity if done under customary terms and in the ordinary course of business;
- (c) An investment owner in shares of regulated diversified investment companies; or
- (d) A settlor or beneficiary of a blind trust into which any otherwise impermissible holdings have been placed.

(2) Notwithstanding the requirements of subsection (1) of this section, the commissioner may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this chapter.

NEW SECTION. Sec. 49. A new section is added to chapter 48.03 RCW to read as follows:

(1) No cause of action may arise nor may any liability be imposed against the commissioner, the commissioner's authorized representatives, or an examiner appointed by the commissioner for statements made or conduct performed in good faith while carrying out this chapter.

(2) No cause of action may arise nor may any liability be imposed against any person for the act of communicating or delivering information or data to the commissioner or the commissioner's authorized representative or examiner pursuant to an examination made under this chapter, if that act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive.

(3) This section does not modify a privilege or immunity previously enjoyed by a person identified in subsection (1) of this section.

(4) A person identified in subsection (1) of this section is entitled to an award of attorneys' fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander, or any other tort arising out of activities in carrying out this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

(5) If a claim is made or threatened of the sort described in subsection (1) of this section, the commissioner shall provide or pay for the defense of himself or herself, the examiner or representative, and shall pay a judgment or settlement, until it is determined that the person did not act in good faith or did act with fraudulent intent or the intent to deceive.

(6) The immunity, indemnification, and other protections under this section are in addition to those now or hereafter existing under other law.

Sec. 50. RCW 48.05.340 and 1991 sp.s. c 5 s 1 are each amended to read as follows:

(1) Subject to RCW 48.05.350 and 48.05.360 to qualify for authority to transact any one kind of insurance as defined in chapter 48.11 RCW or combination of kinds of insurance as shown below, a foreign or alien insurer, whether stock or mutual, or a domestic insurer hereafter formed shall possess and thereafter maintain unimpaired paid-in capital stock, if a stock insurer, or unimpaired surplus if a mutual insurer, and shall possess when first so authorized additional funds in surplus as follows:

	Paid-in capital	
Kind or kinds of insurance	stock or basic surplus	Additional surplus
Life	\$2,000,000	\$2,000,000
Disability	2,000,000	2,000,000
Life and disability	2,400,000	2,400,000
Property	2,000,000	2,000,000
Marine & transportation	2,000,000	2,000,000
General casualty	2,400,000	2,400,000
Vehicle	2,000,000	2,000,000
Surety	2,000,000	2,000,000
Any two of the following kinds of insurance: Property, marine & transportation, general casualty, vehicle, surety, disability	3,000,000	3,000,000
Multiple lines (all insurances except life and title insurance)	3,000,000	3,000,000
Title (in accordance with the provisions of chapter 48.29 RCW)		

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer wherever it may operate or propose to operate, whether or not only a portion of such kinds are to be transacted in this state.

(3) An insurer holding a certificate of authority to transact insurance in this state immediately prior to July 1, 1991, may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such authority and thereafter maintains unimpaired the amount of paid-in capital stock, if a stock insurer, or basic surplus, if a mutual or reciprocal insurer, and special surplus as required of it under laws in force immediately prior to such effective date; and any proposed domestic insurer which is in process of formation or financing under a solicitation permit which is outstanding immediately prior to July 1, 1991, shall, if otherwise qualified therefor, be authorized to transact any kind or kinds of insurance upon the basis of the capital and surplus requirements of such an insurer under the laws in force immediately prior to such effective date. The requirements for paid-in capital stock, basic surplus, and special surplus that were in effect immediately before July 1, 1991, apply to any completed application for a certificate of authority from a foreign or alien insurer that is on file with the commissioner on July 1, 1991.

(4) The commissioner may, by rule, require insurers to maintain additional capital and surplus based upon the type, volume, and nature of insurance business transacted consistent with the methods then adopted by the National Association of Insurance Commissioners for determining the appropriate amount of additional capital and surplus to be required. In the absence of an applicable rule, the commissioner may, after a hearing or with the consent of the insurer, require an insurer to have and maintain a larger amount of capital or surplus than prescribed under this section or the rules under this section, based upon the volume and kinds of insurance transacted by the insurer and on the principles of risk-based capital as determined by the National Association of Insurance Commissioners. This subsection applies only to insurers authorized to write life insurance, disability insurance, or both.

Sec. 51. RCW 48.08.030 and 1947 c 79 s .08.03 are each amended to read as follows:

(1) No domestic stock insurer shall pay any cash dividend to stockholders except out of earned surplus. For the purpose of this section, "earned surplus" means that part of its available surplus funds which is derived from any realized net profits on its business, and does not include unrealized capital gains or reevaluation of assets.

- (2) Such an insurer may pay a stock dividend out of any available surplus funds.
- (3) Payment of any dividend to stockholders of a domestic stock insurer shall also be subject to all the limitations and requirements governing the payment of dividends by other private corporations.
- (4) No dividend shall be declared or paid which would reduce the insurer's surplus to an amount less than the minimum required for the kinds of insurance thereafter to be transacted.
- (5) For the purposes of this chapter "surplus funds" means the excess of the insurer's assets over its liabilities, including its capital stock as a liability.
- (6) Available surplus means the excess over the minimum amount of surplus required for the kinds of insurance the insurer is authorized to transact.

Sec. 52. RCW 48.11.140 and 1983 c 3 s 149 are each amended to read as follows:

- (1) No insurer shall retain any (~~fire or surety~~) risk on any one subject of insurance, whether located or to be performed in this state or elsewhere, in an amount exceeding ten percent of its surplus to policyholders (~~, except that:~~
 - (a) Domestic mutual insurers may insure up to the applicable limits provided by RCW 48.05.340, if greater.
 - (b) ~~In the case of fire risks adequately protected by automatic sprinklers or fire risks principally of noncombustible construction and occupancy, an insurer may retain fire risks as to any one subject in an amount not exceeding twenty-five percent of the sum of (i) its unearned premium reserve and (ii) its surplus to policyholders).~~
- (2) For the purposes of this section, a "subject of insurance" as to insurance against fire includes all properties insured by the same insurer which are reasonably subject to loss or damage from the same fire.
- (3) Reinsurance in an alien reinsurer not qualified under RCW 48.05.300 may not be deducted in determining risk retained for the purposes of this section.
- (4) In the case of surety insurance, the net retention shall be computed after deduction of reinsurances, the amount assumed by any co-surety, the value of any security deposited, pledged, or held subject to the consent of the surety and for the protection of the surety.
- (5) This section (~~shall~~) does not apply to life insurance, disability insurance, title insurance, or insurance of marine risks or marine protection and indemnity risks.

Sec. 53. RCW 48.12.180 and 1973 c 151 s 1 are each amended to read as follows:

- (1) Securities, other than those referred to in RCW 48.12.170, held by an insurer shall be valued, in the discretion of the commissioner, at their market value, or at their appraised value, or at prices determined by him or her as representing their fair market value (~~, all consistent with any current method for the valuation of any such security formulated or approved by the National Association of Insurance Commissioners).~~
- (2) Preferred or guaranteed stocks or shares while paying full dividends may be carried at a fixed value in lieu of market value, at the discretion of the commissioner and in accordance with such method of computation as he or she may approve.
- (3) The stock of a subsidiary of an insurer shall be valued on the basis of the greater of (a) the value of only such of the assets of such subsidiary as would constitute lawful investments for the insurer if acquired or held directly by the insurer or (b) such other value determined pursuant to rules and cumulative limitations which shall be promulgated by the commissioner to effectuate the purposes of this chapter.
- (4) The commissioner has full discretion in determining the method of calculating values according to the rules set forth in this section, and consistent with such methods as then adopted by the National Association of Insurance Commissioners.

Sec. 54. RCW 48.12.190 and 1967 ex.s. c 95 s 10 are each amended to read as follows:

- (1) Real property acquired pursuant to a mortgage loan or a contract for a deed, in the absence of a recent appraisal deemed by the commissioner to be reliable, shall not be valued at an amount greater than the unpaid principal of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property.
- (2) Other real property held by an insurer shall not be valued at any amount in excess of fair value, less reasonable depreciation based on the estimated life of the improvements.
- (3) Personal property acquired pursuant to chattel mortgages made under RCW 48.13.150 shall not be valued at an amount greater than the unpaid balance of principal on the defaulted loan at date of acquisition together with taxes and expenses incurred in connection with such acquisition, or the fair value of such property, whichever amount is the lesser.
- (4) The commissioner has full discretion in determining the method of calculating values according to the rules set forth in this section, and consistent with such methods as then adopted by the National Association of Insurance Commissioners.

Sec. 55. RCW 48.12.200 and 1947 c 79 s .12.20 are each amended to read as follows:

- (1) Purchase money mortgages shall be valued in an amount not exceeding the acquisition cost of the real property covered thereby or ninety percent of the fair value of such real property, whichever is less.

(2) The commissioner has full discretion in determining the method of calculating values according to the rules set forth in this section, and consistent with such methods as then adopted by the National Association of Insurance Commissioners.

Sec. 56. RCW 48.14.010 and 1988 c 248 s 7 are each amended to read as follows:

(1) The commissioner shall collect in advance the following fees:

(a) For filing charter documents:

- (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed \$250.00
- (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws \$ 10.00
- (iii) No additional charge or fee shall be required for filing any of such documents in the office of the secretary of state.

(b) Certificate of authority:

- (i) Issuance \$ 25.00
- (ii) Renewal \$ 25.00

(c) Annual statement of insurer, filing \$ 20.00

(d) Organization or financing of domestic insurers and affiliated corporations:

- (i) Application for solicitation permit, filing \$100.00
- (ii) Issuance of solicitation permit \$ 25.00

(e) Agents' licenses:

- (i) Agent's qualification licenses each year \$ 25.00
- (ii) Filing of appointment of each such agent, each year \$ 10.00
- (iii) Limited license issued pursuant to RCW 48.17.190, each year \$ 10.00

(f) Reinsurance intermediary licenses:

- (i) Reinsurance intermediary-broker, each year \$ 50.00
- (ii) Reinsurance intermediary-manager, each year \$100.00

(g) Brokers' licenses:

- (i) Broker's license, each year \$ 50.00
- (ii) Surplus line broker, each year \$100.00

~~((g))~~ (h) Solicitors' license, each year \$ 10.00

~~((h))~~ (i) Adjusters' licenses:

- (i) Independent adjuster, each year \$ 25.00
- (ii) Public adjuster, each year \$ 25.00

~~((i))~~ (j) Resident general agent's license, each year \$ 25.00

~~((j))~~ (k) Managing general agent appointment, each year \$100.00

(l) Examination for license, each examination:

All examinations, except examinations administered by an independent testing service, the fees for which are to be approved by the commissioner and collected directly by and retained by such independent testing service \$ 10.00

~~((k))~~ (m) Miscellaneous services:

- (i) Filing other documents \$ 5.00
- (ii) Commissioner's certificate under seal \$ 5.00
- (iii) Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner.

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund: PROVIDED, That fees for examinations administered by an independent testing service which are approved by the commissioner pursuant to subsection (1)~~((j))~~ (l) of this section shall be collected directly by such independent testing service and retained by it.

NEW SECTION. Sec. 57. (1) An officer, manager, director, trustee, owner, employee, or agent of an insurer or other person with authority over or in charge of a segment of the insurer's affairs shall cooperate with the commissioner in a proceeding under this chapter or an investigation preliminary to the proceeding. The term "person" as used in this section includes a person who exercises control directly or indirectly over activities of the insurer through a holding company or other affiliate of the insurer. "To cooperate" as used in this section includes the following:

- (a) To reply promptly in writing to an inquiry from the commissioner requesting such a reply; and

(b) To make available to the commissioner books, accounts, documents, or other records or information or property of or pertaining to the insurer and in his or her possession, custody, or control.

(2) A person may not obstruct or interfere with the commissioner in the conduct of a delinquency proceeding or an investigation preliminary or incidental thereto.

(3) This section does not abridge existing legal rights, including the right to resist a petition for liquidation or other delinquency proceedings, or other orders.

(4) A person included within subsection (1) of this section who fails to cooperate with the commissioner, or a person who obstructs or interferes with the commissioner in the conduct of a delinquency proceeding or an investigation preliminary or incidental thereto, or who violates an order the commissioner issued validly under this chapter may:

(a) Be sentenced to pay a fine not exceeding ten thousand dollars or to undergo imprisonment for a term of not more than one year, or both; or

(b) After a hearing, be subject to the imposition by the commissioner of a civil penalty not to exceed ten thousand dollars and be subject further to the revocation or suspension of insurance licenses issued by the commissioner.

NEW SECTION. Sec. 58. (1) Except as provided in RCW 48.32A.060, no delinquency proceeding may be commenced under this chapter by anyone other than the commissioner of this state, and no court has jurisdiction to entertain a proceeding commenced by another person.

(2) No court of this state has jurisdiction to entertain a complaint praying for the dissolution, liquidation, rehabilitation, sequestration, conservation, or receivership of an insurer, or praying for an injunction or restraining order or other relief preliminary to, incidental to, or relating to the proceedings, other than in accordance with this chapter.

(3) In addition to other grounds for jurisdiction provided by the law of this state, a court of this state having jurisdiction of the subject matter has jurisdiction over a person served under the rules of civil procedure or other applicable provisions of law in an action brought by the receiver of a domestic insurer or an alien insurer domiciled in this state:

(a) If the person served is an agent, broker, or other person who has written policies of insurance for or has acted in any manner on behalf of an insurer against which a delinquency proceeding has been instituted, in an action resulting from or incident to such a relationship with the insurer; or

(b) If the person served is a reinsurer who has entered into a contract of reinsurance with an insurer against which a delinquency proceeding has been instituted, or is an agent or broker of or for the reinsurer, in an action on or incident to the reinsurance contract; or

(c) If the person served is or has been an officer, director, manager, trustee, organizer, promoter, or other person in a position of comparable authority or influence over an insurer against which a delinquency proceeding has been instituted, in an action resulting from or incident to such a relationship with the insurer; or

(d) If the person served is or was at the time of the institution of the delinquency proceeding against the insurer holding assets in which the receiver claims an interest on behalf of the insurer, in an action concerning the assets; or

(e) If the person served is obligated to the insurer in any way, in an action on or incident to the obligation.

(4) If the court on motion of a party finds that an action should as a matter of substantial justice be tried in a forum outside this state, the court may enter an appropriate order to stay further proceedings on the action in this state.

NEW SECTION. Sec. 59. (1) The persons entitled to protection under this section are:

(a) The commissioner and any other receiver responsible for conducting a delinquency proceeding under this chapter, including present and former commissioners and receivers; and

(b) The commissioner's employees, meaning all present and former special deputies and assistant special deputies and special receivers appointed by the commissioner and all persons whom the commissioner, special deputies, or assistant special deputies have employed to assist in a delinquency proceeding under this chapter. Attorneys, accountants, auditors, and other professional persons or firms who are retained as independent contractors, and their employees, are not considered employees of the commissioner for purposes of this section.

(2) The commissioner and the commissioner's employees are immune from suit and liability, both personally and in their official capacities, for a claim for damage to or loss of property or personal injury or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment. However, nothing in this subsection may be construed to hold the commissioner or an employee immune from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the commissioner or an employee.

(3) If a legal action is commenced against the commissioner or an employee, whether against him or her personally or in his or her official capacity, alleging property damage, property loss, personal injury, or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment, the commissioner and any employee shall be indemnified from the assets of the insurer for all expenses, attorneys' fees, judgments, settlements, decrees, or amounts due and owing or paid in satisfaction of or incurred in the defense of the legal action unless it is

determined upon a final adjudication on the merits that the alleged act or omission of the commissioner or employee giving rise to the claim did not arise out of or by reason of his or her duties or employment, or was caused by intentional or willful and wanton misconduct.

(a) Attorneys' fees and related expenses incurred in defending a legal action for which immunity or indemnity is available under this section shall be paid from the assets of the insurer, as they are incurred, in advance of the final disposition of such action upon receipt of an undertaking by or on behalf of the commissioner or employee to repay the attorneys' fees and expenses if it is ultimately determined upon a final adjudication on the merits and that the commissioner or employee is not entitled to immunity or indemnity under this section.

(b) Any indemnification under this section is an administrative expense of the insurer.

(c) In the event of an actual or threatened litigation against the commissioner or an employee for which immunity or indemnity may be available under this section, a reasonable amount of funds that in the judgment of the commissioner may be needed to provide immunity or indemnity shall be segregated and reserved from the assets of the insurer as security for the payment of indemnity until all applicable statutes of limitation have run or all actual or threatened actions against the commissioner or an employee have been completely and finally resolved, and all obligations of the insurer and the commissioner under this section have been satisfied.

(d) In lieu of segregation and reserving of funds, the commissioner may obtain a surety bond or make other arrangements that will enable the commissioner to secure fully the payment of all obligations under this section.

(4) If a legal action against an employee for which indemnity may be available under this section is settled before final adjudication on the merits, the insurer shall pay the settlement amount on behalf of the employee, or indemnify the employee for the settlement amount, unless the commissioner determines:

(a) That the claim did not arise out of or by reason of the employee's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the employee.

(5) In a legal action in which the commissioner is a defendant, that portion of a settlement relating to the alleged act or omission of the commissioner is subject to the approval of the court before which the delinquency proceeding is pending. The court may not approve that portion of the settlement if it determines:

(a) That the claim did not arise out of or by reason of the commissioner's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the commissioner.

(6) Nothing in this section removes or limits an immunity, indemnity, benefit of law, right, or defense otherwise available to the commissioner, an employee, or any other person, not an employee under subsection (1)(b) of this section, who is employed by or in the office of the commissioner or otherwise employed by the state.

(7)(a) Subsection (2) of this section applies to any suit based in whole or in part on an alleged act or omission that takes place on or after the effective date of this act.

(b) No legal action lies against the commissioner or an employee based in whole or in part on an alleged act or omission that took place before the effective date of this act, unless suit is filed and valid service of process is obtained within twelve months after the effective date of this act.

(c) Subsections (3), (4), and (5) of this section apply to a suit that is pending on or filed after the effective date of this act without regard to when the alleged act or omission took place.

NEW SECTION. Sec. 60. (1) The commissioner may petition the court alleging, with respect to a domestic insurer:

(a) That there exists a ground that would justify a court order for a formal delinquency proceeding against an insurer under this chapter;

(b) That the interests of policyholders, creditors, or the public will be endangered by delay; and

(c) The contents of an order deemed necessary by the commissioner.

(2) Upon a filing under subsection (1) of this section, the court may issue forthwith, ex parte and without a hearing, the requested order that shall: Direct the commissioner to take possession and control of all or a part of the property, books, accounts, documents, and other records of an insurer, and of the premises occupied by it for transaction of its business; and until further order of the court enjoin the insurer and its officers, managers, agents, and employees from disposition of its property and from the transaction of its business except with the written consent of the commissioner.

(3) The court shall specify in the order what the order's duration shall be, which shall be such time as the court deems necessary for the commissioner to ascertain the condition of the insurer. On motion of either party or on its own motion, the court may from time to time hold hearings it deems desirable after such notice as it deems appropriate, and may extend, shorten, or modify the terms of the seizure order. The court shall vacate the seizure order if the commissioner fails to commence a formal proceeding under this chapter after having had a reasonable opportunity to do so. An order of the court pursuant to a formal proceeding under this chapter vacates the seizure order.

(4) Entry of a seizure order under this section does not constitute an anticipatory breach of a contract of the insurer.

(5) An insurer subject to an ex parte order under this section may petition the court at any time after the issuance of an order under this section for a hearing and review of the order. The court shall hold the hearing and review not more than fifteen days after the request. A hearing under this subsection may be held privately in chambers, and it must be so held if the insurer proceeded against so requests.

(6) If, at any time after the issuance of an order under this section, it appears to the court that a person whose interest is or will be substantially affected by the order did not appear at the hearing and has not been served, the court may order that notice be given. An order that notice be given does not stay the effect of an order previously issued by the court.

NEW SECTION. Sec. 61. (1) All policies, including bonds and other noncancellable business, other than life or health insurance or annuities, in effect at the time of issuance of an order of liquidation continue in force only until the earliest of:

(a) The end of a period of thirty days from the date of entry of the liquidation order;

(b) The expiration of the policy coverage;

(c) The date when the insured has replaced the insurance coverage with equivalent insurance in another insurer or otherwise terminated the policy;

(d) The liquidator has effected a transfer of the policy obligation; or

(e) The date proposed by the liquidator and approved by the court to cancel coverage.

(2) An order of liquidation terminates coverages at the time specified in subsection (1) of this section for purposes of any other statute.

(3) Policies of life or health insurance or annuities shall continue in force for the period and under the terms provided by an applicable guaranty association or foreign guaranty association.

(4) Policies of life or health insurance or annuities or a period or coverage of the policies not covered by a guaranty association or foreign guaranty association shall terminate under subsections (1) and (2) of this section.

NEW SECTION. Sec. 62. (1) Upon issuance of an order appointing a liquidator of a domestic insurer or of an alien insurer domiciled in this state, an action at law or equity or in arbitration may not be brought against the insurer or liquidator, whether in this state or elsewhere, nor may such an existing action be maintained or further presented after issuance of the order. The courts of this state shall give full faith and credit to injunctions against the liquidator or the company when the injunctions are included in an order to liquidate an insurer issued under laws in other states corresponding to this subsection. Whenever, in the liquidator's judgment, protection of the estate of the insurer necessitates intervention in an action against the insurer that is pending outside this state, the liquidator may intervene in the action. The liquidator may defend an action in which he or she intervenes under this section at the expense of the estate of the insurer.

(2) The liquidator may, upon or after an order for liquidation, within two years or such other longer time as applicable law may permit, institute an action or proceeding on behalf of the estate of the insurer upon a cause of action against which the period of limitation fixed by applicable law has not expired at the time of the filing of the petition upon which the order is entered. Where, by an agreement, a period of limitation is fixed for instituting a suit or proceeding upon a claim, or for filing a claim, proof of claim, proof of loss, demand, notice, or the like, or where in a proceeding, judicial or otherwise, a period of limitation is fixed, either in the proceeding or by applicable law, for taking an action, filing a claim or pleading, or doing an act, and where in such a case the period had not expired at the date of the filing of the petition, the liquidator may, for the benefit of the estate, take such an action or do such an act, required of or permitted to the insurer, within a period of one hundred eighty days after the entry of an order for liquidation, or within such further period as is shown to the satisfaction of the court not to be unfairly prejudicial to the other party.

(3) A statute of limitation or defense of laches does not run with respect to an action against an insurer between the filing of a petition for liquidation against an insurer and the denial of the petition. An action against the insurer that might have been commenced when the petition was filed may be commenced for at least sixty days after the petition is denied.

(4) A guaranty association or foreign guaranty association has standing to appear in a court proceeding concerning the liquidation of an insurer if the association is or may become liable to act as a result of the liquidation.

NEW SECTION. Sec. 63. The amount recoverable by the commissioner from reinsurers may not be reduced as a result of the delinquency proceedings, regardless of any provision in the reinsurance contract or other agreement except as provided in RCW 48.31.290. Payment made directly to an insured or other creditor does not diminish the reinsurer's obligation to the insurer's estate except when the reinsurance contract provided for direct coverage of a named insured and the payment was made in discharge of that obligation.

NEW SECTION. Sec. 64. (1)(a) An agent, broker, premium finance company, or any other person, other than the policy owner or the insured, responsible for the payment of a premium is obligated to pay any unpaid premium for the full policy term due the insurer at the time of the declaration of insolvency, whether earned or unearned, as shown on the records of the insurer. The liquidator also has the right to recover from the person a part of an unearned premium that represents commission of the person. Credits or setoffs or both may not be allowed to an agent, broker, or premium finance company for amounts advanced to the insurer by the agent, broker, or premium finance company on behalf of, but in the absence of a payment by, the policy owner or the insured.

(b) Notwithstanding (a) of this subsection, the agent, broker, premium finance company, or other person is not liable for uncollected unearned premium of the insurer. A presumption exists that the premium as shown on the books of the insurer is collected, and the burden is upon the agent, broker, premium finance company, or other person to demonstrate by a preponderance of the evidence that the unearned premium was not actually collected. For purposes of this subsection, "unearned premium" means that portion of an insurance premium covering the unexpired term of the policy or the unexpired period of the policy period.

(c) An insured is obligated to pay any unpaid earned premium due the insurer at the time of the declaration of insolvency, as shown on the records of the insurer.

(2) Upon a violation of this section, the commissioner may pursue either one or both of the following courses of action:

(a) Suspend or revoke or refuse to renew the licenses of the offending party or parties;

(b) Impose a penalty of not more than one thousand dollars for each violation.

(3) Before the commissioner may take an action as set forth in subsection (2) of this section, he or she shall give written notice to the person accused of violating the law, stating specifically the nature of the alleged violation, and fixing a time and place, at least ten days thereafter, when a hearing on the matter shall be held. After the hearing, or upon failure of the accused to appear at the hearing, the commissioner, if he or she finds a violation, shall impose those penalties under subsection (2) of this section that he or she deems advisable.

(4) When the commissioner takes action in any or all of the ways set out in subsection (2) of this section, the party aggrieved has the rights granted under the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION. Sec. 65. (1) When the liquidator denies a claim in whole or in part, the liquidator shall give written notice of the determination to the claimant or the claimant's attorney by first class mail at the address shown in the proof of claim. Within sixty days from the mailing of the notice, the claimant may file his or her objections with the liquidator. If no such a filing is made, the claimant may not further object to the determination.

(2) Whenever the claimant files objections with the liquidator and the liquidator does not alter his or her denial of the claim as a result of the objections, the liquidator shall ask the court for a hearing as soon as practicable and give notice of the hearing by first class mail to the claimant or the claimant's attorney and to other persons directly affected, not less than ten nor more than thirty days before the date of the hearing. The matter may be heard by the court or by a court-appointed referee who shall submit findings of fact along with his or her recommendation.

NEW SECTION. Sec. 66. Whenever a creditor whose claim against an insurer is secured, in whole or in part, by the undertaking of another person, fails to prove and file that claim, the other person may do so in the creditor's name, and is subrogated to the rights of the creditor, whether the claim has been filed by the creditor or by the other person in the creditor's name, to the extent that he or she discharges the undertaking. In the absence of an agreement with the creditor to the contrary, the other person is not entitled to a distribution until the amount paid to the creditor on the undertaking plus the distributions paid on the claim from the insurer's estate to the creditor equals the amount of the entire claim of the creditor. The creditor shall hold any excess received by him or her in trust for the other person. The term "other person" as used in this section does not apply to a guaranty association or foreign guaranty association.

NEW SECTION. Sec. 67. Unclaimed funds subject to distribution remaining in the liquidator's hands when he or she is ready to apply to the court for discharge, including the amount distributable to a person who is unknown or cannot be found, shall be deposited with the state treasurer, and shall be paid without interest to the person entitled to them or his or her legal representative upon proof satisfactory to the state treasurer of his or her right to them. An amount on deposit not claimed within six years from the discharge of the liquidator is deemed to have been abandoned and shall be escheated without formal escheat proceedings and be deposited with the state treasurer.

NEW SECTION. Sec. 68. After the liquidation proceeding has been terminated and the liquidator discharged, the commissioner or other interested party may at any time petition the court to reopen the proceedings for good cause, including the discovery of additional assets. If the court is satisfied that there is justification for reopening, it shall so order.

NEW SECTION. Sec. 69. (1) If no domiciliary receiver has been appointed, the commissioner may apply to the court for an order directing him or her to liquidate the assets found in this state of a foreign insurer or an alien insurer not domiciled in this state, on any of the grounds stated in: RCW 48.31.030, except subsection (10) of that section; 48.31.050(2); or 48.31.080.

(2) When an order is sought under subsection (1) of this section, the court shall cause the insurer to be given thirty days' notice and time to respond, or a lesser period reasonable under the circumstances.

(3) If it appears to the court that the best interests of creditors, policyholders, and the public require, the court may issue an order to liquidate in whatever terms it deems appropriate. The filing or recording of the order with the recorder of deeds of the county in which the principal business of the company in this state is located or the county in which its principal office or place of business in this state is located, imparts the same notice as a deed or other evidence of title duly filed or recorded with that recorder of deeds would have imparted.

(4) If a domiciliary liquidator is appointed in a reciprocal state while a liquidation is proceeding under this section, the liquidator under this section shall thereafter act as ancillary receiver under RCW 48.31.130 (as recodified by this act). If a domiciliary liquidator is appointed in a nonreciprocal state while a liquidation is proceeding under this section, the liquidator under this section may petition the court for permission to act as ancillary receiver under RCW 48.31.130 (as recodified by this act).

(5) On the same grounds as are specified in subsection (1) of this section, the commissioner may petition an appropriate federal court to be appointed receiver to liquidate that portion of the insurer's assets and business over which the court will exercise jurisdiction, or any lesser part thereof that the commissioner deems desirable for the protection of policyholders, creditors, and the public in this state.

(6) The court may order the commissioner, when he or she has liquidated the assets of a foreign or alien insurer under this section, to pay claims of residents of this state against the insurer under those rules on the liquidation of insurers under this chapter that are otherwise compatible with this section.

NEW SECTION. Sec. 70. (1) Except as to special deposits and security on secured claims under RCW 48.31.130(2) (as recodified by this act), the domiciliary liquidator of an insurer domiciled in a reciprocal state is vested by operation of law with the title to all of the assets, property, contracts, and rights of action, agents' balances, and all the books, accounts, and other records of the insurer located in this state. The date of vesting is the date of the filing of the petition, if that date is specified by the domiciliary law for the vesting of property in the domiciliary state. Otherwise, the date of vesting is the date of entry of the order directing possession to be taken. The domiciliary liquidator has the immediate right to recover balances due from agents and to obtain possession of the books, accounts, and other records of the insurer located in this state. The domiciliary liquidator also has the right to recover all other assets of the insurer located in this state, subject to RCW 48.31.130 (as recodified by this act).

(2) If a domiciliary liquidator is appointed for an insurer not domiciled in a reciprocal state, the commissioner of this state is vested by operation of law with the title to all of the property, contracts, and rights of action, and all the books, accounts, and other records of the insurer located in this state, at the same time that the domiciliary liquidator is vested with title in the domicile. The commissioner of this state may petition for a conservation or liquidation order under RCW 48.31.100 or 48.31.130 (as recodified by this act), or for an ancillary receivership under RCW 48.31.130 (as recodified by this act), or after approval by the court may transfer title to the domiciliary liquidator, as the interests of justice and the equitable distribution of the assets require.

(3) Claimants residing in this state may file claims with the liquidator or ancillary receiver, if any, in this state or with the domiciliary liquidator, if the domiciliary law permits. The claims must be filed on or before the last date fixed for the filing of claims in the domiciliary liquidation proceedings.

NEW SECTION. Sec. 71. The commissioner in his or her sole discretion may institute proceedings under section 60 of this act at the request of the commissioner or other appropriate insurance official of the domiciliary state of a foreign or alien insurer having property located in this state.

NEW SECTION. Sec. 72. (1) In a liquidation proceeding in this state involving one or more reciprocal states, the order of distribution of the domiciliary state controls as to claims of residents of this and reciprocal states. Claims of residents of reciprocal states shall be given equal priority of payment from general assets regardless of where the assets are located.

(2) The owners of special deposit claims against an insurer for which a liquidator is appointed in this or any other state shall be given priority against the special deposits in accordance with the statutes governing the creation and maintenance of the deposits. If there is a deficiency in a deposit, so that the claims secured by it are not fully discharged from it, the claimants may share in the general assets, but the sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

(3) The owner of a secured claim against an insurer for which a liquidator has been appointed in this or another state may surrender his or her security and file his or her claim as a general creditor, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors.

NEW SECTION. Sec. 73. If an ancillary receiver in another state or foreign country, whether called by that name or not, fails to transfer to the domiciliary liquidator in this state assets within his or her control other than special deposits, diminished only by the expenses of the ancillary receivership, if any, then the claims filed in the ancillary receivership, other than special deposit claims or secured claims, shall be placed in the class of claims under RCW 48.31.280(7).

Sec. 74. RCW 48.31.030 and 1949 c 190 s 28 are each amended to read as follows:

The commissioner may apply for an order directing him or her to rehabilitate a domestic insurer upon one or more of the following grounds: That the insurer

(1) Is insolvent; or

(2) Has refused to submit its books, records, accounts, or affairs to the reasonable examination of the commissioner; or

(3) Has failed to comply with the commissioner's order, made pursuant to law, to make good an impairment of capital (if a stock insurer) or an impairment of assets (if a mutual or reciprocal insurer) within the time prescribed by law; or

(4) Has transferred or attempted to transfer substantially its entire property or business, or has entered into any transaction the effect of which is to merge substantially its entire property or business in that of any other insurer without first having obtained the written approval of the commissioner; or

(5) Is found, after examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public; or

(6) Has willfully violated its charter or any law of this state; or

(7) Has an officer, director, or manager who has refused to be examined under oath, concerning its affairs, for which purpose the commissioner is authorized to conduct and to enforce by all appropriate and available means any such examination under oath in any other state or territory of the United States, in which any such officer, director, or manager may then presently be, to the full extent permitted by the laws of any such other state or territory, this special authorization considered; or

(8) Has been the subject of an application for the appointment of a receiver, trustee, custodian, or sequestrator of the insurer or of its property, or if a receiver, trustee, custodian, or sequestrator is appointed by a federal court or if such appointment is imminent; or

(9) Has consented to such an order through a majority of its directors, stockholders, members, or subscribers; or

(10) Has failed to pay a final judgment rendered against it in any state upon any insurance contract issued or assumed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later; or

(11) There is reasonable cause to believe that there has been embezzlement from the insurer, wrongful sequestration or diversion of the insurer's assets, forgery or fraud affecting the insurer, or other illegal conduct in, by, or with respect to the insurer that, if established, would endanger assets in an amount threatening the solvency of the insurer; or

(12) The insurer has failed to remove a person who in fact has executive authority in the insurer, whether an officer, manager, general agent, employee, or other person, if the person has been found after notice and hearing by the commissioner to be dishonest or untrustworthy in a way affecting the insurer's business; or

(13) Control of the insurer, whether by stock ownership or ownership or otherwise, and whether direct or indirect, is in a person or persons found after notice and hearing to be untrustworthy; or

(14) The insurer has failed to file its annual report or other financial report required by statute within the time allowed by law and, after written demand by the commissioner, has failed to give an adequate explanation immediately; or

(15) The board of directors or the holders of a majority of the shares entitled to vote, request, or consent to rehabilitation under this chapter.

Sec. 75. RCW 48.31.040 and 1947 c 79 s .31.04 are each amended to read as follows:

(1) An order to rehabilitate a domestic insurer shall direct the commissioner forthwith to take possession of the property of the insurer and to conduct the business thereof, and to take such steps toward removal of the causes and conditions which have made rehabilitation necessary as the court may direct.

(2) If at any time the commissioner deems that further efforts to rehabilitate the insurer would be useless, he or she may apply to the court for an order of liquidation.

(3) The commissioner, or any interested person upon due notice to the commissioner, at any time may apply for an order terminating the rehabilitation proceeding and permitting the insurer to resume possession of its property and the conduct of its business, but no such order shall be granted except when, after a full hearing, the court has determined that the purposes of the proceedings have been fully accomplished.

(4) An order to rehabilitate the business of a domestic insurer, or an alien insurer domiciled in this state, shall appoint the commissioner and his or her successors in office as the rehabilitator, and shall direct the rehabilitator to immediately take possession of the assets of the insurer, and to administer them under the general supervision of the court. The filing or recording of the order with the recorder of deeds of the county in this state in which the principal business of the company is conducted, or the county in this state in which the company's principal office or place of business is located, imparts the same notice as a deed or other evidence of title duly filed or recorded with that recorder of deeds would have imparted. The order to rehabilitate the insurer by operation of law vests title to all assets of the insurer in the rehabilitator.

(5) An order issued under this section requires accountings to the court by the rehabilitator. Accountings must be done at such intervals as the court specifies in its order, but no less frequently than semiannually.

(6) Entry of an order of rehabilitation does not constitute an anticipatory breach of contracts of the insurer nor may it be grounds for retroactive revocation or retroactive cancellation of contracts of the insurer, unless the revocation or cancellation is done by the rehabilitator.

NEW SECTION. **Sec. 76.** A new section is added to chapter 48.31 RCW to read as follows:

(1) A court in this state before which an action or proceeding in which the insurer is a party, or is obligated to defend a party, is pending when a rehabilitation order against the insurer is entered shall stay the action or proceeding for ninety days and such additional time as is necessary for the rehabilitator to obtain proper representation and prepare for further proceedings. The rehabilitator shall take such action respecting the pending litigation as he or she deems necessary in the interests of justice and for the protection of creditors, policyholders, and the public. The rehabilitator shall immediately consider all litigation pending outside this state and shall petition the courts having jurisdiction over that litigation for stays whenever necessary to protect the estate of the insurer.

(2) A statute of limitations or defense of laches does not run with respect to an action by or against an insurer between the filing of a petition for appointment of a rehabilitator for that insurer and the order granting or denying that petition. An action against the insurer that might have been commenced when the petition was filed may be commenced for at least sixty days after the order of rehabilitation is entered or the petition is denied. The rehabilitator may, upon an order for rehabilitation, within one year or such other longer time as applicable law may permit, institute an action or proceeding on behalf of the insurer upon a cause of action against which the period of limitation fixed by applicable law has not expired at the time of the filing of the petition upon which the order is entered.

(3) A guaranty association or foreign guaranty association covering life or health insurance or annuities has standing to appear in a court proceeding concerning the rehabilitation of a life or health insurer if the association is or may become liable to act as a result of the rehabilitation.

Sec. 77. RCW 48.31.110 and 1961 c 194 s 12 are each amended to read as follows:

This (~~section and RCW 48.31.120 to 48.31.180, inclusive, comprise and~~) chapter may be known and cited as the Uniform Insurers Liquidation Act. For the purposes of this (~~act~~) chapter:

(1) "Insurer" means any person, firm, corporation, association, or aggregation of persons doing an insurance business and subject to the insurance supervisory authority of, or to liquidation, rehabilitation, reorganization, or conservation by, the commissioner, or the equivalent insurance supervisory official of another state.

(2) "Delinquency proceeding" means any proceeding commenced against an insurer for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer.

(3) "State" means any state of the United States, and also the District of Columbia and Puerto Rico.

(4) "Foreign country" means territory not in any state.

(5) "Domiciliary state" means the state in which an insurer is incorporated or organized, or, in the case of an insurer incorporated or organized in a foreign country, the state in which such insurer, having become authorized to do business in such state, has, at the commencement of delinquency proceedings, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States; and any such insurer is deemed to be domiciled in such state.

(6) "Ancillary state" means any state other than a domiciliary state.

(7) "Reciprocal state" means any state other than this state in which in substance and effect the provisions of this (~~act~~) chapter are in force, including the provisions requiring that the insurance commissioner or equivalent insurance supervisory official be the receiver of a delinquent insurer.

(8) "General assets" means all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders, or all policyholders and creditors in the United States, shall be deemed general assets.

(9) "Preferred claim" means any claim with respect to which the law of a state or of the United States accords priority of payment from the general assets of the insurer.

(10) "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.

(11) "Secured claim" means any claim secured by mortgage, trust, deed, pledge, deposit as security, escrow, or otherwise, but not including special deposit claims or claims against general assets. The term also includes claims which more than four months prior to the commencement of delinquency proceedings in the state of the insurer's domicile have become liens upon specific assets by reason of judicial process.

(12) "Receiver" means receiver, liquidator, rehabilitator, or conservator as the context may require.

Sec. 78. RCW 48.31.160 and 1947 c 79 s .31.16 are each amended to read as follows:

(1) In a delinquency proceeding against an insurer domiciled in this state, claims owing to residents of ancillary states shall be preferred claims if like claims are preferred under the laws of this state. All such claims whether owing to residents or nonresidents shall be given equal priority of payment from general assets regardless of where such assets are located.

(2) In a delinquency proceeding against an insurer domiciled in a reciprocal state, claims owing to residents of this state shall be preferred if like claims are preferred by the laws of that state.

(3) The owners of special deposit claims against an insurer for which a receiver is appointed in this or any other state shall be given priority against their several special deposits in accordance with the provisions of the statutes governing the creation and maintenance of such deposits. If there is a deficiency in any such deposit so that the claims secured thereby are not fully discharged therefrom, the claimants may share in the general assets, but such sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

(4) The owner of a secured claim against an insurer for which a receiver has been appointed in this or any other state may surrender his security and file his claim as a general creditor, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors. If the amount of the deficiency has been adjudicated in ancillary proceedings as provided in this ~~((act))~~ chapter, or if it has been adjudicated by a court of competent jurisdiction in proceedings in which the domiciliary receiver has had notice and opportunity to be heard, such amount shall be conclusive; otherwise the amount shall be determined in the delinquency proceeding in the domiciliary state.

Sec. 79. RCW 48.31.180 and 1947 c 79 s .31.18 are each amended to read as follows:

(1) If any provision of this ~~((act))~~ chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ~~((act))~~ chapter which can be given effect without the invalid provision or application, and to this end the provisions of this ~~((act))~~ chapter are declared to be severable.

(2) This Uniform Insurers Liquidation Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it. To the extent that its provisions, when applicable, conflict with ~~((either))~~ provisions of ~~((this))~~ chapter 48.31 RCW, the provisions of this ~~((act))~~ chapter shall control.

NEW SECTION. Sec. 80. RCW 48.31.110, 48.31.120, 48.31.130, 48.31.140, 48.31.150, 48.31.160, 48.31.170, and 48.31.180 are recodified to constitute a new chapter in Title 48 RCW.

Sec. 81. RCW 48.31.190 and 1988 c 202 s 46 are each amended to read as follows:

(1) Proceedings under this chapter involving a domestic insurer shall be commenced in the superior court for the county in which is located the insurer's home office or, at the election of the commissioner, in the superior court for Thurston county. Proceedings under this chapter involving other insurers shall be commenced in the superior court for Thurston county.

(2) The commissioner shall commence any such proceeding, the attorney general representing him, by an application to the court or to any judge thereof, for an order directing the insurer to show cause why the commissioner should not have the relief prayed for.

(3) Upon a showing of an emergency or threat of imminent loss to policyholders of the insurer the court may issue an ex parte order authorizing the commissioner immediately to take over the premises and assets of the insurer, the commissioner then to preserve the status quo, pending a hearing on the order to show cause, which shall be heard as soon as the court calendar permits in preference to other civil cases.

(4) In response to any order to show cause issued under this chapter the insurer shall have the burden of going forward with and producing evidence to show why the relief prayed for by the commissioner is not required.

(5) On the return of such order to show cause, and after a full hearing, the court shall either deny the relief sought in the application or grant the relief sought in the application together with such other relief as the nature of the case and the interest of policyholders, creditors, stockholders, members, subscribers, or the public may require.

(6) No appellate review of a superior court order, entered after a hearing, granting the commissioner's petition to rehabilitate an insurer or to carry out an insolvency proceeding under this chapter, shall stay the action of the commissioner in the discharge of his responsibilities under this chapter, pending a decision by the appellate court in the matter.

(7) In any proceeding under this chapter the commissioner and his deputies shall be responsible on their official bonds for the faithful performance of their duties. If the court deems it desirable for the protection of the assets, it may at any time require an additional bond from the commissioner or his deputies.

Sec. 82. RCW 48.31.280 and 1975-'76 2nd ex.s. c 109 s 1 are each amended to read as follows:

~~(((1) Compensation actually owing to employees other than officers of an insurer, for services rendered within three months prior to the commencement of a proceeding against the insurer under this chapter, but not exceeding three hundred dollars for each such employee, shall be paid prior to the payment of any other debt or claim, and in the discretion of the commissioner may be paid as soon as practicable after the proceeding has been commenced; except, that at all times the commissioner shall reserve such funds as will in his opinion be sufficient for the expenses of administration. Such priority shall be in lieu of any other similar priority which may be authorized by law as to the wages or compensation of such employees.~~

~~(2) The priorities of distribution in a liquidation proceeding shall be in the following order:~~

- (a) Expenses of administration;
- (b) Compensation of employees as provided in subsection (1) of this section;
- (c) Federal, state, and local taxes;
- (d) Claims arising out of and within the coverages of insurance policies issued by the insurer being liquidated for losses incurred, including:
 - (i) Third party claims and claims for unearned premiums;
 - (ii) Claims presented by the Washington Insurance Guaranty Association which represent "covered claims" as defined in RCW 48.32.030(4) and which have been paid by such association;
 - (iii) Claims to which the Washington life and disability insurance guaranty association shall have become subrogated under the provisions of RCW 48.32A.060; and
 - (iv) Claims similar to those described in parts (ii) and (iii) of this subsection as presented by similar guaranty associations of other states; and

(e) All other claims.)) The priority of distribution of claims from the insurer's estate is as follows: Every claim in a class must be paid in full or adequate funds retained for payment before the members of the next class receive any payment; no subclasses may be established within a class; and no claim by a shareholder, policyholder, or other creditor may circumvent the priority classes through the use of equitable remedies. The order of distribution of claims is:

(1) Class 1. The costs and expenses of administration during rehabilitation and liquidation, including but not limited to the following:

- (a) The actual and necessary costs of preserving or recovering the assets of the insurer;
- (b) Compensation for all authorized services rendered in the rehabilitation and liquidation;
- (c) Necessary filing fees;
- (d) The fees and mileage payable to witnesses;
- (e) Authorized reasonable attorneys' fees and other professional services rendered in the rehabilitation and liquidation;
- (f) The reasonable expenses of a guaranty association or foreign guaranty association for unallocated loss adjustment expenses.

(2) Class 2. Reasonable compensation to employees for services performed to the extent that they do not exceed two months of monetary compensation and represent payment for services performed within one year before the filing of the petition for liquidation or, if rehabilitation preceded liquidation, within one year before the filing of the petition for rehabilitation. Principal officers and directors are not entitled to the benefit of this priority except as otherwise approved by the liquidator and the court. The priority is in lieu of any other similar priority that may be authorized by law as to wages or compensation of employees.

(3) Class 3. Loss claims. For purposes of this section, "loss claims" are all claims under policies, including claims of the federal or a state or local government, for losses incurred, including third-party claims and all claims of a guaranty association or foreign guaranty association. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, are loss claims. That portion of any loss indemnification that is provided for by other benefits or advantages recovered by the claimant, is not included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligation of support or by way of succession at death or a proceeds of life insurance, or as gratuities. No payment by an employer to his or her employee may be treated as a gratuity.

(4) Class 4. Claims under nonassessable policies for unearned premium or other premium refunds and claims of general creditors including claims of ceding and assuming companies in their capacity as such.

(5) Class 5. Claims of the federal or any state or local government except those under subsection (3) of this section. Claims, including those of any governmental body for a penalty or forfeiture, are allowed in this class only to the extent of the pecuniary loss sustained from the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims are postponed to the class of claims under subsection (8) of this section.

(6) Class 6. Claims filed late or any other claims other than claims under subsections (7) and (8) of this section.

(7) Class 7. Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. Payments to members of domestic mutual insurance companies are limited in accordance with law.

(8) Class 8. The claims of shareholders or other owners in their capacity as shareholders.

Sec. 83. RCW 48.31.300 and 1947 c 79 s .31.30 are each amended to read as follows:

(1) No contingent claim shall share in a distribution of the assets of an insurer which has been adjudicated to be insolvent by an order made pursuant to RCW 48.31.310, except that such claims shall be considered, if properly presented, and may be allowed to share where:

(a) Such claim becomes absolute against the insurer on or before the last day fixed for filing of proofs of claim against the assets of such insurer, or

(b) ~~There is a surplus and the liquidation is thereafter conducted upon the basis that such insurer is solvent.~~

(2) Where an insurer has been so adjudicated to be insolvent any person who has a cause of action against an insured of such insurer under a liability insurance policy issued by such insurer, shall have the right to file a claim in the liquidation proceeding, regardless of the fact that such claim may be contingent, and such claim may be allowed

(a) ~~If it may be reasonably inferred from the proof presented upon such claim that such person would be able to obtain a judgment upon such cause of action against such insured; and~~

(b) ~~If such person shall furnish suitable proof, unless the court for good cause shown shall otherwise direct, that no further valid claims against such insurer arising out of his or her cause of action other than those already presented can be made; and~~

(c) ~~If the total liability of such insurer to all claimants arising out of the same act of its insured shall be no greater than its maximum liability would be were it not in liquidation.~~

No judgment against such an insured taken after the date of the entry of the liquidation order shall be considered in the liquidation proceedings as evidence of liability, or of the amount of damages, and no judgment against an insured taken by default, inquest or by collusion prior to the entry of the liquidation order shall be considered as conclusive evidence in the liquidation proceeding either of the liability of such insured to such person upon such cause of action or of the amount of damages to which such person is therein entitled.

(3) No claim of any secured claimant shall be allowed at a sum greater than the difference between the value of the claim without security and the value of the security itself as of the date of the entry of the order of liquidation or such other date set by the court for fixation of rights and liabilities as provided in RCW 48.31.260 unless the claimant shall surrender his or her security to the commissioner in which event the claim shall be allowed in the full amount for which it is valued.

(4) Whether or not the third party files a claim, the insured may file a claim on his or her own behalf in the liquidation.

(5) No claim may be presented under this section if it is or may be covered by a guaranty association or foreign guaranty association.

Sec. 84. RCW 48.32A.010 and 1990 c 51 s 1 are each amended to read as follows:

The purpose of this chapter is the creation of funds arising from assessments upon all insurers authorized to transact life or disability insurance business in the state of Washington, to be used to assure to the extent prescribed herein the performance of the insurance contractual obligations of insurers becoming impaired or insolvent to residents of this state, and to promote thereby the stability of domestic insurers. In the judgment of the legislature, the foregoing purpose not being capable of accomplishment by a corporation created under general laws, the creation of the nonprofit association hereinafter in this chapter described is deemed essential for the protection of the general welfare.

Sec. 85. RCW 48.32A.020 and 1990 c 51 s 2 are each amended to read as follows:

This chapter shall apply as follows to life insurance policies, disability insurance policies, and annuity contracts of ~~((liquidating))~~ impaired or insolvent insurers, other than separate account variable policies and contracts authorized by chapter 48.18A RCW:

(1) To all such policies and contracts of a domestic, foreign, or alien insurer authorized to transact such insurance or annuity business in this state at the time such policies or contracts were issued or at the time ~~((of entry of the order of liquidation of the insolvent))~~ the insurer becomes an impaired or insolvent insurer, and of which the policy or contract owner, insured, annuitant, beneficiary, or payee is a resident ~~((of and domiciled within this state. This chapter shall apply only as to the insurance or annuities thereunder of individuals who are residents of and domiciled within this state. The place of residence or domicile shall be determined as of the date of entry of the order of liquidation against the insurer)).~~

(2) To policies and contracts only of impaired or insolvent insurers ~~((with respect to which an order of liquidation is entered after May 21, 1971)).~~

(3) The obligations of the association created under this chapter shall apply only as to contractual obligations of the insurer under insurance policies and annuity contracts, and shall be no greater than such obligations of the impaired or insolvent insurer ~~((at the time of entry of the order of liquidation)).~~ However, the liability of the association shall in no event exceed:

(a) With respect to any one life, regardless of the number of policies or contracts:

(i) Five hundred thousand dollars in life insurance death benefits, including any net cash surrender and net cash withdrawal values for life insurance;

(ii) Five hundred thousand dollars in disability insurance benefits, including any net cash surrender and net cash withdrawal values; or

(iii) Five hundred thousand dollars in the present value of allocated annuity benefits and annuities established under section 403(b) of the United States internal revenue code.

The association shall not be liable to expend more than five hundred thousand dollars in the aggregate with respect to any one individual under this subsection; or

(b) With respect to any one contract owner covered by any unallocated annuity contract, including governmental retirement plans established under section 401 or 457 of the United States internal revenue code, five million dollars in benefits, irrespective of the number of such contracts held by that contract owner.

(4) This chapter shall not apply to:

(a) Fraternal benefit societies;

(b) Health care service contractors;

(c) Insurance or liability assumed by the ~~((liquidating))~~ impaired or insolvent insurer under a contract of reinsurance other than bulk reinsurance;

(d) Any unallocated annuity contract issued to an employee benefit plan protected under the federal pension benefit guaranty corporation; or

(e) Any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union, association of natural persons benefit plan, or a government lottery.

Sec. 86. RCW 48.32A.030 and 1990 c 51 s 3 are each amended to read as follows:

Within the meaning of this chapter:

~~(1) "Account" means any one of the three guaranty fund accounts created under RCW 48.32A.080(1).~~

(2) "Assessment" means a charge made upon an insurer by the board under this chapter for payment into a guaranty fund. The charge constitutes a legal liability of the insurer so assessed.

~~(3) "Association" means "the Washington life and disability insurance guaranty association((")."~~

~~((2)) (4) "Board" means the board of directors of the Washington life and disability insurance guaranty association.~~

~~((3)) (5) "Certificate" means a certificate of contribution provided for in RCW 48.32A.090.~~

~~(6) "Commissioner" means the insurance commissioner of this state.~~

~~((4) "Policies" means life or disability insurance policies; "contracts" means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.~~

~~(5) "Liquidating)) (7) "Contributor" means an insurer that has paid an assessment.~~

~~(8) "Fund" means a guaranty fund provided for in RCW 48.32A.080.~~

(9) "Impaired insurer" means an insurer that, after the effective date of this act, is not an insolvent insurer, and is placed under an order of rehabilitation or conservation, or a substantially similar order, by a court of competent jurisdiction.

~~(10) "Insolvent insurer" means an insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction.~~

~~((6) "Fund" means a guaranty fund provided for in RCW 48.32A.080.~~

~~(7) "Account" means any one of the three guaranty fund accounts created under RCW 48.32A.080(1).~~

~~(8) "Assessment" means a charge made upon an insurer by the board under this chapter for payment into a guaranty fund. The charge shall constitute a legal liability of the insurer so assessed.~~

~~(9) "Contributor" means an insurer which has paid an assessment.~~

~~(10) "Certificate" means a certificate of contribution provided for in RCW 48.32A.090.)~~

~~(11) "Policies" means life or disability insurance policies; "contracts" means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.~~

(12) "Resident" means a person who resides in this state at the time an insurer is determined to be an impaired or insolvent insurer and to whom a contractual obligation is owed. A person may be resident of only one state, which in the case of a person other than an individual is its principal place of business.

~~(13) "Unallocated annuity contract" means any annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate.~~

Sec. 87. RCW 48.32A.050 and 1971 ex.s. c 259 s 5 are each amended to read as follows:

The association shall have the power:

(1) To use a seal, to contract, to sue and be sued and, in addition, possess and exercise all powers necessary or convenient for the purposes of this chapter.

(2) With the approval of the commissioner and as provided in RCW 48.32A.060, to assume, reinsure, or guarantee or cause to be assumed, reinsured, or guaranteed, partially or wholly, any or all of the policies or contracts of any ~~((liquidating))~~ impaired or insolvent domestic life or disability insurer or any policy or contract to which this chapter applies, and to make available from a fund, the creation of which is hereinafter in RCW 48.32A.080 provided, such sum or sums as may be necessary for such purpose.

(3) To carry out the provisions of this section, the association shall have, and may exercise, all necessary rights, powers, privileges, and franchises of a domestic insurer, except that it shall not be authorized to issue contracts or policies unless such

contracts or policies are pursuant to contracts and policies representing obligations in whole or in part of the ~~((liquidating))~~ impaired or insolvent insurer or of the association.

(4) To borrow money for the purposes of the fund, either with or without security, and pledge such assets in a fund as security for such loans, and in connection therewith, rehypothecate any securities or collateral pledged to it by an insurer. Any notes or other evidence of indebtedness of the association shall be legal investments for domestic insurers and may be carried as admitted assets.

(5) To collect or enforce by legal proceedings, if necessary, the payment of all assessments for which any insurer may be liable under this chapter; and to collect any other debt or obligation due to the association or a fund created in this chapter.

(6) To make bylaws and regulations for the conduct of the affairs of the association, not inconsistent with this chapter.

Sec. 88. RCW 48.32A.060 and 1990 c 51 s 4 are each amended to read as follows:

(1) The association shall, subject to such terms and conditions as it may impose with the approval of the commissioner, assume, reinsure, or guarantee the performance of the policies and contracts, for a resident ~~((of the state))~~, of any insolvent domestic life or disability insurer ~~((with respect to which an order of liquidation has been entered by any court of general jurisdiction in the state of Washington))~~, and shall have power to receive, own, and administer any assets acquired in connection with such assumption, reinsurance, or guaranty. The association, as to any such policy or contract under which there is no default in payment of premiums subsequent to such assumption, reinsurance, or guaranty, shall make or cause to be made prompt payment of the benefits due under the terms of the policy or contract.

(2) The association shall make or cause to be made payment of the death, endowment, or disability insurance or annuity benefits due under the terms of each policy or contract insuring the life or health of, or providing annuity or other benefits for, a resident of this state which was issued or assumed by ~~((a))~~ an insolvent foreign or alien insurer ~~((with respect to which an order of liquidation has been entered by a court of competent jurisdiction in the state or country of its domicile))~~.

(3) The association may, subject to such terms and conditions imposed by the association that do not impair the contractual obligations of the impaired insurer and that are approved by the commissioner, take those actions authorized in subsection (1) of this section with regards to an impaired domestic life or disability insurer and subsection (2) of this section with regards to an impaired foreign or alien insurer. The association may provide substitute benefits in lieu of the contractual obligations of the impaired insurer solely for health claims, periodic annuity benefit payments, death benefits, supplemental benefits, and cash withdrawals for policy or contract owners who qualify therefor under claims of emergency or hardship in accordance with standards proposed by the association and approved by the commissioner.

~~(4)~~ In determining benefits to be paid with respect to the policies and contracts of a particular ~~((liquidating))~~ impaired or insolvent insurer the board may give due consideration to amounts reasonably recoverable or deductible because of the contingent liability, if any, of policyholders of the insurer (if a mutual insurer) or recoverable because of the assessment liability, if any, of the insurer's stockholders (if a stock insurer).

~~((4))~~ (5) With respect to an insolvent domestic insurer, the board shall have power to petition the court in which the delinquency proceedings are pending for, and the court shall have authority to order and effectuate, such modifications in the terms, benefits, values, and premiums thereafter to be in effect of policies and contracts of the insurer as may reasonably be necessary to effect a bulk reinsurance of such policies and contract in a solvent insurer. In the event, after the entry of an order of liquidation, an assessment on the members is necessary to increase the assets of the insolvent company to an extent that a bulk reinsurance of such policies may be effected, the court shall have authority to order such assessment.

~~((5))~~ (6) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this chapter against the ~~((liquidating))~~ impaired or insolvent insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this chapter.

~~((6))~~ (7) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the ~~((liquidating))~~ impaired or insolvent insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the ~~((liquidating))~~ impaired or insolvent insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the ~~((liquidating))~~ impaired or insolvent insurer as required by this chapter. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the ~~((liquidating))~~ impaired or insolvent insurer.

~~((7))~~ (8) The association shall have the power to petition the superior court for an order appointing the commissioner as receiver of a domestic insurer upon any of the grounds set forth in RCW 48.31.030.

Sec. 89. RCW 48.32A.070 and 1971 ex.s. c 259 s 7 are each amended to read as follows:

Whenever a guaranty or payment of proceeds or benefits of a policy or contract otherwise provided for under this chapter is also provided for by a similar law of another jurisdiction, there shall be only one recovery of values or benefits, and the association or their entity established by such law in the domiciliary jurisdiction or state of entry of the ~~((liquidating))~~ impaired or insolvent insurer shall be solely responsible for such guaranty and payment.

Sec. 90. RCW 48.32A.080 and 1990 c 51 s 5 are each amended to read as follows:

(1) For purposes of administration and assessment, the association shall establish and maintain three guaranty fund accounts:

(a) The life insurance and annuity account, which shall be divided into three subaccounts:

(i) The life insurance subaccount;

(ii) The allocated annuity subaccount; and

(iii) The unallocated annuity subaccount which shall include contracts qualified under section 403(b) of the United States internal revenue code;

(b) The disability insurance account; and

(c) The general account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due. The board may charge reasonable interest for delinquent payment of the assessment.

(3) (a) The amount of any assessment for each account and subaccount shall be determined by the board, and shall be divided among the accounts and subaccounts in the proportion that the premiums received by the ~~((liquidating))~~ impaired or insolvent insurer on the policies or contracts covered by each account and subaccount bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account or subaccount bears to such premiums received on business in this state by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to a particular ~~((liquidating))~~ impaired or insolvent insurer shall not be made until necessary, in the board's opinion, to implement the purposes of this chapter; and in no event shall such an assessment be made with respect to ~~((such))~~ an insolvent insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile. Computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(d) The board may make an assessment of up to one hundred fifty dollars for each member insurer to be deposited in the general account and used for administrative and general expenses in carrying out the provisions of this chapter.

(4)(a) The total of all assessments upon a member insurer for the life and annuity account and for each subaccount shall not in any one calendar year exceed two percent and for the disability account shall not in any one calendar year exceed two percent of such insurer's average premiums received in this state on the policies and contracts covered by the account during the three calendar years preceding the ~~((entry of the order of liquidation against the liquidating))~~ year in which the insurer became an impaired or insolvent insurer.

(b) The board may provide a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

(c) If a one percent assessment for any subaccount of the life and annuity account in any one year does not provide an amount sufficient to carry out the responsibilities of the association, then pursuant to subsection (3) of this section, the board shall access all subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in (a) of this subsection.

(5) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated or deferred, in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(6) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such

immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(7) As used in this section, "premiums" are those for the calendar year preceding the ~~((entry of the order of liquidation as to a particular liquidating))~~ year in which the insurer became an impaired or insolvent insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which this chapter applies, less return premiums and considerations and less dividends paid or credited to policyholders.

(8) Upon dissolution of a fund by the repeal of this chapter or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such excess shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

Sec. 91. RCW 48.32A.120 and 1971 ex.s. c 259 s 12 are each amended to read as follows:

(1) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed or existing under such order shall have a right to recover, and upon request of the board or without such request shall take such action as he or she deems advisable to recover, on behalf of the insurer from any affiliate that controlled it the amount of distributions, other than stock dividends paid by the insurer on its capital stock, at any time during the five years preceding the petition for liquidation or rehabilitation of the insurer subject to the limitations of subsections (2) through (4) of this section.

(2) No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate in control of the insurer at the time a distribution was paid shall be liable up to the amount of distribution ~~((he))~~ that person received. Any person who was an affiliate in control of the insurer at the time a distribution was declared shall be liable up to the amount of distribution ~~((he))~~ the person would have received if it had been paid immediately. If two persons are liable with respect to the same distribution they shall be jointly and severally liable.

(4) The maximum amount recoverable by the receiver under this section shall be the amount needed in excess of all other available assets to pay the contractual obligations of the insurer.

(5) If any person liable under subsection (3) of this section is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

NEW SECTION. Sec. 92. A new section is added to chapter 48.74 RCW to read as follows:

(1) Every life insurance company doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by rule are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of this state. The commissioner by rule shall define the specifics of this opinion and add any other items deemed to be necessary to its scope.

(2)(a) Every life insurance company, except as exempted by rule, shall also include in the opinion required under subsection (1) of this section an opinion as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by rule, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts.

(b) The commissioner may provide by rule for a transition period for establishing higher reserves that the qualified actuary may deem necessary in order to render the opinion required by this section.

(3) Each opinion required under subsection (2) of this section is governed by the following provisions:

(a) A memorandum, in form and substance acceptable to the commissioner as specified by rule, must be prepared to support each actuarial opinion.

(b) If the insurance company fails to provide a supporting memorandum at the request of the commissioner within a period specified by rule or if the commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the rules or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare such supporting memorandum as is required by the commissioner.

(4) A memorandum in support of the opinion, and other material provided by the company to the commissioner in connection with it, must be kept confidential by the commissioner and may not be made public and is not subject to subpoena, other than for the purpose of defending an action seeking damages from any person by reason of an action required by this section or by rules adopted under it. However, the commissioner may otherwise release the memorandum or other material (a) with the written consent of the company or (b) to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the commissioner for preserving the confidentiality of the memorandum or other material. Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before any governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum are no longer confidential.

(5) Each opinion required under this section is governed by the following provisions:

(a) The opinion must be submitted with the annual statement reflecting the valuation of the reserve liabilities for each year ending on or after December 31, 1994.

(b) The opinion applies to all business in force, including individual and group disability insurance, in form and substance acceptable to the commissioner as specified by rule.

(c) The opinion must be based on standards adopted by the commissioner, who in setting the standards shall give due regard to the standards established by the actuarial standards board or its successors.

(d) In the case of an opinion required to be submitted by a foreign or alien company, the commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

(e) For purposes of this section, "qualified actuary" means a person who meets qualifications set by the commissioner with due regard to the qualifications established for membership in the American Academy of Actuaries or its successors.

(f) Except in cases of fraud or willful misconduct, the qualified actuary is not liable for damages to any person, other than the insurance company and the commissioner, for any act, error, omission, decision, or conduct with respect to the actuary's opinion.

(g) Rules adopted by the commissioner shall define disciplinary action by the commissioner against the company or the qualified actuary.

Sec. 93. RCW 48.74.030 and 1982 1st ex.s. c 9 s 3 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, or in section 97 of this act, the minimum standard for the valuation of all such policies and contracts issued prior to July 10, 1982, shall be that provided by the laws in effect immediately prior to such date. Except as otherwise provided in subsections (2) and (3) of this section, or in section 97 of this act, the minimum standard for the valuation of all such policies and contracts issued on or after July 10, 1982, shall be the commissioner's reserve valuation methods defined in RCW 48.74.040 ~~((and))~~, 48.74.070, and section 97 of this act, three and one-half percent interest, or in the case of life insurance policies and contracts, other than annuity and pure endowment contracts, issued on or after July 16, 1973, four percent interest for such policies issued prior to September 1, 1979, five and one-half percent interest for single premium life insurance policies and four and one-half percent interest for all other such policies issued on and after September 1, 1979, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies--the commissioner's 1941 standard ordinary mortality table for such policies issued prior to the operative date of RCW 48.23.350(5a) and the commissioner's 1958 standard ordinary mortality table for such policies issued on or after such operative date and prior to the operative date of RCW 48.76.050(4), except that for any category of such policies issued on female risks, all modified net premiums and present values referred to in this chapter may be calculated according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after the operative date of RCW 48.76.050(4): (i) The commissioner's 1980 standard ordinary mortality table; or (ii) at the election of the company for any one or more specified plans of life insurance, the commissioner's 1980 standard ordinary mortality table with ten-year select mortality factors; or (iii) any ordinary mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies--the 1941 standard industrial mortality table for such policies issued prior to the operative date of RCW 48.23.350(5b), and for such policies issued on or after such operative date the commissioner's 1961 standard industrial mortality table or any industrial mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by rule of the commissioner for use in determining the minimum standard of valuation for such policies.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies--the 1937 standard annuity mortality table or, at the option of the company, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies--the group annuity mortality table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of ~~((table[s]))~~ tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts--for policies or contracts issued on or after January 1, 1966, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the class (3) disability table (1926); and for policies issued prior to January 1, 1961, the class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies--for policies issued on or after January 1, 1966, the 1959 accidental death benefits table or any accidental death benefits table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the intercompany double indemnity mortality table; and for policies issued prior to January 1, 1961, the intercompany double indemnity mortality table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits--such tables as may be approved by the commissioner.

(2) Except as provided in subsection (3) of this section, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after July 10, 1982, and for all annuities and pure endowments purchased on or after such effective date under group annuity and pure endowment contracts, shall be the commissioner's reserve valuation methods defined in RCW 48.74.040 and the following tables and interest rates:

(a) For individual annuity and pure endowment contracts issued before September 1, 1979, excluding any disability and accidental death benefit in such contracts--the 1971 individual annuity mortality table, or any modification of this table approved by the commissioner, and six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts.

(b) For individual single premium immediate annuity contracts issued on or after September 1, 1979, excluding any disability and accidental death benefits in such contracts--the 1971 individual annuity mortality table or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the commissioner, and seven and one-half percent interest.

(c) For individual annuity and pure endowment contracts issued on or after September 1, 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts--the 1971 individual annuity mortality table or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the commissioner, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts.

(d) For all annuities and pure endowments purchased prior to September 1, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts--the 1971 group annuity mortality table, or any modification of this table approved by the commissioner, and six percent interest.

(e) For all annuities and pure endowments purchased on or after September 1, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts--the 1971 group annuity mortality table or any group annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of these tables approved by the commissioner, and seven and one-half percent interest.

After July 16, 1973, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1979, which shall be the operative date of this section for such

company(~~(: PROVIDED, That a company may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts)).~~ If a company makes no such election, the operative date of this section for such company shall be January 1, 1979.

(3)(a) The interest rates used in determining the minimum standard for the valuation of:

- (i) All life insurance policies issued in a particular calendar year, on or after the operative date of RCW 48.76.050(4);
- (ii) All individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1982;
- (iii) All annuities and pure endowments purchased in a particular calendar year on or after January 1, 1982, under group annuity and pure endowment contracts; and

(iv) The net increase, if any, in a particular calendar year after January 1, 1982, in amounts held under guaranteed interest contracts shall be the calendar year statutory valuation interest rates as defined in this section.

(b) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one-quarter of one percent:

(i) For life insurance:

$$I = .03 + W (R_1 - .03) + W/2 (R_2 - .09);$$

(ii) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options:

$$I = .03 + W (R - .03)$$

where R_1 is the lesser of R and .09,

R_2 is the greater of R and .09,

R is the reference interest rate defined in this section, and

W is the weighting factor defined in this section;

(iii) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in (ii) of this subparagraph, the formula for life insurance stated in (i) of this subparagraph shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in (ii) of this subparagraph shall apply to annuities and guaranteed interest contracts with guarantee duration of ten years or less;

(iv) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in (ii) of this subparagraph shall apply;

(v) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in (ii) of this subparagraph shall apply.

(c) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1983 using the reference interest rate defined for 1982 and shall be determined for each subsequent calendar year regardless of when RCW 48.76.050(4) becomes operative.

(d) The weighting factors referred to in the formulas stated in subparagraph (b) of this subsection are given in the following tables:

(i) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

(ii) Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options: .80;

(iii) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in (ii) of this subparagraph, shall be as specified in (d)(iii) (A), (B), and (C) of this subsection, according to the rules and definitions in (d)(iii) (D), (E), and (F) of this subsection:

(A) For annuities and guaranteed interest contracts valued on an issue year basis:

(Years)	Guarantee Duration Weighting Factor		
	A	B	C
5 or less:	.80	.60	.50
More than 5, but not more than 10:	.75	.60	.50
More than 10, but not more than 20:	.65	.50	.45
More than 20:	.45	.35	.35

(B) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in (d)(iii) (A) of this subsection increased by:

Plan Type	Weighting Factor		
	A	B	C
	.15	.25	.05

(C) For annuities and guaranteed interest contracts valued on an issue year basis other than those with no cash settlement options which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in (d)(iii) (A) of this subsection or derived in (d)(iii) (B) of this subsection increased by:

Plan Type	Weighting Factor		
	A	B	C
	.05	.05	.05

(D) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(E) Plan type as used in the tables in (d)(iii) (A), (B), and (C) of this subsection is defined as follows:

Plan Type A: At any time a policyholder may withdraw funds only: (1) With an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) without such adjustment but in installments over five years or more; or (3) as an immediate life annuity; or (4) no withdrawal permitted.

Plan Type B: Before expiration of the interest rate guarantee, a policyholder may withdraw funds only: (1) With adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) without such adjustment but in installments over five years or more; or (3) no withdrawal permitted. At the end of the interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years.

Plan Type C: A policyholder may withdraw funds before expiration of the interest rate guarantee in a single sum or installments over less than five years either: (1) Without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company; or (2) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(F) A company may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this section, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract. The change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(e) The reference interest rate referred to in subparagraphs (b) and (c) of this subsection is defined as follows:

(i) For all life insurance, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30th of the calendar year next preceding the year of issue, of Moody's corporate bond yield average--monthly average corporates, as published by Moody's Investors Service, Inc.

(ii) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of twelve months, ending on June 30th of the calendar year of issue or year of purchase of Moody's corporate bond yield average--monthly average corporates, as published by Moody's Investors Service, Inc.

(iii) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in (ii) of this subparagraph, with guarantee duration in excess of ten years, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30th of the calendar year of issue or purchase, of Moody's corporate bond yield average--monthly average corporates, as published by Moody's Investors Service, Inc.

(iv) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in (ii) of this subparagraph, with guarantee duration of ten years or less, the average over a period of twelve months, ending on June 30th of the calendar year of issue or purchase, of Moody's corporate bond yield average--monthly average corporates, as published by Moody's Investors Service, Inc.

(v) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of twelve months, ending on June 30th of the calendar year of issue or purchase, of Moody's corporate bond yield average--monthly average corporates, as published by Moody's Investors Service, Inc.

(vi) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in (ii) of this subparagraph, the average over a period of twelve months, ending on June 30th of the calendar year of the change in the fund, of Moody's corporate bond yield average--monthly average corporates, as published by Moody's Investors Service, Inc.

~~((g))~~ (f) If Moody's corporate bond yield average--monthly average corporates is no longer published by Moody's Investors Service, Inc., or if the National Association of Insurance Commissioners determines that Moody's corporate bond yield average--monthly average corporates as published by Moody's Investors Service, Inc. is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the National Association of Insurance Commissioners and approved by rule adopted by the commissioner, may be substituted.

Sec. 94. RCW 48.74.040 and 1982 1st ex.s. c 9 s 4 are each amended to read as follows:

(1) Except as otherwise provided in RCW 48.74.040(2) ~~((and))~~, 48.74.070, and section 97 of this act, reserves according to the commissioner's reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) over (b), as follows:

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due: PROVIDED HOWEVER, That such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one year term premium for such benefits provided for in the first policy year: PROVIDED, That for any life insurance policy issued on or after January 1, 1986, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioner's reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in RCW 48.74.070, be the greater of the reserve as of such policy anniversary calculated as described in the preceding paragraph of this subsection and the reserve as of such policy anniversary calculated as described in that paragraph, but with: (i) The value defined in subparagraph (a) of that paragraph being reduced by fifteen percent of the amount of such excess first year premium; (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date; (iii) the policy being assumed to mature on such date as an endowment; and (iv) the cash surrender value provided on such date being

considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in RCW 48.74.030(1) and (3) shall be used.

Reserves according to the commissioner's reserve valuation method for life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended, disability and accidental death benefits in all policies and contracts, and all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of the preceding paragraphs of this subsection.

(2) This section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the commissioner's annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

Sec. 95. RCW 48.74.050 and 1982 1st ex.s. c 9 s 5 are each amended to read as follows:

(1) In no event may a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after July 10, 1982, be less than the aggregate reserves calculated in accordance with the methods set forth in RCW 48.74.040, 48.74.070, and 48.74.080 and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(2) In no event may the aggregate reserves for all policies, contracts, and benefits be less than the aggregate reserves determined by the qualified actuary to be necessary to render the opinion required under section 92 of this act.

Sec. 96. RCW 48.74.060 and 1982 1st ex.s. c 9 s 6 are each amended to read as follows:

Reserves for all policies and contracts issued prior to the operative date of this chapter, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

Reserves for any category of policies, contracts, or benefits as established by the commissioner, issued on or after July 10, 1982, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided therein.

Any such company which at any time has adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided. For the purposes of this section, the holding of additional reserves previously determined by a qualified actuary to be necessary to render the opinion required under section 92 of this act is not to be the adoption of a higher standard of valuation.

NEW SECTION. Sec. 97. A new section is added to chapter 48.74 RCW to read as follows:

The commissioner shall adopt rules containing the minimum standards applicable to the valuation of disability insurance.

Sec. 98. RCW 48.92.010 and 1987 c 306 s 1 are each amended to read as follows:

The purpose of this chapter is to regulate the formation and operation of risk retention groups and purchasing groups in this state formed pursuant to the provisions of the federal Liability Risk Retention Act of 1986.

Sec. 99. RCW 48.92.020 and 1987 c 306 s 2 are each amended to read as follows:

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

(1) "Commissioner" means the insurance commissioner of Washington state or the commissioner, director, or superintendent of insurance in any other state.

(2) "Completed operations liability" means liability arising out of the installation, maintenance, or repair of any product at a site which is not owned or controlled by:

(a) Any person who performs that work; or

(b) Any person who hires an independent contractor to perform that work; but shall include liability for activities which are completed or abandoned before the date of the occurrence giving rise to the liability.

(3) "Domicile," for purposes of determining the state in which a purchasing group is domiciled, means:

(a) For a corporation, the state in which the purchasing group is incorporated; and

(b) For an unincorporated entity, the state of its principal place of business.

(4) "Hazardous financial condition" means that, based on its present or reasonably anticipated financial condition, a risk retention group, although not yet financially impaired or insolvent, is unlikely to be able:

(a) To meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

(b) To pay other obligations in the normal course of business.

(5) "Insurance" means primary insurance, excess insurance, reinsurance, surplus lines insurance, and any other arrangement for shifting and distributing risk which is determined to be insurance under the laws of this state.

(6) "Liability" means legal liability for damages including costs of defense, legal costs and fees, and other claims expenses because of injuries to other persons, damage to their property, or other damage or loss to such other persons resulting from or arising out of:

(a) Any business, whether profit or nonprofit, trade, product, services, including professional services, premises, or operations; or

(b) Any activity of any state or local government, or any agency or political subdivision thereof.

"Liability" does not include personal risk liability and an employer's liability with respect to its employees other than legal liability under the federal Employers' Liability Act 45 U.S.C. 51 et seq.

(7) "Personal risk liability" means liability for damages because of injury to any person, damage to property, or other loss or damage resulting from any personal, familial, or household responsibilities or activities, rather than from responsibilities or activities referred to in subsection (6) of this section.

(8) "Plan of operation or a feasibility study" means an analysis which presents the expected activities and results of a risk retention group including, at a minimum:

(a) Information sufficient to verify that its members are engaged in businesses or activities similar or related with respect to the liability to which the members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations;

(b) For each state in which it intends to operate, the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer;

~~((b))~~ (c) Historical and expected loss experience of the proposed members and national experience of similar exposures;

~~((c))~~ (d) Pro forma financial statements and projections;

~~((d))~~ (e) Appropriate opinions by a qualified, independent, casualty actuary, including a determination of minimum premium or participation levels required to commence operations and to prevent a hazardous financial condition;

~~((e))~~ (f) Identification of management, underwriting and claims procedures, marketing methods, managerial oversight methods, ~~((and))~~ investment policies, and reinsurance agreements; ~~((and~~

~~((f))~~ (g) Identification of each state in which the risk retention group has obtained, or sought to obtain, a charter and license, and a description of its status in each of those states; and

(h) Such other matters as may be prescribed by the commissioner for liability insurance companies authorized by the insurance laws of the state.

(9) "Product liability" means liability for damages because of any personal injury, death, emotional harm, consequential economic damage, or property damage including damages resulting from the loss of use of property arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product, but does not include the liability of any person for those damages if the product involved was in the possession of such a person when the incident giving rise to the claim occurred.

(10) "Purchasing group" means any group which:

(a) Has as one of its purposes the purchase of liability insurance on a group basis;

(b) Purchases the insurance only for its group members and only to cover their similar or related liability exposure, as described in (c) of this subsection;

(c) Is composed of members whose businesses or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations; and

(d) Is domiciled in any state.

(11) "Risk retention group" means any corporation or other limited liability association (~~((formed under the laws of any state, Bermuda, or the Cayman Islands))~~):

(a) Whose primary activity consists of assuming and spreading all, or any portion, of the liability exposure of its group members;

(b) Which is organized for the primary purpose of conducting the activity described under (a) of this subsection;

(c) Which:

(i) Is chartered and licensed as a liability insurance company and authorized to engage in the business of insurance under the laws of any state; or

(ii) Before January 1, 1985, was chartered or licensed and authorized to engage in the business of insurance under the laws of Bermuda or the Cayman Islands and, before such date, had certified to the insurance commissioner of at least one state that it satisfied the capitalization requirements of such state, except that any such group shall be considered to be a risk retention group only if it has been engaged in business continuously since that date and only for the purpose of continuing to provide insurance to cover product liability or completed operations liability as the terms were defined in the federal Product Liability Risk Retention Act of 1981 before the date of the enactment of the federal Risk Retention Act of 1986;

(d) Which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person;

(e) Which:

(i) Has as its (~~(members))~~ owners only persons who (~~((have an ownership interest in the group and which has as its owners only persons who are members))~~) comprise the membership of the risk retention group and who are provided insurance by the risk retention group; or

(ii) Has as its sole (~~(member and sole))~~ owner an organization (~~((which is owned by persons who are provided insurance by the risk retention group))~~) that has:

(A) As its members only persons who comprise the membership of the risk retention group; and

(B) As its owners only persons who comprise the membership of the risk retention group and who are provided insurance by the group;

(f) Whose members are engaged in businesses or activities similar or related with respect to the liability of which such members are exposed by virtue of any related, similar, or common business trade, product, services, premises, or operations;

(g) Whose activities do not include the provision of insurance other than:

(i) Liability insurance for assuming and spreading all or any portion of the liability of its group members; and

(ii) Reinsurance with respect to the liability of any other risk retention group or any members of such other group which is engaged in businesses or activities so that the group or member meets the requirement described in (f) of this subsection from membership in the risk retention group which provides such reinsurance; and

(h) The name of which includes the phrase "risk retention group."

(12) "State" means any state of the United States or the District of Columbia.

Sec. 100. RCW 48.92.030 and 1987 c 306 s 3 are each amended to read as follows:

(1) A risk retention group seeking to be chartered in this state must be chartered and licensed as a liability insurance company authorized by the insurance laws of this state and, except as provided elsewhere in this chapter, must comply with all of the laws, rules, regulations, and requirements applicable to the insurers chartered and licensed in this state and with RCW 48.92.040 to the extent the requirements are not a limitation on laws, rules, regulations, or requirements of this state.

(2) A risk retention group chartered in this state shall file with the department and the National Association of Insurance Commissioners an annual statement in a form prescribed by the National Association of Insurance Commissioners, and in electronic form if required by the commissioner, and completed in accordance with its instructions and the National Association of Insurance Commissioners accounting practices and procedures manual.

(3) Before it may offer insurance in any state, each domestic risk retention group shall also submit for approval to the insurance commissioner of this state a plan of operation or a feasibility study ((and revisions of the plan or study if the group intends to offer any additional lines of liability insurance)). The risk retention group shall submit an appropriate revision in the event of a subsequent material change in an item of the plan of operation or feasibility study, within ten days of the change. The group may not offer any additional kinds of liability insurance, in this state or in any other state, until a revision of the plan or study is approved by the commissioner.

(4) At the time of filing its application for charter, the risk retention group shall provide to the commissioner in summary form the following information: The identity of the initial members of the group; the identify of those individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group; the amount and nature of the initial capitalization; the coverages to be afforded; and the states in which the group intends to operate. Upon receipt of this information, the commissioner shall forward the information to the National Association of Insurance Commissioners. Providing

notification to the National Association of Insurance Commissioners is in addition to and is not sufficient to satisfy the requirements of RCW 48.92.040 or this chapter.

Sec. 101. RCW 48.92.040 and 1987 c 306 s 4 are each amended to read as follows:

Risk retention groups chartered and licensed in states other than this state and seeking to do business as a risk retention group in this state ~~((must observe and abide by))~~ shall comply with the laws of this state as follows:

(1) Before offering insurance in this state, a risk retention group shall submit to the commissioner on a form prescribed by the National Association of Insurance Commissioners:

(a) A statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, date of chartering, its principal place of business, and any other information including information on its membership, as the commissioner of this state may require to verify that the risk retention group is qualified under RCW 48.92.020(11);

(b) A copy of its plan of operations or a feasibility study and revisions of the plan or study submitted to its state of domicile: PROVIDED, HOWEVER, That the provision relating to the submission of a plan of operation or a feasibility study shall not apply with respect to any line or classification of liability insurance which: (i) Was defined in the federal Product Liability Risk Retention Act of 1981 before October 27, 1986; and (ii) was offered before that date by any risk retention group which had been chartered and operating for not less than three years before that date; ~~((and))~~

(c) The risk retention group shall submit a copy of any revision to its plan of operation or feasibility study required under RCW 48.92.030(3) at the same time that the revision is submitted to the commissioner of its chartering state; and

(d) A statement of registration which designates the commissioner as its agent for the purpose of receiving service of legal documents or process.

(2) Any risk retention group doing business in this state shall submit to the commissioner:

(a) A copy of the group's financial statement submitted to its state of domicile, which shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American academy of actuaries or a qualified loss reserve specialist under criteria established by the National Association of Insurance Commissioners;

(b) A copy of each examination of the risk retention group as certified by the commissioner or public official conducting the examination;

(c) Upon request by the commissioner, a copy of any information or document pertaining to an outside audit performed with respect to the risk retention group; and

(d) Any information as may be required to verify its continuing qualification as a risk retention group under RCW 48.92.020(11).

(3)(a) ~~((All premiums paid for coverages within this state to risk retention groups shall be subject to taxation at the same rate and subject to the same interest, fines, and penalties for nonpayment as that applicable to foreign admitted insurers))~~ A risk retention group is liable for the payment of premium taxes and taxes on premiums of direct business for risks resident or located within this state, and shall report on or before March 1st of each year to the commissioner the direct premiums written for risks resident or located within this state. The risk retention group is subject to taxation, and applicable fines and penalties related thereto, on the same basis as a foreign admitted insurer.

(b) To the extent agents or brokers are utilized under RCW 48.92.120 or otherwise, they shall report ~~((and pay the taxes for the premiums for risks which they))~~ to the commissioner the premiums for direct business for risks resident or located within this state that the licensees have placed with or on behalf of a risk retention group not chartered in this state.

(c) To the extent agents or brokers are ~~((not utilized or fail to pay the tax, each risk retention group shall pay the tax for risks insured within the state. Each risk retention group shall report all premiums paid to it for risks insured within the state))~~ used under RCW 48.92.120 or otherwise, an agent or broker shall keep a complete and separate record of all policies procured from each risk retention group. The record is open to examination by the commissioner, as provided in chapter 48.03 RCW. These records must include, for each policy and each kind of insurance provided thereunder, the following:

(i) The limit of liability;

(ii) The time period covered;

(iii) The effective date;

(iv) The name of the risk retention group that issued the policy;

(v) The gross premium charged; and

(vi) The amount of return premiums, if any.

(4) Any risk retention group, its agents and representatives, shall be subject to any and all unfair claims settlement practices statutes and regulations specifically denominated by the commissioner as unfair claims settlement practices regulations.

(5) Any risk retention group, its agents and representatives, shall be subject to the provisions of chapter 48.30 RCW pertaining to deceptive, false, or fraudulent acts or practices. However, if the commissioner seeks an injunction regarding such conduct, the injunction must be obtained from a court of competent jurisdiction.

(6) Any risk retention group must submit to an examination by the commissioner to determine its financial condition if the commissioner of the jurisdiction in which the group is chartered has not initiated an examination or does not initiate an examination within sixty days after a request by the commissioner of this state. The examination shall be coordinated to avoid unjustified repetition and conducted in an expeditious manner and in accordance with the National Association of Insurance Commissioners' examiner handbook.

(7) ~~((Any))~~ Every application form for insurance from a risk retention group and every policy issued by a risk retention group shall contain in ten-point type on the front page and the declaration page, the following notice:

NOTICE

This policy is issued by your risk retention group. Your risk retention group may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for your risk retention group.

(8) The following acts by a risk retention group are hereby prohibited:

(a) The solicitation or sale of insurance by a risk retention group to any person who is not eligible for membership in that group; and

(b) The solicitation or sale of insurance by, or operation of, a risk retention group that is in a hazardous financial condition or is financially impaired.

(9) No risk retention group shall be allowed to do business in this state if an insurance company is directly or indirectly a member or owner of the risk retention group, other than in the case of a risk retention group all of whose members are insurance companies.

~~(10) ((No risk retention group may offer insurance policy coverage prohibited by Title 48 RCW or declared unlawful by the highest court of this state))~~ The terms of an insurance policy issued by a risk retention group may not provide, or be construed to provide, coverage prohibited generally by statute of this state or declared unlawful by the highest court of this state.

(11) A risk retention group not chartered in this state and doing business in this state shall comply with a lawful order issued in a voluntary dissolution proceeding or in a delinquency proceeding commenced by a state insurance commissioner if there has been a finding of financial impairment after an examination under ~~((RCW 48.92.040(6)))~~ subsection (6) of this section.

Sec. 102. RCW 48.92.050 and 1987 c 306 s 5 are each amended to read as follows:

(1) No risk retention group shall be permitted to join or contribute financially to any insurance insolvency guaranty fund, or similar mechanism, in this state, nor shall any risk retention group, or its insureds or claimants against its insureds, receive any benefit from any such fund for claims arising ~~((out of the operations of the))~~ under the insurance policies issued by a risk retention group.

(2) A risk retention group shall participate in this state's joint underwriting associations and mandatory liability pools or plans required by the commissioners.

(3) When a purchasing group obtains insurance covering its members' risks from an insurer not authorized in this state or a risk retention group, no such risks, wherever resident or located, are covered by an insurance guaranty fund or similar mechanism in this state.

(4) When a purchasing group obtains insurance covering its members' risks from an authorized insurer, only risks resident or located in this state are covered by the state guaranty fund established in chapter 48.32 RCW.

Sec. 103. RCW 48.92.070 and 1987 c 306 s 7 are each amended to read as follows:

~~((Any purchasing group meeting the criteria established under the provisions of the federal Liability Risk Retention Act of 1986 shall be exempt from any law of this state relating to the creation of groups for the purchase of insurance, prohibition of group purchasing, or any law that would discriminate against a purchasing group or its members. In addition, an insurer shall be exempt from any law of this state which prohibits providing, or offering to provide, to a purchasing group or its members advantages based on their loss and expense experience not afforded to other persons with respect to rates, policy forms, coverages, or other matters. A purchasing group shall be subject to all other applicable laws of this state.))~~ A purchasing group and its insurer or insurers are subject to all applicable laws of this state, except that a purchasing group and its insurer or insurers are exempt, in regard to liability insurance for the purchasing group, from any law that:

(1) Prohibits the establishment of a purchasing group;

(2) Makes it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its members, advantages based on their loss and expense experience not afforded to other persons with respect to rates, policy forms, coverages, or other matters;

(3) Prohibits a purchasing group or its members from purchasing insurance on a group basis described in subsection (2) of this section;

(4) Prohibits a purchasing group from obtaining insurance on a group basis because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time;

(5) Requires that a purchasing group must have a minimum number of members, common ownership or affiliation, or certain legal form;

(6) Requires that a certain percentage of a purchasing group must obtain insurance on a group basis;

(7) Otherwise discriminates against a purchasing group or any of its members.

Sec. 104. RCW 48.92.080 and 1987 c 306 s 8 are each amended to read as follows:

(1) A purchasing group which intends to do business in this state shall furnish, before doing business, notice to the commissioner, on forms prescribed by the National Association of Insurance Commissioners which shall:

(a) Identify the state in which the group is domiciled;

(b) Identify all other states in which the group intends to do business;

(c) Specify the lines and classifications of liability insurance which the purchasing group intends to purchase;

~~((e))~~ (d) Identify the insurance company or companies from which the group intends to purchase its insurance and the domicile of that company or companies;

~~((f))~~ (e) Specify the method by which, and the person or persons, if any, through whom insurance will be offered to its members whose risks are resident or located in this state;

(f) Identify the principal place of business of the group; and

~~((g))~~ (g) Provide any other information as may be required by the commissioner to verify that the purchasing group is qualified under RCW 48.92.020(10).

(2) A purchasing group shall, within ten days, notify the commissioner of any changes in any of the items set forth in subsection (1) of this section.

(3) The purchasing group shall register with and designate the commissioner as its agent solely for the purpose of receiving service of legal documents or process, except that this requirement shall not apply in the case of a purchasing group that only purchases insurance that was authorized under the federal Product Liability Risk Retention Act of 1981 and:

(a) Which in any state of the United States:

(i) Was domiciled before April ~~((2))~~ 1, 1986; and

(ii) Is domiciled on and after October 27, 1986~~((, in any state of the United States))~~;

(b) Which:

(i) Before October 27, 1986, purchased insurance from an insurance carrier licensed in any state;

(ii) Since October 27, 1986, purchased its insurance from an insurance carrier licensed in any state; or

(c) Which was a purchasing group under the requirements of the federal Product Liability Risk Retention Act of 1981 before October 27, 1986~~((; and~~

~~((d) Which does not purchase insurance that was not authorized for purposes of an exemption under that act, as in effect before October 27, 1986)).~~

(4) A purchasing group that is required to give notice under subsection (1) of this section shall also furnish such information as may be required by the commissioner to:

(a) Verify that the entity qualifies as a purchasing group;

(b) Determine where the purchasing group is located; and

(c) Determine appropriate tax treatment.

Sec. 105. RCW 48.92.090 and 1987 c 306 s 9 are each amended to read as follows:

(1) A purchasing group may not purchase insurance from a risk retention group that is not chartered in a state or from an insurer not admitted in the state in which the purchasing group is located, unless the purchase is effected through a licensed agent or broker acting pursuant to the surplus lines laws and regulations of that state.

(2) A purchasing group that obtains liability insurance from an insurer not admitted in this state or a risk retention group shall inform each of the members of the group that have a risk resident or located in this state that the risk is not protected by an insurance insolvency guaranty fund in this state, and that the risk retention group or insurer may not be subject to all insurance laws and rules of this state.

(3) No purchasing group may purchase insurance providing for a deductible or self-insured retention applicable to the group as a whole; however, coverage may provide for a deductible or self-insured retention applicable to individual members.

(4) Purchases of insurance by purchasing groups are subject to the same standards regarding aggregate limits that are applicable to all purchases of group insurance.

NEW SECTION. Sec. 106. A new section is added to chapter 48.92 RCW to read as follows:

Premium taxes and taxes on premiums paid for coverage of risks resident or located in this state by a purchasing group or any members of the purchasing groups must be:

(1) Imposed at the same rate and subject to the same interest, fines, and penalties as those applicable to premium taxes and taxes on premiums paid for similar coverage from authorized insurers, as defined under chapter 48.05 RCW, or unauthorized insurers, as defined and provided for under chapter 48.15 RCW, by other insurers; and

(2) The obligation of the insurer; and if not paid by the insurer, then the obligation of the purchasing group; and if not paid by the purchasing group, then the obligation of the agent or broker for the purchasing group; and if not paid by the agent or broker for the purchasing group, then the obligation of each of the purchasing group's members. The liability of each member of the purchasing group is several, not joint, and is limited to the tax due in relation to the premiums paid by that member.

Sec. 107. RCW 48.92.100 and 1987 c 306 s 10 are each amended to read as follows:

The commissioner is authorized to make use of any of the powers established under Title 48 RCW to enforce the laws of this state so long as those powers are not specifically preempted by the federal Product Liability Risk Retention Act of 1981, as amended by the federal Risk Retention Amendments of 1986. This includes, but is not limited to, the commissioner's administrative authority to investigate, issue subpoenas, conduct depositions and hearings, issue orders, ~~((and))~~ impose penalties, and seek injunctive relief. With regard to any investigation, administrative proceedings, or litigation, the commissioner can rely on the procedural law and regulations of the state. The injunctive authority of the commissioner in regard to risk retention groups is restricted by the requirement that any injunction be issued by a court of competent jurisdiction.

Sec. 108. RCW 48.92.120 and 1987 c 306 s 12 are each amended to read as follows:

~~((Any person acting, or offering to act, as an agent or broker for a risk retention group or purchasing group, which solicits members, sells insurance coverage, purchases coverage for its members located within the state or otherwise does business in this state shall be subject to the provisions of chapter 48.17 RCW and before commencing any such activity, obtain a license and pay the fees designated for the license under RCW 48.14.010.))~~ (1) No person may act or aid in any manner in soliciting, negotiating, or procuring liability insurance in this state from a risk retention group unless the person is licensed as an insurance agent or broker for casualty insurance in accordance with chapter 48.17 RCW and pays the fees designated for the license under RCW 48.14.010.

(2)(a) No person may act or aid in any manner in soliciting, negotiating, or procuring liability insurance in this state for a purchasing group from an authorized insurer or a risk retention group chartered in a state unless the person is licensed as an insurance agent or broker for casualty insurance in accordance with chapter 48.17 RCW and pays the fees designated for the license under RCW 48.14.010.

(b) No person may act or aid in any manner in soliciting, negotiating, or procuring liability insurance coverage in this state for a member of a purchasing group under a purchasing group's policy unless the person is licensed as an insurance agent or broker for casualty insurance in accordance with chapter 48.17 RCW and pays the fees designated for the license under RCW 48.14.010.

(c) No person may act or aid in any manner in soliciting, negotiating, or procuring liability insurance from an insurer not authorized to do business in this state on behalf of a purchasing group located in this state unless the person is licensed as a surplus lines broker in accordance with chapter 48.15 RCW and pays the fees designated for the license under RCW 48.14.010.

(3) For purposes of acting as an agent or broker for a risk retention group or purchasing group under subsections (1) and (2) of this section, the requirement of residence in this state does not apply.

(4) Every person licensed under chapters 48.15 and 48.17 RCW, on business placed with risk retention groups or written through a purchasing group, shall inform each prospective insured of the provisions of the notice required under RCW 48.92.040(7) in the case of a risk retention group and RCW 48.92.090(3) in the case of a purchasing group.

Sec. 109. RCW 48.92.130 and 1987 c 306 s 13 are each amended to read as follows:

An order issued by any district court of the United States enjoining a risk retention group from soliciting or selling insurance, or operating, in any state or in all states or in any territory or possession of the United States, upon a finding that the group is in a hazardous financial or financially impaired condition, shall be enforceable in the courts of the state.

Sec. 110. RCW 48.92.140 and 1987 c 306 s 14 are each amended to read as follows:

The commissioner may establish and from time to time amend the rules relating to risk retention or purchasing groups as may be necessary or desirable to carry out the provisions of this chapter.

NEW SECTION. Sec. 111. The following acts or parts of acts are each repealed:

(1) RCW 48.07.090 and 1975 1st ex.s. c 266 s 4, 1953 c 197 s 3, & 1947 c 79 s .07.09;

(2) RCW 48.31A.005 and 1983 c 46 s 1;

(3) RCW 48.31A.010 and 1971 ex.s. c 13 s 3;

- (4) RCW 48.31A.020 and 1985 c 55 s 1, 1983 c 46 s 2, & 1971 ex.s. c 13 s 4;
- (5) RCW 48.31A.030 and 1983 c 46 s 3 & 1971 ex.s. c 13 s 5;
- (6) RCW 48.31A.040 and 1971 ex.s. c 13 s 6;
- (7) RCW 48.31A.050 and 1985 c 55 s 2, 1983 c 46 s 4, & 1971 ex.s. c 13 s 7;
- (8) RCW 48.31A.055 and 1985 c 55 s 3;
- (9) RCW 48.31A.060 and 1971 ex.s. c 13 s 8;
- (10) RCW 48.31A.070 and 1971 ex.s. c 13 s 9;
- (11) RCW 48.31A.080 and 1971 ex.s. c 13 s 10;
- (12) RCW 48.31A.090 and 1971 ex.s. c 13 s 11;
- (13) RCW 48.31A.100 and 1971 ex.s. c 13 s 12;
- (14) RCW 48.31A.110 and 1971 ex.s. c 13 s 13;
- (15) RCW 48.31A.120 and 1971 ex.s. c 13 s 14;
- (16) RCW 48.31A.130 and 1971 ex.s. c 13 s 15; and
- (17) RCW 48.31A.900 and 1971 ex.s. c 13 s 17.

NEW SECTION. Sec. 112. The insurance commissioner may take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 113. Sections 1 through 15 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 114. Sections 16 through 21 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 115. Sections 22 through 33 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 116. Sections 34 through 42 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 117. Sections 57 through 73 of this act are each added to chapter 48.31 RCW.

NEW SECTION. Sec. 118. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to a point of order. I raise the point order on the scope and object of the committee amendment as addressed to the bill, Substitute House Bill No. 1855. The basic bill is kind of an omnibus bill addressing the powers and duties of the Insurance Commissioner to make our laws consistent with national recommendations. The amendment is the substance of another bill which this body has defeated, which gives the Insurance Guarantee Association authority to go out of state and, perhaps even, loan money, interest free, to out-of-state insurance companies. I suggest that this is beyond the scope and object of the original bill."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute House Bill No. 1855 was deferred.

MOTION

At 11:31 a.m., on motion of Senator Jesernig, the Senate recess until 12:00 noon.

The Senate was called to order at 12:03 p.m. by President Pritchard.

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

REPORTS OF STANDING COMMITTEES

April 14, 1993

SB 5724 Prime Sponsor, Senator Rinehart: Changing nursing home auditing and cost reimbursement provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

SB 5966 Prime Sponsor, Senator Rinehart: Concerning the state veterans' homes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5966 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, McDonald, Moyer, Niemi, Owen, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

SB 5980 Prime Sponsor, Senator Owen: Revising provisions relating to fishing licenses. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5980 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Gaspard, Hargrove, Jesernig, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

SB 5981 Prime Sponsor, Senator Owen: Regulating forest lands to maintain a viable forest products industry. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5981 be substituted therefor, and the substitute bill do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Jesernig, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

SB 5983 Prime Sponsor, Senator M. Rasmussen: Altering fees related to agriculture. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Gaspard, Hargrove, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

SB 5984 Prime Sponsor, Senator Sheldon: Using the business enterprises revolving account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

SHB 1128 Prime Sponsor, House Committee on Revenue: Funding blood and breath alcohol testing programs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

ESHB 1197 Prime Sponsor, House Committee on Human Services: Allowing families to retain a greater percentage of income before public benefits are reduced or terminated. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass with amendments to Committee on Health and Human Services amendments. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Hargrove, Jesernig, Niemi, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

ESHB 1236 Prime Sponsor, House Committee on Natural Resources and Parks: Establishing fees for certain water rights. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Jesernig, Owen, Pelz, Quigley, Snyder, Sutherland, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1993

ESHB 1307 Prime Sponsor, House Committee on Trade, Economic Development and Housing: Reauthorizing and modifying the Washington service corps. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass with amendments to Committee on Trade, Technology and Economic Development amendments. Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Anderson, Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 12:04 p.m., on motion of Senator Jesernig, the Senate recessed until 1:45 p.m.

The Senate was called to order at 1:50 p.m. by President Pritchard.

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

MOTIONS

On motion of Senator Oke, Senators Amondson and Barr were excused.

On motion of Senator Spanel, Senator Loveland was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1469, by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long and Thibaudeau)

Clarifying that the department of social and health services is not required to reimburse certain health care costs under the limited casualty program.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.48.130 and 1986 c 118 s 9 are each amended to read as follows:

It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the department of social and health services, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

Payment for emergency or necessary health care shall be by the governing unit, except that the department of social and health services shall directly reimburse the ~~((governing unit for the cost thereof if the confined person requires treatment for which such person is eligible under the department of social and health services' public assistance medical program))~~ provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the department, if the confined person is eligible under the department's medical care programs as authorized under chapter 74.09 RCW. After payment by the department, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons eligible under chapter 74.09 RCW shall not exceed the amounts that would be paid by the department for similar services provided under Title XIX medicaid, unless additional resources are obtained from the confined person.

As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the department, the governing unit, and any provider of health care services.

The governing unit or provider may obtain reimbursement from the confined person for the cost of ~~((emergency and other))~~ health care ~~((to the extent that such person is reasonably able to pay for such care))~~ services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to ((such)) the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for ~~((financial assistance from the department or from a private source))~~ the department's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

There shall be no right of reimbursement to the governing unit from units of government whose law enforcement officers initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

~~((This section is not intended to limit or change any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided or paid for.))~~

Under no circumstance shall necessary medical services be denied or delayed ((pending)) because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 70.48.130; and declaring an emergency."

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1469, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1469, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1469, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Rinehart - 1.

Excused: Senators Amondson, Barr, Cantu and Loveland - 4.

SUBSTITUTE HOUSE BILL NO. 1469, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1741, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Johanson and Orr)

Revising penalties for ignoring traffic tickets.

The bill was read the second time.

MOTION

Senator Adam Smith moved that the following Committee on Law and Justice amendments be considered simultaneously and be adopted:

On page 3, after line 18, insert the following:

"Sec. 4. RCW 46.20.285 and 1990 c 250 s 43 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years;

(8) A violation of the federal or state Uniform Controlled Substances Act."

Renumber the sections following consecutively and correct internal references accordingly.

On page 4, line 33, after "RCW 46.20.308;" strike "or" and insert "((or))"

On page 4, line 34, after "RCW 46.20.265" insert "; or (g) six months after the individual applies for the issuance or reinstatement of the driver's license if the individual does not have a driver's license or the driver's license of the individual is suspended at the time the individual is convicted of a violation of the federal or state Uniform Controlled Substances Act"

On page 10, after line 38, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 46.61 RCW to read as follows:

(1)(a) The court shall confiscate from every person who is convicted of a second violation of RCW 46.61.502 or 46.61.504 within a five-year period the Washington state vehicle registration and vehicle license plates of the vehicle the person was driving at the time of the violation, if the person is the owner of the vehicle, and if the person is not the owner of the vehicle, the court shall confiscate the Washington state vehicle registration and vehicle license plates of a vehicle owned by the person, if any. The person shall have seven days to surrender the Washington state vehicle registration and vehicle license plates.

(b) The Washington state vehicle registration and vehicle license plates shall be held for a period of ninety days from the date of surrender.

(c) The court shall immediately notify the department of licensing of the confiscation and the duration of the confiscation. No Washington state vehicle registration or vehicle license plates may be reissued for the vehicle by the department to the person during the period of confiscation.

(d) No confiscation under this section affects the right of any person to transfer or acquire title in the vehicle, or the right of any person other than the arrested driver to become the registered owner of the vehicle.

(e) In any case provided for in this section, where a Washington state vehicle registration or vehicle license is to be confiscated, the confiscation shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the confiscation takes effect as of the date that the conviction becomes effective for other purposes.

(2)(a) On a third or subsequent conviction for a violation of RCW 46.61.502 or 46.61.504 within a five-year period the motor vehicle the person was driving at the time of the violation, if the person is the owner of the vehicle, shall be seized by a law enforcement officer of this state upon process issued by the court issuing the conviction.

(b) Proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the vehicle seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized vehicle. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(c) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the vehicle seized shall be deemed forfeited.

(d) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the value of the vehicle involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when the value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

(e) When a vehicle is forfeited under this chapter the seizing law enforcement agency may:

(i) Retain it for official use or upon application by any law enforcement agency of this state release such vehicle to such agency for the exclusive use of enforcing the provisions of this chapter;

(ii) Sell the vehicle; or

(iii) Remove it for disposition in accordance with law.

(f)(i) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(ii) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(iii) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(iv) The quarterly report need not include a record of forfeited vehicles that are still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(g) Forfeited vehicles and net proceeds shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(h) A forfeiture of a motor vehicle encumbered by a bona fide security interest is subject to the interest of the secured party."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to a point of order. I rise to a point of order that the scope and object of these amendments expand the bill. The bill itself addressed the area of failure to appear in answer to traffic tickets. These amendments go considerably further and talk about confiscations of automobiles and things like that."

POINT OF ORDER

Senator Niemi: "Mr. President, I also rise to a point of order. My point of order is with two committee amendments, one on page 3, after line 18, and one on page 4, after line 33. Those two committee amendments deal with the addition of a violation of the Uniform Controlled Substances Act. They amend two portions of Title 46 which deals with various traffic infractions or ownership of motor vehicles and I suggest that the Uniform Controlled Substances Act has nothing to do with either of those."

MOTION

On motion of Senator Jesernig, further consideration of Substitute House Bill No. 1741 was deferred.

STATEMENT FOR THE JOURNAL

Due to work on the Conference Committee on Health Care Reform or business in Seattle, I missed the votes on: Engrossed Substitute House Bill No. 1464, as amended by the Senate; Engrossed Substitute House Bill No. 1089, as amended by the Senate; Engrossed Substitute House Bill No. 1806, as amended by the Senate; Engrossed Second Substitute Senate Bill No. 5451; Substitute Senate Bill No. 5966; Senate Bill No. 5984; Engrossed Substitute Senate Bill No. 5605; Substitute House Bill No. 2036, as amended by the Senate; Substitute House Bill No. 1907, as amended by the Senate; Substitute House Bill No. 1128, as amended by the Senate; and Engrossed Substitute House Bill No. 1236, as amended by the Senate.

I would have voted 'yes' on the measures.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464, by House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer)

Making laws relating to local government office vacancies more uniform.

The bill was read the second time.

MOTION

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.12 RCW to read as follows:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in RCW 29.15.190 and 29.21.410, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29.01.135 and shall service both the remainder of the unexpired term and the succeeding term.

Sec. 2. RCW 42.12.010 and 1981 c 180 s 4 are each amended to read as follows:

Every elective office shall become vacant on the happening of any of the following events:

(1) The death of the incumbent;

(2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;

(3) His or her removal;

(4) His or her ceasing to be a legally ~~((qualified elector))~~ registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;

(5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;

(6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;

(7) The decision of a competent tribunal declaring void his or her election or appointment; or

(8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

Sec. 3. RCW 43.06.010 and 1992 c 172 s 1 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

- (2) The governor shall see that all offices are filled, including as provided in section 1 of this act and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) The governor shall make the appointments and supply the vacancies mentioned in this title;
- (4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of ~~((his))~~ the prosecutor's duties;
- (8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;
- (9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) The governor shall issue and transmit election proclamations as prescribed by law;
- (11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;
- (12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;
- (13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;
- (14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;
- (15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

Sec. 4. RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to read as follows:

The board of airport district commissioners shall consist of three members ~~((, who shall each be a registered voter and actually a resident of the district))~~. The first commissioners shall be appointed by the county legislative authority. At the next general district election, held as provided in RCW 29.13.020, three airport district commissioners shall be elected. The terms of office of airport district commissioners shall be two years, or until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170. Members of the board of airport district commissioners shall be elected at each regular district general election on a nonpartisan basis in accordance with the general election law. ~~((They shall be nominated by petition of ten registered voters of the district.))~~ Vacancies on the board of airport district commissioners shall occur and shall be filled ~~((by appointment by the remaining commissioners))~~ as provided in chapter 42.12 RCW. Members of the board of airport district commissioners shall receive no compensation for their services, but shall be reimbursed for actual necessary traveling and sustenance expenses incurred while engaged on official business.

Sec. 5. RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read as follows:

A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall be sufficient cause for the remaining members of the board to declare by resolution that such board member position is vacated. In addition, vacancies shall occur as provided in RCW 42.12.010.

NEW SECTION. Sec. 6. A new section is added to chapter 29.15 RCW to read as follows:

If, after the close of the period established by RCW 29.15.020 for filing declarations of candidacy for the office of superintendent of public instruction or the nonpartisan elective office of a county, city, town, or special purpose district, no candidate

or only one candidate has filed such a declaration for the nonpartisan office, the closure of the filing period for the office shall be extended. The extended filing period shall close at the end of business on the first Friday following the normal closing of that period under RCW 29.15.020.

Declarations and affidavits of candidacy filed during this extended filing period for the office shall be filed in the same manner, with the same fees or petitions, and with the same officer as prescribed for filings made under RCW 29.15.020. The names of candidates who validly file within this extension of the filing period shall appear on the ballot as if the filings had been made during the normal filing period under RCW 29.15.020.

The requirements of this section apply to a nonpartisan office of a county unless the provisions of the county's home rule charter provide otherwise. This section does not apply to a judicial office.

Sec. 7. RCW 29.15.050 and 1990 c 59 s 85 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ~~((ten))~~ twenty dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis, nor for the filing of any declaration of candidacy by a write-in candidate.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for(=

~~(1))~~ a legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

~~((2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.)~~

Sec. 8. RCW 29.15.120 and 1990 c 59 s 86 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29.15.020 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during extended or special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the general election ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

NEW SECTION. Sec. 9. A new section is added to chapter 29.15 RCW to read as follows:

Each person who files a declaration of candidacy for an elected office of a city, town, or special district shall be given written notice of the date by which a candidate may withdraw his or her candidacy under RCW 29.15.120.

Sec. 10. RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no September primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw or after the end of an extended filing period provided by section 6 of this act, either of the following circumstances exist:

(1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or

(2) No more than two candidates have filed a declaration of candidacy for a single nonpartisan office to be filled.

In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the September primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot.

Sec. 11. RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each amended to read as follows:

A void in candidacy for a nonpartisan office occurs when an election for such office, except for the short term, has been scheduled and ~~((no valid declaration of candidacy has been filed for the position or))~~ all persons filing ~~((such))~~ valid declarations of candidacy for the office have died or been disqualified.

Sec. 12. RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each amended to read as follows:

Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the fourth Tuesday prior to a primary:

(1) A valid declaration of candidacy has not been filed for a judicial office during the normal filing period for the office;

(2) All of the candidates who have filed for a nonpartisan office have withdrawn their candidacies;

(3) A void in candidacy occurs;

~~((2))~~ (4) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or

~~((3))~~ (5) A nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within ~~((said))~~ the three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 13. RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each amended to read as follows:

If, after ~~((both))~~ the normal filing period ~~((and))~~ for which an extension of the filing period is not required by section 6 of this act, after such an extended filing period, or after a special three day filing period as provided by RCW 29.15.170 and 29.15.180~~((, as now or hereafter amended, have passed and still))~~, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until ~~((his))~~ a successor is elected at the next election when such positions are voted upon ~~((as provided by RCW 29.21.410, as now or hereafter amended))~~.

Sec. 14. RCW 29.21.015 and 1990 c 59 s 90 are each amended to read as follows:

No primary may be held for any single position in any city, town, or district, as required by RCW 29.21.010, if, after the last day allowed for candidates to withdraw or after the end of an extended or special filing period, there are no more than two candidates filed for the position. The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot. Names of candidates so notified shall be printed upon the general election ballot in the manner specified by RCW 29.30.025.

NEW SECTION. **Sec. 15.** A new section is added to chapter 35.02 RCW to read as follows:

An election shall be held to elect city or town elected officials at the next municipal general election occurring more than twelve months after the date of the first election of councilmembers or commissioners. Candidates shall run for specific council or commission positions. The staggering of terms of members of the city or town council shall be established at this election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office. Newly elected councilmembers or newly elected commissioners shall serve until their successors are elected and qualified. The terms of office of newly elected commissioners shall not be staggered, as provided in chapter 35.17 RCW. All councilmembers and commissioners who are elected subsequently shall be elected to four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 16. RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended to read as follows:

All regular elections in cities organized under the statutory commission form of government shall be held quadrennially in the odd-numbered years on the dates provided in RCW 29.13.020. The commissioners shall be nominated and elected at large. Their terms shall be for four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. ~~((If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.))~~ Vacancies on a commission shall occur and shall be filled as provided in chapter 42.12 RCW, except that in every instance a person shall be elected to fill the remainder of the unexpired term at the next general municipal election that occurs twenty-eight or more days after the occurrence of the vacancy.

Sec. 17. RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended to read as follows:

The first election of commissioners shall be held ~~((within))~~ at the next special election that occurs at least sixty days after the ~~((adoption of))~~ election results are certified where the proposition to organize under the commission form was approved by city voters, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. The date of the second election for commissioners shall be in accordance with RCW 29.13.020 such that the term of the first commissioners will be as near as possible to, but not in excess of, four years calculated from the first day in January in the year after the year in which the first commissioners were elected.

Sec. 18. RCW 35.18.020 and 1981 c 260 s 7 are each amended to read as follows:

(1) The number of ~~((councilmen))~~ councilmembers in a city or town operating with a council-manager plan of government shall be ~~((in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last))~~ based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five ~~((councilmen))~~ councilmembers; and

(b) A city or town having more than two thousand, seven ~~((councilmen))~~ councilmembers.

(2) ~~((All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER, That at the first general municipal election held in the city in accordance with RCW 29.13.020, after the election approving the council-manager plan, the following shall apply:~~

~~((a) One councilman shall be nominated and elected from each ward or such other existing district of said city as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.~~

~~((b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.~~

~~((c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.~~

~~((d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered)) Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Councilmembers may be elected on a city-wide or town-wide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29.70 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.~~

(3) When a ~~((municipality))~~ city or town has qualified for an increase in the number of ~~((councilmen))~~ councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management ~~((after the majority of the voters thereof have approved operation under the council-manager plan)),~~ two additional council positions shall be filled at the ~~((first))~~ next municipal general election ~~((when two additional councilmen are to be elected, one of the two additional councilmen receiving))~~ with the person elected to one of the new council positions receiving the ~~((highest))~~ greatest number of votes ~~((shall be))~~ being elected for a four-year term of office and the person elected to the other additional ~~((councilman shall be))~~ council position being elected for a two-year term of office. The ~~((terms of the))~~ two additional ~~((councilmen))~~ councilmembers shall ~~((commence))~~ assume office immediately when qualified in accordance with RCW 29.01.135, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office.

~~((4) In the event such population determination as provided in subsection (3) of this section requires an increase in the number of councilmen))~~ Prior to the election of the two new councilmembers, the city or town council shall fill the additional ~~((councilmanic))~~ positions by appointment not later than ~~((thirty))~~ forty-five days following the release of ~~((said))~~ the population determination, and ~~((the))~~ each appointee shall hold office only until ~~((the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term. In the event such population determination results in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election: PROVIDED, That))~~ the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the

first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) ~~((If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term))~~ Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 19. RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended to read as follows:

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town ~~((at its next regular election))~~ shall elect the council required under the council-manager plan in number according to ~~((the))~~ its population ~~((of the municipality: PROVIDED, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately when they are qualified in accordance with RCW 29.01.135 following the canvass of votes as certified and shall remain in office until their successors are elected at the next general municipal election: PROVIDED, That such successor shall hold office for staggered terms as provided in RCW 35.18.020 as now or hereafter amended. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the county auditor as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names))~~ at the next municipal general election. However, special elections shall be held to nominate and elect the new city councilmembers at the next primary and general election held in an even-numbered year if the next municipal general election is more than one year after the date of the election at which the voters approved the council-manager plan. The staggering of terms of office shall occur at the election when the new councilmembers are elected, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office if the election is held in an odd-numbered year, or one-year terms of office if the election is held in an even-numbered year. The initial councilmembers shall take office immediately when they are elected and qualified, but the lengths of their terms of office shall be calculated from the first day in January in the year following the election.

Sec. 20. RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended to read as follows:

All municipal elections held under the provisions of this chapter shall be conducted according to the general election laws of this state~~((, as far as practicable: PROVIDED, That any qualified voter of such city, duly registered for the general county or state election next preceding any municipal election, general or special, shall be qualified to vote at such municipal election. No person shall be qualified to vote at such election unless he is a qualified elector of the county and has resided in such city for at least thirty days next preceding such election))~~.

Sec. 21. RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended to read as follows:

The city council may declare an office vacant: (1) If anyone either elected or appointed to that office fails for ten days to qualify as required by law or fails to enter upon ~~((his))~~ the duties of that office at the time fixed by law or the orders of the city council, ~~((his))~~ the office shall become vacant; or (2) if such an officer ~~((absents himself))~~ who serves for compensation is absent from the city without the consent of the city council for three consecutive weeks or openly neglects or refuses to discharge ~~((his))~~ the duties~~((, the council may declare his office vacant: PROVIDED, That this penalty for absence from the city shall not apply to such officers as serve without compensation.~~

~~If a vacancy occurs by reason of death, resignation, or otherwise in the office of mayor or councilman, the city council shall fill the vacancy until the next general municipal election))~~ of that office. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

~~If a vacancy occurs ((by reason of death, resignation, or otherwise)) in any other office it shall be filled by appointment of the mayor and confirmed by the council in the same manner as other appointments are made.~~

Sec. 22. RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended to read as follows:

At any time not within three months previous to an annual election the city council of a second class city may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any ~~((councilman, but he))~~ councilmember, and councilmembers shall serve out ~~((his))~~ their terms in the wards ~~((his))~~ their residences at the time of ~~((his election: PROVIDED, That if this results))~~ their elections. However, if these boundary changes result in one ward being represented by more ~~((councilmen))~~ councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so

assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

~~((No person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election and removal of his residence from the ward for which he was elected renders his office vacant.))~~

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 23. RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended to read as follows:

General municipal elections in third class cities not operating under the commission form of government shall be held biennially in the odd-numbered years ~~((as provided in RCW 29.13.020))~~ and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

~~((A councilman-at-large shall be elected biennially for a two-year term and until his or her successor is elected and qualified and assumes office in accordance with RCW 29.04.170. Of the other six councilmen, three shall be elected in each biennial general municipal election for terms of four years and until their successors are elected and qualified and assume))~~ Council positions shall be numbered in each third class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

In its discretion the council of a third class city may divide the city by ordinance into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29.70.100. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 24. RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended to read as follows:

All elections shall be held in accordance with the general election laws of the state ~~((insofar as the same are applicable and no person shall be entitled to vote at any election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election))~~.

Sec. 25. RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended to read as follows:

~~((In cities of))~~ The council of a third class city may declare a council position vacant if ((a member of the city council absents himself)) that councilmember is absent for three consecutive regular meetings ((thereof, unless by)) without the permission of the council ((, his office may be declared vacant by the council.

~~Vacancies in the city council or in the office of mayor shall be filled by majority vote of the council)).~~ In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

Vacancies in offices other than that of mayor or city (~~councilman~~) councilmember shall be filled by appointment of the mayor.

~~((If a vacancy occurs in an elective office the appointee shall hold office only until the next regular election at which a person shall be elected to serve for the remainder of the unexpired term.))~~

If there is a temporary vacancy in an appointive office due to illness, absence from the city or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

Sec. 26. RCW 35.24.290 and 1986 c 278 s 5 are each amended to read as follows:

The city council of each third class city shall have power:

- (1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;
- (2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;
- (3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;
- (4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;
- (5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;
- (6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;
- (7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;
- (8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;
- (9) To erect and maintain buildings for municipal purposes;
- (10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;
- (11) ~~((In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;~~

~~((12))~~ To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty;

~~((13))~~ (12) To establish fire limits, with proper regulations;

~~((14))~~ (13) To establish and maintain a free public library;

~~((15))~~ (14) To establish and regulate public markets and market places;

~~((16))~~ (15) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

~~((17))~~ (16) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

~~((18))~~ (17) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 27. RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended to read as follows:

All elections in towns shall be held in accordance with the general election laws of the state ~~((, so far as the same may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of the county, and has resided in the town for at least thirty days next preceding the election))~~.

Sec. 28. RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended to read as follows:

~~((If a member of))~~ The council of a town may declare a council position vacant if that councilmember is absent from the town for three consecutive council meetings ~~((unless by))~~ without the permission of the council ~~((his office shall be declared vacant by the council. A vacancy in the office of mayor and vacancies in the council shall be filled by a majority vote of the council))~~. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

A vacancy in any other office shall be filled by appointment by the mayor. ~~((An appointee filling the vacancy in an elective office shall hold office only until the next general election at which time a person shall be elected to serve for the remainder of the unexpired term except that the person appointed to fill a vacancy in the office of mayor shall serve for the unexpired term.))~~

Sec. 29. RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended to read as follows:

At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected ~~((to hold office respectively for the following terms: Where the election is held in an odd-numbered year, one commissioner shall be elected to hold office for two years, two shall be elected to hold office for four years, and two shall be elected to hold office for six years. Where the election is held in an even-numbered year, one commissioner shall hold office for three years, two shall hold office for five years, and two shall hold office for seven years))~~. The election of park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. No primary shall be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a commissioner. The staggering of the terms of office shall occur as follows: (1) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (2) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January ~~((ef))~~ in the year after they are elected. ~~((The term of each nominee for park commissioner shall be expressed on the ballot.))~~ Thereafter, all commissioners shall ~~((serve))~~ be elected to six-year terms of office ~~((and))~~. All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled ~~((by majority action of the remaining commissioners appointing a voter to fill the remainder of the term of the vacant commissioner position))~~ as provided in chapter 42.12 RCW.

Sec. 30. RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended to read as follows:

Where used in this title with reference to procedures established by this title in regard to a change of plan or classification of government, unless a different meaning is plainly required by the context:

- (1) "Classify" means a change from a city of the first, second, or third class, or a town, to a code city.
- (2) "Classification" means either that portion of the general law under which a city or a town operates under Title 35 RCW as a first, second, or third class city, unclassified city, or town, or otherwise as a code city.
- (3) "Organize" means to provide for officers after becoming a code city, under the same general plan of government under which the city operated prior to becoming a code city, pursuant to RCW 35A.02.055.
- (4) "Organization" means the general plan of government under which a city operates.
- (5) "Plan of government" means ~~((either the))~~ a mayor-council form of government under chapter 35A.12 RCW, council-manager form of government under chapter 35A.13 RCW, or a mayor-council, council-manager, or commission form of government in general that is retained by a noncharter code city as provided in RCW 35A.02.130, without regard to variations in the number of elective offices or whether officers are elective or appointive.
- (6) "Reclassify" means changing from a code city to the classification, if any, held by such a city immediately prior to becoming a code city.
- (7) "Reclassification" means changing from city or town operating under Title 35 RCW to a city operating under Title 35A RCW, or vice versa; a change in classification.
- (8) "Reorganize" means changing the plan of government under which a city or town operates to a different general plan of government, for which an election of new officers under RCW 35A.02.050 is required. A city or town shall not be deemed to have reorganized simply by increasing or decreasing the number of members of its legislative body.
- (9) "Reorganization" means a change in general plan of government where an election of all new officers is required in order to accomplish this change, but an increase or decrease in the number of members of its legislative body shall not be deemed to constitute a reorganization.

Sec. 31. RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended to read as follows:

The first election of officers where required for reorganization under a different general plan of government newly adopted in a manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as now or hereafter amended, shall be at the next general municipal election if one is to be held more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or resolution, or otherwise at a special election to be held for that purpose in accordance with RCW 29.13.020. In the event that the first election of officers ~~((as herein provided))~~ is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.21.010 and 29.13.070. In the event that the first election of all officers ~~((as herein provided))~~ is to be held at a special election rather than at a general election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election to be held on a date authorized by RCW 29.13.010, and the persons nominated at that primary election shall be voted upon at the next succeeding special election that is authorized by RCW 29.13.010: PROVIDED, That in the event the ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A.02.040 in an even-numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in ~~((chapter 35A.29 RCW))~~ general election law.

Upon reorganization, candidates for all offices shall file or be nominated for and successful candidates shall be elected to specific council positions ~~((, and an))~~. The initial terms ~~((of))~~ of office for those elected at a first election of all officers ~~((to positions one and two for a five member council, or positions one through three for a seven member council, shall if the election occurs at a general municipal election be only until the second Monday in January first following the next general municipal election two years hence and if the election occurs at a special election, the duration of these initial terms shall be until the second Monday in January in the first even-numbered year that follows the next general municipal election. The duration of the initial term attaching to the remaining councilmanic positions shall be until the second Monday in January two years next thereafter, so that staggered regular four-year terms will ultimately result. Any declarations of candidacy for any primary or other election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as now or hereafter amended))~~ shall be as follows: (1) A simple majority of the persons who are elected as councilmembers receiving the greatest numbers of votes and the mayor in a city with a mayor-council plan of government shall be elected to four-year terms of office, if the election is held in an odd-numbered year, or three-year terms of office, if the election is held in an even-numbered year; and (2) the other persons who are elected as councilmembers shall be elected to two-year terms of office, if the election is held in an odd-numbered year, or one-year terms of office, if the election is held in an even-numbered year. The newly elected officials shall take office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day of January in the year following the election. Thereafter, each person elected as a councilmember or mayor in a city with a mayor-council plan of government shall be elected to a four-year term

of office. Each councilmember and mayor in a city with a mayor-council plan of government shall serve until a successor is elected and qualified and assumes office as provided in RCW 29.04.170.

The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. ~~((Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.))~~

Sec. 32. RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each amended to read as follows:

Any incorporated city or town governed under a plan of government authorized prior to the time this title takes effect may become a noncharter code city without changing such plan of government by the use of the petition-for-election or resolution-for-election procedures provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a proposal that such municipality adopt the classification of noncharter code city while retaining its existing plan of government, and upon a favorable vote on the proposal, such municipality shall be classified as a noncharter code city and retain its old plan of government, such reclassification to be effective upon the filing of the record of such election with the office of the secretary of state. Insofar as the provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an election on such a reclassification proposal they shall apply to such election.

Sec. 33. RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each amended to read as follows:

The classifications of municipalities which existed prior to the time this title goes into effect--first class city, second class city, third class ~~((and fourth class))~~ city, town, and unclassified city--and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city changes its plan of government to the provisions of either chapter 35A.12 or 35A.13 RCW.

Sec. 34. RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended to read as follows:

By use of the resolution for election or petition for election methods described in RCW 35A.06.040, any noncharter code city which has operated for more than six consecutive years under one of the optional plans of government authorized by this title, or for more than a combined total of six consecutive years under a particular plan of government both as a code city and under the same general plan under Title 35 RCW immediately prior to becoming a code city, may abandon such organization and may reorganize and adopt another plan of government authorized for noncharter code cities, but only after having been a noncharter code city for more than one year or a city after operating for more than six consecutive years under a particular plan of government as a noncharter code city ~~((or may reclassify and adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any))~~: PROVIDED, That these limitations shall not apply to a city seeking to adopt a charter.

In reorganization under a different general plan of government as a noncharter code city, officers shall all be elected as provided in RCW 35A.02.050. When a noncharter code city adopts a plan of government other than those authorized under Title 35A RCW, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law.

Sec. 35. RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended to read as follows:

The proposal for abandonment of a plan of government as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general municipal election if one is to be held within one hundred and eighty days or otherwise at a special election called for that purpose in accordance with RCW 29.13.020. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 29.27.060 and 35A.29.120~~((, as now or hereafter amended. If the plan proposed in the petition is not a plan authorized for noncharter code cities by this title, the ballot statement shall clearly set forth that adoption of such plan by the voters would require abandonment of the classification of noncharter code city and that government would be under the general law relating to cities of the class specified in the resolution or petition. If the plan proposed in the petition is a plan authorized for noncharter code cities the ballot statement shall clearly set forth that adoption of such plan by the voters would not affect the eligibility of the noncharter code city to be governed under this optional municipal code))~~.

Sec. 36. RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of

councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of ~~((councilmen))~~ councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old mayor-council plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 37. RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended to read as follows:

Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29 RCW. The mayor and the ~~((councilmen))~~ councilmembers shall be elected for four-year terms of office and until their successors are elected and qualified ~~((; except that at any first election three councilmen in cities having seven councilmen, and two councilmen in cities having five councilmen, shall be elected for two year terms and the remaining councilmen shall be elected for four year terms))~~ and assume office in accordance with RCW 29.04.170. At any first election upon reorganization, councilmembers shall be elected as provided in RCW 35A.02.050. Thereafter the requisite number of ~~((councilmen))~~ councilmembers shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes ~~((; as provided in RCW 35A.29.105. In any city which holds its first election under this title in the calendar year 1970, candidates elected for two year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1973 and candidates elected for four year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1975)).~~ Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. ~~((The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law.))~~ The mayor and ~~((councilmen))~~ councilmembers shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 38. RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each amended to read as follows:

The office of a mayor or ~~((councilman))~~ councilmember shall become vacant if ~~((he))~~ the person who is elected or appointed to that position fails to qualify as provided by law ~~((or))~~, fails to enter upon ~~((his))~~ the duties of that office at the time fixed by law without a justifiable reason, ~~((upon his death, resignation, removal from office by recall as provided by law, or when his office is forfeited))~~ or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office of mayor or in the council shall be filled ~~((for the remainder of the unexpired term, if any, at the next regular municipal election but the council, or the remaining members thereof, by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If at any time the membership of the council is reduced below the number required for a quorum, the remaining members, nevertheless, by majority action may appoint additional members to fill the vacancies until persons are elected to serve the remainder of the unexpired terms. If, after thirty days have passed since the occurrence of a vacancy, the council are unable to agree upon a person to be appointed to fill a vacancy in the council, the mayor may make the appointment from among the persons nominated by members of the council))~~ as provided in chapter 42.12 RCW.

Sec. 39. RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each amended to read as follows:

~~((A mayor or councilman shall forfeit his office, creating a vacancy, if he ceases to have the qualifications prescribed for such office by law, charter, or ordinance, or if he is convicted of a crime involving moral turpitude or an offense involving a violation of his oath of office. A councilman also shall forfeit his office if he))~~ In addition a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

Sec. 40. RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each amended to read as follows:

(1) At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the

boundaries of wards shall affect the term of any (~~councilman, but he~~) councilmember, and councilmembers shall serve out (~~his~~) their terms in the wards of (~~his~~) their residences at the time of (~~his~~) their elections: PROVIDED, That if this results in one ward being represented by more (~~councilmen~~) councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable. (~~When the city has been divided into wards no person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election, and removal of his residence from the ward for which he was elected renders his office vacant.~~)

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (a) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (b) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

(2) If on the effective date of this section or thereafter, a ward represented by more than one councilmember does not have at least one councilmember elected to office at each municipal election, then the council may change the terms of or renumber councilmember positions to be filled at the next general election if necessary, so that at least one councilmember within the ward is elected to office at each municipal general election, and the city complies with RCW 35A.12.040. The council shall determine by lot which councilmember positions shall be renumbered or terms changed prior to the date for filing declarations of candidacy for election to councilmember positions.

Sec. 41. RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read as follows:

The (~~councilmen~~) councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a council-manager code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 42. RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each amended to read as follows:

In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan(~~(: PROVIDED, That)~~), except that in council-manager cities where all council positions are at-large

positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one (~~on or after September 8, 1975,~~) shall be the council chairman and shall carry out the duties prescribed by RCW 35A.13.030(~~, as now or hereafter amended~~).

Sec. 43. RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each amended to read as follows:

An annexation election shall be held in accordance with (~~chapter 35A.29 RCW of this title~~) general election law and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

Sec. 44. RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as stated in the resolution, and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against Annexation and Adoption of Proposed Zoning Regulation", or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of all or a portion of indebtedness is proposed, shall contain an appropriate, separate proposition for or against the portion of indebtedness that the city requires to be assumed. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by (~~RCW 35A.29.140~~) general election law.

Sec. 45. RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each amended to read as follows:

(~~The election shall be conducted and the returns canvassed as provided in chapter 35A.29 RCW.~~) Ballot titles shall be prepared by the city as provided in RCW 35A.29.120 and shall contain the words "For Dissolution" and "Against Dissolution", and shall contain on separate lines, alphabetically, the names of candidates for receiver. If a majority of the votes cast on the proposition are for dissolution, the municipal corporation shall be dissolved upon certification of the election results to the office of the secretary of state.

Sec. 46. RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each amended to read as follows:

(~~The election returns shall be canvassed as provided in RCW 35A.29.070 and~~) If three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the (~~legislative body, by an order entered on its minutes, shall direct the clerk to~~) county auditor shall make and transmit to the office of the secretary of state a certified abstract of the vote.

NEW SECTION. **Sec. 47.** A new section is added to chapter 35A.29 RCW to read as follows:

Elections for code cities shall comply with general election law.

Sec. 48. RCW 36.69.020 and 1969 c 26 s 2 are each amended to read as follows:

The formation of a park and recreation district shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters residing within the area so described. (~~No person signing the petition may withdraw his name therefrom after filing.~~) The name of a person who has signed the petition may not be withdrawn from the petition after the petition has been filed.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof (~~; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate~~).

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with (~~his~~) a certificate of sufficiency attached thereto, to the county (~~commissioners who~~) legislative authority, which shall by resolution entered upon (~~their~~) its minutes(~~,~~) receive it and fix a day and hour when (~~they~~) the legislative authority will publicly hear the petition, as provided in RCW 36.69.040.

Sec. 49. RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended to read as follows:

(~~All elections pursuant to this chapter shall be conducted in accordance with the provisions of chapter 29.13 RCW for district elections.~~) A ballot proposition authorizing the formation of the proposed park and recreation district shall be submitted to the voters of the proposed district for their approval or rejection at the next general state election occurring sixty or more days after the county legislative authority fixes the boundaries of the proposed district. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district(~~, define~~

the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district,) and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. ((The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.))

The initial park and recreation commissioners shall be elected at the same election, but this election shall be null and void if the district is not authorized to be formed. No primary shall be held to nominate candidates for the initial commissioner positions. Candidates shall run for specific commission positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person who receives the greatest number of votes for each commission position shall be elected to that position. The three persons who are elected receiving the greatest number of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year. The other two persons who are elected shall be elected to two-year terms of office if the election is held in an odd-numbered year or one-year terms of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately upon being elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election.

Sec. 50. RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended to read as follows:

If a majority of all votes cast upon the proposition favors the formation of the district, ~~((the))~~ the county legislative authority shall ~~((the))~~ by resolution, declare the territory organized as a park and recreation district under the designated name ~~((theretofore designated, and shall declare the candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district. These initial park and recreation commissioners shall take office immediately upon their election and qualification and hold office until their successors are elected and qualified and assume office as provided in RCW 36.69.090 as now or hereafter amended))~~.

Sec. 51. RCW 36.69.090 and 1987 c 53 s 1 are each amended to read as follows:

A park and recreation district shall be governed by a board of five commissioners. Except for the initial commissioners, all commissioners shall be elected to staggered four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Candidates shall run for specific commissioner positions.

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election in each odd-numbered year. ~~((Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election.))~~ Elections shall be held in accordance with the provisions of Title 29 RCW dealing with general elections. ~~((All commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. At the first election following the formation of the district, the two candidates receiving the highest number of votes shall serve for terms of four years, and the three candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for four year terms: PROVIDED, That if there would otherwise be two commissioners elected at the November 1987 general election, the candidate receiving the highest number of votes shall serve a four-year term, and the commissioner receiving the second highest number of votes shall serve a two-year term.))~~

Sec. 52. RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended to read as follows:

Vacancies on the board of park and recreation commissioners shall occur and shall be filled ~~((by a majority vote of the remaining commissioners))~~ as provided in chapter 42.12 RCW.

Sec. 53. RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to read as follows:

(1) If the petition filed under RCW 36.69.430 is found to contain a sufficient number of signatures, the legislative authority of each county shall set a time for a hearing on the petition for the formation of a park and recreation district as prescribed in RCW 36.69.040.

(2) At the public hearing the legislative authority ~~((for each authority))~~ for each county shall fix the boundaries for that portion of the proposed park and recreation district that lies within the county as provided in RCW 36.69.050. Each county shall notify the other county or counties of the determination of the boundaries within ten days.

(3) If the territories created by the county legislative authorities are not contiguous, a joint park and recreation district shall not be formed. If the territories are contiguous, the county containing the portion of the proposed joint district having the larger population shall determine the name of the proposed joint district.

(4) ~~((If the proposed district encompasses portions of two counties, the county containing the portion of the district having the larger population shall divide the territory into three subdivisions and shall name three resident electors as prescribed by RCW 36.69.060. The county containing the territory having the smaller population shall divide that territory into two subdivisions and name two resident electors.~~

(5) ~~If the proposed district encompasses portions of more than two counties, the district shall be divided into five subdivisions and resident electors shall be named as follows:~~

~~The number of subdivisions and resident electors to be established by each county shall reflect the proportion of population within each county portion of the proposed district in relation to the total population of the proposed district, provided that each county shall designate one subdivision and one resident elector.~~

~~(6))~~) The proposition for the formation of the proposed joint park and recreation district shall be submitted to the voters of the district at the next general election, which election shall be conducted as required by RCW 36.69.070 and 36.69.080.

Sec. 54. RCW 52.14.010 and 1985 c 330 s 2 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three ~~((resident electors of))~~ registered voters residing in the district except as provided in RCW 52.14.015 and 52.14.020. Each member shall each receive fifty dollars per day or portion thereof, not to exceed four thousand eight hundred dollars per year, for attendance at board meetings and for performance of other services in behalf of the district.

In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all ~~((firemen))~~ fire fighters of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which ~~((said))~~ the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer ~~((fireman))~~ fire fighters without compensation. A commissioner actually serving as a volunteer ~~((fireman))~~ fire fighter may enjoy the rights and benefits of a volunteer ~~((fireman))~~ fire fighter. ~~((The first commissioners shall take office immediately when qualified in accordance with RCW 29.04.135 and shall serve until after the next general election for the selection of commissioners and until their successors have been elected and have qualified and have assumed office in accordance with RCW 29.04.170.))~~

Sec. 55. RCW 52.14.015 and 1990 c 259 s 14 are each amended to read as follows:

In the event a three member board of commissioners of any fire protection district determines by resolution ~~((and approves by unanimous vote of the board))~~ that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for such an increase in the number of commissioners of the district, the board shall submit a resolution to the county legislative authority or authorities of the county or counties in which the district is located requesting that an election be held. Upon receipt of the resolution, the legislative authority or authorities of the county or counties shall call a special election to be held within the fire protection district at which election the following proposition shall be submitted to the voters substantially as follows:

Shall the board of commissioners of county fire protection district no. . . . be increased from three members to five members?

Yes

No

If the fire protection district is located in more than a single county, this proposition shall indicate the name of the district.

If the proposition receives a majority approval at the election, the board of commissioners of the fire protection district shall be increased to five members. The two additional members shall be appointed in the same manner as provided in RCW 52.14.020.

Sec. 56. RCW 52.14.030 and 1984 c 230 s 31 are each amended to read as follows:

~~((The polling places for district elections shall be those of the county voting precincts which include any of the territory within the fire protection districts. District elections))~~ The polling places for a fire protection district election may be located inside or outside the boundaries of the district ((and)), as determined by the auditor of the county in which the fire protection district is located, and the elections of the fire protection district shall not be held to be irregular or void on that account.

Sec. 57. RCW 52.14.050 and 1989 c 63 s 21 are each amended to read as follows:

~~((In the event of a vacancy occurring in the office of fire commissioner, the vacancy shall, within sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners. If the board of commissioners fails to fill the vacancy within the sixty day period, the county legislative authority of the county in which all, or the largest portion, of the district is located shall make the appointment. If the number of vacancies is such that there is not a majority of the full number of~~

commissioners in office as fixed by law, the county legislative authority of the county in which all, or the largest portion, of the district is located shall appoint someone to fill each vacancy, within thirty days of each vacancy, that is sufficient to create a majority as prescribed by law.

An appointee shall serve ad interim until a successor has been elected and qualified at the next general election as provided in chapter 29.21 RCW. A person who is so elected shall take office immediately after he or she is qualified and shall serve for the remainder of the unexpired term.)

Vacancies on a board of fire commissioners shall occur as provided in chapter 42.12 RCW. In addition, if a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board, the office shall be declared vacant by the board of commissioners ((and the vacancy shall be filled as provided for in this section)). However, such an action shall not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting. Vacancies ((additionally shall occur)) on a board of fire commissioners shall be filled as provided in chapter 42.12 RCW.

Sec. 58. RCW 52.14.060 and 1989 c 63 s 22 are each amended to read as follows:

The initial three members of the board of fire commissioners shall be elected at the same election as when the ballot proposition is submitted to the voters authorizing the creation of the fire protection district. If the district is not authorized to be created, the election of the initial fire commissioners shall be null and void. If the district is authorized to be created, the initial fire commissioners shall take office immediately when qualified. Candidates shall file for each of the three separate fire commissioner positions. Elections shall be held as provided in chapter 29.21 RCW, with the county auditor opening up a special filing period as provided in RCW ((29.21.360 and 29.21.370)) 29.15.170 and 29.15.180, as if there were a vacancy. The ((candidate for each position)) person who receives the greatest number of votes for each position shall be elected to that position. ((If the election is held in an odd-numbered year, the winning candidate receiving the highest number of votes shall hold office for a term of six years, the winning candidate receiving the next highest number of votes shall hold office for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. If the election were held in an even-numbered year, the winning candidate receiving the greatest number of votes shall hold office for a term of five years, the winning candidate receiving the next highest number of votes shall hold office for a term of three years, and the winning candidate receiving the next highest number of votes shall hold office for a term of one year.)) The terms of office of the initial fire commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when elected and qualified and their terms of office ((of the initially elected fire commissioners)) shall be calculated from the first day of January in the year following their election.

The term of office of each subsequent commissioner shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

Sec. 59. RCW 53.12.140 and 1959 c 17 s 9 are each amended to read as follows:

A vacancy in the office of port commissioner shall occur ((by death, resignation, removal, conviction of a felony,)) as provided in chapter 42.12 RCW or by nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission((, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty)). A vacancy on a port commission shall be filled as provided in chapter 42.12 RCW.

Sec. 60. RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended to read as follows:

Whenever a proposition for the formation of a public utility district is to be submitted to voters in any county, the county legislative authority may by resolution call a special election, and at the request of petitioners for the formation of such district contained in the petition shall do so and shall provide for holding the same at the earliest practicable time. If the boundaries of the proposed district embrace an area less than the entire county, such election shall be confined to the area so included. The notice of such election shall state the boundaries of the proposed district and the object of such election; in other respects, such election shall be held and called in the same manner as provided by law for the holding and calling of general elections: PROVIDED, That notice thereof shall be given for not less than ten days nor more than thirty days prior to such special election. In submitting the ((said)) proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in substantially the following terms:

Public Utility District No. __. YES

Public Utility District No. __. NO

At the same special election on the proposition to form a public utility district, there shall also be an election for three public utility district commissioners(~~(: PROVIDED, That))~~. However, the election of such commissioners shall be null and void if the proposition to form the public utility district does not receive approval by a majority of the voters voting on the proposition. ~~((Nomination for and election of public utility district commissioners shall conform with the provisions of RCW 54.12.010 as now or hereafter amended, except for the day of such election and the term of office of the original commissioners.))~~ No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the commissioner of that district. Commissioner districts shall be established as provided in RCW 54.12.010. The terms of the initial commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an even-numbered year or a five-year term if the election is held in an odd-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an even-numbered year or a three-year term of office if the election is held in an odd-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an even-numbered year or a one-year term of office if the election is held in an odd-numbered year. The commissioners first to be elected at such special election shall ~~((hold office from the first day of the month following the commissioners' election for the terms as specified in this section which terms shall be computed from the first day in January next following the election. If such special election was held in an even-numbered year, the commissioners residing in commissioner district number one shall hold office for the term of six years, the commissioner residing in commissioner district number two shall hold office for the term of four years, and the commissioner residing in commissioner district number three shall hold office for the term of two years. If such special election was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner residing in commissioner district number two shall hold office for the term of three years, and the commissioner residing in commissioner district number three shall hold office for the term of one year))~~ assume office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day in January in the year following their elections.

The term "general election" as used herein means biennial general elections at which state and county officers in a noncharter county are elected.

Sec. 61. RCW 54.12.010 and 1990 c 59 s 109 are each amended to read as follows:

~~((Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become))~~ A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

When the public utility district is ~~((coextensive with the limits of such county))~~ county-wide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county ~~((commissioner))~~ legislative authority districts ~~((of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter))~~. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is ~~((located in a county operating under a "Home Rule" charter))~~ county-wide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, ~~((having))~~ each with approximately equal population and ~~((boundaries,))~~ following ~~((ward and))~~ precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when ~~((they))~~ it changes the boundaries of the proposed public utility district, and one commissioner shall be elected ~~((from each of said))~~ as a commissioner of each of the public utility district commissioner districts. ~~((In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.))~~ Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((Except as otherwise provided,))~~ The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. ~~((One commissioner at large and one~~

commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.)

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. ((A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of Title 29 RCW. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of Title 29 RCW, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void.))

A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by ((death, resignation, removal, conviction of a felony,)) nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission ((, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law)). Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.

The boundaries of the public utility district ((commissioners')) commissioner districts may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29.70 RCW, but ((said)) the boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility ((commissioners')) commissioner districts shall be changed to include such additional territory. The proposed change of the boundaries of the public utility district ((commissioners')) commissioner district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of ((said)) the petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 62. RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to read as follows:

Within thirty days after the public utility district commission shall divide the district into two at large districts, the county legislative authority shall call a special election, to be held at the next scheduled special election called pursuant to RCW 29.13.010, or not more than ninety days after such call, at which time the initial commissioners to such at large districts shall be elected((;)). No primary shall be held and a special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected.

The person who is elected receiving the ((largest)) greatest number of votes ((to serve for four years)) shall be elected to a four-year term of office, and the other person ((receiving the next largest number of votes to serve an initial term of two years)) who is elected shall be elected to a two-year term of office, if the election is held in an even-numbered year, or the person who is

electd receiving the greatest number of votes shall be elected to a three-year term of office, and the other person who is elected shall be elected to a one-year term of office, if the election is held in an odd-numbered year. The length of these terms of office shall be calculated from the first day in January in the year following their elections.

The newly elected commissioners shall assume office immediately after being elected and qualified and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Each successor shall be elected to a four-year term of office.

Sec. 63. RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended to read as follows:

At the election held to form or reorganize a sewer district, ~~((there shall be elected three commissioners who shall assume office immediately when qualified in accordance with RCW 29.01.135 to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.~~

The term of each nominee shall be expressed on the ballot and shall be computed from the first day of January next following if the initial election of the sewer district commissioners was in a general district election as provided in RCW 29.13.020, or from the first day of January following the first general election for sewer districts after its creation if the initial election was on a date other than a general district election. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his or her successor is elected and qualified, at the general election held in the odd-numbered years, as provided in RCW 29.13.020, and conducted by the county auditor and the returns shall be canvassed by the county canvassing board of election returns: PROVIDED, That each such commissioner shall assume office in accordance with RCW 29.04.170)) ~~three sewer district commissioners shall be elected. The election of sewer district commissioners shall be null and void if the ballot proposition to form or reorganize the sewer district is not approved. Candidates shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.~~

The newly elected sewer district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new sewer district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January in the year following the election.

Thereafter commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 64. RCW 56.12.030 and 1990 c 259 s 24 are each amended to read as follows:

~~((1) Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty registered voters or ten percent of the registered voters of the district who voted in the last general municipal election, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least forty-five days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general elections laws. A vacancy or vacancies shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority. Any person residing in the district who is at the time of election a registered voter may vote at any election held in the sewer district.~~

~~((2) Subsection (1) of this section notwithstanding,)) The board of commissioners of any sewer district may ((provide by majority vote that subsequent commissioners be elected from commissioner districts)) adopt a resolution providing that each subsequent commissioner be elected as a commissioner of a commissioner district within the district. If the board exercises this option, it shall divide the district into ((three)) a number of commissioner districts ((ef)) equal in number to the number of commissioners on the board, each with approximately equal population following current precinct and district boundaries as far as practicable. ((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the registered voters of the commissioner district.~~

~~((3) All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.)) Commissioner districts shall be used as follows: (1) Only a registered~~

voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire sewer district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

NEW SECTION. Sec. 65. A new section is added to chapter 56.12 RCW to read as follows:

Sewer district elections shall conform with general election laws.

Vacancies on a board of sewer commissioners shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 66. RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each amended to read as follows:

Whenever the boundaries or proposed boundaries of a water district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a sewer district) territory in more than one county, all duties delegated by Title 57 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to ((RCW 57.02.060, as now existing or hereafter amended)) general election law, actions subject to review and approval under RCW 57.02.040 and 56.02.070 shall be reviewed and approved only by the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signators reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 57.16.010 shall be limited to that part of such plans within the respective counties.

Sec. 67. RCW 57.12.020 and 1990 c 259 s 30 are each amended to read as follows:

((Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least ten percent of the registered voters of the district who voted in the last general municipal election, filed in the auditor's office of the county in which the district is located, at least forty-five days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws.))

A vacancy ((or vacancies)) on the board shall occur and shall be filled ((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority.

Any person residing in the district who is a registered voter under the laws of the state may vote at any district election)) as provided in chapter 42.12 RCW.

Sec. 68. RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each amended to read as follows:

((The general laws of the state of Washington governing the registration of voters for a general or a special city election shall govern the registration of voters for elections held under this chapter. The manner of holding any general or special election for said)) Water district elections shall be held in accordance with the general election laws of this state. ((All elections in a water district shall be conducted under RCW 57.02.060. All expenses of elections for a water district shall be paid for out of the funds of the water district: PROVIDED, That if the voters fail to approve the formation of a water district, the expenses of the formation election shall be paid by each county in which the proposed district is located, in proportion to the number of registered voters in the proposed district residing in each county.))

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of January following the election, and ((one commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor is)) commissioners shall serve until their successors are elected and qualified and assume((s)) office in accordance with RCW 29.04.170. ((All candidates shall be voted upon by the entire water district.))

Three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. ((The commissioner elected in commissioner position number one shall hold office for the term of six years; the commissioner elected in commissioner position number two shall hold office for the term of four years; and the commissioner elected in commissioner position number three shall hold office for the term of two years: PROVIDED, That the members of the first

commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected shall also include the time intervening between the date that the results of their election are declared in the canvass of returns

thereof and the first day of January following the next general district election as provided in RCW 29.13.020.) The election of water district commissioners shall be null and void if the ballot proposition to form the water district is approved. Each candidate shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.

The newly elected water district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new water district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 69. RCW 57.12.039 and 1986 c 41 s 2 are each amended to read as follows:

Notwithstanding RCW 57.12.020 and 57.12.030, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district into three commissioner districts of approximately equal population following current precinct and district boundaries. ~~((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the electors of the commissioner district.))~~

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire water district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

Sec. 70. RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each amended to read as follows:

The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county election officer of each county in which the districts are located. A special election shall be called by the county election officer ~~((under RCW 57.02.060))~~ for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 71. RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts vote in favor of the consolidation, the county canvassing board shall so declare in its canvass ~~((under RCW 57.02.060))~~ and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No.", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

NEW SECTION. Sec. 72. A new section is added to chapter 68.52 RCW to read as follows:

Cemetery district elections shall conform with general election laws.

A vacancy on a board of cemetery district commissioners shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 73. RCW 68.52.100 and 1947 c 6 s 2 are each amended to read as follows:

For the purpose of forming a cemetery district, a petition designating the boundaries of the proposed district by metes and bounds or describing the lands to be included in the proposed district by government townships, ranges and legal subdivisions, signed by not less than fifteen percent of the ~~((qualified))~~ registered ~~((electors, who are property owners or are purchasing property under contract and who are resident))~~ voters who reside within the boundaries of the proposed district, setting forth the object of the formation of such district and stating that the establishment thereof will be conducive to the public welfare and convenience, shall be filed with the county auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners agreeing to pay the cost of publishing the notice hereinafter provided for. The county auditor shall, within thirty days from the date of filing of such petition, examine the signatures and certify to the sufficiency or insufficiency thereof ~~((and for~~

such purpose shall have access to registration books and records in possession of the registration officers of the election precincts included in whole or in part within the boundaries of the proposed district and to the tax rolls and other records in the offices of the county assessor and county treasurer. ~~No person having~~) The name of any person who signed a petition shall not be ~~((allowed to withdraw his name therefrom))~~ withdrawn from the petition after it has been filed with the county auditor. If the petition is found to contain a sufficient number of valid signatures ~~((of qualified persons))~~, the county auditor shall transmit it, with ~~((his))~~ a certificate of sufficiency attached, to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, which shall thereupon, by resolution entered upon its minutes, receive the same and fix a day and hour when it will publicly hear ~~((said))~~ the petition.

Sec. 74. RCW 68.52.140 and 1982 c 60 s 2 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall have full authority to hear and determine the petition, and if it finds that the formation of the district will be conducive to the public welfare and convenience, it shall by resolution so declare, otherwise it shall deny the petition. If the ~~((board))~~ county legislative authority finds in favor of the formation of the district, it shall designate the ~~0~~ name and number of the district, fix the boundaries thereof, and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this chapter, and for the purpose of electing its first cemetery district commissioners. ~~((The board shall, prior to calling the said election, name three registered resident electors who are property owners or are purchasing property under contract within the boundaries of the district as candidates for election as cemetery district commissioners. These electors are exempt from the requirements of chapter 42.17 RCW.))~~ At the same election three cemetery district commissioners shall be elected, but the election of the commissioners shall be null and void if the district is not created. No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall run for specific commissioner positions. The person receiving the greatest number of votes for each commissioner position shall be elected to that commissioner position. The terms of office of the initial commissioners shall be as provided in RCW 68.52.220.

Sec. 75. RCW 68.52.160 and 1947 c 6 s 8 are each amended to read as follows:

The ballot for ~~((said))~~ the election shall be in such form as may be convenient but shall present the propositions substantially as follows:

".....(insert county name)..... cemetery district No.(insert number).....
.....Yes.....
.....(insert county name)..... cemetery district No.(insert number).....
.....No.....;"

~~((and shall specify the names of the candidates nominated for election as the first cemetery district commissioners with appropriate space to vote for the same.))~~

Sec. 76. RCW 68.52.220 and 1990 c 259 s 33 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three ~~((qualified registered voters of the district))~~ members. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. ~~((The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They and all subsequently elected cemetery commissioners shall have the same qualifications as required of the first three cemetery commissioners and))~~ Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17 RCW. ((The candidate receiving the highest number of votes shall serve for a term of six years beginning on the first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from the date; and the candidate receiving the next higher number of votes shall serve for a term of two years from the date. Upon the expiration of their respective terms, all cemetery commissioners shall be elected for terms of six years to begin on the first day in January next succeeding the day of election and shall serve until their successors have been elected and qualified and assume office in accordance with RCW 29.04.170. Elections shall be called, noticed, conducted and canvassed and in the same manner and by the same officials as provided for general county elections.))

The initial cemetery district commissioners shall assume office immediately upon their election and qualification. Staggering of terms of office shall be accomplished as follows: (1) The person elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-

year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall assume office immediately after they are elected and qualified but their terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office as provided in RCW 29.04.170.

The polling places for a cemetery district election ((shall be those of the county voting precincts which include any of the territory within the cemetery district, and)) may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account.

Sec. 77. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

(1) The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except ((that:—(1))) as provided in this chapter.

A public hospital district shall be created when the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters of the proposed district voting on the proposition and the total vote cast upon the proposition ((to form a hospital district shall)) exceeds forty percent of the total number of votes cast in the ((precincts comprising the)) proposed district at the preceding state general ((and county)) election((; and (2) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election)).

At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected ((to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)). The election of the initial commissioners shall be null and void if the district is not authorized to be created.

No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the commissioner of that district. The terms of office of the initial public hospital district commissioners shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election. The term of office of each successor shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) Commissioner districts shall be used as follows: (a) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (b) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public hospital district may vote at a general election to elect a person as a commissioner of the commissioner district.

If the proposed public hospital district is county-wide, and the county has three county legislative authority districts, the county legislative authority districts shall be used as public hospital district commissioner districts. In all other instances the county auditor of the county in which all or the largest portion of the proposed public hospital district is located shall draw the initial three public hospital district commissioner districts, each of which shall constitute as nearly as possible one-third of the total population of the proposed public hospital district and number the districts one, two, and three. Each of the three commissioner positions shall be numbered one through three and associated with the district of the same number.

The public hospital district commissioners may redraw commissioner districts, if the public hospital district has boundaries that are not coterminous with the boundaries of a county with three county legislative authority districts, so that each district comprises as nearly as possible one-third of the total population of the public hospital district. The commissioners of a public hospital district that is not coterminous with the boundaries of a county that has three county legislative authority districts shall redraw hospital district commissioner boundaries as provided in chapter 29.70 RCW.

Sec. 78. RCW 70.44.045 and 1982 c 84 s 13 are each amended to read as follows:

A vacancy in the office of commissioner shall occur as provided in chapter 42.12 RCW or by ((death, resignation, removal, conviction of felony,)) nonattendance at meetings of the commission for sixty days, unless excused by the commission((, by any statutory disqualification, by any permanent disability preventing the proper discharge of his duty, or by creation of positions pursuant to RCW 70.44.051, et seq)). A vacancy ((or vacancies on the board)) shall be filled ((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners as provided by RCW 70.44.040: PROVIDED, That if there is only one remaining commissioner, one vacancy shall be filled by appointment by the remaining commissioner and the remaining vacancy or vacancies shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners: PROVIDED FURTHER, That if there is a vacancy of the entire board, a new board may be appointed by the board of county commissioners or county council)) as provided in chapter 42.12 RCW.

Sec. 79. RCW 70.44.053 and 1967 c 77 s 2 are each amended to read as follows:

At any general or special election which may be called for that purpose the board of public hospital district commissioners may, or on petition of ten percent of the ((electors)) voters based on the total vote cast in the last district general election in the public hospital district shall, by resolution, submit to the voters of the district the proposition increasing the number of commissioners to ((any number authorized in RCW 70.44.054)) either five or seven members. The petition or resolution shall specify whether it is proposed to increase the number of commissioners to either five or seven members.

If the voters of the district approve the ballot proposition authorizing the increase in the number of commissioners to either five or seven members, the board of commissioners shall redistrict the public hospital district into the appropriate number of commissioner districts. The additional commissioners shall be elected from commissioner districts in which no existing commissioner resides at the next state general election occurring one hundred twenty days or more after the date of the election at which the voters of the district approved the ballot proposition authorizing the increase in the number of commissioners. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the candidate receiving the greatest number of votes for each position shall be elected. Except for the initial terms of office, persons elected to each of these additional commissioner positions shall be elected to a six-year term.

Where the number of commissioners is increased from three to five, the initial terms of the two new commissioners shall be staggered so that the person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term if the election is held in an even-numbered year, and the other person elected shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term if the election is held in an even-numbered year. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

Where the number of commissioners is increased from three or five to seven, the county auditor of the county in which all or the largest portion of the hospital district is located shall cause the initial terms of office of the additional commissioners to be staggered over the next three district general elections so that two commissioners would normally be elected at the first district general election following the election where the additional commissioners are elected, two commissioners are normally elected at the second district general election after the election of the additional commissioners, and three commissioners are normally elected at the third district general election following the election of the additional commissioners. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

Sec. 80. RCW 70.77.177 and 1984 c 249 s 6 are each amended to read as follows:

"Local fire official" means the chief of a local fire department or ~~((fire protection district,))~~ a chief fire protection officer or such other person as may be designated by the governing body of a city~~((,))~~ or county~~((, or fire protection district))~~ to act as a local fire official under this chapter.

NEW SECTION. Sec. 81. A new section is added to chapter 70.77 RCW to read as follows:

"City" means any city or town.

Sec. 82. RCW 70.77.265 and 1984 c 249 s 12 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(1) shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city~~((,))~~ or county~~((, or fire protection district))~~.

Sec. 83. RCW 70.77.270 and 1984 c 249 s 13 are each amended to read as follows:

The governing body of a city~~((,))~~ or county~~((, or fire protection district))~~ may grant or deny an application for a permit under RCW 70.77.260(1). The governing body may place reasonable conditions on any permit it issues.

Sec. 84. RCW 70.77.280 and 1984 c 249 s 14 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(2) for a public display of fireworks shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the official shall submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city~~((,))~~ or county~~((, or fire protection district))~~. The governing body may grant or deny the application and may place reasonable conditions on any permit it issues.

Sec. 85. RCW 70.77.355 and 1986 c 266 s 105 are each amended to read as follows:

(1) Any adult person may secure a general license from the director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city~~((,))~~ or county~~((, or fire protection district))~~, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260.

Sec. 86. RCW 70.77.450 and 1986 c 266 s 113 are each amended to read as follows:

The director of community development, through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the director of community development, through the director of fire protection, his or her deputies~~((, his or her))~~ or salaried assistants ~~((and the chief of any city or county fire department or fire protection district)),~~ the local fire official, and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Sec. 87. RCW 70.95A.030 and 1973 c 132 s 4 are each amended to read as follows:

In addition to any other powers which it may now have, each municipality shall have the following powers:

(1) To acquire, whether by construction, purchase, devise, gift or lease, or any one or more of such methods, one or more facilities which shall be located within, or partially within the municipality. Each facility must have a separate value to the municipality beyond its potential use to an entity that has leased the facility from the municipality;

(2) To lease, lease with option to purchase, sell or sell by installment sale, any or all of the facilities upon such terms and conditions as the governing body may deem advisable but which shall ~~((at least))~~ more than fully reimburse the municipality for all debt service on any bonds issued to finance the facilities and for all costs incurred by the municipality in financing and operating the facilities and as shall not conflict with the provisions of this chapter. The term of each lease must be less than the term of the municipality's ownership in the leased facility by at least one month;

(3) To issue revenue bonds for the purpose of defraying the cost of acquiring or improving any facility or facilities or refunding any bonds issued for such purpose and to secure the payment of such bonds as provided in this chapter. Revenue bonds may be issued in one or more series or issues where deemed advisable, and each such series or issue may have the same or

different maturity dates, interest rates, priorities on revenues available for payment of such bonds and priorities on security available for assuring payment thereof, and such other differing terms and conditions as are deemed necessary and are not in conflict with the provisions of this chapter.

Sec. 88. RCW 70.95A.060 and 1973 c 132 s 7 are each amended to read as follows:

Prior to the issuance of the bonds authorized by this chapter, the municipality may lease the facilities to a lessee or lessees under an agreement providing for payment to the municipality of such rentals as will be more than sufficient (a) to pay the principal of and interest on the bonds issued to finance the facilities, (b) to pay the taxes on the facilities, (c) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (d) unless the agreement of lease obligates the lessees to pay for the maintenance and insurance of the facilities, to pay the costs of maintaining the facilities in good repair and keeping the same properly insured. Subject to the limitations of this chapter, the lease or extensions or modifications thereof may contain such other terms and conditions as may be mutually acceptable to the parties(~~, and~~). The term of the lease must be less than the term of the municipality's ownership in the leased facility by at least one month. Notwithstanding any other provisions of law relating to the sale of property owned by municipalities, such lease may contain an option for the lessees to purchase the facilities on such terms and conditions with or without consideration as may be mutually acceptable to the parties.

NEW SECTION. Sec. 89. The following acts or parts of acts are each repealed:

- (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- (7) RCW 35A.02.001 and 1989 c 84 s 35;
- (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s 35A.02.110;
- (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
- (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
- (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
- (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
- (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
- (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
- (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
- (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s 35A.29.105;
- (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
- (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
- (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s 35A.29.150;
- (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s 36.54.080;
- (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;
- (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;
- (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;
- (31) RCW 44.70.010 and 1987 c 298 s 7;
- (32) RCW 53.12.047 and 1992 c 146 s 6;
- (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1, 1959 c 175 s 8, & 1959 c 17 s 8;
- (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
- (35) RCW 68.52.240 and 1947 c 6 s 16;
- (36) RCW 70.44.051 and 1967 c 77 s 1;
- (37) RCW 70.44.055 and 1967 c 77 s 3; and
- (38) RCW 70.44.057 and 1967 c 77 s 4.

NEW SECTION. Sec. 90. Section 40 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

On motion of Senator Drew, the following amendment by Senators Drew, Skratek, McAuliffe, Prentice, Pelz, Roach, Talmadge and Gaspard to the Committee on Government Operations striking amendment was adopted:

On page 40, after line 2 of the amendment, insert the following:

"Sec. 54. RCW 36.105.010 and 1991 c 363 s 99 are each amended to read as follows:

Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter.

It is the purpose of this chapter to provide voters of unincorporated areas in counties with a population of over thirty thousand that are made up entirely of islands and in counties with a population of over one million with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt proposed community comprehensive plans and proposed community zoning ordinances that are consistent with an overall guide and framework adopted by the county legislative authority. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

Sec. 55. RCW 36.105.020 and 1991 c 363 s 100 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area for which a community council has been established and which is located in a county with a population of over thirty thousand that is made up entirely of islands and in counties with a population of over one million.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

Sec. 56. RCW 36.105.030 and 1991 c 363 s 101 are each amended to read as follows:

A community for which a community council is created may include only unincorporated territory located in a single county with a population of over thirty thousand that is made up entirely of islands and in counties with a population of over one million and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen and Gaspard to the Committee on Government Operations striking amendment was adopted:

On page 69, after line 15 of the amendment, insert the following:

"Sec. 89. RCW 84.09.030 and 1989 c 378 s 8 and 1989 c 217 s 1 are each reenacted and amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district shall be established on the first day of October if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

(4) The boundaries of a newly incorporated water district formed as a result of a special election held in March shall be established as of the first day of June next following the election.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section."

Renumber the remaining sections consecutively and correct internal references accordingly.

MOTION

On motion of Senator Haugen, the following amendment by Senators Haugen, Winsley and Loveland to the Committee on Government Operations striking amendment was adopted:

On page 69, after line 15 of the amendment, insert the following:

"NEW SECTION. Sec. 89. A new section is added to chapter 84.52 RCW to read as follows:

(1) Annually, at the time required by law for the levying of taxes for county purposes, the proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies as follows:

(a) A levy upon all of the taxable property within the county for the amount of all taxes levied by the county for county or state purposes that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(b) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes levied by the county for the purposes of such taxing district that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(2) For purposes of this section, "changes" means increases or decreases in assessed value of property resulting from an error or final adjustments made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction, including changes reflecting settlements of proceedings in such board or court. "Changes" does not include changes in assessed value of property resulting from actions brought to recover taxes under RCW 84.68.020.

Sec. 90. RCW 84.36.381 and 1992 c 187 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied ((or if));

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a

cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-six thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

NEW SECTION. Sec. 91. Section 90 of this act is effective for taxes levied for collection in 1993 and thereafter.

Sec. 92. RCW 54.16.030 and 1955 c 390 s 4 are each amended to read as follows:

A district may construct, purchase, condemn and purchase, acquire, add to, maintain, conduct, and operate water works and irrigation plants and systems, within or without its limits, for the purpose of furnishing the district, and the inhabitants thereof, and any other persons including public and private corporations within or without its limits, with an ample supply of water for all purposes, public and private, including water power, domestic use, and irrigation, with full and exclusive authority to sell and regulate and control the use, distribution, and price thereof. The district may exercise all powers granted to water districts pursuant to chapter 57.08 RCW that are not inconsistent with the express provisions of this title.

NEW SECTION. Sec. 93. A new section is added to chapter 35.21 RCW to read as follows:

The council of a city or town that has territory included in two counties may adopt an ordinance creating an urban emergency medical service district in all of the portion of the city or town that is located in one of the two counties if: (1) The county in which the urban emergency medical service district is located does not impose an emergency medical service levy authorized under RCW 84.52.069; and (2) the other county in which the city or town is located does impose an emergency medical service levy authorized under RCW 84.52.069. The ordinance creating the district may only be adopted after a public hearing has been held on the creation of the district and the council makes a finding that it is in the public interest to create the district. The members of the city or town council, acting in an ex officio capacity and independently, shall compose the governing body of the urban emergency medical service district. The voters of an urban emergency medical service district shall be all registered voters residing within the urban emergency medical service district.

An urban emergency medical service district shall be a quasi- municipal corporation and an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution. Urban emergency medical service districts shall also be "taxing authorities" within the meaning of Article VII, section 2 of the state Constitution.

An urban emergency medical service district shall have the authority to contract under chapter 39.34 RCW with a county, city, town, fire protection district, public hospital district, or emergency medical service district to have emergency medical services provided within its boundaries.

Territory located in the same county as an urban emergency medical service district that is annexed by the city or town shall automatically be annexed to the urban emergency medical service district.

Sec. 94. RCW 84.52.069 and 1991 c 175 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically

authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total ~~((votes cast))~~ number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total ~~((votes cast))~~ number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total ~~((votes cast))~~ number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(7) No taxing district may levy under this section more than twenty-five cents per thousand dollars of assessed value of property if reductions under RCW 84.52.010(2) are made for the year within the boundaries of the taxing district.

Sec. 95. RCW 53.12.010 and 1992 c 146 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three or, when permitted by this title, five members. Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into ~~((three))~~ the same number of commissioner districts as there are commissioner positions, each having approximately equal population. Where a port district with three commissioner positions is coextensive with the boundaries of a county that has a population of less than five hundred thousand and the county has three county legislative authority districts, the port ~~((district))~~ commissioner districts shall be the county legislative authority districts. In other instances where a port district is divided into commissioner districts, the ~~((petition proposing the formation of such a))~~ port commission shall divide the port district ~~((shall describe three))~~ into commissioner districts ~~((each having approximately the same population and))~~ unless the commissioner districts have been described pursuant to section 97 of this act. The commissioner districts shall be altered as provided in chapter 53.16 RCW.

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only the voters of a commissioner district may vote at a primary ~~((election))~~ to nominate candidates for a commissioner of the commissioner district. Voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((In port districts having additional commissioners as authorized by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.))~~

NEW SECTION. Sec. 96. A new section is added to chapter 53.12 RCW to read as follows:

Any less than county-wide port district that uses commissioner districts may cease using commissioner districts as provided in this section.

The commissioners of a less than county-wide port district that is divided into commissioner districts may adopt a resolution eliminating the use of commissioner districts in the port district. A copy of the resolution shall be transmitted to the county

auditor. Commissioner districts shall not be used in that port district commencing at the next district election occurring one hundred twenty or more days after the county auditor receives a copy of the resolution.

A ballot proposition authorizing the elimination of commissioner districts shall be submitted to the voters of a less than county-wide port district that is divided into commissioner districts if a petition is submitted to the port commission proposing that the port district cease using commissioner districts, that is signed by registered voters of the port district equal in number to at least ten percent of the number of voters who voted at the last district general election. The port commission shall transfer the petition immediately to the county auditor who shall review the signatures and certify its sufficiency. A ballot proposition authorizing the elimination of commissioner districts shall be submitted at the next district general election occurring sixty or more days after a petition with sufficient signatures was submitted. If the ballot proposition authorizing the port district to cease using commissioner districts is approved by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections. The port commission may adopt a resolution eliminating the use of commissioner districts in lieu of having the ballot proposition submitted to district voters.

NEW SECTION. Sec. 97. A new section is added to chapter 53.04 RCW to read as follows:

Three commissioner districts, each with approximately the same population, shall be described in the petition proposing the creation of a port district under RCW 53.04.020, if the process to create the port district was initiated by voter petition, or shall be described by the county legislative authority, if the process to initiate the creation of the port district was by action of the county legislative authority. However, commissioner districts shall not be described if the commissioner districts of the proposed port district shall be the same as the county legislative authority districts.

The initial port commissioners shall be elected as provided in RCW 53.12.172.

Sec. 98. RCW 53.04.023 and 1992 c 147 s 2 are each amended to read as follows:

A less than county-wide port district with an assessed valuation of at least seventy-five million dollars may be created in a county (~~bordering on saltwater~~) that already has a less than county-wide port district located within its boundaries. Except as provided in this section, such a port district shall be created in accordance with the procedure to create a county-wide port district.

The effort to create such a port district is initiated by the filing of a petition with the county auditor calling for the creation of such a port district, describing the boundaries of the proposed port district, designating either three or five commissioner positions, describing commissioner districts if the petitioners propose that the commissioners represent districts, and providing a name for the proposed port district. The petition must be signed by voters residing within the proposed port district equal in number to at least ten percent of such voters who voted at the last county general election.

A public hearing on creation of the proposed port district shall be held by the county legislative authority if the county auditor certifies that the petition contained sufficient valid signatures. Notice of the public hearing must be published in the county's official newspaper at least ten days prior to the date of the public hearing. After taking testimony, the county legislative authority may make changes in the boundaries of the proposed port district if it finds that such changes are in the public interest and shall determine if the creation of the port district is in the public interest. No area may be added to the boundaries unless a subsequent public hearing is held on the proposed port district.

The county legislative authority shall submit a ballot proposition authorizing the creation of the proposed port district to the voters of the proposed port district, at any special election date provided in RCW 29.13.020, if it finds the creation of the port district to be in the public interest.

The port district shall be created if a majority of the voters voting on the ballot proposition favor the creation of the port district. The initial port commissioners shall be elected at the same election, from districts or at large, as provided in the petition initiating the creation of the port district. The election shall be otherwise conducted as provided in RCW ~~((53.12.050))~~ 53.12.172, but the election of commissioners shall be null and void if the port district is not created. ~~((Commissioner districts shall not be used in the initial election of the port commissioners.))~~

This section shall expire July 1, 1997.

Sec. 99. RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and amended to read as follows:

(1) In every port district the term of office of each port commissioner shall be four years in each port district that is county-wide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in RCW 53.12.175, and until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

(3) The terms of office of the initial port commissioners shall be staggered as follows in a port district that is county-wide with a population of one hundred thousand or more: ~~((4))~~ (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if

the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29.04.170; and ~~((2))~~ (b) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(4) The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(5) The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections.

Sec. 100. RCW 53.12.115 and 1992 c 146 s 7 are each amended to read as follows:

A ballot proposition shall be submitted to the voters of any port district authorizing an increase in the number of port commissioners to five whenever the port commission adopts a resolution proposing the increase in number of port commissioners or a petition ~~((requesting))~~ proposing such an increase has been submitted to the county auditor of the county in which the port district is located that has been signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election. The ballot proposition shall be submitted at the next general or special election occurring sixty or more days after the petition was submitted or resolution was adopted.

At the next general or special election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 101. RCW 53.12.120 and 1992 c 146 s 8 are each amended to read as follows:

When the population of a port district that has three commissioners reaches five hundred thousand, in accordance with the latest United States regular or special census or with the official state population estimate, there shall be submitted to the voters of the district, at the next district general election or at a special port election called for that purpose, the proposition of increasing the number of commissioners to five. ~~((At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is approved by the voters, the commission in that port district shall consist of five commissioners.))~~

At the next district general election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 102. RCW 53.12.130 and 1992 c 146 s 9 are each amended to read as follows:

Two additional port commissioners shall be elected at the next district general election following the election at which voters authorized the increase in port commissioners to five members. ~~((The two additional positions shall be numbered positions four and five.))~~

The port commissioners shall divide the port district into five commissioner districts prior to the first day of June in the year in which the two additional commissioners shall be elected. The new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected from commissioner districts four and five at the general election. The persons ~~((receiving the highest number of votes for each position shall be elected to that position and))~~ elected as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29.01.135.

In a port district where commissioners are elected to four-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a four-year term of office and the other additional commissioner thus elected shall be elected to a term of office of two years, if the election ~~((were))~~ is held in an odd-numbered year, or the additional commissioner thus elected receiving the highest number of votes shall be elected to a term of office of three years and the other shall be elected to a term of office of one year, if the election ~~((were))~~ is held in an even-numbered year. In a port district where the commissioners are elected to six-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a six-year term of office and the other additional commissioner shall be elected to a four-year term of office,

if the election is held in an odd-numbered year, or the additional commissioner receiving the highest number of votes shall be elected to a term of office of five-years and the other shall be elected to a three-year term of office, if the election is held in an even-numbered year. The length of terms of office shall be computed from the first day of January in the year following this election.

~~((A successor to a commissioner holding position four or five whose term is about to expire, shall be elected at the general election next preceding such expiration, for a))~~ Successor commissioners from districts four and five shall be elected to terms of either six or four years, depending on the length of terms of office to which commissioners of that port district are elected.
~~((Positions four and five shall not be associated with a commissioner district and the elections to both nominate candidates for those positions and elect commissioners for these positions shall be held on a port district-wide basis.))~~

Sec. 103. RCW 53.12.175 and 1992 c 146 s 3 are each amended to read as follows:

A ballot proposition to reduce the terms of office of port commissioners from six years to four years shall be submitted to the voters of any port district that otherwise would have commissioners with six-year terms of office upon either resolution of the port commissioners or petition of voters of the port district proposing the reduction in terms of office, which petition has been signed by voters of the port district equal in number to at least ten percent of the number of voters in the port district voting at the last ~~((district))~~ general election. The petition shall be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition shall be submitted at the next ~~((district))~~ general or special election that occurs sixty or more days after the adoption of the resolution or submission of the petition.

If the ballot proposition reducing the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner or commissioners who are elected at that election shall be elected to four-year terms of office. The terms of office of the other commissioners shall not be reduced, but each successor shall be elected to a four-year term of office.

Sec. 104. RCW 53.16.015 and 1992 c 146 s 10 are each amended to read as follows:

~~((In a port district that is not coterminous with a county that has three county legislative authority districts and that has port commissioner districts,))~~ The port commission of a port district that uses commissioner districts may redraw the commissioner district boundaries as provided in chapter 29.70 RCW at any time and submit the redrawn boundaries to the county auditor if the port district is not coterminous with a county that has the same number of county legislative authority districts as the port has port commissioners. The new commissioner districts shall be used at the next election at which a port commissioner is regularly elected that occurs at least one hundred eighty days after the redrawn boundaries have been submitted. Each commissioner district shall encompass as nearly as possible ~~((one-third of the population of the port district))~~ the same population."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 1464.

The Committee on Government Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 1464, was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.150, 29.15.160, 29.15.170, 29.15.200, 29.21.015, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240, 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100, 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060, 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440, 52.14.010, 52.14.015, 52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020, 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045, 70.44.053, 70.77.177, 70.77.265, 70.77.270, 70.77.280, 70.77.355, 70.77.450, 70.95A.030, and 70.95A.060; adding a new section to chapter 42.12 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35A.29 RCW; adding a new section to chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.77 RCW; repealing RCW 35.23.070, 35.24.070, 35.27.110, 35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057; and declaring an emergency."

On page 70, line 24 of the amendment, after "Sec. 90." strike "Section 40 of this act is" and insert "Sections 40 and 89 of this act are"

On page 71, line 4 of the title amendment, after "36.69.440," insert "36.105.010, 36.105.020, 36.105.030,"

On page 71, line 9 of the title amendment, after "70.95A.060;" insert "reenacting and amending RCW 84.09.030;"

On page 71, line 9 of the title amendment, after "70.95A.030," strike "and 70.95A.060" and insert "70.95A.060, 84.36.381, 54.16.030, 84.52.069, 53.12.010, 53.04.023, 53.12.115, 53.12.120, 53.12.130, 53.12.175, and 53.16.015; reenacting and amending RCW 53.12.172;"

On page 71, line 14 of the title amendment, after "70.77 RCW;" insert "adding a new section to chapter 84.52 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 53.12 RCW; adding a new section to chapter 53.04 RCW; creating a new section;"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1464, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senators Niemi, Talmadge and Vognild were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1464, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1464, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Anderson - 1.

Excused: Senators Amondson, Cantu, Loveland, Niemi, Talmadge and Vognild - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, by House Committee on Environmental Affairs (originally sponsored by Representatives J. Kohl, Horn, Rust and Pruitt) (by request of Department of Ecology)

Changing air quality operating permit requirements.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendments were considered simultaneously and were adopted:

On page 14, line 29, after "shall" strike "give consideration to the federal time lines for the implementation of required control technology" and insert "~~((give consideration to the federal time lines for the implementation of required control technology))~~ establish requirements consistent with Title IV of the federal clean air act"

On page 24, after line 35 insert the following:

"(9) The department shall report to the appropriate standing committees of the legislature by December 1, 1995, regarding the appropriateness of the fee structures authorized under this section for those sources not subject to permit program requirements as of the effective date of this act but which later become subject to such permit program requirements. In preparing the report, the department shall consult with representatives of such sources, local air authorities, environmental groups, and other interested

parties. Fee structures as authorized under this section shall remain in effect until such time as the legislature authorizes an alternative structure following receipt of the report required by this subsection."

On motion of Senator Fraser, the following amendment by Senators Fraser and Sutherland was adopted:
On page 26, line 37, after "renewal" strike ", except as provided under subsection (3) (d) or (e) of this section"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1089, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1089, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1089, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Barr and McCaslin - 2.

Absent: Senator Moyer - 1.

Excused: Senators Amondson, Cantu, Loveland, Niemi, Talmadge and Vognild - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1357, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Roland and Valle) (by request of Department of Health)

Modifying certification of public water supply system operators.

The bill was read the second time.

MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 3, after line 9, insert the following:

"NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the public works board.

(2) "Department" means the department of health.

(3) "Private water purveyor" means a public water system not owned by a governmental body.

(4) "Public water purveyor" means a governmental body, including a public or quasi-public organization, that owns and operates a public water system, or the authorized agent of such an entity.

(5) "Public water system" has the meaning prescribed in the Washington state safe drinking water act, chapter 70.119A RCW.

NEW SECTION. Sec. 6. The drinking water assistance account is established in the state treasury. Money may be placed in the account from the proceeds of bonds when authorized by the legislature, transfers from other state funds or accounts, federal financial assistance, or any other lawful source. Moneys from the account may be spent only by the secretary of health or the public works board after appropriation. Expenditures from the account may be used only to meet the purposes of this chapter.

NEW SECTION. Sec. 7. The department shall, by January 1, 1994, in consultation with the board, purveyors, local health departments, and other interested parties, establish guidelines and requirements for the provision of grants and/or loans to public water systems. The department shall ensure that guidelines and requirements:

- (1) Utilize, to the maximum extent, all available federal financial assistance;
- (2) Are consistent with existing water resource planning and management, including coordinated water supply plans, regional water resource plans, and comprehensive plans under the growth management act, chapter 36.70A RCW;
- (3) Prioritize least-cost solutions, including consolidation and restructuring of small systems into more economical units and the provision of regional facilities;
- (4) Assure implementation of water conservation and other demand management measures consistent with state guidelines for water utilities;
- (5) Provide assistance for the necessary planning and engineering to assure that consistency, coordination, and proper professional review are incorporated into projects or activities proposed for funding;
- (6) Include minimum standards for financial viability and water system planning;
- (7) Provide for testing and evaluation of the water quality of the state's public water systems to assure that priority for financial assistance is provided to systems and areas with threats to public health from contaminated supplies and reduce in appropriate cases the substantial increases in costs and rates that customers of small systems would otherwise incur under the monitoring and testing requirements of the federal safe drinking water act; and
- (8) Are coordinated, to the maximum extent possible, with other state programs that provide financial assistance to public water systems and state programs that address existing or potential water quality or drinking water contamination problems.

NEW SECTION. Sec. 8. The board shall develop a financial assistance program using appropriated funds from the drinking water assistance account to meet the purposes and implement the guidelines authorized in this chapter. The board shall consult with the department and water purveyors in developing the financial assistance program.

The board shall develop criteria for grants and/or loans to be made to public water systems. The criteria shall emphasize public water systems with the most critical public health needs; the capacity of the water system to effectively manage its resources; the ability to promptly commence the project; and the relative benefit to the community served. Priority shall be given to those systems that are ready to proceed, that will provide water system improvements to the greatest number of people, and any other criteria that the board shall develop in consultation with the department and water system purveyors.

NEW SECTION. Sec. 9. The department and the board shall be entitled to reasonable administrative expenses in developing and implementing the programs authorized under this chapter.

In all cases where the department, board, and any other department, agency, board, or commission of state government interact or provide service under this chapter, the administering government body shall endeavor to provide cost-effective services. The provision of services shall include: (1) The use of policy statements or guidelines instead of administrative rules; (2) using existing management mechanisms rather than creating new administrative structures; (3) investigating the use of service contracts, either with other governmental entities or with nongovernmental service providers; (4) the use of joint or combined financial assistance applications; and (5) any other method or practice designed to streamline the delivery of services.

NEW SECTION. Sec. 10. Sections 5 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 11. Sections 5 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Newhouse: "Senator Sutherland, I note that the amendment was a bill in the Senate as a Senate Bill. Don't both the bill and the amendment set fees?"

Senator Sutherland: "No, Senator Newhouse, the amendment does not set fees. The amendment just strictly puts in place a funding repository--an account to which federal dollars could be appropriated or sent when they come in from the federal government. The amendment has no fees in it."

POINT OF INQUIRY

Senator Anderson: "Senator Sutherland, in your amendment in the definition section, 'public water system,' and having dealt with water issues for a few years, is this definition the one that is two or more people or fifteen or more people? What is the breakdown in the reference 70.119A?"

Senator Sutherland: "I can't tell you for sure. I would be glad to look it up."

MOTION

On motion of Senator Sutherland, further consideration of Substitute House Bill No. 1357 was deferred.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806, by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Horn and Rust)

Changing regulation and licensure of well contractors and operators.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

On page 21, after line 21, insert the following:

"NEW SECTION. Sec. 29. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions, and shall take effect July 1, 1993."

On motion of Senator Fraser, the following title amendments were considered simultaneously and were adopted:

On page 1, line 6, after "penalties;" strike "and"

On page 1, line 6, after "date" insert "; providing an effective date; and declaring an emergency"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1806, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1806, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1806, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 14; Absent, 3; Excused, 6.

Voting yea: Senators Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 26.

Voting nay: Senators Anderson, Barr, Bluechel, Deccio, Hochstatter, McCaslin, McDonald, Newhouse, Oke, Prince, Roach, Smith, L., von Reichbauer and West - 14.

Absent: Senators Bauer, Moore and Rinehart - 3.

Excused: Senators Amondson, Cantu, Loveland, Moyer, Niemi and Talmadge - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:34 p.m., on motion of Senator Jesernig, the Senate recessed until 3:30 p.m.

The Senate was called to order at 4:02 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

April 14, 1993

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5937, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

MESSAGE FROM THE GOVERNOR

April 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 14, 1993, Governor Lowry approved the following Senate Bills entitled:

Senate Bill No. 5067

Relating to joint tenancy.

Senate Bill No. 5070

Relating to labor relations consultants.

Senate Bill No. 5126

Relating to the geographical landmark at Cape Shoalwater.

Senate Bill No. 5128

Relating to registration for kegs or other similar containers for malt liquor.

Senate Bill No. 5265

Relating to funeral expenses of a deceased person.

Substitute Senate Bill No. 5802

Relating to state environmental policy act documents.

Sincerely,
ED FLEISHER, Legal Counsel to the Governor

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

SECOND READING

SENATE BILL NO. 5451, by Senator Hargrove

Revising sentencing and corrections for felons.

MOTIONS

On motion of Senator Adam Smith, Second Substitute Senate Bill No. 5451 was substituted for Senate Bill No. 5451 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Adam Smith and Rinehart was adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that crowded prisons are clearly one of the most pressing problems facing the criminal justice system today. Even the most conservative estimates indicate that despite our aggressive prison construction plan we will not be able to build enough prison beds to keep pace with expected growth in the prison population over the next ten years. The huge increase in our prison population is not only the result of more individuals committing serious crimes but also because most offenders released from prison will return again. Our corrections system has become a high-cost institution that perpetually recycles inmates without deterring crime. As a result of these conditions, serious concerns have been raised about our current corrections philosophy. Attention must be directed towards implementing a long-range corrections strategy that focuses on

inmate responsibility through work training, the development of mature and marketable job skills, and requiring inmates to pay for the cost of their incarceration.

The combined cost of housing, maintaining, and supervising inmates in our state corrections facilities is increasing beyond our capability to pay. The legislature recognizes that the responsibility for criminal activity must fall squarely on the criminal. Society should not have to pay the price for crimes twice, once for the criminal act and then again by feeding, clothing, and housing the offender. The corrections system must be the first place where criminal offenders are given the opportunity to be responsible for paying for their criminal activity, not just through the loss of their freedom, but also by working while in prison and contributing an appropriate portion of their wages to the cost of their incarceration. Allowing offenders to become responsible through working in meaningful jobs for real wages can be a beneficial opportunity for corrections. Everyone profits from a successful corrections industry program -- the prison system, taxpayers, the community, families, and the inmate. Most important, an inmate who is drug-free and has mature job skills is significantly more likely not to return to prison.

It is the purpose and intent of this act to outline a comprehensive strategy for reducing upwardly spiraling prison costs through an inmate work responsibility program, preserving scarce prison cell space for our most dangerous offenders, and providing judges with alternatives to incarceration, including drug rehabilitation, that must be used without jeopardizing public safety.

Sec. 2. RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed under RCW 9.94A.120(7) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was

committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means reporting at least once per day to a specific location designated by the department or the sentencing judge together with the requirement that the offender's location throughout each day be reported to the department.

(15) "Department" means the department of corrections.

((14)) (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

((15)) (17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

((16)) (18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

((17)) (19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

((18)) (20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

((19)) (21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((20)) (22)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit ~~((off))~~ of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

((21)) (23) "Home detention" means a program of partial confinement available to offenders in which the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, a sex offense, a drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns, or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

(24) "Inpatient treatment" means participation in a treatment program certified by the state that requires the offender to be in residence at the facility.

(25) "Nonviolent offense" means an offense which is not a violent offense.

((22)) (26) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

((23)) (27) "Outpatient treatment" means participation in a treatment program certified by the state or recommended by the department that does not require the offender to be present for more than twelve hours per day.

(28) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

((24)) (29) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

((25)) (30) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((26)) (31) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

((27)) (32) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

((28)) (33) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((29)) (34) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

((30)) (35) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((34))~~ (36) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((32))~~ (37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((33))~~ (38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((34))~~ (39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection ~~((29))~~ (34) of this section are not eligible for the work crew program.

~~((35))~~ (40) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((36))~~ "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.)

Sec. 3. RCW 9.94A.120 and 1992 c 145 s 7 and 1992 c 75 s 2 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), ~~((and))~~ (7), (8), and (21) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4)(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum five-year term except for the purpose of commitment to an inpatient treatment facility.

(d) An offender shall be sentenced to a minimum term of confinement of not less than fifteen years if the offender (i) while committed to a state correctional facility for murder in the first or second degree, homicide by abuse, assault in the first or second degree, rape in the first or second degree, kidnapping in the first degree, robbery in the first degree, arson in the first degree, or burglary in the first degree; (ii) commits the crime of murder in the second degree, assault in the first or second degree, rape in the first or second degree, arson in the first or second degree, or robbery in the first or second degree. The sentence shall be served consecutive to any term of confinement remaining on the offense or offenses for which the offender was committed to the state institution as provided in RCW 9.94A.400 (2) and (5). An offender who commits murder in the first degree while committed to a state institution for the conviction of one of the offenses listed in (d)(ii) of this subsection shall serve his or her sentence consecutive to any term of confinement remaining on the offense or offenses for which the offender was committed to the state institution. RCW 9A.20.021(1)(b), which provides that the statutory maximum for class B felonies is ten years, does not apply to the crimes identified in (d)(ii) of this subsection when committed in a state correctional facility by an offender who is committed to the state institution for a crime listed in (d)(i) of this subsection. In these circumstances, the statutory maximum is a term of life imprisonment.

The foregoing minimum terms of total confinement, specified in (a), (b), (c), and (d) of this subsection, are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to ~~((two))~~ one year(s) of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to ~~((two years))~~ one year, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations ~~((as provided in RCW 9.94A.030))~~ and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug and the violation does not involve a sentence enhancement under RCW 9.94A.310(3);

(ii) The offender has no prior or other current convictions for a felony in this state, another state, or the United States;

(iii) The offender has not previously been sentenced under this special drug offender sentencing alternative;

(iv) The offense involved only a small quantity of the particular controlled substance, as determined by the sentencing judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. No more than three months of the sentence may be served in a work release status. The court shall also impose one year of community custody that must include crime-related prohibitions, a condition to not use illegal controlled substances, and to submit to urinalysis or other testing to monitor that status. In addition, the court may impose any of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Participate in outpatient substance abuse treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iv) Report as directed to a community corrections officer;

(v) Pay all court-ordered legal financial obligations;

(vi) Perform community service work;

(vii) Pay a day fine;

(viii) Stay out of areas designated by the sentencing judge;

(ix) Undergo day reporting.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department of corrections, or as a result of a violation found by the court.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
 - (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
 - (III) Report as directed to the court and a community corrections officer;
 - (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
 - (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.
- (iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (~~((7))~~ (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (~~((7))~~ (8) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

~~((8))~~ (9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of

community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) An offender in community custody shall not unlawfully possess controlled substances;
- (v) The offender shall pay supervision fees as determined by the department of corrections; and
- (vi) The residence location and living arrangements are subject to the prior approval of the department of corrections

during the period of community placement.

(c) The court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol; or
- (v) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

~~((9))~~ (10) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

~~((10))~~ (11) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

~~((11))~~ (12) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

~~((12))~~ (13) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

~~((13))~~ (14) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((14))~~ (15) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((15))~~ (16) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

~~((16))~~ (17) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision,

unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((17))~~ (18) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((18))~~ (19) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((19))~~ (20) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(21) An offender shall be sentenced to a minimum term of confinement of not less than fifteen years or a determinate term within the standard range, whichever is greater, if the offender (a) while committed to a state correctional facility for murder in the first or second degree, homicide by abuse, assault in the first or second degree, rape in the first or second degree, kidnapping in the first degree, robbery in the first degree, arson in the first degree, or burglary in the first degree; (b) commits the crime of murder in the second degree, assault in the first or second degree, rape in the first or second degree, arson in the first or second degree, or robbery in the first or second degree. The court may impose an exceptional sentence above the mandatory minimum term or the standard range for the offense based on the existence of aggravating factors as provided in RCW 9.94A.390, but may not impose an exceptional sentence below the mandatory minimum or standard range. The term imposed shall be served consecutive to any term of confinement remaining on the offense or offenses for which the offender was committed to the state institution as provided in RCW 9.94A.400 (2) and (5). An offender who commits murder in the first degree while committed to a state institution for the conviction of one of the offenses listed in (b) of this subsection shall serve his or her sentence consecutive to any term of confinement remaining on the offense or offenses for which the offender was committed to the state institution. RCW 9A.20.021(1)(b), which provides that the statutory maximum for class B felonies is ten years, does not apply to the crimes identified in (b) of this subsection when committed in a state correctional facility by an offender who is committed to the state institution for a crime listed in (a) of this subsection. In these circumstances, the statutory maximum is a term of life imprisonment.

Sec. 4. RCW 9.94A.390 and 1990 c 3 s 603 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

- (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
- (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- (e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).
- (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- (h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
 - (i) The current offense involved multiple victims or multiple incidents per victim;
 - (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
 - (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(e) The defendant is being sentenced for an offense involving the use or threatened use of physical violence and poses a future danger of violent behavior that will not be sufficiently mitigated by a period of incarceration within the standard range. This finding may be made upon conviction of any violent offense and must be supported by:

(i) A history of similar misconduct. This history may be established by prior criminal convictions or other competent evidence; and

(ii) A finding that the defendant is not amenable to treatment. The following are among the factors the court may consider in making such a finding:

(A) The opinion of a mental health professional that the defendant would likely not be amenable to treatment;

(B) The defendant has been refused treatment at all available facilities;

(C) The defendant refuses to cooperate with necessary evaluations to determine the usefulness of treatment; or

(D) The current offense was committed less than six months after the defendant was released from incarceration for a similar offense.

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

Sec. 5. RCW 9.94A.440 and 1992 c 145 s 11 and 1992 c 75 s 5 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - Except for crimes committed by prisoners in state correctional facilities as provided in RCW 9.94A.120(21), it may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) Conviction in the pending prosecution is imminent;
- (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120((7))(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Assault of a Child

1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Assault of a Child
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief

1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or ((his/her)) a representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 6. RCW 9.95.0011 and 1989 c 259 s 4 are each amended to read as follows:

(1) The indeterminate ((sentencing)) sentence review board shall cease to exist on June 30, 1998. Prior to June 30, 1998, the board shall review each inmate convicted of crimes committed before July 1, 1984, and prepare a report. This report shall include a recommendation regarding the offender's suitability for parole, appropriate parole conditions, and, for those persons committed under a mandatory life sentence, duration of confinement.

(2) ~~((The governor, through the office of financial management, shall recommend to the legislature alternatives for carrying out the duties of))~~ To facilitate termination of the board on June 30, 1998, the board shall prepare a detailed plan and recommendations for the transfer of jurisdiction over inmates and parolees remaining subject to the indeterminate sentencing system. The plan shall consider ex post facto issues and public safety concerns. In developing recommendations, the ~~((office of financial management))~~ board shall consult with the ~~((indeterminate sentence review board))~~ office of financial management, the attorney general, the Washington association of prosecuting attorneys, the Washington defender association, the department of corrections, and the administrator for the courts. Recommendations shall include an indication of to whom jurisdiction over the inmates and parolees should be transferred, a detailed fiscal analysis, and if necessary, recommended formulas and procedures for the reimbursement of costs to local governments ~~((if necessary))~~. The plan and recommendations shall be presented to the ((1997)) legislature no later than December 1, 1995.

Sec. 7. RCW 9.95.210 and 1992 c 86 s 1 are each amended to read as follows:

In granting probation, the court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (4) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation, and (5) to contribute to a county or interlocal drug fund, and may require bonds for the faithful observance of any and all conditions imposed in the probation. In the case of felony offense, the court shall order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow implicitly the instructions of the secretary. Misdemeanants shall be assigned to the county for probation. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

Sec. 8. RCW 9.96.050 and 1980 c 75 s 1 are each amended to read as follows:

When a prisoner on parole has performed the obligations of his or her release for such time as shall satisfy the indeterminate sentence review board ~~((of prison terms and paroles))~~ that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the prisoner. The board retains the jurisdiction to issue a certificate of discharge after the expiration of the prisoner's or parolee's maximum statutory sentence~~((: PROVIDED, That no such order of discharge shall be made in any case within a period of less than one year from the date on which the board has conditionally discharged the parolee from active supervision by a probation and parole officer, except where the parolee's maximum statutory sentence expires earlier))~~. If not granted earlier, the board shall make a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Such discharge, regardless of when issued, shall have the effect of restoring all civil rights lost by

operation of law upon conviction, and the certification of discharge shall so state. This restoration of civil rights does not restore the right to receive, possess, own, or transport firearms.

The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

Sec. 9. RCW 9A.20.021 and 1982 c 192 s 10 are each amended to read as follows:

(1) Felony. No person convicted of a classified felony shall be punished by confinement or fine exceeding the following:

(a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;

(b) Except as provided in RCW 9.94A.120(4)(d) and (21) for a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty thousand dollars, or by both such confinement and fine;

(c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.

(2) Gross Misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(4) This section applies to only those crimes committed on or after July 1, 1984.

Sec. 10. RCW 43.19.534 and 1986 c 94 s 2 are each amended to read as follows:

State agencies, the legislature, and departments shall purchase for their use all ~~((articles or products))~~ goods and services required by the legislature, agencies, or departments ~~((which))~~ that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These ~~((articles and products))~~ goods and services shall not be purchased from any other source unless, upon application by the department or agency: (1) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (2) are not of equal or better quality, or (3) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in (1), (2), and (3) of this section for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department of general administration shall adopt administrative rules that implement this section.

NEW SECTION. Sec. 11. A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary shall increase inmate participation in class I and class II correctional industries work programs incrementally until a combined total of fifteen percent of all eligible physically and mentally able inmates are employed in class I and class II programs by December 30, 1998, and thirty percent by December 30, 2001. "Eligible physically and mentally able inmates" includes all inmates in department facilities except inmates determined to be incapable of working in correctional industries work programs due to one of the following reasons only:

(a) The inmate has a chronic mental deficiency or is mentally retarded and participation in work programs is impossible;

(b) The inmate has a physical disability or illness making participation in work programs impossible;

(c) The inmate is housed in an intensive management unit.

(2) The department shall deduct at least fifty percent from the gross wages of each inmate working in correctional industries. This amount shall be first used to pay any court-ordered legal financial obligations the defendant is required to pay. Upon full payment of legal financial obligations, the deduction shall be deposited into a department personal inmate savings account until the account reaches at least two hundred fifty dollars. Thereafter, all inmates working in class I, class II, class III, and class IV correctional industries programs shall pay fifty percent of their gross wages earned, up to six dollars per hour, toward the cost of incarceration so long as the inmate has retained at least two hundred fifty dollars in a department personal inmate savings account.

(3) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(4) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds gained from this section shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining the correctional industries program until December 31, 2000, and thereafter all funds shall be deposited in the general fund.

(5) The expansion of inmate employment in class I and class II correctional industries shall be limited to the expanded use of existing correctional industry facilities and any new facilities funded in the 1993-95 budget, and any expansions funded from the recovery of inmate wages described in subsection (4) of this section. The department shall maximize the use of existing facilities to the fullest possible extent, including the addition of second and third shifts of workers where possible.

Sec. 12. RCW 72.09.070 and 1989 c 185 s 4 are each amended to read as follows:

(1) There is created a correctional industries board of directors which shall have the composition provided in RCW 72.09.080.

(2) Consistent with general department of corrections policies and procedures pertaining to the general administration of correctional facilities, the board shall establish and implement policy for correctional industries programs designed to:

(a) Offer inmates meaningful employment, work experience, and training in vocations (~~(which may provide)~~) that are specifically designed to reduce recidivism and thereby enhance public safety by providing opportunities for legitimate means of livelihood upon their release from custody;

(b) Provide industries which will reduce the tax burden of corrections and save taxpayers money through production of goods and services for sale and use;

(c) Operate correctional work programs in an effective and efficient manner which are as similar as possible to those provided by the private sector;

(d) Encourage the development of and provide for selection of, contracting for, and supervision of work programs with participating private enterprise firms;

(e) Develop and design correctional industries work programs;

(f) Invest available funds in correctional industries enterprises and meaningful work programs that minimize the impact on in-state jobs and businesses.

(3) The board of directors shall at least annually review the work performance of the director of correctional industries division with the secretary.

(4) The director of correctional industries division shall review and evaluate the productivity, funding, and appropriateness of all correctional work programs and report on their effectiveness to the board and to the secretary.

(5) The board of directors shall have the authority to identify and establish trade advisory or apprenticeship committees to advise them on correctional industries work programs. The secretary shall appoint the members of the committees.

Where a labor management trade advisory and apprenticeship committee has already been established by the department pursuant to RCW 72.62.050 the existing committee shall also advise the board of directors.

Sec. 13. RCW 72.09.080 and 1989 c 185 s 5 are each amended to read as follows:

(1) The correctional industries board of directors shall consist of nine voting members, appointed by the governor (~~(upon recommendation by the secretary)~~). Each member shall serve a three-year staggered term. Initially, the governor shall appoint three members to one-year terms, three members to two-year terms, and three members to three-year terms. The speaker of the house of representatives and the president of the senate shall each appoint one member from each of the two largest caucuses in their respective houses. The legislators so appointed shall be nonvoting members and shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first. The nine members appointed by the governor shall include three representatives from ~~((both))~~ labor ~~((and industry))~~, three representatives from business representing cross-sections of industries and all sizes of employers, and three members from the general public.

(2) The board of directors shall elect a chair and such other officers as it deems appropriate from among the voting members.

(3) The voting members of the board of directors shall serve with compensation pursuant to RCW 43.03.240 and shall be reimbursed by the department for travel expenses and per diem under RCW 43.03.050 and 43.03.060, as now or hereafter amended. Legislative members shall be reimbursed under RCW 44.04.120, as now or hereafter amended.

(4) The secretary shall provide such staff services, facilities, and equipment as the board shall require to carry out its duties.

Sec. 14. RCW 72.09.110 and 1991 c 133 s 1 are each amended to read as follows:

All inmates working in prison industries shall participate in the cost of corrections, including costs to develop and implement correctional industries programs(~~(. The secretary shall develop a formula which can be used to determine the extent to which the wages of these inmates will be deducted for this purpose. The amount so deducted shall be placed in the general fund and shall be a reasonable amount which will not unduly discourage the incentive to work)~~), by means of deductions from their gross wages. The secretary may direct the state treasurer to deposit a portion of these moneys in the crime victims compensation account. ~~((Except))~~ The secretary shall direct that all moneys received by an inmate(~~(,)~~) for testifying in any judicial proceeding(~~(, ge))~~) shall be deposited into the crime victims compensation account.

When the secretary finds it appropriate and not unduly destructive of the work incentive, the secretary ((shall)) may also provide deductions for ((restitution,)) savings((,)) and family support.

Sec. 15. RCW 72.60.160 and 1981 c 136 s 103 are each amended to read as follows:

All articles, materials, services, and supplies ((herein)) authorized by this chapter to be produced or manufactured in correctional institutions ((may)) shall be purchased from the institution producing or manufacturing the same by any state agency ((or political subdivision of the state)) through state contract as set forth in RCW 43.19.534, and the secretary shall require those institutions under his direction to give preference to the purchasing of their needs of such articles as are so produced.

NEW SECTION. Sec. 16. By January 1, 1994, the secretary of corrections shall submit a report to the chief clerk of the house of representatives and secretary of the senate containing an identification and description of any impediments which the secretary believes might prevent the department from achieving compliance with the inmate work participation percentages specified in section 11 of this act. The secretary also shall include, in the report, alternative ways to remove any identified impediments. The chief clerk and secretary shall distribute the report to the appropriate standing committees.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 72.09.102 and 1986 c 94 s 1; and

(2) RCW 72.60.190 and 1981 c 136 s 104, 1979 ex.s. c 160 s 4, & 1959 c 28 s 72.60.190.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On line 1 of the title, after "felonies;" strike the remainder of the title and insert "amending RCW 9.94A.390, 9.95.0011, 9.95.210, 9.96.050, 9A.20.021, 43.19.534, 72.09.070, 72.09.080, 72.09.110, and 72.60.160; reenacting and amending RCW 9.94A.030, 9.94A.120, and 9.94A.440; adding new a section to chapter 72.09 RCW; creating new sections; repealing RCW 72.09.102 and 72.60.190; and prescribing penalties."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Hargrove, I think the idea is a great one, but the biggest questions remain unanswered for many years is where will the jobs be found for these people to perform under this or any other kind of a jobs versus rehabilitation?"

Senator Hargrove: "I think I tried to mention that. I'll make it a little clearer. Class I and Class II industries that are in our prisons right now--Class I is private free venture industry, so that is a small business actually going into the prison and running a business just using inmates. Nobody seems to have any problem with the competition issue with that one. Class II industries are tax reduction industries which are things like license plates, traffic signs, things like that. What we have done in this bill in Section 10 is focus the increase in Class II industries on goods and services that are purchased primarily from out of state now. The state still buys a lot of equipment, etc, from out of state and if we can look at that as the potential resource or market, if you will, in order to put some of these people to work, not only will we save the state money, but we are going to save the public in public safety in the long run."

POINT OF INQUIRY

Senator Nelson: "Senator Hargrove, just looking now at the first-time drug offender portion of this bill that would provide that the offender could be given alternative types of sentences beginning on page thirteen. In looking at the people who are eligible, it indicates that where the offender committed an offense with a 'small quantity of a particular controlled substance.' In reading that, I thought to myself what is a small quantity and what is a particular controlled substance with relation to the act and what are we trying to get to here that is or is not some direction for the judges to follow?"

Senator Hargrove: "I would like to yield to Senator Smith on that provision, if I may."

REMARKS BY SENATOR ADAM SMITH

Senator Adam Smith: "Thank you, Senator Nelson. That is something that we worked on in committee. There were two different approaches. One was the approach that we took. The other was going through and picking out specific quantities for specific drugs. The problem was there was no easy way to do that, depending on what drug you were talking about. What we worked out with the prosecutor was this language here that basically leaves it up to the judge to determine what a small quantity is, but it at least places in his mind the notion that only those that have done it with a small quantity would qualify.

"It pretty much is a reasonable amount. There is some variation in there, but there really was no way to get at it with the specificity that we would have liked. We are confident that when the judges see this, they will understand that we were only trying to get at people who dealt in a very small quantity and that is why the language was written the way it was. The prosecutors are good with it and the judges seem to think it can work, so I would like to give it a try."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Anderson, Erwin, Nelson, Roach, Sellar, Smith, L., von Reichbauer and West - 8.

Absent: Senator McDonald - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5521, by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder

Funding criminal justice programs.

MOTIONS

On motion of Senator Rinehart, Second Substitute Senate Bill No. 5521 was substituted for Senate Bill No. 5521 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendments by Senator Loveland were considered simultaneously and were adopted:

On page 3, line 2, after "occurs" insert ", and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020"

On page 4, line 19, after "occurs" insert ", and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020"

On page 5, line 33, after "occurs" insert ", and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020"

On page 9, line 16, after "occurs" insert ", and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020"

On page 9, beginning on line 23, after "expenditures." strike all material through "((This" on line 32 and insert "((Moneys received by the county and the cities within the county from any tax imposed under this section may be expended for domestic violence community advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991, and prior to approval of the voters, the legislative authority of the county, which submitted an authorizing proposition to the voters of the county, adopted by ordinance a financial plan that included expenditure of a portion of the moneys received for domestic violence community advocates.

This"

MOTION

Senator McCaslin moved that the following amendment by Senators McDonald and McCaslin be adopted:

On page 8, beginning on line 27, after "chapter" strike all material through "vote" on line 31, and insert "for a period of five years if the proposition authorizing the tax is validly submitted to and is approved by the voters of the county. The tax may be reimposed for five-year periods in the same manner"

POINT OF INQUIRY

Senator Loveland: "Senator McCaslin, is this on the one-tenth of one percent?"

Senator McCaslin: "Yes, that is what it is on the criminal justice funding system."

Further debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Haugen, before I vote on this, because you read the bill under Section 4, the monies are distributed in a different way than we have in the past. Are then the jurisdictions obliged to use the money as laid out in the criteria for these particular programs?"

Senator Haugen: "The money that is being distributed is being distributed differently to cities than to counties. In order to qualify for the money, they would have to be using it in this specific way. The other--the one-tenth of one percent--is a different source of money which has to be used for criminal justice, but also has to be agreed upon how it is spent."

Senator Anderson: "But the distribution is new in this language and therefore cities that have expectations of getting the money they have used in the last couple of years, now would have to be used in a different way under these criteria?"

Senator Haugen: "We sat down with the cities and worked this out and this was what was agreed upon. Actually, this gives them a little more flexibility. The original proposal had the high crime cities; we changed it to violent crime cities--violate crime rates--because actually it captured a few more cities. Like I said, we really worked with the cities. Everyone is going to get their piece of the pie, but what we are saying here is that you need to be using it in these sorts of ways."

Senator Anderson: "Thank you, Senator Haugen."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McDonald and McCaslin on page 8, beginning on line 27, to Second Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 25.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and McCaslin be adopted:

On page 8, beginning on line 27, after "chapter" strike all material through "vote" on line 31, and insert ": PROVIDED, That the tax may be imposed in counties with a population between two hundred forty thousand and two hundred sixty thousand or between five hundred seventy-five thousand and six hundred twenty-five thousand only if the proposition authorizing the tax is validly submitted to and is approved by the voters of the county"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McDonald and McCaslin on page 8, beginning on line 27, to Second Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 26; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 18.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 26.

Absent: Senator Moore - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Loveland, if a county has already passed on the ballot the one-tenth, do they have to do it over again?"

Senator Loveland: "No."

Senator Deccio: "If this bill passes--"

Senator Loveland: "If this bill passes, the legislative authority in each county must place the one-tenth of one percent--"

Senator Deccio: "I just wanted to know, then this continues that?"

Senator Loveland: "Yes sir."

Senator Deccio: "The other is, is the monies from the general fund, is that predicated on--I heard this rumor--is that predicated on the sales tax on services being passed?"

Senator Loveland: "I don't know. We are not there yet."

Senator Deccio: "Pardon me?"

Senator Loveland: "We are not there yet. It will be just a move across. Either from the general fund or it is from the motor vehicle excise tax fund. Right now, it is identified as an appropriation from the general fund."

Senator Deccio: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5521 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 43.

Voting nay: Senators McCaslin, McDonald, Roach, Smith, L. and West - 5.

Excused: Senator Cantu - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5723, by Senator Rinehart

Providing for revenue collection for the department of social and health services.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Vognild - 1.

Excused: Senator Cantu - 1.

SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5727, by Senator Rinehart (by request of Office of Financial Management)

Financing school district health services.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5727 was substituted for Senate Bill No. 5727 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5727.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5727 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Cantu - 1.

SUBSTITUTE SENATE BILL NO. 5727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5957, by Senator Rinehart (by request of Department of Social and Health Services)

Changing the tax rate on intermediate care facilities for the mentally retarded.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5957 was substituted for Senate Bill No. 5957 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5957.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Cantu - 1.

SUBSTITUTE SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5971, by Senators Pelz, Talmadge and Bauer (by request of Governor Lowry)

Expanding school breakfast and lunch programs.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5971 was substituted for Senate Bill No. 5971 and the substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 15, after "(a)" strike "Free" and insert "Taxpayer-subsidized free"

On page 2, line 1, after "(b)" strike "School" and insert "Taxpayer-subsidized school"

On page 3, line 27, after "criteria for" insert "taxpayer-subsidized"

On page 4, line 4, before "school" insert "taxpayer-subsidized"

On page 4, line 13, after "in" insert "taxpayer-subsidized"

POINT OF INQUIRY

Senator Talmadge: "Senator Hochstatter, as you know, one of the ways we fund the school breakfast and school lunch programs is through commodities programs through the United States Department of Agriculture. Would you want to say that with respect to those commodities that those are tax payer subsidized commodities since the federal government provides price supports for agricultural interests that provide commodities to the local school districts--the school lunch and breakfast programs?"

Senator Hochstatter: "If it is taxpayer subsidized, then for sure it is, Senator Talmadge."

Senator Talmadge: "Well, I hope you will be communicating that to your representatives in Congress about that concern about identifying the taxpayer subsidy for price supports for agriculture commodities."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 1, line 15; page 2, line 1; page 3, line 27; page 4, line 4; and page 4, line 13; to Substitute Senate Bill No. 5971.

The motion by Senator Hochstatter failed and the amendments were not adopted.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5971 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Rinehart, when we first instituted the school breakfast program, and I was one of those that voted for it and it was proposed by the Senate Education Committee as no cost to the districts. Since we have instituted it, I have heard from each one of my school districts that, indeed, there was a cost to them. There was the cost of transporting kids a few minutes early, so that they would have the time for breakfast. There was the additional cost of some of the equipment--while the food was supposedly paid for by the federal government, it did not cover that. My districts have said they are concerned about more costs to them. Could you explain what funding there is in the budget or what federal funds will come and if the program will be fully funded? The school districts that I deal with, while they like the idea of the lunch and breakfast programs, are really frustrated at how much it is costing them locally, when we told them it was not going to cost anything."

Senator Rinehart: "You asked two questions. I'll answer the second one first. There is ten million dollars in the Governor's budget and in the Senate and in the House budget to fund this program for the next biennium. In response to the question about the breakfast program, which is federally funded, first of all there should be no additional cost for earlier transportation for a few minutes, just because you are going at a different time, it doesn't cost--and gas doesn't cost more just because you are going five minutes earlier. I don't think the transportation cost should be of any concern. In terms of equipment and perhaps the other costs might be personnel, I think a lot of those are, in fact, choices. As you recall from the original discussions on this program, the idea was to get food into the kid's hands, which simply means, you can hand them a pretty nutritious breakfast as they step off the school bus. You don't have to do anything particularly complicated. If your districts have particular problems, I'm happy to work with you.

"One of the considerations, again, is that this is phased in and it does allow for districts who might have particular problems. If your districts are experiencing difficulty--we have gone back and worked with some districts who didn't understand that, in fact, this was a pretty simple thing that wasn't bacon and eggs and bagels, but, in fact, it was some nutritious kinds of cold food that could be very easily handed to the kids."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5971.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5971 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, Anderson, Barr, McCaslin, Prince, Sellar and Smith, L. - 7.

Excused: Senator Cantu - 1.

SUBSTITUTE SENATE BILL NO. 5971, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 5973, by Senators Gaspard and Rinehart (by request of Office of Financial Management)

Requiring the secretary of state to provide a copy of the state-wide computer file of registered voters to persons requesting a copy.

2 The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5973 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Nelson: "Senator Rinehart, on this measure if you have it in front of you, in Section 1, subsection 2, beginning on line 16, it says, 'not earlier than January 1st or July 1st, subsequent to the receipt of a request and deposit under subsection (1) of this section, each county auditor shall provide to the secretary of state.' Which one is it? Is it January 1st or is it July 1st?"

Senator Rinehart: "I believe the language is no later than--"

Senator Nelson: "That's right. It says, 'not later than January 1st or July 1st.'"

Senator Rinehart: "The copy that I have says, 'no later than June 15th or November 15th.'"

Senator Nelson: "No, subsection 2."

Senator Rinehart: "Oh, it says, 'January 1st or July 1st,' so it is either or and it is the choice of the county. So it is either or."

Senator Nelson: "I honestly think you have a flaw in this bill and I think that there had to be a time certain in which we were requesting, because if you read the stricken language, it had a time certain between two specific dates. The old language was 'not earlier than January 1st nor later than February 1st of each calendar year or not earlier than July 1st nor later that August 1st of each calendar year.' It had a gap and that was done for a specific reason. It was done so that the auditors specifically knew their goal in which they had a time frame in order to get their information in. I think that you really should have a cutoff date and maybe you mean to make it no earlier than January 1st nor later than July 1st."

Senator Rinehart: "Just to clarify the response to Senator Nelson's question, it is necessary to read Sections 1 and Sections 2 together, because the dates in Section 1, apply to the option in Section 2."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5973.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5973 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Cantu and McCaslin - 2.

SENATE BILL NO. 5973, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5975, by Senator Rinehart (by request of Office of Financial Management)

Regulating extradition agents' duties and payments.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5975.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Barr, Haugen, Newhouse, Prince, Sellar and Smith, L. - 7.

Excused: Senators Cantu and McCaslin - 2.

SENATE BILL NO. 5975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5978, by Senator Rinehart (by request of Office of Financial Management)

Modifying disposition of motor vehicle excise tax revenue.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following amendments by Senators Vognild and Rinehart be considered simultaneously and be adopted:

On page 2, after line 8, strike all material down through line 22 and insert the following:

"(g) 62.6440 percent into the general fund through ~~((June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66))~~ December 31, 1993, 71 percent into the general fund beginning January 1, 1994, and 66 percent into the general fund beginning July 1, 1997.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, ~~((1993))~~ 1997.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993."

On page 4, line 25, after "1993" insert ", and to the transportation fund, for revenues distributed after June 30, 1995"

POINT OF INQUIRY

Senator Nelson: "Senator Rinehart, I noticed that in this amendment we first of all take the five percent that has been going to the transportation fund that was established a couple of years ago and actually eliminating it going to the transportation fund now until 1997. Is that correct? Then there is something else that has been added here and I am having a hard time following it. Does the rest of the language follow what was in the original bill?"

Senator Rinehart: "Yes."

Senator Nelson: "So, everything else is the same? No dates have been changed? The only thing that we are changing now is saying, 'we are not going to have the money from this fuel tax end up going--and motor vehicle tax--going into the transportation fund now, from now on it will only come in by 1997 unless the Legislature changes it?' Isn't that right?"

Senator Rinehart: "It is four years for the MVT and for two years for the residuals."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Vognild and Rinehart on page 2, after line 8, and page 4, line 25, to Senate Bill No. 5978.

The motion by Senator Rinehart carried and the amendments were adopted.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 5978 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5978.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5978 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Erwin, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Vognild, von Reichbauer, West and Winsley - 19.

Excused: Senators Cantu and McCaslin - 2.

ENGROSSED SENATE BILL NO. 5978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5982, by Senator Rinehart (by request of Office of Financial Management)

Changing higher education tuition provisions.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5982 was substituted for Senate Bill No. 5982 and the substitute bill was placed on second reading and read the second time.

Senator Sheldon moved that the following amendments by Senators Sheldon and Erwin be considered simultaneously and be adopted:

On page 2, line 28, after "Washington" strike all material through "personnel" and insert "~~((and the spouses and dependents of such military personnel))~~"

On page 23, line 32, after "28B.10.802." insert "A resident student as defined in RCW 28B.15.012(2)(e) is not an eligible student for purposes of this section."

On page 29, after line 24, insert the following:

Sec. 33. RCW 28B.10.800 and 1969 ex.s. c 222 s 7 are each amended to read as follows:

The sole purpose of RCW 28B.10.800 through 28B.10.824 is to establish a state of Washington student financial aid program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in RCW 28B.10.802(1). Financial aid under RCW 28B.10.800 through 28B.10.824 is available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

Sec. 34. RCW 28B.12.060 and 1987 c 330 s 202 are each amended to read as follows:

The higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules and regulations shall include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014 except resident students defined in RCW 28B.15.012(2)(e).

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 35. RCW 28B.15.012 and 1987 c 137 s 1 and 1987 c 96 s 1 are each reenacted and amended to read as follows: Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; ~~((or))~~ (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or (e) a student who is the spouse or a dependent of a person who is on active military duty stationed in the state: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 36. RCW 28B.101.040 and 1990 c 288 s 6 are each amended to read as follows:

Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study. Resident students as defined in RCW 28B.15.012(2)(e) are not eligible for grants under this chapter.

Sec. 37. RCW 28B.102.020 and 1987 c 437 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification. Resident students defined in RCW 28B.15.012(2)(e) are not eligible students under this chapter.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group."

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

Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Sheldon, you had made comments relative to the support of this amendment and indicated that there were forty-four states that presently give the non-resident tuition waiver to military personnel. Is that not correct?"

Senator Sheldon: "Yes."

Senator Nelson: "How many states in the United States give waivers for dependents of military personnel?"

Senator Sheldon: "The same number is my understanding, Senator. That was my understanding. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Sheldon and Erwin on page 2, line 28; page 23, line 32; and page 29, after line 24; to Substitute Senate Bill No. 5982.

The motion by Senator Sheldon carried and the amendments were adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, beginning on line 6 of the title, after "28B.80.580," strike "and 28B.15.910" and insert "28B.15.910, 28B.10.800, 28B.12.060, 28B.101.040, and 28B.102.020; reenacting and amending RCW 28B.15.012"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5982 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5982 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Smith, L. and Talmadge - 2.

Absent: Senator Newhouse - 1.

Excused: Senators Cantu and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1357 and the pending amendment by Senator Sutherland on page 3, after line 9, deferred on second reading earlier today.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 3, after line 9, to Substitute House Bill No. 1357.

The amendment by Senator Sutherland to Substitute House Bill No. 1357 was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "70.119.150;" strike "and"

On page 1, line 3 of the title, after "RCW" insert "; adding a new chapter to Title 70 RCW; and declaring an emergency"

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1357, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1357, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1357, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Barr, Bluechel, Erwin, Hargrove, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L. and von Reichbauer - 16.

Excused: Senators Cantu and McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 1357, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1741 and the pending Committee on Law and Justice amendments on page 3, after line 18; page 4, line 33; page 4, line 34; and page 10, after line 38; to Substitute House Bill No. 1741, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senators Newhouse and Niemi, the President finds that Substitute House Bill No. 1741 is a measure which changes the penalties for failure to respond to a traffic infraction, failure to comply with a traffic citation, or failure to appear at a hearing, as well as the penalty for driving with a suspended or revoked license. The measure also makes various changes in the penalties for driving while under the influence of intoxicating liquor or drugs.

"The Committee on Law and Justice amendments on page 3, after line 18, and page 4, lines 33 and 34, would provide for revocation of the driver's license for a violation of the federal or state Uniform Controlled Substances Act.

"The President, therefore, finds that the proposed amendments on page 3, after line 18, and page 4, lines 33 and 34, do change the scope and object of the bill and the point of order is well taken.

"The Committee on Law and Justice amendment on page 10, after line 18, would add penalties for driving while under the influence of intoxicating liquor or drugs.

"The President, therefore, finds that the proposed amendment on page 10, after line 38, does not change the scope and object of the bill and the point of order is not well taken."

The Committee on Law and Justice amendments on page 3, after line 18, page 4, lines 33 and 34, to Substitute House Bill No. 1741 were ruled out of order.

The Committee on Law and Justice amendment on page 10, after line 38, to Substitute House Bill No. 1741 was ruled in order.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment on page 10, after line 38, to Substitute House Bill No. 1741.

The Committee on Law and Justice amendment on page 10, after line 38, to Substitute House Bill No. 1741 was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On line 4 of the title, after "46.20 RCW;" insert "adding a new section to chapter 46.61 RCW;"

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1741, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1741, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1741, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Cantu and McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 1741, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1855, and the pending Committee on Labor and Commerce striking amendment, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Substitute House Bill No. 1855 is a measure which amends various provisions of the insurance law by changing numerous regulation and regulatory standards. Among other provisions, the bill makes changes in the laws dealing with rehabilitation, receivership and liquidation of insurers.

"The Committee on Labor and Commerce striking amendment would provide that the guaranty association is activated to assist the rehabilitation or obligations of impaired or insolvent insurers as well as those which are in liquidation.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The Committee on Labor and Commerce striking amendment to Substitute House Bill No. 1855 was ruled in order.

MOTION

On motion of Senator Rinehart, the following amendment to the Committee on Labor and Commerce striking amendment was adopted:

On page 122, after line 3 of the committee amendment, insert the following:

"NEW SECTION. Sec. 111. A new section is added to chapter 48.01 RCW to read as follows:

The activities and operations of mental health regional support networks, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title."

Renumber the sections consecutively and correct internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment, as amended, to Substitute House Bill No. 1855.

Debate ensued.

The Committee on Labor and Commerce striking amendment, as amended, to Substitute House Bill No. 1855 was not adopted on a rising vote.

MOTION

On motion of Senator Jesernig, further consideration of Substitute House Bill No. 1855 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1505 and the pending amendments by Senator Sutherland on page 1, lines 6 and 11, and page 7, after line 16, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Cantu, the President finds that Engrossed Substitute House Bill No. 1505 is a measure which addresses the verification of contractor registration by, among other things, prohibiting the purchase and sale of advertisements without a registration number and defining local government responsibility in issuing building permits to unregistered contractors.

"The amendments by Senator Sutherland would establish a commission to develop a program to educate, test and certify paint and coating applicators, defines the same, provides for fees for training and issuance of competency certificates, establishes penalties and creates a new account in the custody of the state treasurer.

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

The amendments by Senator Sutherland on page 1, lines 6 and 11, and page 7, after line 16, to Engrossed Substitute House Bill No. 1505 were ruled out of order.

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1505 was deferred.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8635

By Senators Rasmussen and Gaspard

WHEREAS, The Bethel School District has earned a reputation for its innovative and pragmatic approach to education;
and

WHEREAS, The Bethel School District is one of the few districts in the state that is successfully integrating academic and vocational instruction; and

WHEREAS, The Bethel School District currently boasts a number of outstanding teachers, among them the 1992 Washington State Teacher of the Year, Kathleen Paris; and

WHEREAS, Kathleen Paris is a graduate of both Eastern Washington University and the University of Washington, and has studied at Whitworth College, Central Washington University and Seattle Pacific University; and

WHEREAS, Kathleen Paris has spent twenty-one years teaching in Washington schools, the last five teaching biology and advanced placement biology at Bethel High School; and

WHEREAS, Kathleen Paris also was the recipient of the Outstanding Biology Teacher Award for Washington in 1985, and the Presidential Awards for Excellence in Science Education in 1989; and

WHEREAS, Washington State has been selecting an outstanding individual for Teacher of the Year honors for the last three decades; and

WHEREAS, The Washington State Senate recognized Kathleen Paris and her accomplishments on March 12, 1993;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Kathleen Paris as the Washington State Teacher of the Year and acknowledge and commend her outstanding contributions in the field of education; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Kathleen Paris, Superintendent of Public Instruction, Judith Billings, and Superintendent of Bethel Schools, Don Berger.

Senators Rasmussen and Gaspard spoke to Senate Resolution 1993-8635.

INTRODUCTION OF SPECIAL GUEST

The President introduced the 1992 Washington State Teacher of the Year, Kathleen Paris, who was seated in the gallery.

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

SECOND READING

SENATE BILL NO. 5502, by Senators Sutherland and Prentice

Revising mining reclamation laws.

MOTIONS

On motion of Senator Sutherland, Second Substitute Senate Bill No. 5502 was substituted for Senate Bill No. 5502 and the second substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the extraction of minerals through surface mining has historically included regulatory involvement by both state and local governments.

It is the intent of the legislature to clarify that surface mining is an appropriate land use, subject to reclamation authority exercised by the department of natural resources and land use and operation regulatory authority by counties, cities, and towns.

Sec. 2. RCW 78.44.010 and 1970 ex.s. c 64 s 2 are each amended to read as follows:

The legislature recognizes that the extraction of minerals by surface mining is ~~((a basic and))~~ an essential activity making an important contribution to the economic well-being of the state and nation. ~~((At the same time, proper reclamation of surface))~~ It is not possible to extract minerals without producing some environmental impacts. At the same time, comprehensive regulation of mining and thorough reclamation of mined lands is necessary to prevent ~~((undesirable land and water))~~ or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biologic, and social conditions are significantly different, and reclamation specifications must vary accordingly. ~~((It is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials, and the very character of many types of surface mining operations precludes complete restoration of the land to its original condition. However, the legislature finds that reclamation of surface mined lands as provided in this chapter will allow the mining of valuable minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.))~~ Therefore, the legislature finds that a balance between appropriate environmental regulation and the production and conservation of minerals is in the best interests of the citizens of the state.

Sec. 3. RCW 78.44.020 and 1970 ex.s. c 64 s 3 are each amended to read as follows:

The purposes ~~s~~ of this chapter ~~((is))~~ are to:

(1) Provide that the usefulness, productivity, and scenic values of all lands and waters involved in surface mining within the state will receive the greatest practical degree of protection and ~~((restoration. It is a further purpose of this chapter to provide a means of cooperation between private and governmental entities in carrying this chapter into effect))~~ reclamation at the earliest opportunity following completion of surface mining;

(2) Provide for the greatest practical degree of state-wide consistency in the regulation of surface mines;

(3) Apportion regulatory authority between state and local governments in order to minimize redundant regulation of mining;

(4) Ensure that reclamation is consistent with local land use plans; and

(5) Ensure the power of local government to regulate land use and operations pursuant to section 16 of this act.

NEW SECTION. Sec. 4. DEFINITIONS. Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved subsequent use" means the post surface-mining land use contained in an approved reclamation plan and approved by the local land use authority.

(2) "Completion of surface mining" means the cessation of mining and directly related activities in any segment of a surface mine that occurs when essentially all minerals that can be taken under the terms of the reclamation permit have been depleted except minerals required to accomplish reclamation according to the approved reclamation plan.

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

(4) "Determination" means any action by the department including permit issuance, reporting, reclamation plan approval or modification, permit transfers, orders, fines, or refusal to issue permits.

(5) "Disturbed area" means any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas.

Disturbed areas do not include:

(a) Surface mine access roads unless these have characteristics of topography, drainage, slope stability, or ownership that, in the opinion of the department, make reclamation necessary; and

(b) Lands that have been reclaimed to all standards outlined in this chapter, rules of the department, any applicable SEPA document, and the approved reclamation plan.

(6) "Miner" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, including every public or governmental agency engaged in mining from the surface.

(7) "Minerals" means clay, coal, gravel, industrial minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

(8) "Operations" means all mine-related activities, exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances, or other state laws.

Operations specifically include:

(a) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;

(b) Blasting, equipment maintenance, sorting, crushing, and loading;

(c) On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;
(d) Transporting minerals to and from the mine, on site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

(9) "Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

(10) "Permit holder" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or governmental agency engaged in surface mining and/or the operation of surface mines, whether individually, jointly, or through subsidiaries, agents, employees, operators, or contractors who holds a state reclamation permit.

(11) "Reclamation" means rehabilitation for the appropriate future use of disturbed areas resulting from surface mining including areas under associated mineral processing equipment and areas under stockpiled materials. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective shall be to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation.

(12) "Reclamation setbacks" include those lands along the margins of surface mines wherein minerals and overburden shall be preserved in sufficient volumes to accomplish reclamation according to the approved plan and the minimum reclamation standards. Maintenance of reclamation setbacks may not preclude other mine-related activities within the reclamation setback.

(13) "Recycling" means the reuse of minerals or rock products.

(14) "Screening" consists of vegetation, berms or other topography, fencing, and/or other screens that may be required to mitigate impacts of surface mining on adjacent properties and/or the environment.

(15) "Segment" means any portion of the surface mine that, in the opinion of the department:

(a) Has characteristics of topography, drainage, slope stability, ownership, mining development, or mineral distribution, that make reclamation necessary;

(b) Is not in use as part of surface mining and/or related activities; and

(c) Is larger than seven acres and has more than five hundred linear feet of working face except as provided in a segmental reclamation agreement approved by the department.

(16) "SEPA" means the state environmental policy act, chapter 43.21C RCW and rules adopted thereunder.

(17)(a) "Surface mine" means any area or areas in close proximity to each other, as determined by the department, where extraction of minerals from the surface results in:

(i) More than three acres of disturbed area;

(ii) Mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or

(iii) More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.

(b) Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the size or height thresholds listed in (a) of this subsection.

(c) Surface mining shall exclude excavations or grading used:

(i) Primarily for on-site construction, on-site road maintenance, or on-site landfill construction;

(ii) For the purpose of public safety or restoring the land following a natural disaster;

(iii) For the purpose of removing stockpiles;

(iv) For forest or farm road construction or maintenance on-site or on contiguous lands;

(v) For sand authorized by RCW 43.51.685; and

(vi) For underground mines.

(18) "Topsoil" means the naturally occurring upper part of a soil profile, including the soil horizon that is rich in humus and capable of supporting vegetation together with other sediments within four vertical feet of the ground surface.

NEW SECTION. Sec. 5. SEGMENTAL RECLAMATION. The permit holder shall reclaim each segment of the mine within two years of completion of surface mining on that segment except as provided in a segmental reclamation agreement approved in writing by the department. The primary objective of a segmental reclamation agreement should be to enhance final reclamation.

Sec. 6. RCW 78.44.040 and 1984 c 215 s 2 are each amended to read as follows:

The department of natural resources is charged with the administration of reclamation under this chapter. In order to implement ~~((the chapter's terms and provisions))~~ and enforce this chapter, the department, under the ~~((provisions of the))~~ administrative procedure act (chapter 34.05 RCW), ~~((as now or hereafter amended,))~~ may from time to time ~~((promulgate))~~ adopt those rules ~~((and regulations))~~ necessary to carry out the purposes of this chapter.

Sec. 7. RCW 78.44.050 and 1970 ex.s. c 64 s 6 are each amended to read as follows:

The department shall have the exclusive authority to regulate surface mine reclamation. All counties, cities, or towns shall have the authority to zone surface mines and adopt ordinances regulating operations pursuant to section 16 of this act, except that county, city, or town operations ordinances may be preempted by the department during the emergencies outlined in section 27 of this act and related rules.

This chapter shall not ~~((affect))~~ alter or preempt any ~~((of the))~~ provisions of the state fisheries laws (Title 75 RCW), the state water allocation and use laws (chapters 90.03 and 90.44 RCW), the state water pollution control laws ~~((Title 90))~~ chapter 90.48 RCW, the state ~~((game))~~ wildlife laws (Title 77 RCW), ~~((or any other state laws, and shall be cumulative and nonexclusive))~~ state noise laws or air quality laws (Title 70 RCW), shoreline management (chapter 90.58 RCW), the state environmental policy act (chapter 43.21C RCW), state growth management (chapter 36.70A RCW), state drinking water laws (chapters 43.20 and 70.119A RCW), or any other state statutes.

Sec. 8. RCW 78.44.060 and 1970 ex.s. c 64 s 7 are each amended to read as follows:

The department shall have the authority to conduct ~~((or))~~, authorize, and/or participate in investigations, research, experiments, and demonstrations, and to collect and disseminate information relating to surface mining and reclamation of surface mined lands.

Sec. 9. RCW 78.44.070 and 1970 ex.s. c 64 s 8 are each amended to read as follows:

The department may cooperate with other governmental and private agencies ~~((in this state and other states))~~ and agencies of the federal government, and may reasonably reimburse them for any services the department requests that they provide. The department may also receive any federal funds, state funds and any other funds and expend them for reclamation of land affected by surface mining and for purposes enumerated in RCW 78.44.060.

NEW SECTION. Sec. 10. SURFACE MINING RECLAMATION ACCOUNT. The surface mining reclamation account is created in the state treasury. Annual mining fees, funds received by the department from state, local, or federal agencies for research purposes, as well as other mine-related funds and fines received by the department shall be deposited into this account. The surface mine reclamation account may be used by the department only to:

- (1) Administer its regulatory program pursuant to this chapter;
- (2) Undertake research relating to surface mine regulation, reclamation of surface mine lands, and related issues; and
- (3) Cover costs arising from appeals from determinations made under this chapter.

Fines, interest, and other penalties collected by the department under the provisions of this chapter shall be used to reclaim surface mines abandoned prior to 1971.

NEW SECTION. Sec. 11. RECLAMATION PERMITS REQUIRED--APPLICATIONS. After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from the department. Operating permits issued by the department between January 1, 1971, and June 30, 1993, shall be considered reclamation permits provided such permits substantially meet the protections, mitigations, and reclamation goals of sections 12 and 20 of this act within five years after the effective date of this section. State agencies and local government shall be exempt from this time limit for inactive sites. Prior to the use of an inactive site, the reclamation plan must be brought up to current standards. A separate permit shall be required for each noncontiguous surface mine. The reclamation permit shall consist of the permit forms and any exhibits attached thereto. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by the department.

Prior to receiving a reclamation permit, an applicant must submit an application on forms provided by the department that shall contain the following information and shall be considered part of the reclamation permit:

- (1) Name and address of the legal landowner, or purchaser of the land under a real estate contract;
- (2) The name of the applicant and, if the applicants are corporations or other business entities, the names and addresses of their principal officers and resident agent for service of process;
- (3) A reasonably accurate description of the minerals to be surface mined;
- (4) Type of surface mining to be performed;
- (5) Estimated starting date, date of completion, and date of completed reclamation of surface mining;
- (6) Size and legal description of the permit area and maximum lateral and vertical extent of the disturbed area;
- (7) Expected area to be disturbed by surface mining during (a) the next twelve months, and (b) the following twenty-four months;
- (8) Any applicable SEPA documents; and
- (9) Other pertinent data as required by the department.

The reclamation permit shall be granted for the period required to deplete essentially all minerals identified in the reclamation permit on the land covered by the reclamation plan. The reclamation permit shall be valid until the reclamation is complete unless the permit is canceled by the department.

NEW SECTION. Sec. 12. RECLAMATION PLANS. An applicant shall provide a reclamation plan and copies acceptable to the department prior to obtaining a reclamation permit. The department shall have the sole authority to approve reclamation plans. Reclamation plans or modified reclamation plans submitted to the department after June 30, 1993, shall meet or exceed the minimum reclamation standards set forth in this chapter and by the department in rule. Each applicant shall also supply copies of the proposed plans and final reclamation plan approved by the department to the county, city, or town in which the mine will be located. The department shall solicit comment from local government prior to approving a reclamation plan. The reclamation plan shall include:

- (1) A written narrative describing the proposed mining and reclamation scheme with:
 - (a) A statement of a proposed subsequent use of the land after reclamation that is consistent with the local land use designation. Approval of the reclamation plan shall not vest the proposed subsequent use of the land;
 - (b) If the permit holder is not the sole landowner, a copy of the conveyance or a written statement that expressly grants or reserves the right to extract minerals by surface mining methods;
 - (c) A simple and accurate legal description of the permit area and disturbed areas;
 - (d) The maximum depth of mining;
 - (e) A reasonably accurate description of the minerals to be mined;
 - (f) A description of the method of mining;
 - (g) A description of the sequence of mining that will provide, within limits of normal procedures of the industry, for completion of surface mining and associated disturbance on each portion of the permit area so that reclamation can be initiated at the earliest possible time on each segment of the mine;
 - (h) A schedule for progressive reclamation of each segment of the mine;
 - (i) Where mining on flood plains or in river or stream channels is contemplated, a thoroughly documented hydrogeologic evaluation that will outline measures that would protect against or would mitigate avulsion and erosion as determined by the department;
 - (j) Where mining is contemplated within critical aquifer recharge areas, special protection areas as defined by chapter 90.48 RCW and implementing rules, public water supply watersheds, sole source aquifers, wellhead protection areas, and designated aquifer protection areas as set forth in chapter 36.36 RCW, a thoroughly documented hydrogeologic analysis of the reclamation plan may be required; and
 - (k) Additional information as required by the department including but not limited to: The positions of reclamation setbacks and screening, conservation of topsoil, interim reclamation, revegetation, postmining erosion control, drainage control, slope stability, disposal of mine wastes, control of fill material, development of wetlands, ponds, lakes, and impoundments, and rehabilitation of topography.
- (2) Maps of the surface mine showing:
 - (a) All applicable data required in the narrative portion of the reclamation plan;
 - (b) Existing topographic contours;
 - (c) Contours depicting specifications for surface gradient restoration appropriate to the proposed subsequent use of the land and meeting the minimum reclamation standards;
 - (d) Locations and names of all roads, railroads, and utility lines on or adjacent to the area;
 - (e) Locations and types of proposed access roads to be built in conjunction with the surface mining;
 - (f) Detailed and accurate boundaries of the permit area, screening, reclamation setbacks, and maximum extent of the disturbed area; and
 - (g) Estimated depth to ground water and the locations of surface water bodies and wetlands both prior to and after mining.
- (3) At least two cross sections of the mine including all applicable data required in the narrative and map portions of the reclamation plan.
- (4) Evidence that the proposed surface mine has been approved under local zoning and land use regulations.
- (5) Written approval of the reclamation plan by the landowner for mines permitted after June 30, 1993.
- (6) Other supporting data and documents regarding the surface mine as reasonably required by the department.

If the department refuses to approve a reclamation plan in the form submitted by an applicant or permit holder, it shall notify the applicant or permit holder stating the reasons for its determination and describe such additional requirements to the applicant or permit holder's reclamation plan as are necessary for the approval of the plan by the department. If the department refuses to approve a complete reclamation plan within one hundred twenty days, the miner or permit holder may appeal this determination under the provisions of this chapter.

Only insignificant deviations may occur from the approved reclamation plan without prior written approval by the department for the proposed change.

The department retains the authority to require that the reclamation plan be updated to the satisfaction of the department at least every ten years.

NEW SECTION. Sec. 13. JOINT RECLAMATION PLANS. Where two or more surface mines join along a common boundary, the department may require submission of a joint reclamation plan in order to provide for optimum reclamation or to avoid waste of mineral resources. Such joint reclamation plans may be in the form of a single collaborative plan submitted by all affected permit holders or as individual reclamation plans in which the schedule of reclamation, finished contours, and revegetation match reclamation plans of adjacent permit holders.

NEW SECTION. Sec. 14. FEES. (1) An applicant for a public or private reclamation permit shall pay an application fee to the department before being granted a surface mining permit. The amount of the application fee shall be six hundred fifty dollars.

(2) After June 30, 1993, each public or private permit holder shall pay an annual permit fee of six hundred fifty dollars. The annual permit fee shall be payable to the department on the first anniversary of the permit date and each year thereafter. Annual fees paid by a county for small mines used exclusively for public works projects shall be paid on those small mines from which the county elects to extract minerals in the next calendar year and shall not exceed two thousand dollars.

(3) After July 1, 1995, the department may modify annual permit fees by rule if:

(a) The total annual permit fees are reasonably related to the approximate costs of administering the department's surface mining regulatory program;

(b) The annual fee does not exceed five thousand dollars; and

(c) The mines are small mines in remote areas that are used primarily for public service, then lower annual permit fees may be established.

(4) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fee may constitute grounds for an order to suspend surface mining or cancellation of the reclamation permit as provided in this chapter.

(5) All fees collected by the department shall be deposited into the surface mining reclamation account.

(6) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to such county, city, or town.

(7) Mining of minerals on federal land is exempt from this chapter provided that such mining substantially meets or exceeds the provisions of this chapter that are not preempted by federal law.

NEW SECTION. Sec. 15. PERFORMANCE SECURITY. The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed and furnished by the department. A public or governmental agency shall not be required to post performance security nor shall a permit holder be required to post surface mining performance security with more than one state, local, or federal agency.

This performance security may be:

(1) Bank letters of credit acceptable to the department;

(2) A cash deposit;

(3) Negotiable securities acceptable to the department;

(4) An assignment of a savings account;

(5) A savings certificate in a Washington bank on an assignment form prescribed by the department;

(6) Assignments of interests in real property within the state of Washington; or

(7) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules adopted under it.

The department shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved.

The department may increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate.

Liability under the performance security shall be maintained until reclamation is completed according to the approved reclamation plan to the satisfaction of the department unless released as hereinafter provided. Liability under the performance security may be released only upon written notification by the department. Notification shall be given upon completion of

compliance or acceptance by the department of a substitute performance security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

Any interest or appreciation on the performance security shall be held by the department until reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder; except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security.

No other state agency or local government shall require performance security for the purposes of surface mine reclamation and only one agency of government shall require and hold the performance security. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of surface mines straddling boundaries between federally controlled and other lands within Washington state.

NEW SECTION. Sec. 16. A new section is added to chapter 36.70A RCW to read as follows:

(1) Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected thirty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in section 4 of this act, shall be established as an allowed use in local development regulations subject to the permit process described in this section.

The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.

Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

For purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land.

(2)(a) Counties, cities, and towns may only regulate surface mining operations by ordinance and only in accordance with the requirements and limitations of this subsection.

(b) Local surface mining operating standards shall:

(i) Address only:

(A) Traffic;

(B) Light emission;

(C) Visual screening;

(D) Noise emission; and

(E) Other significant or substantial mining impacts that are not covered by a subject area of regulation embodied in any other state or federal law, including among others the subject areas pertaining to water allocation, use, and control and fisheries and wildlife habitat set forth in section 19 of this act.

(ii) Be performance-based, objective standards that:

(A) Are directly and proportionately related to limiting surface mining impacts;

(B) Are reasonable and generally capable of being achieved;

(C) Take into account existing and available technologies; and

(D) May be met by any lawful means selected by the applicant or operator that, in the judgment of the county, city, or town, achieve compliance with the standard.

(iii) Limit application and monitoring fees to the amount necessary to pay the costs of administering, processing, monitoring, and enforcing the regulation of surface mining in accordance with this section.

(iv) Except as otherwise provided in this section, implement the ordinance through an operating plan review and approval process. Such approval process shall:

(A) Require submittal of sufficient, complete, and accurate information, as specified by the local ordinance, to allow the decision maker to review the plan for compliance with local standards;

(B) At the option of the county, city, or town, provide for administrative approval subject to appeal or for initial consideration through a public hearing process; and

(C) Require that project-specific conditions or restrictions be based upon written findings of facts demonstrating their need to achieve compliance with local standards.

(v) Subject to subsection (3) of this section, provide that approvals issued will be valid through completion of surface mining.

(3) Operating regulations and amendments thereto adopted pursuant to this section may be applied to lawfully preexisting mining operations only if the local ordinance:

(a) Limits application of subsection (2)(b)(i)(A) of this section relating to traffic to the designation of approved haul routes;
(b) Exempts such preexisting operations from any operating plan review and approval process;
(c) Provides reasonable time periods for compliance with new or amended local operating standards that in no event may be less than one year; and

(d) Includes a variance procedure to allow continuation of existing operations for a nonconforming surface mining operation where strict adherence to a local operating standard would be economically or operationally impractical due to conditions relating to site configuration, topography, or the nature of historic operations.

(4) Nothing in this section precludes a county, city, or town from exercising the express authority delegated to it by a state agency under state law, or from complying with state law when required as a regulated entity.

NEW SECTION. Sec. 17. A surface mining model ordinance advisory committee is hereby created. The committee shall be composed of representatives of local government, state agencies, surface mining interests, and the environmental community. The department of natural resources shall appoint the members of the committee and the department shall staff the committee. This temporary advisory committee shall draft model ordinances for different surface-mining settings and shall assist counties, cities, and towns in developing ordinances. The committee shall complete its work and shall expire by December 31, 1994. Participants on the committee shall pay their own expenses, and the department of natural resources shall fund the department's involvement.

NEW SECTION. Sec. 18. RECLAMATION SETBACKS. Reclamation setbacks shall be as follows unless waived by the department:

(1) The reclamation setback for unconsolidated deposits within mines permitted after June 30, 1993, shall be equal to the maximum anticipated height of the adjacent working face or as determined by the department. Setbacks and buffers may be destroyed as part of final reclamation of each segment if approved by the department.

(2) The minimum reclamation setback for consolidated materials within mines permitted after June 30, 1993, shall be thirty feet or as determined by the department.

(3) An exemption from this section may be granted by the department following a written request. The department may consider submission of a plan for backfilling acceptable to the department, a geotechnical slope-stability study, proof of a dedicated source of fill materials, written approval of contiguous landowners, and other information before granting an exemption.

NEW SECTION. Sec. 19. WATER CONTROL. (1) Water control as regulated by the department shall be limited to those provisions necessary to effect surface mine reclamation and to protect ground and surface water resources after reclamation is complete and shall be consistent with existing water control laws. The department shall solicit recommendations from all agencies with expertise in relevant water control laws when evaluating reclamation plans for surface mines in or near water.

(2) As to surface mining projects, control of surface mine water shall be pursuant to chapter 90.48 RCW; water availability, hydraulic continuity, allocation, and use shall be pursuant to chapters 90.03, 90.44, and 90.54 RCW; regulation of drinking water shall be pursuant to Titles 43 and 70 RCW; and protection of fisheries and wildlife shall be regulated pursuant to Title 75 RCW (fisheries laws) and Title 77 RCW (wildlife laws) as well as chapters 90.03, 90.44, 90.48, and 90.54 RCW, federal storm water regulations, and/or national pollutant discharge elimination system regulations. The department of ecology upon request by a county, city, or town, may consult with the affected parties and incorporate additional site-specific requirements into individual surface mine national pollutant discharge elimination system permits where such requirements are appropriate.

A county, city, or town may regulate the impacts on water through local ordinances and regulations that:

(a) Cover significant or substantial impacts that are not covered by a subject area of regulation embodied in any other state or federal law; or

(b) Implement regulatory and/or enforcement authority that has been expressly authorized to it by a state agency.

NEW SECTION. Sec. 20. RECLAMATION. The need for, and the practicability of, reclamation shall control the type and degree of reclamation in any specific instance. However, the basic objective of reclamation is to reestablish on a continuing basis the vegetative cover, slope stability, water conditions, and safety conditions suitable to the proposed subsequent use consistent with local land use plans for the surface mine site.

Each permit holder shall comply with the minimum reclamation standards in effect on the date the permit was issued and any additional reclamation standards set forth in the approved reclamation plan.

Reclamation activities, particularly those relating to control of erosion and mitigation of impacts of mining to adjacent areas, shall, to the extent feasible, be conducted simultaneously with surface mining, and in any case shall be initiated at the earliest possible time after completion of surface mining on any segment of the permit area.

All reclamation activities shall be completed not more than two years after completion or abandonment of surface mining on each segment of the area for which a reclamation permit is in force.

The department may by contract delegate enforcement of provisions of reclamation plans to counties, cities, and towns. A county, city, or town performing enforcement functions may not impose any additional fees on permit holders.

NEW SECTION. Sec. 21. MINIMUM RECLAMATION STANDARDS. Reclamation of surface mines permitted after June 30, 1993, and reclamation of surface mine segments addressed by reclamation plans modified after June 30, 1994, shall meet the following minimum standards except as waived in writing by the department.

(1) Prior to surface mining, permit holders shall carefully stockpile all topsoil on the site for use in reclamation, or immediately move topsoil to reclaim adjacent segments, except when the approved subsequent use does not require replacing the topsoil. Topsoil needed for reclamation shall not be sold as a mineral nor mixed with sterile soils. Stockpiled materials used as screening shall not be used for reclamation until such time as the appropriate county or municipal government has given its approval.

(2) The department may require that clearly visible, permanent monuments delineating the permit boundaries and maximum extent of the disturbed area be set at appropriate places around the mine site. The permit holder shall maintain the monuments until termination of the reclamation permit.

(3) All minimum reclamation standards may be waived in writing by the department in order to accommodate unique and beneficial reclamation schemes such as parks, swimming facilities, buildings, and wildlife reserves. Such waivers shall be granted only after written approval by the department of a reclamation plan describing the variances to the minimum reclamation standards, receipt of documentation of SEPA compliance, and written approvals from the landowner and by the local land use authority.

(4) All surface-mined slopes shall be reclaimed to the following minimum standards:

(a) In surface mines in soil, sand, gravel, and other unconsolidated materials, all reclaimed slopes shall:

(i) Have varied steepness;

(ii) Have a sinuous appearance in both profile and plan view;

(iii) Have no large rectilinear topographic elements;

(iv) Generally have slopes of between 2.0 and 3.0 feet horizontal to 1.0 foot vertical or flatter except in limited areas where steeper slopes are necessary in order to create sinuous topography and to control drainage;

(v) Not exceed 1.5 feet horizontal to 1.0 foot vertical except as necessary to blend with adjacent natural slopes;

(vi) Be compacted if significant backfilling is required to produce the final reclaimed slopes and if the department determines that compaction is necessary.

(b) Slopes in consolidated materials shall have no prescribed slope angle or height, but where a severely hazardous condition is created by mining and that is not indigenous to the immediate area, the slopes shall not exceed 2.0 feet horizontal to 1.0 foot vertical. Steeper slopes shall be acceptable in areas where evidence is submitted that demonstrates that the geologic or topographic characteristics of the site preclude reclamation of slopes to such angle or height or that such slopes constitute an acceptable subsequent use under local land use regulations.

(c) Surface mines in which the seasonal or permanent water tables have been penetrated, thereby creating swamps, ponds, or lakes useful for recreational, wildlife habitat, water quality control, or other beneficial wetland purposes shall be reclaimed in the following manner:

(i) For slopes that are below the permanent water table in soil, sand, gravel, and other unconsolidated materials, the slope angle shall be no steeper than 1.5 feet horizontal to 1.0 foot vertical;

(ii) Generally, solid rock banks shall be shaped so that a person can escape from the water, however steeper slopes and lack of water egress shall be acceptable in rural, forest, or mountainous areas or where evidence is provided that such slopes would constitute an acceptable subsequent use under local land use regulations;

(iii) Both standpipes and armored spillways or other measures to prevent undesirable overflow or seepage shall be provided to stabilize all such water bodies within the disturbed area; and

(iv) Where lakes, ponds, or swamps are created, the permit holder shall provide measures to establish a beneficial wetland by developing natural wildlife habitat and incorporating such measures as irregular shoreline configurations, sinuous bathymetry and shorelines, varied water depths, peninsulas, islands, and subaqueous areas less than 1.5 foot deep during summer low-water levels. Clay-bearing material placed below water level may be required to avoid creating sterile wetlands.

(d) Final topography shall generally comprise sinuous contours, chutes and buttresses, spurs, and rolling mounds and hills, all of which shall blend with adjacent topography to a reasonable extent. Straight planar slopes and right angles should be avoided.

(e) The floors of mines shall generally grade gently into postmining drainages to preclude sheet-wash erosion during intense precipitation, except where backgrading is appropriate for drainage control, to establish wetlands, or to trap sediment.

(f) Topsoil shall be restored as necessary to promote effective revegetation and to stabilize slopes and mine floors. Where limited topsoil is available, topsoil shall be placed and revegetated in such a way as to ensure that little topsoil is lost to erosion.

(g) Where surface mining has exposed natural materials that may create polluting conditions, including but not limited to acid-forming coals and metalliferous rock or soil, such conditions shall be addressed according to a method approved by the department. The final ground surface shall be graded so that surface water drains away from these materials.

(h) All grading and backfilling shall be made with nonnoxious, noncombustible, and relatively incompactible solids unless the permit holder provides:

(i) Written approval from all appropriate solid waste regulatory agencies; and

(ii) Any and all revisions to such written approval during the entire time the reclamation permit is in force.

(i) Final reclaimed slopes should be left roughly graded, preserving equipment tracks, depressions, and small mounds to trap clay-bearing soil and promote natural revegetation. Where reasonable, final equipment tracks should be oriented in order to trap soil and seeds and to inhibit erosion.

(j) Pit floors should be bulldozed or ripped to foster revegetation.

(5) Drainages shall be graded and contain adequate energy dissipation devices so that essentially natural conditions of water velocity, volume, and turbidity are reestablished within six months of reclamation of each segment of the mine. Ditches and other artificial drainages shall be constructed on each reclaimed segment to control surface water, erosion, and siltation and to direct runoff to a safe outlet. Diversion ditches including but not limited to channels, flumes, tightlines and retention ponds shall be capable of carrying the peak flow at the mine site that has the probable recurrence frequency of once in twenty-five years as determined from data for the twenty-five year, twenty-four hour precipitation event published by the national oceanic and atmospheric administration. The grade of such ditches and channels shall be constructed to limit erosion and siltation. Natural and other drainage channels shall be kept free of equipment, wastes, stockpiles, and overburden.

(6) Impoundment of water shall be an acceptable reclamation technique provided that approvals of other agencies with jurisdiction are obtained and:

(a) Proper measures are taken to prevent undesirable seepage that could cause flooding outside the permitted area or adversely affect the stability of impoundment dikes or adjacent slopes;

(b) Both standpipes and armored spillways or other measures necessary to control overflow are provided.

(7) Revegetation shall be required as appropriate to stabilize slopes, generate new topsoil, reduce erosion and turbidity, mask rectilinear contours, and restore the scenic value of the land to the extent feasible as appropriate to the approved subsequent use. Although the scope of and necessity for revegetation will vary according to the geography, precipitation, and approved subsequent use of the site, the objective of segmental revegetation is to reestablish self-sustaining vegetation and conditions of slope stability, surface water quality, and appearance before release of the reclamation permit. Revegetation shall normally meet the following standards:

(a) Revegetation shall commence during the first proper growing season following restoration of slopes on each segment unless the department has granted the permit holder a written time extension.

(b) In eastern Washington, the permit holder may not be able to achieve continuous ground cover owing to arid conditions or sparse topsoil. However, revegetation shall be as continuous as reasonably possible as determined by the department.

(c) Revegetation generally shall include but not be limited to diverse evergreen and deciduous trees, shrubs, grasses, and deep-rooted ground cover.

(i) For western Washington, nitrogen-fixing species including but not limited to alder, white clover, and lupine should be included in dry areas. In wet areas, tubers, sedges, wetland grasses, willow, cottonwood, cedar, and alder are appropriate.

(ii) In eastern Washington, lupine, white clover, Russian olive, black locust, junipers, and pines are among appropriate plants. In wet areas, cottonwood, tubers, and sedges are appropriate.

(d) The requirements for revegetation may be reduced or waived by the department where erosion will not be a problem in rural areas where precipitation exceeds thirty inches per annum, or where revegetation is inappropriate for the approved subsequent use of the surface mine.

(e) In areas where revegetation is critical and conditions are harsh, the department may require irrigation, fertilization, and importation of clay or humus-bearing soils to establish effective vegetation.

(f) The department may refuse to release a reclamation permit or performance security until it deems that effective revegetation has commenced.

NEW SECTION. Sec. 22. PERMIT TRANSFERS. Reclamation permits shall be transferred to a subsequent permit holder and the department shall release the former permit holder from the duties imposed by this chapter if:

(1) Both permit holders comply with all rules of the department addressing requirements for transferring a permit; and

(2) Unless waived by the department, the mine and all others operated by both the former and subsequent permit holders and their principal officers or owners are in compliance with this chapter and rules.

NEW SECTION. Sec. 23. MODIFICATION OF RECLAMATION PLANS. The department and the permit holder may modify the reclamation plan at any time during the term of the permit for any of the following reasons:

- (1) To modify the requirements so that they do not conflict with existing or new laws;
- (2) If the department determines that the previously adopted reclamation plan is impossible or impracticable to implement and maintain; or
- (3) The previously approved reclamation plan is not accomplishing the intent of this chapter as determined by the department.

Modified reclamation plans shall be reviewed by the department as lead agency under SEPA. Such SEPA analyses shall consider only those impacts relating directly to the proposed modifications. Copies of proposed and approved modifications shall be sent to the appropriate county, city, or town.

NEW SECTION. Sec. 24. REPORTS. On the anniversary date of the reclamation permit and each year thereafter until reclamation is completed and approved, the permit holder shall file a report of activities completed during the preceding year. The report shall be on a form prescribed by the department.

NEW SECTION. Sec. 25. INSPECTION OF PERMIT AREA. The department may order at any time an inspection of the disturbed area to determine if the miner or permit holder has complied with the reclamation permit, rules, and this chapter.

NEW SECTION. Sec. 26. ORDER TO RECTIFY DEFICIENCIES. The department may issue an order to rectify deficiencies when a miner or permit holder is conducting surface mining in any manner not authorized by:

- (1) This chapter;
- (2) The rules adopted by the department;
- (3) The authorized reclamation plan; or
- (4) The reclamation permit.

The order shall describe the deficiencies and shall require that the miner or permit holder correct all deficiencies no later than sixty days from issuance of the order. The department may extend the period for correction for delays clearly beyond the miner or permit holder's control, but only when the miner or permit holder is, in the opinion of the department, making every reasonable effort to comply.

NEW SECTION. Sec. 27. EMERGENCY NOTICE AND ORDER TO RECTIFY DEFICIENCIES--EMERGENCY ORDER TO SUSPEND SURFACE MINING. When the department finds that a permit holder is conducting surface mining in any manner not authorized by:

- (1) This chapter;
- (2) The rules adopted by the department;
- (3) The approved reclamation plan; or
- (4) The reclamation permit;

and that activity has created a situation involving an immediate danger to the public health, safety, welfare, or environment requiring immediate action, the department may issue an emergency notice and order to rectify deficiencies, and/or an emergency order to suspend surface mining. These orders shall be effective when entered. The department may take such action as is necessary to prevent or avoid the danger to the public health, safety, welfare, or environment that justifies use of emergency adjudication. The department shall give such notice as is practicable to the permit holder or miner who is required to comply with the order. The order shall comply with the requirements of the administrative procedure act.

Regulations of surface mining operations administered by other state and local agencies shall be preempted by this section to the extent that the time schedule and procedures necessary to rectify the emergency situation, as determined by the department, conflict with such local regulation.

NEW SECTION. Sec. 28. ORDER TO SUSPEND SURFACE MINING. Upon the failure of a miner or permit holder to comply with a department order to rectify deficiencies, the department may issue an order to suspend surface mining when a miner or permit holder is conducting surface mining in any manner not authorized by:

- (1) This chapter;
- (2) The rules adopted by the department;
- (3) The approved reclamation plan;
- (4) The reclamation permit; or
- (5) If the miner or permit holder fails to comply with any final order of the department.

The order to suspend surface mining shall require the miner or permit holder to suspend part or all of the miner's or permit holder's mining operations until the conditions resulting in the issuance of the order have been mitigated to the satisfaction of the department.

The attorney general may take the necessary legal action to enjoin, or otherwise cause to be stopped, surface mining in violation of an order to suspend surface mining.

NEW SECTION. Sec. 29. DECLARATION OF ABANDONMENT. The department may issue a declaration of abandonment when it determines that all surface mining has ceased for a period of one hundred eighty consecutive days not set

forth in the permit holder's reclamation plan or when, by reason of inspection of the permit area, or by any other means, the department determines that the mine has in fact been abandoned by the permit holder except that abandonment shall not include normal interruptions of surface mining resulting from labor disputes, economic conditions associated with lack of smelting capacity or availability of appropriate transportation, war, social unrest, demand for minerals, maintenance and repairs, and acts of God.

Following a declaration of abandonment, the department shall require the permit holder to complete reclamation in accordance with this chapter. If the permit holder fails to do so, the department shall proceed to do the necessary reclamation work pursuant to section 31 of this act.

If another miner applies for a permit on a site that has been declared abandoned, the department may, in its discretion, cancel the reclamation permit of the permit holder and issue a new reclamation permit to the applicant. The department shall not issue a new permit unless it determines that such issuance will be an effective means of assuring that the site will ultimately be reclaimed. The applicant must agree to assume the reclamation responsibilities left unfinished by the first miner, in addition to meeting all requirements for issuance of a new permit.

NEW SECTION. Sec. 30. CANCELLATION OF THE RECLAMATION PERMIT. When the department determines that a surface mine has been abandoned, it may cancel the reclamation permit. The permit holder shall be informed of such actions by a department notification of illegal abandonment and cancellation of the reclamation permit.

NEW SECTION. Sec. 31. ORDER TO SUBMIT PERFORMANCE SECURITY--RECLAMATION BY THE DEPARTMENT. The department may, with the staff, equipment, and material under its control, or by contract with others, reclaim the disturbed areas when it finds that reclamation has not occurred in any segment of a surface mine within two years of completion of mining or of declaration of abandonment and the permit holder is not actively pursuing reclamation.

If the department intends to undertake the reclamation, the department shall issue an order to submit performance security requiring the permit holder or surety to submit to the department the amount of moneys posted pursuant to section 15 of this act. If the amount specified in the order to submit performance security is not paid within twenty days after issuance of the notice, the attorney general upon request of the department shall bring an action on behalf of the state in a superior court to recover the amount specified and associated legal fees.

The department may proceed at any time after issuing the order to submit performance security with reclamation of the site according to the approved reclamation plan or according to a plan developed by the department that meets the minimum reclamation standards.

The department shall keep a record of all expenses incurred in carrying out any reclamation project or activity authorized under this section, including:

- (1) Reclamation;
- (2) A reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized; and
- (3) Administrative and legal expenses related to reclamation of the surface mine.

The department shall refund to the surety or permit holder all amounts received in excess of the amount of expenses incurred. If the amount received is less than the expenses incurred, the attorney general, upon request of the department, may bring an action against the permit holder on behalf of the state in the superior court to recover the remaining costs listed in this section.

NEW SECTION. Sec. 32. FINES. Each order of the department may impose a fine or fines in the event that a miner or permit holder fails to obey the order of the department. When a miner or permit holder fails to comply with an order of the department, the miner or permit holder shall be subject to a civil penalty in an amount not more than ten thousand dollars for each violation plus interest based upon a schedule of fines set forth by the department in rule. Procedures for imposing a penalty and setting the amount of the penalty shall be as provided in RCW 90.48.144. Each day on which a miner or permit holder continues to disobey any order of the department shall constitute a separate violation. If the penalty and interest is not paid to the department after it becomes due and payable, the attorney general, upon the request of the department, may bring an action in the name of the state of Washington to recover the penalty, interest, mitigation for environmental damages, and associated legal fees. Decisions of the department are subject to review by the pollution control hearings board.

All fines, interest, penalties, and other damage recovery costs from mines regulated by the department shall be credited to the surface mining reclamation account.

NEW SECTION. Sec. 33. REFUSAL TO ISSUE PERMITS. The department shall refuse to issue a reclamation permit if it is determined during the SEPA process that the impacts of a proposed surface mine cannot be adequately mitigated.

The department or county, city, or town may refuse to issue any other permit at any other location to any miner or permit holder who fails to rectify deficiencies set forth in an order of the department within the requisite time schedule. However, the department or county, city, or town shall issue all appropriate permits when all deficiencies are corrected at each surface mining site.

Sec. 34. RCW 78.44.150 and 1970 ex.s. c 64 s 16 are each amended to read as follows:

Any ~~((operator))~~ miner or permit holder conducting surface mining within the state of Washington without a valid ~~((operating))~~ reclamation permit shall be guilty of a gross misdemeanor. Surface mining outside of the permitted area shall constitute illegal mining without a valid reclamation permit. Each day of ~~((operation))~~ mining without a valid reclamation permit shall constitute a separate offense.

Sec. 35. RCW 78.44.170 and 1989 c 175 s 166 are each amended to read as follows:

Appeals from department determinations under this chapter shall be made as follows:

Appeals from department determinations made under this chapter shall be made under the provisions of the Administrative Procedure Act (chapter 34.05 RCW), and shall be considered an adjudicative proceeding within the meaning of the Administrative Procedure Act, chapter 34.05 RCW. Only a person aggrieved within the meaning of RCW 34.05.530 has standing and can file an appeal.

Sec. 36. RCW 78.44.910 and 1970 ex.s. c 64 s 22 are each amended to read as follows:

~~((This act shall not direct itself to the reclamation of land mined))~~ Miners and permit holders shall not be required to reclaim any segment where all surface mining was completed prior to January 1, 1971. However, the department shall make an effort to reclaim previously abandoned or completed surface mining segments.

NEW SECTION. Sec. 37. RECLAMATION AWARDS ESTABLISHED. The department shall create reclamation awards in recognition of excellence in reclamation or reclamation research. Such awards shall be presented to individuals, miners, operators, companies, or government agencies performing exemplary surface mining reclamation in the state of Washington. The department shall designate a percent of the state annual fees as funding of the awards.

NEW SECTION. Sec. 38. RECLAMATION SERVICE ESTABLISHED. The department may establish a no-cost consulting service within the department to assist miners, permit holders, local government, and the public in technical matters related to mine regulation, mine operations, and reclamation. The department may prepare concise, printed information for the public explaining surface mining activities, timelines for permits and reviews, laws, and the role of governmental agencies involved in surface mining, including how to contact all regulators. The department shall not be held liable for any negligent advice.

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

- (1) RCW 78.44.030 and 1987 c 258 s 1, 1984 c 215 s 1, & 1970 ex.s. c 64 s 4;
- (2) RCW 78.44.035 and 1987 c 258 s 3;
- (3) RCW 78.44.080 and 1970 ex.s. c 64 s 9;
- (4) RCW 78.44.090 and 1970 ex.s. c 64 s 10;
- (5) RCW 78.44.100 and 1984 c 215 s 3 & 1970 ex.s. c 64 s 11;
- (6) RCW 78.44.110 and 1987 c 258 s 2, 1984 c 215 s 4, & 1970 ex.s. c 64 s 12;
- (7) RCW 78.44.120 and 1984 c 215 s 5, 1977 c 66 s 1, & 1970 ex.s. c 64 s 13;
- (8) RCW 78.44.130 and 1970 ex.s. c 64 s 14;
- (9) RCW 78.44.140 and 1989 c 230 s 1, 1984 c 215 s 6, & 1970 ex.s. c 64 s 15;
- (10) RCW 78.44.160 and 1984 c 215 s 7 & 1970 ex.s. c 64 s 17; and
- (11) RCW 78.44.180 and 1970 ex.s. c 64 s 20.

NEW SECTION. Sec. 40. The code reviser may recodify, as necessary, RCW 78.44.150, 78.44.170, 78.44.175, and 78.44.910 within chapter 78.44 RCW to accomplish the reorganization of chapter 78.44 RCW as intended in this act.

NEW SECTION. Sec. 41. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 42. Sections 4, 5, 10 through 15, 18 through 33, 37, and 38 of this act are each added to chapter 78.44 RCW.

NEW SECTION. Sec. 43. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 44. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTION

On motion of Senator Sutherland, the following amendment by Senators Sutherland and Drew to the striking amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen was adopted:

On page 6, line 11 of the amendment, after "reclamation" insert "except that, by contractual agreement, the department may delegate some or all of its enforcement authority to a county, city, or town"

MOTION

Senator Fraser moved that the following amendments to the striking amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen be considered simultaneously and be adopted:

On page 12, beginning on line 1 of the amendment, strike all of subsection (7)

Correct any internal references accordingly.

On page 12, after line 3 of the amendment, insert the following:

"NEW SECTION. Sec. 15. Mining of minerals on federal land is exempt from this chapter provided that such mining substantially meets or exceeds the provisions of this chapter that are not preempted by federal law."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 12, beginning on line 1, and page 12 after line 3, to the striking amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen to Second Substitute Senate Bill No. 5502.

The motion by Senator Fraser failed and the amendments to the striking amendment to Second Substitute Senate Bill No. 5502 were not adopted.

MOTION

Senator Sutherland moved that the following amendment to the striking amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen be adopted:

On page 13, after line 26 of the amendment, insert the following:

"Notwithstanding any other provision of this section, nothing shall preclude the department of ecology from requiring a separate performance security for metallic minerals or uranium surface mines under any authority if any that may be presently vested in the department of ecology relating to such mines."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 13, after line 26, to the striking amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen to Second Substitute Senate Bill No. 5502.

The motion by Senator Sutherland carried and the amendment to the striking amendment to Second Substitute Senate Bill No. 5502 was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen, as amended, to Second Substitute Senate Bill No. 5502.

Debate ensued.

The striking amendment by Senators Sutherland, Hargrove, McCaslin, Spanel, Barr, Amondson and Owen, as amended, to Second Substitute Senate Bill No. 5502 was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On page 1, line 2 of the title, after "mining;" strike the remainder of the title and insert "amending RCW 78.44.010, 78.44.020, 78.44.040, 78.44.050, 78.44.060, 78.44.070, 78.44.150, 78.44.170, and 78.44.910; adding a new section to chapter 36.70A RCW; adding new sections to chapter 78.44 RCW; creating new sections; recodifying RCW 78.44.150, 78.44.170, 78.44.175, and 78.44.910; repealing RCW 78.44.030, 78.44.035, 78.44.080, 78.44.090, 78.44.100, 78.44.110, 78.44.120, 78.44.130, 78.44.140, 78.44.160, and 78.44.180; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Owen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5502.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams and Winsley - 40.

Voting nay: Senators Haugen, Quigley, Snyder, Spanel and Wojahn - 5.

Absent: Senators Bauer and Niemi - 2.

Excused: Senators Cantu and McCaslin - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:45 p.m., on motion of Senator Jesernig, the Senate recessed until 7:45 p.m.

The Senate was called to order at 8:00 p.m. by President Pritchard.

MOTION

On motion of Senator Spanel, Senators Owen and Talmadge were excused.

SECOND READING

SENATE BILL NO. 5966, by Senators Rinehart, Haugen and M. Rasmussen (by request of Department of Veterans Affairs)

Concerning the state veterans' homes.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5966 was substituted for Senate Bill No. 5966 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the rules were suspended, Substitute Senate Bill No. 5966 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5966.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5966 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognilid, von Reichbauer, West, Williams and Wojahn - 36.

Voting nay: Senators Anderson, Hochstatter, Newhouse, Oke, Prince, Roach, Sellar, Smith, L. and Winsley - 9.

Excused: Senators Cantu, McCaslin, Owen and Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5966, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5984, by Senators Sheldon and Rinehart

Using the business enterprises revolving account.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5984.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Pelz - 1.

Excused: Senators Cantu, McCaslin, Owen and Talmadge - 4.

SENATE BILL NO. 5984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5605, by Senators Fraser, Prentice and Prince

Funding roadside improvements.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5605 was substituted for Senate Bill No. 5605 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

On page 2, beginning on line 31, strike all of section 3

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "amending" strike "RCW 47.36.310 and 47.42.120" and insert "RCW 47.36.310"

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 5605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Oke, Senators Anderson and West were excused.

On motion of Senator Spanel, Senator Pelz was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5605.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5605 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Barr, Hochstatter, Nelson, Newhouse and Smith, L. - 5.

Excused: Senators Anderson, Cantu, McCaslin, Owen, Pelz, Talmadge and West - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2036, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Locke and Johanson)

Providing multimodal transportation funding.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 2, beginning on line 30, strike all material through line 37.

On page 5, line 30, after "transportation account;" insert "and the"

On page 5, line 32, after "competitive" strike "; and the multimodal account"

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2036, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2036, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2036, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 42.

Excused: Senators Anderson, Cantu, McCaslin, Owen, Pelz, Talmadge and West - 7.

SUBSTITUTE HOUSE BILL NO. 2036, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1907, by House Committee on Transportation (originally sponsored by Representatives Wineberry, Jones and Lemmon)

Penalizing carriers that exceed estimates for moving household goods.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:
On page 1, line 10, after "commission." strike the remainder of the section.

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1907, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1907, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1907, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 42.

Excused: Senators Anderson, Cantu, McCaslin, Owen, Pelz, Talmadge and West - 7.

SUBSTITUTE HOUSE BILL NO. 1907, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1128, by House Committee on Revenue (originally sponsored by Representatives G. Fisher, Holm, Silver, Vance, Edmondson, Heavey, Foreman, Ballard, Brough, Long, Miller and Brumsickle) (by request of Washington State Patrol)

Funding blood and breath alcohol testing programs.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Ways and Means amendment was adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.515 and 1985 c 352 s 1 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than two hundred fifty dollars and not more than one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under

the administrative procedure act, chapter 34.05 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than five hundred dollars and not more than two thousand dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment ((facility)) program or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

(5)(a) In addition to penalties set forth in this section, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(6) The fee assessed under subsection (5) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.62.020, 3.62.040, or 10.82.040.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

NEW SECTION. Sec. 2. The Washington state patrol in conjunction with the traffic safety commission shall use a small percentage of the revenues generated under the 1993 amendments to RCW 46.61.515 contained in section 1, chapter ..., Laws of 1993 (section 1 of this act), to perform a study to determine a mechanism for evaluating the best practice for increasing the conviction rate for persons driving under the influence of alcohol or drugs. The study must be completed and a report made to the appropriate committees of the legislature by June 30, 1995.

NEW SECTION. Sec. 3. The 1993 amendments to section 1 of this act expire June 30, 1995.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "testing;" strike the remainder of the title and insert "amending RCW 46.61.515; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1128, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1128, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1128, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 41.

Voting nay: Senator Amondson - 1.

Excused: Senators Anderson, Cantu, McCaslin, Owen, Pelz, Talmadge and West - 7.

SUBSTITUTE HOUSE BILL NO. 1128, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Rust, Pruitt and Sheldon) (by request of Department of Ecology)

Establishing fees for certain water rights.

The bill was read the second time.

MOTIONS

Senator Rinehart moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a water right confers significant economic benefits to the water right holder. The fees associated with acquiring a water right have not changed significantly since 1917. Water rights applicants pay less

than two percent of the costs of the administration of the water rights program. The legislature finds that, since water rights are of significant value, water rights applicants should contribute more to the cost of administration of the water rights program.

The legislature also finds that an abrupt increase in water rights fees could be disruptive to water rights holders and applicants. The legislature further finds that water rights applicants have a right to know that the water rights program is being administered efficiently and that the fees charged for various services relate directly to the cost of providing those services.

Therefore, the legislature creates a task force to review the water rights program, to make recommendations for streamlining the application process and increasing the overall efficiency and accountability of the administration of the program, and to return to the legislature with a proposal for a fee schedule where the fee levels relate clearly to the cost of services provided.

Sec. 2. RCW 90.03.470 and 1987 c 109 s 98 are each amended to read as follows:

Except as otherwise provided in subsection (15) of this section, the following fees shall be collected by the department in advance:

(1) For the examination of an application for permit to appropriate water or on application to change point of diversion, withdrawal, purpose or place of use, a minimum of ten dollars, to be paid with the application. For each second foot between one and five hundred second feet, two dollars per second foot; for each second foot between five hundred and two thousand second feet, fifty cents per second foot; and for each second foot in excess thereof, twenty cents per second foot. For each acre foot of storage up to and including one hundred thousand acre feet, one cent per acre foot, and for each acre foot in excess thereof, one-fifth cent per acre foot. The ten dollar fee payable with the application shall be a credit to that amount whenever the fee for direct diversion or storage totals more than ten dollars under the above schedule and in such case the further fee due shall be the total computed amount less ten dollars.

Within five days from receipt of an application the department shall notify the applicant by registered mail of any additional fees due under the above schedule and any additional fees shall be paid to and received by the department within thirty days from the date of filing the application, or the application shall be rejected.

(2) For filing and recording a permit to appropriate water for irrigation purposes, forty cents per acre for each acre to be irrigated up to and including one hundred acres, and twenty cents per acre for each acre in excess of one hundred acres up to and including one thousand acres, and ten cents for each acre in excess of one thousand acres; and also twenty cents for each theoretical horsepower up to and including one thousand horsepower, and four cents for each theoretical horsepower in excess of one thousand horsepower, but in no instance shall the minimum fee for filing and recording a permit to appropriate water be less than five dollars. For all other beneficial purposes the fee shall be twice the amount of the examination fee except that for individual household and domestic use, which may include water for irrigation of a family garden, the fee shall be five dollars.

(3) For filing and recording any other water right instrument, four dollars for the first hundred words and forty cents for each additional hundred words or fraction thereof.

(4) For making a copy of any document recorded or filed in his office, forty cents for each hundred words or fraction thereof, but when the amount exceeds twenty dollars, only the actual cost in excess of that amount shall be charged.

(5) For certifying to copies, documents, records or maps, two dollars for each certification.

(6) For blueprint copies of a map or drawing, or, for such other work of a similar nature as may be required of the department, at actual cost of the work.

(7) For granting each extension of time for beginning construction work under a permit to appropriate water, an amount equal to one-half of the filing and recording fee, except that the minimum fee shall be not less than five dollars for each year that an extension is granted, and for granting an extension of time for completion of construction work or for completing application of water to a beneficial use, five dollars for each year that an extension is granted.

(8) For the inspection of any hydraulic works to insure safety to life and property, the actual cost of the inspection, including the expense incident thereto.

(9) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ten dollars, or the actual cost.

(10) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of five dollars.

(11) For preparing and issuing all water right certificates, five dollars.

(12) For filing and recording a protest against granting any application, two dollars.

(13) The department shall provide timely notification by certified mail with return receipt requested to applicants that fees are due. No action may be taken until the fee is paid in full. Failure to remit fees within sixty days of the department's notification shall be grounds for rejecting the application or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

(14) For purposes of calculating fees for ground water filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

(15) For the period beginning July 1, 1993, and ending June 30, 1994, there is imposed and the department shall collect a fifty dollar surcharge on all water rights applications or changes filed under this section, and upon all water rights applications or changes pending as of July 1, 1993. This charge shall be in addition to any other fees imposed under this section.

NEW SECTION. Sec. 3. (1) There is created a water rights fees task force. The task force shall be comprised of fourteen members, who are appointed as follows:

(a) Two members of the Washington state house of representatives, one from each major caucus, to be appointed by the speaker of the house of representatives;

(b) Two members of the Washington state senate, one from each major caucus, to be appointed by the president of the senate;

(c) Ten members, to be appointed jointly by the speaker of the house of representatives and the president of the senate, to represent the following interests: Agriculture, aquaculture, business, cities, counties, the state department of ecology, environmentalists, water recreation interests, water utilities, and hydropower interests. The task force may establish technical advisory committees as necessary to complete its tasks.

(2) The task force shall conduct a comprehensive review of water rights fees. The task force's tasks shall include but not be limited to:

(a) Identification of the costs associated with the various activities and services provided by the water rights program and examination of how these costs compare with the fees charged for these activities and services;

(b) Identification of appropriate accountability measures for the department of ecology to employ in administration of the water rights program. Recommendations of accountability requirements and measurements shall take into account the distinctive characteristics of the water rights program, that is, that the department receives a large number of applications on a one-time basis and that the department of ecology must meet its legal obligations under the doctrine of prior appropriation;

(c) Identification of which program activities should be eligible for cost recovery from fees, as well as which direct and indirect costs of program administration;

(d) Review of the application, examination, and water rights permit requirements for marine water users to determine if these users should receive special fee consideration;

(e) Review of the definition and treatment of nonconsumptive water uses to determine if special fee consideration should be given to these users;

(f) Review of the fees and accounting methods for the dam safety program;

(g) Identification of the appropriate distribution of responsibility between the applicant and the department of ecology for provision of technical information and analysis; and

(h) Establishment of a reasonable time framework for completion of new and pending water rights applications, and an analysis of the staff and funding levels required to meet the established time framework.

(3) Before December 1, 1993, the task force shall:

(a) Provide recommendations to the department of ecology on ways to improve the efficiency and accountability of the water rights program;

(b) Provide recommendations to the legislature on statutory changes necessary to make these efficiency and accountability improvements; and

(c) Propose a new fee schedule for the water rights program which incorporates the results of the task force's work and which funds through fees fifty percent of the cost of the activities and services provided by the program.

(4) The department of ecology and the legislature shall jointly provide for the staff support of the task force.

(5) The task force shall convene as soon as possible upon the appointment of its members. Task force members shall elect a chair and adopt rules for conducting the business of the task force. The task force shall expire on June 30, 1994.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator McDonald moved that the following amendments by Senators McDonald, Rasmussen, Barr, Sutherland, Sellar and Rinehart to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 5, after line 21 of the amendment, insert the following:

"NEW SECTION. Sec. 4. The legislature finds that there is a significant number of high-value orchard and vineyard crops that can be grown utilizing highly water-efficient trickle irrigation systems. The legislature finds that over a period of several years, existing orchard plantings will be revitalized and replaced with new plantings, and that additional orchards will be planted which provide opportunities for improved water efficiency.

The legislature finds that significant water savings could be realized through the installation of trickle irrigation systems where climatically and economically suitable. The legislature also finds that positive economic incentives, establishment of necessary legal procedures, and removal of legal barriers are needed to stimulate the development of workable technologies and farming systems that rely on lesser quantities of water.

The purpose of this act is to stimulate the use of trickle irrigation systems by allowing the saved water to be voluntarily transferred by the water right holder to other uses. Additionally, the purpose is to establish incentives through enabling self-funded, private capital or public funds to provide improved market-based incentives for adopting water saving technologies and to allow the benefits of the conserved water to be fully realized. It is the intent of this act that sufficient protections be provided to assure that existing water users are not adversely affected by transfers approved under sections 5 through 12 of this act.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Contract" means a written legal instrument that provides for the transfer of a portion of a water right from an existing water right holder to another person for consideration.

(2) "Department" means the department of ecology.

(3) "Net water savings" has the same meaning as defined in RCW 90.42.020.

(4) "Person" means a person, corporation, quasi-municipal corporation, municipal corporation, state, or federal agency.

(5) "Reduction in evaporative loss" means the amount of water that was needed to grow an orchard or other crops using conventional irrigation systems minus the quantity of water needed to grow the crops with the use of a trickle irrigation system. "Reduction in evaporative loss" includes the reduction in the amount of water used through transpiration by nonproductive plants such as cover crops.

(6) "Trickle irrigation system" means those types of systems which qualify, as determined by the department, that apply water at the base of a plant producing food or fiber with minimal evaporation, or transpiration loss to nonproductive vegetation.

(7) "Trust water right" means a water right transferred to and managed by the department for the benefit of instream flows or for the allocation to new uses as provided in chapter 90.38 or 90.42 RCW.

NEW SECTION. Sec. 6. A person holding a valid water right may enter into a contract with another person for the transfer of water saved through installation of a qualifying trickle irrigation system. In determining the amount that is transferrable, the department shall allow the transfer of an amount equal to the reduction in the evaporative loss. The reduction in evaporative loss is a readily transferrable component of net water savings.

In addition, the department shall evaluate whether there are additional net water savings as defined in RCW 90.42.020 that could be transferred to the purchaser without detriment to other existing water users. The department may not delay because of decisions on the determination of additional net water savings the approval of the transfer of the water that constitutes the reduction in evaporative loss.

A person wishing to make application for a transfer of a water right under this chapter shall comply with RCW 90.03.380. A contract may allow for a permanent transfer of a portion of the original water right, or for lease agreements with set expiration dates. The applicant shall state that the contract is not permanent in the application if the contract is not permanent.

The transferred portion has the same date of priority as the water right from which it originated, but between them the transferred portion of the right is inferior in priority unless otherwise provided by the parties in the contract.

The department shall maintain a record of contracts with the certificate of water right for the transferred water.

NEW SECTION. Sec. 7. The department shall adopt rules, in accordance with chapter 34.05 RCW and by July 1, 1994, for procedures to be used to facilitate the processing of requests for water right transfers made under this chapter and to establish a streamlined procedure to quantify the reduction in the evaporative loss. In developing streamlined procedures, the department may use data from the United States soil conservation service or the Washington state cooperative extension service to base calculations of reduction in evaporative loss in various regions of the state.

The rules may establish procedures for the department to make preliminary findings that can be used as an initial basis for developing contracts by applicants.

NEW SECTION. Sec. 8. An applicant shall accompany an application for a water right transfer under this chapter with a fee of six hundred twenty-five dollars.

NEW SECTION. Sec. 9. In processing applications for transfers of portions of water rights under this chapter, if the department is unable to conclusively determine the validity of the original water right, the department may include a presumption of validity in the certificate of water rights. The presumption must provide to the contract purchaser the same right to the use of water as the holder of the original water right.

The presumption of validity may not be used as evidence as to the existence or nonexistence in a water right adjudication conducted under chapter 90.03 RCW.

NEW SECTION. Sec. 10. A holder of a water right may voluntarily enter into a contract with the department. The department may utilize funds available from chapter 43.99E RCW to purchase water savings made available under this chapter. The department shall utilize the same methods of calculating water that is transferrable to another party under this chapter in determining the amount of water that is transferrable to the state. If additional net water saved is available for the benefit of only a stream segment, the calculations may be made on a case-by-case basis while assuring no detriment to existing water users occurs.

NEW SECTION. Sec. 11. A holder of a valid water right who installs a trickle irrigation system may apply for a transfer of the reduction in evaporative loss, plus any additional net water savings, for the irrigation of an additional parcel of previously unirrigated land, to land with less senior water rights, or that lacks a full and sufficient supply. The application must be processed based upon the same criteria as if the transfer were to be made to another person.

NEW SECTION. Sec. 12. This chapter may be known and cited as the agricultural water conservation incentives act.

NEW SECTION. Sec. 13. Sections 5 through 12 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 14. If specific funding for the purposes of sections 5 through 12 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 5 through 12 of this act shall be null and void."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, line 22 of the amendment, after "Sec. 4." strike "This act is" and insert "Sections 1 through 3 of this act are"
Debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator McDonald, is this identical to the bill that passed out of the Ways and Means committee?"

Senator McDonald: "It is, Senator Rinehart."

Senator Rinehart: "And the fee requirement in the bill that was passed out of Ways and Means was--"

Senator McDonald: It is on page three, line nineteen, Section 8, which is six hundred and twenty-five dollars."

Senator Rinehart: "This is a six hundred and twenty-five dollar fee?"

Senator McDonald: "Yes."

Senator Rinehart: "This is something that couldn't be salvaged by the four hundred and eighty-four million dollar proposal to make--"

Senator McDonald: "It could only get out of your committee with a six hundred and twenty-five dollar fee, Senator Rinehart."

Senator Rinehart: "Just checking, Senator McDonald."

The President declared the question before the Senate to be the adoption of the amendments by Senators McDonald, Rasmussen, Barr, Sutherland, Sellar and Rinehart on page 5, after line 21, and page 5, line 22, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1236.

The amendments by Senators McDonald, Rasmussen, Barr, Sutherland, Sellar and Rinehart on page 5, after line 21, and page 5, line 22, to the Committee on Ways and Means striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1236.

The Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1236 was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "approvals;" strike the remainder of the title and insert "amending RCW 90.03.470; creating new sections; and declaring an emergency."

On page 6, line 2 of the title amendment, after "90.03.470;" insert "adding a new chapter to Title 90 RCW;"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1236, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1236, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1236, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 4; Absent, 0; Excused, 7.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Nelson, Newhouse and Smith, L. - 4.

Excused: Senators Anderson, Cantu, McCaslin, Owen, Pelz, Talmadge and West - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:44 p.m., on motion of Senator Jesernig, the Senate adjourned until 8:30 a.m., Thursday, April 15, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-FOURTH DAY, APRIL 14, 1993

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

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 15, 1993

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Cantu, Deccio, Hargrove, Moyer, Niemi, Prince, Rinehart and Talmadge. On motion of Senator Oke, Senators Amondson, Cantu, Deccio, Moyer and Prince were excused. On motion of Senator Spanel, Senators Niemi and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dulcie Campbell and Emily Rogers, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5309,
SUBSTITUTE SENATE BILL NO. 5310, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5309,
SUBSTITUTE SENATE BILL NO. 5310.

STATEMENT FOR THE JOURNAL

Due to work in the conference committee on health care reform, I missed the votes on the following bills: House Bill No. 1344; Substitute House Bill No. 1926; House Bill No. 1923; Substitute House Bill No. 1156; Substitute House Bill No. 1103; Substitute House Concurrent Resolution No. 4408; House Bill No. 1227; Engrossed Substitute House Bill No. 1496, as amended by the Senate; Substitute House Bill No. 1006, as amended by the Senate; Engrossed Substitute House Bill No. 1820; House Bill No. 1168, as amended by the Senate; Engrossed Substitute House Bill No. 1760; House Bill No. 1713; House Bill No. 1328; Substitute House Bill No. 1733, as amended by the Senate; Engrossed Substitute House Bill No. 1127; House Bill No. 1773; House Bill No. 1689, as amended by the Senate; House Bill No. 1244; Substitute House Bill No. 1566, as amended by the Senate; Substitute House Bill No. 1915; Substitute House Bill No. 1497; House Joint Resolution No. 4201; House Joint Memorial No. 4008; and Substitute House Bill No. 1129, as amended by the Senate.

I would have voted 'yes' on all the measures.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

HOUSE BILL NO. 1344, by Representative Jones

Altering vehicle axle restrictions.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1344.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1344 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Absent: Senators Hargrove and Rinehart - 2.

Excused: Senators Amondson, Cantu, Deccio, Moyer, Niemi, Prince and Talmadge - 7.

HOUSE BILL NO. 1344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1926, by House Committee on State Government (originally sponsored by Representatives Anderson and Reams)

Regulating the sale and distribution of state publications.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1926 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1926.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1926 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Rinehart - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

HOUSE BILL NO. 1923, by Representatives Veloria, Wood, Jacobsen, Ogden and J. Kohl

Modifying provisions relating to the advisory council on historic preservation.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1923 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1923.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1923 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Moyer, Niemi, Rinehart and Talmadge - 5.

HOUSE BILL NO. 1923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:55 a.m., on motion of Senator Jesernig, the Senate recessed until 10:00 a.m.

The Senate was called to order at 11:15 a.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senator Sellar was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Chappell, Chandler and Rayburn) (by request of Department of Agriculture)

Modifying the regulation of fertilizer.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 1622 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1622.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1622 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Cantu and Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1727, by House Committee on Corrections (originally sponsored by Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson) (by request of Department of Corrections)

Providing a procedure for releasing alien offenders for the purpose of deportation.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) Subject to the limitations of this section, any alien offender committed to the custody of the department under the sentencing reform act of 1981, chapter 9.94A RCW, who has been found by the United States attorney general to be subject to a final order of deportation or exclusion, may be placed on conditional release status and released to the immigration and naturalization service for deportation at any time prior to the expiration of the offender's term of confinement. Conditional release shall continue until the expiration of the statutory maximum sentence provided by law for the crime or crimes of which the offender was convicted. If the offender has multiple current convictions, the statutory maximum sentence allowed by law for each crime shall run concurrently.

(2) No offender may be released under this section unless the secretary or the secretary's designee find that such release is in the best interests of the state of Washington. Further, releases under this section may occur only with the approval of the sentencing court and the prosecuting attorney of the county of conviction.

(3) No offender may be released under this section who is serving a sentence for a violent offense or sex offense, as defined in RCW 9.94A.030, or any other offense that is a crime against a person.

(4) The unserved portion of the term of confinement of any offender released under this section shall be tolled at the time the offender is released to the immigration and naturalization service for deportation. Upon the release of an offender to the immigration and naturalization service, the department shall issue a warrant for the offender's arrest within the United States. This warrant shall remain in effect until the expiration of the offender's conditional release.

(5) Upon arrest of an offender, the department shall seek extradition as necessary and the offender shall be returned to the department for completion of the unserved portion of the offender's term of total confinement. The offender shall also be required to fully comply with all the terms and conditions of the sentence.

(6) Alien offenders released to the immigration and naturalization service for deportation under this section are not thereby relieved of their obligation to pay restitution or other legal financial obligations ordered by the sentencing court.

(7) Any offender released pursuant to this section who returns illegally to the United States may not thereafter be released again pursuant to this section.

(8) The secretary is authorized to take all reasonable actions to implement this section and shall assist federal authorities in prosecuting alien offenders who may illegally reenter the United States and enter the state of Washington."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "adding a new section to chapter 9.94A RCW; and prescribing penalties."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1727, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1727, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1727, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogtild, Williams and Wojahn - 36.

Voting nay: Senators Amondson, Barr, Erwin, Hochstatter, Jesernig, McDonald, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 12.

Excused: Senator Cantu - 1.

SUBSTITUTE HOUSE BILL NO. 1727, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1479, by Representatives G. Fisher, Foreman, Wang and Anderson (by request of Department of Revenue)

Modifying the uniform unclaimed property act.

The bill was read the second time.

MOTIONS

Senator Rinehart moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 29, after "tickets," insert "~~unredeemed Washington state lottery tickets,~~"

On page 4, beginning on line 7, after "exception of" strike "unredeemed Washington state lottery tickets and" and insert "~~((unredeemed Washington state lottery tickets and))"~~

On page 12, after line 16, insert the following:

"Sec. 11. RCW 67.70.190 and 1988 c 289 s 802 are each amended to read as follows:

~~((1)) Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, ((the prize shall be retained in the state lottery fund for further use as prizes, except as provided in subsection (2) of this section, and all rights to the prize shall be extinguished.~~

~~(2) During the fiscal year ending June 30, 1989, moneys from unclaimed prizes shall be used as follows:~~

~~(a) Fifty percent of the moneys, not exceeding one million dollars, shall be deposited quarterly in the general fund.~~

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~~(b) The remainder of the moneys shall be retained in the state lottery account for further use as prizes))~~ the prize shall be presumed abandoned and reported and remitted to the department of revenue under chapter 63.29 RCW.

"NEW SECTION. Sec. 12. A new section is added to chapter 63.29 RCW to read as follows:

Unredeemed Washington state lottery tickets shall be presumed abandoned if the prizes or tickets remain unclaimed one hundred eighty days after the prize or ticket became payable or distributable."

Senator Nelson moved that the following amendment by Senators Nelson, Erwin, Oke, Moyer, McDonald, Roach and von Reichbauer to the amendment on page 12, after line 16, by Senator Rinehart be adopted:

On page 1, line 29 of the amendment by Senator Rinehart on page 12, after line 16, after "abandoned" strike "and reported and remitted to the department of revenue under chapter 63.29 RCW" and insert "remitted to the common school construction fund"

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Nelson, Erwin, Oke, Moyer, McDonald, Roach and von Reichbauer on page 1, after line 29, to the amendment by Senator Rinehart on page 12, after line 16, to House Bill No. 1479.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Hargrove, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senator Cantu - 1.

The President declared the question before the Senate to be the adoption of the amendments by Senator Rinehart on page 2, line 29; page 4, beginning on line 7; and page 12, after line 16, to House Bill No. 1479.

The motion by Senator Rinehart carried and the amendments on page 2, line 29; page 4, beginning on line 7; and page 12, after line 16, to House Bill No. 1479 were adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "act;" strike "and" and on line 3, after "63.29.180," strike "and 63.29.220" and insert "63.29.220, and 67.70.190; and adding a new section to chapter 63.29 RCW"

On motion of Senator Rinehart, the rules were suspended, House Bill No. 1479, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1479, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1479, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Deccio, McCaslin, Nelson and West - 4.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 1479, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8632

By Senators Spanel and Haugen

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and
WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and
WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and
WHEREAS, This year's tenth annual event will run from April 2 through April 18, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, and Mount Vernon; and
WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing to the economy of the Skagit Valley; and
WHEREAS, This year's visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and
WHEREAS, Highlights of the event include the Mount Vernon Street Fair, a Sousa concert, an International Volkswalk, the Tulip Pedal bicycle ride, the Paccar Open House, a 10K Slug Run, and the Great Skagit Duck Race;
NOW, THEREFORE, BE IT RESOLVED, That the Senate salute the five communities of the Skagit Valley and their chambers of commerce for their Skagit Valley Tulip Festival; and
BE IT FURTHER RESOLVED, That we commend the community leaders and corporate sponsors responsible for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and
BE IT FURTHER RESOLVED, That the Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, April 2 through 18, 1993.

Senators Spanel, Haugen and McDonald spoke to Senate Resolution 1993-8632.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Skagit Valley Tulip Festival 'Tulip Girls,' Kecia Doolittle, in the age five to seven age group, and Gail Varney, in the eight to ten age group, who were seated in the gallery.

MOTION

On motion of Senator Jesernig, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1370, by House Committee on Commerce and Labor (originally sponsored by Representatives Ludwig, Heavey, Orr, Bray, Veloria, King and G. Cole)

Restricting bid shopping.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Moore, in this measure, it requires the contractor, at the time the bid is made, to submit the names of all the subcontractors that are going to be doing--as I understand it--greater than ten percent of the total bid of the contractor to fulfill the bid. Is that correct?"

Senator Moore: "That is absolutely right."

Senator Nelson: "It is just not ten percent of a portion of the bid?"

Senator Moore: "No, it is ten percent of the total. If the bid is one hundred thousand, anybody that does ten thousand or more falls in this bracket."

Senator Nelson: "OK, thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1370.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1370 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Barr, Bluechel, McCaslin, Nelson, Newhouse, Oke, Roach and Sellar - 9.

Excused: Senator Cantu - 1.

SUBSTITUTE HOUSE BILL NO. 1370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1318, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Pruitt, Ballard, Morton, Sheldon, Wolfe, Schoesler, R. Johnson and Jones)

Changing boating safety provisions.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the boating safety laws administered by the state parks and recreation commission provide Washington's citizens with clear and reasonable boating safety regulations and penalties. Therefore, the legislature intends to recodify, clarify, and partially decriminalize the state-wide boating safety laws in order to help the boating community understand and comply with these laws.

It is also the intent of the legislature to increase boat registration fees in order to provide additional funds to local governments for boating safety enforcement and education programs. The funds are to be used for enforcement, education, training, and equipment, including vessel noise measurement equipment. The legislature encourages programs that provide boating safety education in the primary and secondary school system for boat users and potential future boat users. The legislature also encourages boating safety programs that use volunteer and private sector efforts to enhance boating safety and education.

Sec. 2. RCW 7.84.010 and 1987 c 380 s 1 are each amended to read as follows:

The legislature declares that decriminalizing certain offenses contained in Titles 75, 76, 77, and 79 RCW and chapters 43.30 ~~((and))~~, 43.51, and 88.12 RCW and any rules adopted pursuant to those titles and chapters would promote the more efficient administration of those titles and chapters. The purpose of this chapter is to provide a just, uniform, and efficient procedure for adjudicating those violations which, in any of these titles and chapters or rules adopted under these chapters or titles, are declared not to be criminal offenses. The legislature respectfully requests the supreme court to prescribe any rules of procedure necessary to implement this chapter.

Sec. 3. RCW 7.84.020 and 1987 c 380 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Infraction" means an offense which, by the terms of Title 75, 76, 77, or 79 RCW or chapter 43.30 ~~((or))~~, 43.51, or 88.12 RCW and rules adopted under these titles and chapters, is declared not to be a criminal offense and is subject to the provisions of this chapter.

Sec. 4. RCW 88.02.110 and 1987 c 149 s 13 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a violation of this chapter ~~((, RCW 43.51.400,))~~ and the rules adopted by the department ~~((and the state parks and recreation commission))~~ pursuant to these statutes is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be credited to the current expense fund of the arresting jurisdiction.

(3) All law enforcement officers shall have the authority to enforce this chapter (~~(, RCW 43.51.400)~~), and the rules adopted by the department (~~(and the state parks and recreation commission)~~) pursuant to these statutes within their respective jurisdictions: PROVIDED, That a city, town, or county may contract with a fire protection district for such enforcement and fire protection districts are authorized to engage in such activities.

Sec. 5. RCW 88.12.010 and 1933 c 72 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Boat wastes" includes, but is not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.

(2) "Boater" means any person on a vessel on waters of the state of Washington.

(3) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

(4) "Commission" means the state parks and recreation commission.

(5) "Darkness" ((is herein defined to be)) means that period between ((one-half hour after)) sunset and ((one-half hour before)) sunrise.

(("Waters", as used herein, are defined as any lake, pond or other body of water.))

(6) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(7) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(8) "Motor driven boats and vessels" ((are defined herein as)) means all boats and vessels which are self propelled.

(9) "Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

(10) "Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

(11) "Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

(12) "Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.

(13) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(14) "Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.

(15) "Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(16) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(17) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(18) "Reckless" or "recklessly" means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

(19) "Sewage pumpout or dump unit" means:

(a) A receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container; and

(b) A stationary or portable mechanical device on land, a dock, pier, float, barge, vessel, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(20) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

(21) "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

(22) "Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

(23) "Waters of the state" means any waters within the territorial limits of Washington state.

(24) "Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as listed in RCW 88.12.300.

NEW SECTION. Sec. 6. A new section is added to chapter 88.12 RCW to read as follows:

(1) It is a misdemeanor, punishable under RCW 9.92.030, for any person to commit a violation designated as an infraction under this chapter, if during a period of three hundred sixty-five days the person has previously committed two infractions for violating the same provision under this chapter and if the violation is also committed during such period and is of the same provision as the previous violations.

(2) A violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

Sec. 7. RCW 88.12.020 and 1933 c 72 s 2 are each amended to read as follows:

((Every person operating or driving a motor propelled boat or vessel on any waters in the state, shall drive the same in a careful and prudent manner at a)) A person shall not operate a vessel in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed that are no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead,

effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such waters. Except as provided in section 6 of this act, a violation of this section is an infraction under chapter 7.84 RCW.

Sec. 8. RCW 88.12.100 and 1990 c 231 s 3 and 1990 c 31 s 1 are each reenacted and amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a ~~((negligent))~~ reckless manner. ~~((For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.))~~

(2) ~~((A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while))~~ It shall be a violation for a person to operate a vessel while under the influence of intoxicating liquor or any drug. A person is considered to be under the influence of intoxicating liquor or any drug if:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) ~~((For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.~~

~~(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.~~

~~(5))~~ A violation of this section is a misdemeanor, punishable ~~((by up to ninety days in jail and by a fine of not more than one thousand dollars))~~ as provided under RCW 9.92.030. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Sec. 9. RCW 88.12.330 and 1988 c 36 s 73 are each amended to read as follows:

(1) Every ~~((peace))~~ law enforcement officer of this state and its political subdivisions has the authority to enforce this chapter. Law enforcement officers may enforce recreational boating rules adopted by the commission. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other local law enforcement entities, wildlife agents of the department of wildlife and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, ((county sheriffs, and other local law enforcement bodies, shall assist in the enforcement)) and state park rangers. In the exercise of this responsibility, all such officers may stop and board any ~~((watercraft))~~ vessel and direct it to a suitable pier or anchorage ~~((for boarding))~~ to enforce this chapter.

(2) ~~((A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.~~

~~(3))~~ This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. Sec. 10. A new section is added to chapter 88.12 RCW to read as follows:

In addition to the equipment standards prescribed under this chapter, the commission shall adopt rules specifying equipment standards for vessels. Except where the violation is classified as a misdemeanor under this chapter, violation of any equipment standard adopted by the commission is an infraction under chapter 7.84 RCW.

NEW SECTION. Sec. 11. A new section is added to chapter 88.12 RCW to read as follows:

An operator or owner who endangers a vessel, or the persons on board the vessel, by showing, masking, extinguishing, altering, or removing any light or signal or by exhibiting any false light or signal, is guilty of a misdemeanor, punishable as provided in RCW 9.92.030.

NEW SECTION. Sec. 12. A new section is added to chapter 88.12 RCW to read as follows:

(1) The commission shall adopt rules providing for its inspection and approval of the personal flotation devices that may be used to satisfy the requirements of this chapter and governing the manner in which such devices shall be used. The commission shall prescribe the different types of devices that are appropriate for the different uses, such as water skiing or operation of a personal watercraft. In adopting its rules the commission shall consider the United States coast guard rules or regulations. The commission may approve devices inspected and approved by the coast guard without conducting any inspection of the devices itself.

(2) In situations where personal flotation devices are required under provisions of this chapter, the devices shall be in good and serviceable condition and of appropriate size. If they are not, then they shall not be considered as personal flotation devices under such provisions.

NEW SECTION. Sec. 13. A new section is added to chapter 88.12 RCW to read as follows:

If an infraction is issued under this chapter because a vessel does not contain the required equipment and if the operator is not the owner of the vessel, but is operating the vessel with the express or implied permission of the owner, then either or both operator or owner may be cited for the infraction.

Sec. 14. RCW 88.12.050 and 1933 c 72 s 5 are each amended to read as follows:

~~((Every motor driven boat operating on any such waters and carrying passengers for hire or leased for hire, shall have a life preserver or life float for each passenger said boat or vessel has capacity to carry, placed or attached in such manner as to be convenient for use.))~~

(1) No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device on board for each person on the vessel. Each personal flotation device shall be in serviceable condition, of an appropriate size, and readily accessible.

(2) Except as provided in section 6 of this act, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

(3) A violation of subsection (1) of this section is a misdemeanor punishable under RCW 9.92.030, if the vessel is carrying passengers for hire.

Sec. 15. RCW 88.12.080 and 1990 c 231 s 1 are each amended to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) ~~(When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.~~

~~(a) "Operator" means the individual in physical control of a vessel. The operator of a personal watercraft shall be at least fourteen years of age.~~

~~(b) "Observer" means the individual riding in a vessel who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission.~~

~~(c) "Personal watercraft" means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.~~

~~(d) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.~~

~~(e) "Waters of Washington state" means any waters within the territorial limits of Washington state.~~

~~(3)) No vessel ((which has in tow a person or persons on water skis, or similar contrivance shall be operated)) operator may tow or attempt to tow a water skier on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches square, mounted on a pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection. Except as provided under section 6 of this act, a violation of this subsection is an infraction under chapter 7.84 RCW.~~

(3) The observer and the operator shall not be the same person. The observer shall be an individual who meets the minimum qualifications for an observer established by rules of the commission. Except as provided under section 6 of this act, a violation of this subsection is an infraction under chapter 7.84 RCW.

~~(4) No person shall engage or attempt to engage in water skiing((, or operate or ride on a personal watercraft,)) without wearing ((an adequate and effective United States coast guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit which is approved for personal flotation by the United States coast guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch which was installed by the manufacturer)) a personal flotation device. Except as provided under section 6 of this act, a violation of this subsection is an infraction under chapter 7.84 RCW.~~

~~(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise. A violation of this subsection is a misdemeanor, punishable as provided under RCW 9.92.030.~~

~~(6) ((No person shall operate a personal watercraft on the waters of Washington state during the period from sunset until sunrise.~~

~~(7)) No person engaged in water skiing((, or the operation of a personal watercraft,)) either as operator, observer, or skier, shall conduct himself or herself in a ((negligent)) reckless manner that willfully or wantonly endangers, or is likely to endanger, any person or property. A violation of this subsection is a misdemeanor as provided under RCW 9.92.030.~~

~~((8)) (7) The requirements of subsections (2), (3), (4), and (5) of this section shall not apply to persons engaged in tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.~~

~~((9) It shall be unlawful for a person to lease, hire, or rent a personal watercraft to any person who is under sixteen years of age.))~~

NEW SECTION. Sec. 16. A new section is added to chapter 88.12 RCW to read as follows:

(1) A person shall not load or permit to be loaded a vessel with passengers or cargo beyond its safe carrying ability or carry passengers or cargo in an unsafe manner taking into consideration weather and other existing operating conditions.

(2) A person shall not operate or permit to be operated a vessel equipped with a motor or other propulsion machinery of a power beyond the vessel's ability to operate safely, taking into consideration the vessel's type, use, and construction, the weather conditions, and other existing operating conditions.

(3) A violation of subsection (1) or (2) of this section is an infraction punishable as provided under chapter 7.84 RCW except as provided under section 6 of this act or where the overloading or overpowering is reasonably advisable to effect a rescue or for some similar emergency purpose.

(4) If it appears reasonably certain to any law enforcement officer that a person is operating a vessel clearly loaded or powered beyond its safe operating ability and in the judgment of that officer the operation creates an especially hazardous condition, the officer may direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on board the vessel, including directing the operator to return to shore or a mooring and to remain there until the situation creating the hazard is corrected or ended. Failure to follow the direction of an officer under this subsection is a misdemeanor punishable as provided under RCW 9.92.030.

NEW SECTION. Sec. 17. A new section is added to chapter 88.12 RCW to read as follows:

(1) A person shall not operate a personal watercraft unless each person aboard the personal watercraft is wearing a personal flotation device approved by the commission. Except as provided for in section 6 of this act, a violation of this subsection is a civil infraction punishable under RCW 7.84.100.

(2) A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch that was installed by the manufacturer.

(3) A person shall not operate a personal watercraft during darkness.

(4) A person under the age of fourteen shall not operate a personal watercraft on the waters of this state.

(5) A person shall not operate a personal watercraft in a reckless manner, including recklessly weaving through congested vessel traffic, recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision.

(6) A person shall not lease, hire, or rent a personal watercraft to a person under the age of sixteen.

(7) Subsections (1) through (6) of this section shall not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

(8) Violations of subsections (2) through (6) of this section constitute a misdemeanor under RCW 9.92.030.

Sec. 18. RCW 88.12.130 and 1984 c 183 s 1 are each amended to read as follows:

(1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. ~~((The operator shall also give his or her name, address, and the identification of the operator's vessel to the state parks and recreation commission and any person injured and to the owner of any property damaged))~~ The operator shall also give all pertinent accident information, as specified by rule by the commission, to the law enforcement agency having jurisdiction: PROVIDED, That this requirement shall not apply to operators of vessels when they are participating in an organized competitive event ~~((covered by a permit issued by the United States coast guard))~~ authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events. These duties are in addition to any duties otherwise imposed by law. Except as provided for in section 6 of this act, a violation of this subsection is a civil infraction punishable under RCW 7.84.100.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

Sec. 19. RCW 88.12.160 and Code 1881 s 3242 are each amended to read as follows:

Any person taking up any ~~((scow, boat, skiff, canoe, or other water craft,))~~ vessel found adrift, and out of the custody of the owner, in ~~((any stream or body of water, within, or bordering upon))~~ waters of this state, shall forthwith notify the owner thereof, if to him or her known, or if upon reasonable inquiry he or she can ascertain the name and residence of the owner, and request such owner to pay all reasonable charges, and take such ~~((water craft))~~ vessel away.

Sec. 20. RCW 88.12.170 and Code 1881 s 3243 are each amended to read as follows:

Such notice shall be given personally, or in writing; if in writing, it shall be served upon the owner, or may be sent by mail to the post office where such owner usually receives his or her letters. Such notice shall inform the party where the ~~((scow, boat, skiff, canoe, or other water craft))~~ vessel was taken up, and where it may be found, and what amount the taker-up or finder demands for his or her charges.

Sec. 21. RCW 88.12.180 and Code 1881 s 3244 are each amended to read as follows:

In all cases where notice is not given personally, it shall be the duty of the taker-up to post up at the post office nearest the place where such ~~((scow, boat, skiff, canoe, or other water craft))~~ vessel may be taken up, a written notice of the taking up of such ~~((water craft))~~ vessel, which shall contain a description of the same, with the name, if any is painted thereon, also the place where taken up, the place where the property may be found, and the charge for taking the same up. If the taker-up is traveling upon ~~((such stream or body of))~~ waters of the state, such notice shall be posted up at the first post office he or she shall pass after the taking up; and in all cases, he or she shall at the time when, and place where, he or she posts up such notice, also mail a copy of such notice, directed to the postmaster of each post office on ~~((said stream or body of))~~ waters of the state, and within fifty miles of the place where such ~~((water craft))~~ vessel is taken up.

Sec. 22. RCW 88.12.190 and Code 1881 s 3245 are each amended to read as follows:

Every person taking up any ~~((scow, boat, skiff, canoe, or other water craft,))~~ vessel so found adrift, and giving the notice herein required, shall be entitled to receive from the owner claiming the property, a reasonable compensation for his or her time, services, expenses, and risk in taking up said property, and take notice of the same, to be settled by agreement between the parties. In case ~~((he))~~ the person has not, within ten days after the taking up, substantially complied with the provisions of this chapter in giving the notice, ~~((he))~~ the person shall be entitled to no compensation, but he or she shall be liable to all damages the owner may have suffered, and be also liable to the owner for the value of the use of ~~((said water craft))~~ the vessel, from the time of taking it up until the same is delivered to the owner.

Sec. 23. RCW 88.12.200 and 1987 c 202 s 248 are each amended to read as follows:

In case the parties cannot agree on the amount to be paid the taker-up, or the ownership, and the sum claimed is less than one ~~((hundred))~~ thousand dollars, the owner may file a complaint, setting out the facts, and the judge, on hearing, shall decide the same with a jury, or not, and in the same manner as is provided in ordinary civil actions before a district judge. If the amount claimed by the taker-up is more than one ~~((hundred))~~ thousand dollars, the owner shall file his or her complaint in the superior court of the county where the property is, and trial shall be had as in other civil actions; but if the taker-up claims more than one ~~((hundred))~~ thousand dollars, and a less amount is awarded him or her, he or she shall be liable for all the costs in the superior court; and in all cases where the taker-up shall recover a less amount than has been tendered him or her by the owner or claimant, previous to filing his or her complaint, he or she shall pay the costs before the district judge or in the superior court: PROVIDED, That in all cases the owner, after filing his or her complaint before a district judge, shall be entitled to the possession of ~~((such water craft))~~ the vessel, upon giving bond, with security to the satisfaction of the judge, in double the amount claimed by the taker-up. When the complaint is filed in the superior court, the clerk thereof shall approve the security of the bond. The bond shall be

conditioned to pay such costs as shall be awarded to the finder or taker-up of such ~~((scow, boat, skiff, canoe, or other water craft))~~ vessel.

Sec. 24. RCW 88.12.210 and Code 1881 s 3247 are each amended to read as follows:

In case the taker-up shall use the ~~((scow, boat, skiff, canoe or other water craft))~~ vessel, more than is necessary to put it into a place of safety, he or she shall be liable to the owner for such use, and for all damage; and in case it shall suffer injury from his or her neglect to take suitable care of it, he or she shall be liable to the owner for all damage.

Sec. 25. RCW 88.12.220 and 1987 c 202 s 249 are each amended to read as follows:

In case such ~~((water craft))~~ vessel is of less value than one hundred dollars, and is not claimed within three months, the taker-up may apply to a district judge of the district where the property is, who, upon being satisfied that due notice has been given, and that the owner cannot, with reasonable diligence be found, shall order the ~~((scow, boat, skiff, canoe, or other water craft))~~ vessel to be sold, and after paying the taker-up such sum as he or she shall be entitled to, and the costs, the balance shall be paid the county treasurer as is provided in the case of the sale of estrays. In case the ~~((scow, boat, skiff, canoe, or other water craft,))~~ vessel exceeds one hundred dollars, and is not claimed within six months, application shall be made to the superior court of the county, and the same proceeding shall be thereupon had. All sales made under this section shall be conducted as sales of personal property on execution.

Sec. 26. RCW 88.12.230 and 1986 c 217 s 1 are each amended to read as follows:

The purpose of ~~((this chapter))~~ RCW 88.12.250 through 88.12.320 is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of ~~((watercraft))~~ vessels carrying passengers for hire on the whitewater rivers of this state.

NEW SECTION. Sec. 27. A new section is added to chapter 88.12 RCW to read as follows:

Except as provided in RCW 88.12.320(3), the commission of a prohibited act under RCW 88.12.250 through 88.12.320 constitutes a misdemeanor, punishable as provided under RCW 9.92.030.

Sec. 28. RCW 88.12.250 and 1986 c 217 s 3 are each amended to read as follows:

(1) No person may operate any ~~((watercraft))~~ vessel carrying passengers for hire on whitewater rivers in a manner that interferes with other ~~((watercraft))~~ vessels or with the free and proper navigation of the rivers of this state.

(2) Every operator of a ~~((watercraft))~~ vessel carrying passengers for hire on whitewater rivers shall at all times operate the ~~((watercraft))~~ vessel in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No ~~((watercraft))~~ vessel carrying passengers for hire on whitewater rivers may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the ~~((watercraft))~~ vessel and other existing operating conditions. In the case of inflatable ~~((rafts))~~ vessels, safe carrying capacity in whitewater shall be considered as less than the United States Coast Guard capacity rating for each ~~((watercraft))~~ vessel. This subsection shall not apply in cases of an unexpected emergency on the river.

(4) Individuals licensed under chapter 77.32 RCW and acting as fishing guides are exempt from section 27 of this act and RCW 88.12.260 through 88.12.320.

Sec. 29. RCW 88.12.260 and 1986 c 217 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((watercraft))~~ vessels on whitewater rivers proceeding downstream have the right of way over ~~((watercraft))~~ vessels proceeding upstream.

(2) In all cases, ~~((watercraft))~~ vessels not under power proceeding downstream on whitewater rivers have the right of way over motorized craft underway.

Sec. 30. RCW 88.12.280 and 1986 c 217 s 6 are each amended to read as follows:

(1) While carrying passengers for hire on whitewater rivers ~~((sections))~~ in this state, the operator and owner of the vessel shall:

~~((1))~~ (a) If using inflatable ~~((watercraft))~~ vessels, use only ~~((watercraft))~~ vessels with three or more separate air chambers;

~~((2))~~ (b) Ensure that all passengers and operators are wearing a securely fastened ~~((United States Coast Guard approved type III or type V life jacket in good condition))~~ personal flotation device;

~~((3))~~ (c) Ensure that each ~~((watercraft))~~ vessel has accessible a spare United States coast guard-approved type III or type V ((life jacket)) personal flotation device in good repair;

~~((4))~~ (d) Ensure that each ~~((watercraft))~~ vessel has on it a bagged throwable line with a floating line and bag;

~~((5))~~ (e) Ensure that each ~~((watercraft))~~ vessel has accessible an adequate first-aid kit;

~~((6))~~ (f) Ensure that each ~~((watercraft))~~ vessel has a spare propelling device;

~~((7))~~ (g) Ensure that a repair kit and air pump are accessible to inflatable ~~((watercraft))~~ vessel; and

~~((8))~~ (h) Ensure that equipment to prevent and treat hypothermia is accessible to all ~~((watercraft))~~ vessels on a trip.

(2) No person may operate on the whitewater rivers of this state a vessel carrying passengers for hire unless the person has successfully completed a lifesaving training course meeting standards adopted by the commission.

Sec. 31. RCW 88.12.290 and 1986 c 217 s 7 are each amended to read as follows:

(1) ~~((Watercraft))~~ Vessel operators and passengers on any trip carrying passengers for hire on whitewater rivers of the state shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any ~~((watercraft))~~ vessel carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other ~~((watercraft))~~ vessel under the supervision of the same operator or owner or being operated by a person registered under RCW 88.12.320 or an operator under the direction or control of a person registered under RCW 88.12.320.

Sec. 32. RCW 88.12.390 and 1989 c 393 s 4 are each amended to read as follows:

(1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or ~~((sewage))~~ dump ((station)) unit:

(a) The marina is located in an environmentally sensitive or polluted area; or

(b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpout~~((s))~~ or dump units within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or ~~((sewage))~~ dump ((station)) unit if there is a demonstrated need for a sewage pumpout or

((sewage)) dump ((station)) unit at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

(a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;

(b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or

(c) There is a lack of adequate sewage pumpout ((station)) or dump unit capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or ((sewage)) dump ((station)) unit based on the criteria found in subsections (1) and (2) of this section.

Sec. 33. RCW 88.12.400 and 1989 c 393 s 5 are each amended to read as follows:

(1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or ((sewage)) dump ((station)) unit under RCW 88.12.390 shall be eligible for funding support for installation of such facilities from funds specified in RCW 88.12.450. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall seek to provide the most cost-efficient and accessible facilities possible for reducing the amount of boat waste entering the state's waters. The commission shall consider providing funding support for portable pumpout facilities in this effort.

(3) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a)(i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or ((sewage)) dump ((stations)) units, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or ((sewage)) dump ((station)) unit will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or ((sewage)) dump ((station)) unit in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the ((marina or boat launch operator)) contract recipient. The sewage pumpout or ((sewage)) dump ((station must)) unit shall be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The ((marina owner)) contract recipient agrees to allow the installation, existence and use of the sewage pumpout or ((sewage)) dump ((station)) unit by granting an ((easement)) irrevocable license for a minimum of ten years at no cost ((for such purposes)) to the commission.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any ((facility)) contract recipient entering into a contract under this section must allow the boating public access to the sewage pumpout or ((sewage)) dump ((station)) unit during operating hours.

(ii) The ((applicant)) contract recipient must agree to monitor and encourage the use of the sewage pumpout or ((sewage)) dump ((station)) unit, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The ((applicant)) contract recipient must agree not to charge a fee for the use of the sewage pumpout or ((sewage)) dump ((station)) unit.

(iv) The ((applicant)) contract recipient must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout ((facility)) or dump unit by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or ((sewage)) dump ((station)) unit by the boating public shall be deemed to be included in the term "outdoor recreation" for the purposes of chapter 4.24 RCW.

Sec. 34. RCW 88.12.410 and 1989 c 393 s 6 are each amended to read as follows:

The department of ecology, in consultation with the commission, shall, for initiation of the state-wide program only, develop criteria for the design, installation, and operation of sewage pumpout and ((sewage)) dump ((stations)) units, taking into consideration the ease of access to the ((station)) unit by the boating public. The department of ecology may adopt rules to administer the provisions of this section.

Sec. 35. RCW 88.12.420 and 1989 c 393 s 7 are each amended to read as follows:

The commission shall undertake a state-wide boater environmental education program concerning the effects of boat wastes. The boater environmental education program shall provide informational materials on proper boat waste disposal methods, environmentally safe boat maintenance practices, locations of sewage pumpout and ((sewage)) dump ((stations)) units, and boat oil recycling facilities.

Sec. 36. RCW 88.12.440 and 1989 c 393 s 9 are each amended to read as follows:

The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and ((sewage)) dump ((stations)) units, the boater environmental education program, and the boating safety program. The commission shall report its findings to the legislature by December 1994.

Sec. 37. RCW 88.12.450 and 1989 c 393 s 11 are each amended to read as follows:

The amounts allocated in accordance with RCW 82.49.030(3) shall be expended upon appropriation in accordance with the following limitations:

(1) Thirty percent of the funds shall be appropriated to the interagency committee for outdoor recreation and be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be

given to critical site acquisition. The interagency committee for outdoor recreation shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or ((sewage)) dump ((stations)) units at publicly and privately owned marinas as provided for in RCW 88.12.390 and 88.12.400.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program.

Sec. 38. RCW 88.02.050 and 1989 c 17 s 1 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ((six)) ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ((six-dollar)) ten dollar and fifty cent annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 39. A new section is added to chapter 88.12 RCW to read as follows:

(1) All motor-propelled vessels shall be equipped and maintained with an effective muffler that is in good working order and in constant use. For the purpose of this section, an effective muffler or underwater exhaust system does not produce sound levels in excess of ninety decibels when subjected to a stationary sound level test that shall be prescribed by rules adopted by the commission, as of the effective date of this section, and for engines manufactured on or after January 1, 1994, a noise level of eighty-eight decibels when subjected to a stationary sound level test that shall be prescribed by rules adopted by the commission.

(2) A vessel that does not meet the requirements of subsection (1) of this section shall not be operated on the waters of this state.

(3) No person may operate a vessel on waters of the state in such a manner as to exceed a noise level of seventy-five decibels measured from any point on the shoreline of the body of water on which the vessel is being operated that shall be specified by rules adopted by the commission, as of the effective date of this section. Such measurement shall not preclude a stationary sound level test that shall be prescribed by rules adopted by the commission.

(4) This section does not apply to: (a) A vessel tuning up, testing for, or participating in official trials for speed records or a sanctioned race conducted pursuant to a permit issued by an appropriate governmental agency; or (b) a vessel being operated by a vessel or marine engine manufacturer for the purpose of testing or development. Nothing in this subsection prevents local governments from adopting ordinances to control the frequency, duration, and location of vessel testing, tune-up, and racing.

(5) Any officer authorized to enforce this section who has reason to believe that a vessel is not in compliance with the noise levels established in this section may direct the operator of the vessel to submit the vessel to an on-site test to measure noise level, with the officer on board if the officer chooses, and the operator shall comply with such request. If the vessel exceeds the decibel levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation.

(6) Any officer who conducts vessel sound level tests as provided in this section shall be qualified in vessel noise testing. Qualifications shall include but may not be limited to the ability to select the appropriate measurement site and the calibration and use of noise testing equipment.

(7) A person shall not remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this chapter.

(8) A person shall not manufacture, sell, or offer for sale any vessel that is not equipped with a muffler or muffler system that does not comply with this chapter. This subsection shall not apply to power vessels designed, manufactured, and sold for the sole purpose of competing in racing events and for no other purpose. Any such exemption or exception shall be documented in any and every sale agreement and shall be formally acknowledged by signature on the part of both the buyer and the seller. Copies of the agreement shall be maintained by both parties. A copy shall be kept on board whenever the vessel is operated.

(9) Except as provided in section 6 of this act, a violation of this section is an infraction under chapter 7.84 RCW.

(10) Vessels that are equipped with an engine modified to increase performance beyond the engine manufacturer's stock configuration shall have an exhaust system that complies with the standards in this section after January 1, 1994. Until that date,

operators or owners, or both, of such vessels with engines that are out of compliance shall be issued a warning and be given educational materials about types of muffling systems available to muffle noise from such high performance engines.

(11) Nothing in this section preempts a local government from exercising any power that it possesses under the laws or Constitution of the state of Washington to adopt more stringent regulations.

NEW SECTION. Sec. 40. A new section is added to chapter 88.02 RCW to read as follows:

Jurisdictions receiving funds under RCW 88.02.040 shall deposit such funds into an account dedicated solely for supporting the jurisdiction's boating safety programs. These funds shall not supplant existing local funds used for boating safety programs.

NEW SECTION. Sec. 41. RCW 82.49.070 and 1988 c 261 s 1, 1985 c 7 s 155, 1984 c 250 s 4, & 1983 2nd ex.s. c 3 s 49 are each repealed.

NEW SECTION. Sec. 42. Section 41 of this act shall take effect June 30, 1994.

NEW SECTION. Sec. 43. Section 38 of this act applies to registrations expiring June 30, 1995, and thereafter.

NEW SECTION. Sec. 44. The following acts or parts of acts are each repealed:

- (1) RCW 88.12.030 and 1933 c 72 s 3;
- (2) RCW 88.12.040 and 1990 c 231 s 2 & 1933 c 72 s 4;
- (3) RCW 88.12.090 and 1933 c 72 s 6;
- (4) RCW 88.12.240 and 1986 c 217 s 2;
- (5) RCW 88.12.270 and 1986 c 217 s 5;
- (6) RCW 88.12.310 and 1986 c 217 s 9;
- (7) RCW 88.12.340 and 1986 c 217 s 12; and
- (8) RCW 88.12.480 and 1992 c 100 s 8.

NEW SECTION. Sec. 45. (1) The code reviser shall correct all statutory references to sections recodified by this section.

(2) The following sections shall be codified or recodified in the following order in chapter 88.12 RCW:

RCW 88.12.010
RCW 88.12.--- (section 6 of this act)
RCW 88.12.020
RCW 88.12.100
RCW 88.12.110
RCW 88.12.120
RCW 88.12.330
RCW 88.12.--- (section 10 of this act)
RCW 88.12.--- (section 11 of this act)
RCW 88.12.--- (section 39 of this act)
RCW 88.12.--- (section 12 of this act)
RCW 88.12.--- (section 13 of this act)
RCW 88.12.050
RCW 88.12.080
RCW 88.12.--- (section 16 of this act)
RCW 88.12.--- (section 17 of this act)
RCW 88.12.130
RCW 88.12.140
RCW 88.12.150
RCW 88.12.160
RCW 88.12.170
RCW 88.12.180
RCW 88.12.190
RCW 88.12.200
RCW 88.12.210
RCW 88.12.220
RCW 88.12.--- (section 27 of this act)
RCW 88.12.280
RCW 88.12.290
RCW 88.12.300
RCW 88.12.320
RCW 88.12.350
RCW 88.12.360
RCW 88.12.380
RCW 88.12.390
RCW 88.12.400
RCW 88.12.410
RCW 88.12.420
RCW 88.12.430
RCW 88.12.440
RCW 88.12.450
RCW 88.12.460
RCW 88.12.470."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 7.84.010, 7.84.020, 88.02.110, 88.12.010, 88.12.020, 88.12.330, 88.12.050, 88.12.080, 88.12.130, 88.12.160, 88.12.170, 88.12.180, 88.12.190,

88.12.200, 88.12.210, 88.12.220, 88.12.230, 88.12.250, 88.12.260, 88.12.280, 88.12.290, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.440, 88.12.450, and 88.02.050; reenacting and amending RCW 88.12.100; adding new sections to chapter 88.12 RCW; adding a new section to chapter 88.02 RCW; creating new sections; recodifying RCW 88.12.010, 88.12.020, 88.12.100, 88.12.110, 88.12.120, 88.12.330, 88.12.050, 88.12.080, 88.12.130, 88.12.140, 88.12.150, 88.12.160, 88.12.170, 88.12.180, 88.12.190, 88.12.200, 88.12.210, 88.12.220, 88.12.280, 88.12.290, 88.12.300, 88.12.320, 88.12.350, 88.12.360, 88.12.380, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.430, 88.12.440, 88.12.450, 88.12.460, and 88.12.470; repealing RCW 82.49.070, 88.12.030, 88.12.040, 88.12.090, 88.12.240, 88.12.270, 88.12.310, 88.12.340, and 88.12.480; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1318, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1318, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1318, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 39.

Voting nay: Senators Amondson, Barr, Deccio, McCaslin, Roach, Sellar, Smith, L. and von Reichbauer - 8.

Absent: Senator Winsley - 1.

Excused: Senator Cantu - 1.

SUBSTITUTE HOUSE BILL NO. 1318, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:00 noon, on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senators Amondson, Deccio and McCaslin were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1353, by Representatives G. Cole, Franklin, Heavey and King (by request of Department of Labor and Industries)

Regulating asbestos disease benefits claims.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1353.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1353 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 5; Absent, 8; Excused, 4.

Voting yea: Senators Anderson, Bauer, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Winsley and Wojahn - 32.

Voting nay: Senators Barr, Bluechel, Hochstatter, Oke and West - 5.

Absent: Senators Gaspard, Moyer, Owen, Pelz, Rinehart, Smith, L., Vognild and Williams - 8.

Excused: Senators Amondson, Cantu, Deccio and McCaslin - 4.

ENGROSSED HOUSE BILL NO. 1353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senators Moyer and Linda Smith were excused.

On motion of Senator Spanel, Senators Owen, Pelz and Vognild were excused.

SECOND READING

HOUSE BILL NO. 1815, by Representatives Rust and Valle

Recodifying vessel operation provisions.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1815.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1815 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Amondson, Cantu, McCaslin, Moyer, Owen, Pelz and Vognild - 7.

HOUSE BILL NO. 1815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198, by House Committee on Human Services (originally sponsored by Representatives Leonard, Padden, Appelwick, King, Brough, Johanson, Jones, Roland, Long, G. Cole, Veloria, Horn, Karahalios, Springer, Wood, Flemming, Kessler, Lemmon and Pruitt)

Implementing recommendations of the juvenile issues task force.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses ((and)). Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

((e)) (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes;

((d)) Counseling; or

(e) Such other services to the extent funds are available for such services,) counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions((;)) or limitations as the court may require which may not include confinement;

((4)) (7) "Confinement" means physical custody by the department of social and health services in a detention facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

((5)) (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

((6)) (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

((7)) (10) "Department" means the department of social and health services;

((8)) (11) "Detention facility" means a facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW ((43.04.040, as now or hereafter amended,)) 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

((9)) (13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

((10)) (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

((11)) (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

((12)) (16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

((13)) (17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

((14)) (18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

((15)) (19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

((16)) (20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

((17)) (21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

((18)) (22) "Secretary" means the secretary of the department of social and health services;

((19)) (23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

((20)) (24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

((21)) (25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

((22)) (26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

((23)) (27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW to read as follows:

Whenever a county-designated mental health professional makes a determination under RCW 71.34.050 that a minor, thirteen years or older, does not meet the criteria for an involuntary detention at an evaluation and treatment facility, the county-designated mental health professional shall:

(1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW;

(2) Provide a written evaluation to the minor's parent detailing the county-designated mental health professional's reasons for not detaining the minor at an evaluation and treatment facility. The evaluation shall include the specific facts investigated, the credibility of the person or persons providing the information, and the criteria for an involuntary detention; and

(3) Refer the minor and the parents to other available services.

NEW SECTION. Sec. 3. A new section is added to chapter 70.96A RCW to read as follows:

Whenever a county-designated chemical dependency specialist makes a determination under RCW 70.96A.140 that a minor does not meet the criteria for a commitment to a chemical dependency program, the county-designated chemical dependency specialist shall:

(1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW; and

(2) Refer the minor and the parents to other available services.

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

The department shall within existing funds collect such data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic, gender, geographic, or racial factors that may result from implementation of section 1, chapter . . . , Laws of 1993 (section 1 of this act). Beginning December 1, 1993, the department shall report annually to the legislature on economic, gender, geographic, or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The annual report shall identify the causes of such disproportionality and shall specifically point out any economic, gender, geographic, or racial disproportionality resulting from implementation of section 1, chapter . . . , Laws of 1993 (section 1 of this act).

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act shall take effect July 1, 1994."

On motion of Senator Rinehart, the following amendments to the Committee on Law and Justice striking amendment were considered simultaneously and were adopted:

On page 2, line 23 of the amendment, after "in a" strike "detention"

On page 3, line 14 of the amendment, after "means a" insert "county"

MOTION

Senator Niemi moved that the following amendments to the Committee on Law and Justice striking amendment be considered simultaneously and be adopted:

On page 5, beginning on line 16 of the committee amendment, strike all material through "services." on line 6, page 6

Renumber the remaining sections and correct internal references accordingly

On page 6, beginning on line 27 of the committee amendment, strike all material through "1994." on line 28

POINT OF INQUIRY

Senator Newhouse: "Senator Niemi, I'm concerned that you say that the counties worked on this, but do the smaller counties have these professionals that you mentioned and are they available to them?"

Senator Niemi: "Everybody with the regional support networks have these people and the smaller counties would be even more severely impacted because they have even less funds to use for this."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 5, beginning on line 16, and page 6, beginning on line 27, to the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 1198.

The motion by Senator Niemi carried and the amendments on page 5, beginning on line 16, and page 6, beginning on line 27, to the Committee on Law and Justice striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment, as amended, to Engrossed Substitute House Bill No. 1198.

Debate ensued.

The Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1198 was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "force;" strike the remainder of the title and insert "amending RCW 13.40.020; adding a new section to chapter 71.34 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 13.40 RCW; and providing an effective date."

On page 6, line 33 of the committee title amendment, after "RCW 13.40.020;" insert "and" and strike all material through "70.96A RCW;" on line 34

On page 7, line 1 of the committee title amendment, after "13.40 RCW" strike "; and providing an effective date"

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1198, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1198, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1198, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Cantu - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1225, by Representatives Zellinsky, Dellwo, Anderson and Mielke

Concerning the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1225.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1225 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 1225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1428, by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, Casada, Finkbeiner, Long, King and Jacobsen)

Removing the expiration date and correcting references for the Washington telephone assistance program.

The bill was read the second time.

MOTIONS

On motion of Senator Sutherland, the following Committee on Energy and Utilities amendment was adopted:
On page 1, beginning on line 14, strike all of section 3 and insert:

"**Sec. 3.** 1990 c 170 s 8 (uncodified) is amended to read as follows:

RCW 80.36.410 through 80.36.470 shall expire June 30, (~~1993~~) 1998, unless extended by the legislature."

On motion of Senator Sutherland, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "80.36.450;" insert "amending 1990 c 170 s 8 (uncodified);"

On page 1, at the beginning of line 3 of the title, strike "repealing 1990 c 170 s 8 (uncodified) and 1987 c 229 s 12 (uncodified);"

On motion of Senator Sutherland, the rules were suspended, Substitute House Bill No. 1428, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1428, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1428, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Anderson - 1.

Absent: Senator von Reichbauer - 1.

Excused: Senator Cantu - 1.

SUBSTITUTE HOUSE BILL NO. 1428, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966, by House Committee on Human Services (originally sponsored by Representatives Wineberry, Leonard, Appelwick, Foreman, Riley, Cooke, H. Myers, Lemmon, Basich, Kessler, Holm, J. Kohl and Anderson)

Implementing juvenile justice racial disproportionality study recommendations.

The bill was read the second time.

MOTIONS

Senator Adam Smith moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** Pursuant to the work of the juvenile justice task force created by the 1991 legislature to undertake a study of Washington state's juvenile justice system, the department of social and health services and the commission on African-American affairs commissioned an independent study of racial disproportionality in the state's juvenile justice system. The study team, which documented evidence of disparity in the treatment of juvenile offenders of color throughout the system, provided recommendations to the legislature on December 15, 1992. The study recommends cultural diversity training for juvenile court and law enforcement personnel, expanded data collection on juvenile offenders throughout the system, development of uniform prosecutorial standards for juvenile offenders, changes to the consolidated juvenile services program and funding formula, dissemination of information to families and communities regarding juvenile court procedures, and examination of juvenile disposition standards for racial and/or ethnic bias.

It is the intent of the legislature to implement the recommendations of this study in an effort to discourage differential treatment of youth of color and their families who come in contact with the juvenile courts in this state, and to promote racial and ethnic sensitivity and awareness throughout the juvenile court system.

NEW SECTION. Sec. 2. The administrator for the courts shall develop a plan to improve the collection and reporting of information on juvenile offenders by all juvenile courts in the state. The information related to juvenile offenders shall include, but is not limited to, social, demographic, education, and economic data on juvenile offenders and where possible, their families. Development and implementation of the plan shall be accomplished in consultation with the human rights commission, the governor's juvenile justice advisory committee, superior court judges, juvenile justice administrators, and interested juvenile justice practitioners and researchers. The plan shall include a schedule and budget for implementation and shall be provided to the office of financial management by September 15, 1993.

Sec. 3. RCW 2.56.030 and 1992 c 205 s 115 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;
- (8) Act as secretary of the judicial conference referred to in RCW 2.56.060;
- (9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;
- (10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;
- (11) Administer programs and standards for the training and education of judicial personnel;
- (12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;
- (13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;
- (14) Attend to such other matters as may be assigned by the supreme court of this state;
- (15) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988. The curriculum shall be updated yearly to reflect changes in statutes, court rules, or case law;
- (16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989;
- (17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be completed and made available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel by October 1, 1993. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide.

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

The criminal justice training commission shall develop, in consultation with the administrator for the courts and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be developed by October 1, 1993. The commission shall ensure that ethnic and diversity training becomes an integral part of the training of law enforcement personnel so as to incorporate cultural sensitivity and awareness into the daily activities of law enforcement personnel.

NEW SECTION. Sec. 5. A new section is added to chapter 2.56 RCW to read as follows:

The administrator for the courts shall, in cooperation with juvenile courts, develop informational materials describing juvenile laws and juvenile court processes and procedures related to such laws, and make such information available to the public. Similar information shall also be made available for the non-English speaking youth and their families.

NEW SECTION. Sec. 6. A new section is added to chapter 13.04 RCW to read as follows:

The administrator of juvenile court shall obtain interpreters as needed, to enable non-English speaking youth and their families to fully participate in detention, probation, or court proceedings and programs.

Sec. 7. RCW 13.06.050 and 1983 c 191 s 5 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application and plan are approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth in this section. In addition, any county making application for state funds under this chapter that

also operates a juvenile detention facility must have standards of operations in place that include: Intake and admissions, medical and health care, communication, correspondence, visiting and telephone use, security and control, sanitation and hygiene, juvenile rights, rules and discipline, property, juvenile records, safety and emergency procedures, programming, release and transfer, training and staff development, and food service.

(1) The distribution of funds to a county or a group of counties shall be based on criteria including but not limited to the county's per capita income, regional or county at-risk populations, juvenile crime or arrest rates, rates of poverty, size of racial minority populations, existing programs, and the effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department and reducing reliance on other traditional departmental services.

(2) The secretary will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in meeting the terms and conditions of the approved plan and contract. Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs.

(3) The secretary, in conjunction with the human rights commission, shall evaluate the effectiveness of programs funded under this chapter in reducing racial disproportionality. The secretary shall investigate whether implementation of such programs has reduced disproportionality in counties with initially high levels of disproportionality. The analysis shall indicate which programs are cost-effective in reducing disproportionality in such areas as alternatives to detention, intake and risk assessment standards pursuant to RCW 13.40.038, alternatives to incarceration, and in the prosecution and adjudication of juveniles. The secretary shall report his or her findings to the legislature by December 1, 1994, and December 1 of each year thereafter.

NEW SECTION. Sec. 8. The administrator for the courts shall convene a working group to develop standards and guidelines for the prosecution of juvenile offenders under Title 13 RCW, review any racial disproportionality in diversion, and review the use of detention facilities in a way to reduce racial disproportionality. The administrator shall appoint:

- (1) One defense attorney familiar with juvenile justice, and three prosecuting attorneys familiar with juvenile justice;
- (2) One superior court judge;
- (3) One court commissioner;
- (4) One juvenile court administrator;
- (5) One representative of the juvenile disposition standards board;
- (6) One representative of the department of social and health services;
- (7) One social researcher with expertise in juvenile or criminal justice;
- (8) Two representatives of child advocacy groups recommended by the governor; and
- (9) Two persons recommended jointly by the Washington state minority commissions.

The work group shall develop and submit its recommended standards and guidelines to the appropriate committees of the legislature by December 1, 1994.

Sec. 9. RCW 13.40.027 and 1992 c 205 s 103 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a)(i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally ~~((and))~~, (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and (iii) review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030. The evaluations shall be submitted to the legislature ~~((by December 1, 1992, and))~~ on December 1 of each even-numbered year thereafter.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Newhouse to the Committee on Law and Justice striking amendment was adopted:

On page 4, beginning on line 29 of the amendment, after "needed" strike all material through "fully" on line 30, and insert "consistent with the intent and practice of chapter 2.43 RCW, to enable non-English speaking youth and their families to"

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1966.

The Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1966 was adopted.

MOTIONS

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "recommendations;" strike the remainder of the title and insert "amending RCW 2.56.030, 13.06.050, and 13.40.027; adding a new section to chapter 43.101 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 13.04 RCW; and creating new sections."

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1966, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1966, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1966, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senator Amondson - 1.

Absent: Senators Hargrove and von Reichbauer - 2.

Excused: Senator Cantu - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate will now consider Senate Bill No. 5981 and Senate Bill No. 5983.

SECOND READING

SENATE BILL NO. 5981, by Senators Owen, Spanel and Rinehart (by request of Office of Financial Management)

Regulating forest lands to maintain a viable forest products industry.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5981 was substituted for Senate Bill No. 5981 and the substitute bill was placed on second reading and read the second time.

Senator Spanel moved that the following amendment by Senators Spanel, Hargrove and Rinehart be adopted:

On page 11, beginning on line 17, strike all material down to and including line 3 on page 13.

Renumber the sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Hargrove and Rinehart to Substitute Senate Bill No. 5981.

The motion by Senator Spanel carried and the amendment was adopted on a rising vote.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, strike "76.09.060, and 76.09.220;" and insert "and 76.09.060;"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5981 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Sutherland: "Senator Owen, in the bill, there is a five hundred dollar fee for those forest land owners that would convert their properties to other than forest properties. There have been a number of permits that have gone through the process the last few years where land owners said they were not going to convert, then harvested the properties, but then shortly thereafter converted the properties. Would those that did the process that I just explained that said they weren't going to convert and then converted, still have to pay this five hundred dollars, after they converted?"

Senator Owen: "Yes, if they knew they were going to convert. Of course, that would be a little fraudulent. We increased the penalties this year. As a matter of fact, if a person did that, knowingly, that they were going to convert the land--out of forestry land--they could actually get a ten thousand dollar fine and have a lien put against their property. So, we've increased the penalties, but, yes, if a person files in the wrong classification and then converts, the state can go back and get the actual fee from them."

Senator Sutherland: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5981.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5981 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West, Williams and Winsley - 22.

Excused: Senator Cantu - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5981, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5983, by Senators M. Rasmussen and Loveland (by request of Department of Agriculture)

Altering fees related to agriculture.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee of Ways and Means amendment was adopted:
On page 12, line 17, strike "sixty" and insert "~~((sixty))~~ one hundred two"

On motion of Senator Rasmussen, the following amendment was adopted:
On page 1, line 11, strike "six-tenths" and insert "fifty-four one-hundredths"

MOTION

Senator Rasmussen moved that the following amendment be adopted:
On page 17, line 11, strike "five" and insert "three"

POINT OF INQUIRY

Senator Barr: "Senator Rasmussen, what was the purpose of doing this?"

Senator Rasmussen: "What this amendment does is lower it from five mills to three mills. Currently, for every dozen eggs at the wholesale level, there is two and a half mills of fees. Those go to the Department of Agriculture for egg inspection programs in the grocery stores. What the Department of Ag did was first, they thought they needed to raise it from two and half mills to five mills. After checking, they found out that three mills would be sufficient, so that is only a half of one percent of a mill. That is all the fee raises."

Senator Barr: "Thank you, I understand now what we are doing. We are reducing the part for the egg industry and my question is I wonder why we couldn't do that for the feedlot industry, the beef industry, the dairy industry. It is kind of a mystery, but I guess we should support reducing a proposal which was tremendously high. I would encourage adoption of this to bring it down a little bit, at least, for one industry."

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 17, line 11, to Senate Bill No. 5983.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 5983 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5983.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5983 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Hochstatter, Loveland, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Excused: Senator Cantu - 1.

ENGROSSED SENATE BILL NO. 5983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1156, by House Committee on Local Government (originally sponsored by Representatives H. Myers, Ludwig, Scott, Riley, Cothorn, R. Meyers, L. Johnson and Ogden)

Transferring county sheriff's office employees.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1156.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1156 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Newhouse - 1.

Absent: Senators Niemi and Talmadge - 2.

Excused: Senators Cantu and Moyer - 2.

SUBSTITUTE HOUSE BILL NO. 1156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760, by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Brough, Appelwick, Miller, Johanson, Chappell, Ludwig, Scott and Mastin)

Regulating obligations for child support and spousal maintenance.

The bill was read the second time.

MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter, Vognild, Bauer, Owen, McCaslin and Hargrove be adopted:

On page 17, after line 13, insert the following:

Sec. 15. RCW 26.09.225 and 1991 sp.s. c 28 s 3 are each amended to read as follows:

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to RCW 26.19.090 before the effective date of this act.

Sec. 16. RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each amended to read as follows:

(1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

(a) The county in which the order was entered and the cause number;

- (b) Whether it was a judicial or administrative order;
 - (c) Whether the order is an original order or from a modification;
 - (d) The number of children of the parties and the children's ages;
 - (e) The combined monthly net income of parties;
 - (f) The monthly net income of the father as determined by the court;
 - (g) The monthly net income of the mother as determined by the court;
 - (h) The basic child support obligation for each child as determined from the economic table;
 - (i) Whether or not the court deviated from the child support for each child;
 - (j) The reason or reasons stated by the court for the deviation;
 - (k) The amount of child support after the deviation;
 - (l) Any amount awarded for day care;
 - (m) Any other extraordinary amounts in the order;
 - (n) ~~(Any amount ordered for postsecondary education;~~
 - ~~(o))~~ The total amount of support ordered;
 - ~~((p))~~ (o) In the case of a modification, the amount of support in the previous order;
 - ~~((q))~~ (p) If the change in support was in excess of thirty percent, whether the change was phased in;
 - ~~((r))~~ (q) The amount of the transfer payment ordered;
 - ~~((s))~~ (r) Which parent was ordered to make the transfer payment; and
 - ~~((t))~~ (s) The date of the entry of the order.
- (2) The administrator for the courts shall make the form available to the parties.

Sec. 17. RCW 26.19.035 and 1992 c 229 s 6 are each amended to read as follows:

(1) **Application of the child support schedule.** The child support schedule shall be applied:

- (a) In each county of the state;
- (b) In judicial and administrative proceedings under this title or Title 13 or 74 RCW;
- (c) In all proceedings in which child support is determined or modified;
- (d) In setting temporary and permanent support;
- (e) In automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and
- (f) In addition to proceedings in which child support is determined for minors, to adult children who are dependent on their

parents and for whom support is ordered pursuant to RCW 26.09.100. However, child support shall not be made mandatory for postsecondary education of a child over eighteen years of age.

The provisions of this chapter for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers, and reviewing officers.

(2) **Written findings of fact supported by the evidence.** An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation. The court shall enter written findings of fact in all cases whether or not the court: (a) Sets the support at the presumptive amount, for combined monthly net incomes below five thousand dollars; (b) sets the support at an advisory amount, for combined monthly net incomes between five thousand and seven thousand dollars; or (c) deviates from the presumptive or advisory amounts.

(3) **Completion of worksheets.** Worksheets in the form developed by the office of the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the office of the administrator for the courts.

(4) **Court review of the worksheets and order.** The court shall review the worksheets and the order setting support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall be attached to the decree or order or if filed separately shall be initialed or signed by the judge and filed with the order.

Sec. 18. RCW 26.19.075 and 1991 sp.s. c 28 s 6 are each amended to read as follows:

(1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) **Sources of income and tax planning.** The court may deviate from the standard calculation after consideration of the following:

- (i) Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;
- (ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;
- (iii) Child support actually received from other relationships;
- (iv) Gifts;
- (v) Prizes;
- (vi) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;
- (vii) Extraordinary income of a child; or
- (viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) **Nonrecurring income.** The court may deviate from the standard calculation based on a finding that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income. Depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses, or income from second jobs. Deviations for nonrecurring income shall be based on a review of the nonrecurring income received in the previous two calendar years.

(c) **Debt and high expenses.** The court may deviate from the standard calculation after consideration of the following expenses:

- (i) Extraordinary debt not voluntarily incurred;

(ii) A significant disparity in the living costs of the parents due to conditions beyond their control;

(iii) Special needs of disabled children; or

(iv) Special medical, educational, or psychological needs of the children. Special educational needs do not include postsecondary education of a child over eighteen years of age.

(d) **Residential schedule.** The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(e) **Children from other relationships.** The court may deviate from the standard calculation when either or both of the parents before the court have children from other relationships to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from other relationships shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have children from other relationships, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

Sec. 19. RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows:

~~((4))~~ The child support schedule shall ~~((be advisory and not mandatory))~~ not be used for postsecondary educational support of a child over eighteen years of age.

~~((2))~~ When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.

(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.

(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.)"

POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I would request a scope and object of this amendment. The underlying bill, Engrossed Substitute House Bill No. 1760, deals with wage assignments and the amendment that is being offered is the one that has been clearly stated. It deals with child support and post secondary education."

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1760.

MOTION

On motion of Senator Spanel, Senators Niemi and Talmadge were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1103, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brown, Schmidt, Wood, Jones, Franklin and Johanson)

Changing the model traffic ordinance from statute to rule.

The bill was read the second time.

MOTION

On motion of Senator Loveland, the rules were suspended, Substitute House Bill No. 1103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1103.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1103 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 18.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408, by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Brumsickle, Quall, Shin, Flemming, Carlson, Rayburn, Kessler, J. Kohl, Bray, Ogden, Wood, Horn and L. Johnson)

Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Concurrent Resolution No. 4408 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Concurrent Resolution No. 4408.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Concurrent Resolution No. 4408 and the concurrent resolution passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1227, by Representatives R. Johnson, Chandler and Rayburn

Changing misbranding and adulteration provisions for meat and poultry products.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1227.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1227 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

HOUSE BILL NO. 1227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. NO. 1496, by House Committee on Commerce and Labor (originally sponsored by Representative Dellwo)

Regulating employment agencies.

The bill was read the second time.

MOTIONS

Senator Moore moved that the following Committee on Labor and Commerce amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.31.020 and 1990 c 70 s 1 are each amended to read as follows:

Unless a different meaning is clearly required by the context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Employment agency" is synonymous with "agency" and shall mean any business in which any part of the business gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring, or attempting to procure employment for applicants; ~~((or))~~

(b) The giving of information regarding where and from whom employment may be obtained; or

(c) The sale of a list of jobs or a list of names of persons or companies accepting applications for specific positions, in any form.

In addition the term "employment agency" shall mean and include any person, bureau, employment listing (~~((or employment referral))~~) service, employment directory, organization, or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment. It also includes any business that provides a resume to an individual and provides that person with a list of names to whom the resume may be sent or provides that person with preaddressed envelopes to be mailed by the individual or by the business itself, if the list of names or the preaddressed envelopes have been compiled and are represented by the business as having job openings. The term "employment agency" shall not include labor union organizations, temporary service contractors, proprietary schools, nonprofit schools and colleges, career guidance and counseling services, employment directories that are sold in a manner that allows the applicant to examine the directory before purchase, theatrical agencies, farm labor contractors, or the Washington state employment agency.

(2) "Temporary service contractors" shall mean any person, firm, association, or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part time or temporary help basis to others.

(3) "Theatrical agency" means any person who, for a fee or commission, procures or attempts to procure on behalf of an individual or individuals, employment or engagements for circus, vaudeville, the variety field, the legitimate theater, motion pictures, radio, television, phonograph recordings, transcriptions, opera, concert, ballet, modeling, or other entertainments, exhibitions, or performances.

(4) "Farm labor contractor" means any person, or his agent, who, for a fee, employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing, or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing, or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying, or hiring workers engaged in the growing, producing, or harvesting of farm products, one or more of the following services: Furnishes board,

lodging, or transportation for such workers, supervises, times, checks, counts, sizes, or otherwise directs or measures their work; or disburses wage payments to such persons.

(5) "Employer" means any person, firm, corporation, partnership, or association employing or seeking to enter into an arrangement to employ a person through the medium or service of an employment agency.

(6) "Applicant", except when used to describe an applicant for an employment agency license, means any person, whether employed or unemployed, seeking or entering into any arrangement for his employment or change of his employment through the medium or service of an employment agency.

(7) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(8) "Director" shall mean the director of licensing.

(9) "Resume" means a document of the applicant's employment history that is approved, received, and paid for by the applicant.

(10) "Fee" means anything of value. The term includes money or other valuable consideration or services or the promise of money or other valuable consideration or services, received directly or indirectly by an employment agency from a person seeking employment, in payment for the service.

(11) "Employment listing service" means any business operated by any person that provides in any form, including written or verbal, lists of specified positions of employment available with any employer other than itself or that holds itself out to applicants as able to provide information about specific positions of employment available with any employer other than itself, and that charges a fee to the applicant for its services and does not set up interviews or otherwise intercede between employer and applicant.

(12) "Employment directory" means any business operated by any person that provides in any form, including written or verbal, lists of employers, does not provide lists of specified positions of employment, that holds itself out to applicants as able to provide information on employment in specific industries or geographical areas, and that charges a fee to the applicant for its services.

(13) "Career guidance and counseling service" means any person, firm, association, or corporation conducting a business that engages in any of the following activities:

(a) Career assessment, planning, or testing through individual counseling or group seminars, classes, or workshops;

(b) Skills analysis, resume writing, and preparation through individual counseling or group seminars, classes, or workshops;

(c) Training in job search or interviewing skills through individual counseling or group seminars, classes, or workshops;

PROVIDED, That the career guidance and counseling service does not engage in any of the following activities:

(i) Contacts employers on behalf of an applicant or in any way intercedes between employer and applicant;

(ii) Provides information on specific job openings;

(iii) Holds itself out as able to provide referrals to specific companies or individuals who have specific job openings.

Sec. 2. RCW 19.31.030 and 1969 ex.s. c 228 s 3 are each amended to read as follows:

Each employment agency shall keep records of all services rendered employers and applicants. These records shall contain the name and address of the employer by whom the services were solicited; the name and address of the applicant; kind of position ordered by the employer; dates job orders or job listings are obtained; subsequent dates job orders or job listings are verified as still being current; kind of position accepted by the applicant; probable duration of the employment, if known; rate of wage or salary to be paid the applicant; amount of the employment agency's fee; dates and amounts of refund if any, and reason for such refund; and the contract agreed to between the agency and applicant. An employment listing service need not keep records pertaining to the kind of position accepted by applicant and probable duration of employment.

An employment directory shall keep records of all services rendered to applicants. These records shall contain: The name and address of the applicant; amount of the employment directory's fee; dates and amounts of refund if any, and reason for the refund; the contract agreed to between the employment directory and applicant; and the dates of contact with employers made pursuant to RCW 19.31.190(11).

The director shall have authority to demand and to examine, at the employment agency's regular place of business, all books, documents, and records in its possession for inspection. Unless otherwise provided by rules or regulation adopted by the director, such records shall be maintained for a period of three years from the date in which they are made.

Sec. 3. RCW 19.31.040 and 1985 c 7 s 83 are each amended to read as follows:

An employment agency shall provide each applicant with a copy of the contract between the applicant and employment agency which shall have printed on it or attached to it a copy of RCW 19.31.170 as now or hereafter amended. Such contract shall contain the following:

(1) The name, address, and telephone number of the employment agency;

(2) Trade name if any;

(3) The date of the contract;

(4) The name of the applicant;

(5) The amount of the fee to be charged the applicant, or the method of computation of the fee, and the time and method of payments: **PROVIDED, HOWEVER,** That if the provisions of the contract come within the definition of a "retail installment transaction", as defined in RCW 63.14.010, the contract shall conform to the requirements of chapter 63.14 RCW, as now or hereafter amended;

(6) A notice in eight-point bold face type or larger directly above the space reserved in the contract for the signature of the buyer. The caption, "NOTICE TO APPLICANT--READ BEFORE SIGNING" shall precede the body of the notice and shall be in ten-point bold face type or larger. The notice shall read as follows:

"This is a contract. If you accept employment with any employer through [name of employment agency] you will be liable for the payment of the fee as set out above. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You must be given a copy of this contract at the time you sign it."

The notice for an employment listing service shall read as follows:

"This is a contract. You understand (the employment listing service) provides information on bona fide job listings but does not guarantee you will be offered a job. You also understand you are liable for the payment of the fee when you receive the

list or referral. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You must be given a copy of this contract at the time you sign it.

The notice for an employment directory shall read as follows if the directory is sold in person:

"This is a contract. You understand [the employment directory] provides information on possible employers along with general employment, industry, and geographical information to assist you, but does not list actual job openings or guarantee you will obtain employment through its services. You also understand you are liable for the payment of the fee when you receive the directory. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You must be given a copy of this contract at the time you sign it."

A verbal notice for an employment directory shall be as follows before accepting a fee if the directory is sold over the telephone:

"You understand [the employment directory] provides information on possible employers along with general employment, industry, and geographical information to assist you, but does not list actual job openings or guarantee you will obtain employment through its services. You also understand you are liable for the payment of the fee when you order the directory."

A copy of the contract must be sent to all applicants ordering by telephone and must specify the following information:

(a) Name, address, and phone number of employment directory;

(b) Name, address, and phone number of applicant;

(c) Date of order;

(d) Date verbal notice was read to applicant along with a printed statement to read as follows:

"On [date verbal notice was read] and prior to placing this order the following statement was read to you: "You understand [the employment directory] provides information on possible employers along with general employment, industry, and geographical information to assist you, but does not list actual job openings or guarantee you will be offered a job. You also understand you are liable for the payment of the fee when you order the directory."; and

(e) Signature of employment directory representative.

Sec. 4. RCW 19.31.100 and 1982 c 227 s 14 are each amended to read as follows:

(1) Every applicant for an employment agency's license or a renewal thereof shall file with the director a written application stating the name and address of the applicant; the street and number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the general management of the office; the name under which the business of the office is to be carried on; whether or not the applicant is pecuniarily interested in the business to be carried on under the license; shall be signed by the applicant and sworn to before a notary public; and shall identify anyone holding over twenty percent interest in the agency. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn to by all of them. The application shall also state whether or not the applicant is, at the time of making the application, or has at any previous time been engaged in or interested in or employed by anyone engaged in the business of an employment agency.

(2) The application shall require a certification that no officer or holder of more than twenty percent interest in the business has been convicted of a felony within ten years of the application which directly relates to the business for which the license is sought, or had any judgment entered against such person in any civil action involving fraud, misrepresentation, or conversion.

(3) All applications for employment agency licenses shall be accompanied by a copy of the form of contract and fee schedule to be used between the employment agency and the applicant.

(4) No license to operate an employment agency in this state shall be issued, transferred, renewed, or remain in effect, unless the person who has or is to have the general management of the office has qualified pursuant to this section. The director may, for good cause shown, waive the requirement imposed by this section for a period not to exceed one hundred and twenty days. Persons who have been previously licensed or who have operated to the satisfaction of the director for at least one year prior to September 21, 1977 as a general manager shall be entitled to operate for up to one year from such date before being required to qualify under this section. In order to qualify, such person shall, through testing procedures developed by the director, show that such person has a knowledge of this law, pertinent labor laws, and laws against discrimination in employment in this state and of the United States. Said examination shall be given at least once each quarter and a fee for such examination shall be established by the director. Nothing in this chapter shall be construed to preclude any one natural person from being designated as the person who is to have the general management of up to three offices operated by any one licensee.

While employment directories may at the director's discretion be required to show that the person has a knowledge of this chapter, employment directories are exempt from testing on pertinent labor laws, and laws against discrimination in employment in this state and of the United States.

(5) Employment directories shall register with the department and meet all applicable requirements of this chapter but shall not be required to be licensed by the department or pay a licensing fee.

Sec. 5. RCW 19.31.150 and 1969 ex.s. c 228 s 15 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, no employment agency shall charge or accept a fee or other consideration from an applicant without complying with the terms of a written contract as specified in RCW 19.31.040, and then only after such agency has been responsible for referring such job applicant to an employer or such employer to a job applicant and where as a result thereof such job applicant has been employed by such employer.

(2) Employment listing services may charge or accept a fee when they provide the applicant with the job listing or the referral.

(3) An employment directory may charge or accept a fee when it provides the applicant with the directory.

Sec. 6. RCW 19.31.170 and 1977 ex.s. c 51 s 7 are each amended to read as follows:

(1) If an applicant accepts employment by agreement with an employer and thereafter never reports for work, the gross fee charged to the applicant shall not exceed: (a) Ten percent of what the first month's gross salary or wages would be, if known; or (b) ten percent of the first month's drawing account. If the employment was to have been on a commission basis without any drawing account, then no fee may be charged in the event that the applicant never reports for work.

(2) If an applicant accepts employment on a commission basis without any drawing account, then the gross fee charged such applicant shall be a percentage of commissions actually earned.

(3) If an applicant accepts employment and if within sixty days of his reporting for work the employment is terminated, then the gross fee charged such applicant shall not exceed twenty percent of the gross salary, wages or commission received by him.

(4) If an applicant accepts temporary employment as a domestic, household employee, baby sitter, agricultural worker, or day laborer, then the gross fee charged such applicant shall not be in excess of twenty-five percent of the first full month's gross salary or wages: PROVIDED, That where an applicant accepts employment as a domestic or household employee for a period of less than one month, then the gross fee charged such applicant shall not exceed twenty-five percent of the gross salary or wages paid.

(5) Any applicant requesting a refund of a fee paid to an employment agency in accordance with the terms of the approved fee schedule of the employment agency pursuant to this section shall file with the employment agency a form requesting such refund on which shall be set forth information reasonably needed and requested by the employment agency, including but not limited to the following: Circumstances under which employment was terminated, dates of employment, and gross earnings of the applicant.

(6) Refund requests which are not in dispute shall be made by the employment agency within thirty days of receipt.

(7) Subsections (1) through (6) of this section do not apply to employment listing services or employment directories.

Sec. 7. RCW 19.31.190 and 1977 ex.s. c 51 s 8 are each amended to read as follows:

In addition to the other provisions of this chapter the following rules shall govern each and every employment agency:

(1) Every license or a verified copy thereof shall be displayed in a conspicuous place in each office of the employment agency;

(2) No fee shall be solicited or accepted as an application or registration fee by any employment agency solely for the purpose of being registered as an applicant for employment;

(3) No licensee or agent of the licensee shall solicit, persuade, or induce an employee to leave any employment in which the licensee or agent of the licensee has placed the employee; nor shall any licensee or agent of the licensee persuade or induce or solicit any employer to discharge any employee;

(4) No employment agency shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for obtaining work or employment. All advertising by a licensee shall signify that it is an employment agency solicitation except an employment listing service shall advertise it is an employment listing service;

(5) An employment directory shall include the following on all advertisements:

"Directory provides information on possible employers and general employment information but does not list actual job openings."

(6) No licensee shall fail to state in any advertisement, proposal or contract for employment that there is a strike or lockout at the place of proposed employment, if he has knowledge that such condition exists;

~~((6))~~ (7) No licensee or agent of a licensee shall directly or indirectly split, divide, or share with an employer any fee, charge, or compensation received from any applicant who has obtained employment with such employer or with any other person connected with the business of such employer;

~~((7))~~ (8) When an applicant is referred to the same employer by two licensees, the fee shall be paid to the licensee who first contacted the applicant concerning the position for that applicant: PROVIDED, That the licensee has given the name of the employer to the applicant and has within five working days arranged an interview with the employer and the applicant was hired as the result of that interview;

~~((8))~~ (9) No licensee shall require in any manner that a potential employee or an employee of an employer make any contract with any lending agency for the purpose of fulfilling a financial obligation to the licensee;

~~((9))~~ (10) All job listings must be bona fide job listings. To qualify as a bona fide job listing the following conditions must be met:

(a) A bona fide job listing must be obtained from a representative of the employer that reflects an actual current job opening;

(b) A representative of the employer must be aware of the fact that the job listing will be made available to applicants by the employment listing service and that applicants will be applying for the job listing;

(c) All job listings and referrals must be current. To qualify as a current job listing the employment listing service shall contact the employer and verify the availability of the job listing no less than once per week;

(11) All listings for employers listed in employment directories shall be current. To qualify as a current employer, the employment directory must contact the employer at least once per month and verify that the employer is currently hiring;

(12) Any aggrieved person, firm, corporation, or public officer may submit a written complaint to the director charging the holder of an employment agency license with violation of this chapter and/or the rules and regulations adopted pursuant to this chapter.

Sec. 8. RCW 19.31.245 and 1990 c 70 s 2 are each amended to read as follows:

(1) No employment agency may bring or maintain a cause of action in any court of this state for compensation for, or seeking equitable relief in regard to, services rendered employers and applicants, unless such agency shall allege and prove that at the time of rendering the services in question, or making the contract therefor, it was the holder of a valid license issued under this chapter.

(2) Any person who shall give consideration of any kind to any employment agency for the performance of employment services in this state when said employment agency shall not be the holder of a valid license issued under this chapter shall have a cause of action against the employment agency. Any court having jurisdiction may enter judgment therein for treble the amount of such consideration so paid, plus reasonable attorney's fees and costs.

(3) A person performing the services of an employment agency ~~((or))~~, employment listing ~~((or employment referral))~~ service, or employment directory without holding a valid license shall cease operations or immediately apply for ~~((and obtain))~~ a valid license. If the person continues to operate in violation of this chapter the director or the attorney general has a cause of action in any court having jurisdiction for the return of any consideration paid by any person to the agency. The court may enter judgment in the action for treble the amount of the consideration so paid, plus reasonable attorney's fees and costs."

On motion of Senator Moore, the following amendments to the Committee on Labor and Commerce striking amendment were considered simultaneously and were adopted:

On page 11, line 9 of the amendment, after "was" insert "registered with the department or"

On page 11, line 13 of the amendment, after "not be" insert "registered with the department or be"

On page 11, line 20 of the amendment, after "without" insert "being registered with the department or"

On page 11, line 21 of the amendment, after "license" insert "or register with the department"

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment, as amended, to Engrossed Substitute House Bill No. 1496.

The Committee on Labor and Commerce striking amendment, as amended, to Engrossed Substitute House Bill No. 1496, was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "and amending RCW 19.31.020, 19.31.030, 19.31.040, 19.31.100, 19.31.150, 19.31.170, 19.31.190, and 19.31.245."

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1496, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Amondson: "Senator Moore, do you know if this would relate or affect any of the state agencies listing jobs?"

Senator Moore: "I suppose if they were published in this pamphlet that it probably would indicate that there was a job available or I would not think they would be ineligible for it."

Senator Amondson: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1496, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1496, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator McDonald - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL 1006, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Zellinsky, Brumsickle, Dorn, R. Meyers, Miller, Scott, Sheldon, Wineberry, Ogden, Wood, Schmidt, Ballasiotes, Forner, Cooke, Talcott, Chandler, Leonard, Jacobsen, Eide, Horn and Pruitt)

Enabling public-private transportation initiatives.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following amendment was adopted:

On page 3, line 10, after "provisions:" strike "RCW 39.12.030" and insert "Chapter 39.12 RCW"

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1006, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1006, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1006, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1006, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, by House Committee on Education (originally sponsored by Representatives Dorn, Brough, Brumsickle, Heavey, Vance, Mastin, R. Meyers, Jones, Peery, Cothorn, Campbell, Orr, Holm, Carlson, Springer, Stevens, Jacobsen, Thomas, Pruitt, Foreman, Finkbeiner, Lemmon, Leonard, Rayburn, Riley, Patterson, Conway, King, Johanson, Roland, Tate, Karahalios, Mielke, Eide, Wolfe, Romero, Edmondson, Morris, Shin, G. Fisher, Horn, L. Johnson, Thibaudeau, Kremen, Basich, Miller, J. Kohl, H. Myers, Long, Cooke, Fuhrman, Van Luven, Talcott, Forner, Ballasiotes, Hansen, Kessler, Silver and Wood)

Creating the school-to-work transitions program.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, Engrossed Substitute House Bill No. 1820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1820.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1820 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Skratek - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1168, by Representatives King, Chappell, Basich, Orr, Fuhrman, Flemming, Springer and Wood

Leasing beds of tidal waters.

The bill was read the second time.

MOTIONS

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.96.010 and 1982 1st ex.s. c 21 s 134 are each amended to read as follows:

The beds of all navigable tidal waters in the state lying below extreme low tide, except as prohibited by section 1, Article XV, of the Washington state Constitution shall be subject to lease for the purposes of planting and cultivating oyster beds, or for the purpose of cultivating clams or other edible shellfish, or for other aquaculture use, for periods not to exceed ~~((ten))~~ thirty years.

~~((Where the lands are used for the cultivation and harvesting of oysters, the parcels leased shall not exceed forty acres. Where the lands are used for the cultivation and harvesting of clams or other aquaculture use, the department of natural resources may, in its discretion, grant leases for larger parcels.))~~

Nothing in this section shall prevent any person from leasing more than one parcel, as offered by the department.

Sec. 2. RCW 79.96.050 and 1982 1st ex.s. c 21 s 138 are each amended to read as follows:

The department of natural resources may, upon the filing of an application for a renewal lease, cause the tidelands or beds of navigable waters to be inspected, and if he deem[s] it in the best interests of the state to re-lease said lands, he shall issue

to the applicant a renewal lease for such further period not exceeding ((ten)) thirty years and under such terms and conditions as may be determined by the department: PROVIDED, That in the case of an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the director of fisheries."

Senator Haugen moved that the following amendment by Senators Haugen and Spanel to the Committee on Natural Resources striking amendment be adopted:

On page 1, line 14 of the amendment, after "years." insert "Aquatic net pen leases shall not exceed fifteen years."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Spanel on page 1, line 14, to the Committee on Natural Resources striking amendment to House Bill No. 1168.

The motion by Senator Haugen failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources striking amendment to House Bill No. 1168.

Debate ensued.

The Committee on Natural Resource striking amendment to House Bill No. 1168 was adopted.

MOTIONS

On motion of Senator Owen, the following title amendment was adopted:

On page 1, line 1 of the title, after "waters;" strike the remainder of the title and insert "and amending RCW 79.96.010 and 79.96.050."

On motion of Senator Owen, the rules were suspended, House Bill No. 1168, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1168, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1168 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Sutherland, Vognild, von Reichbauer, West, Williams and Winsley - 40.

Voting nay: Senators Haugen, Rasmussen, M., Spanel and Wojahn - 4.

Absent: Senator Skratek - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

HOUSE BILL NO. 1168, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1760 and the pending amendment by Senators Hochstatter, Vognild, Bauer, Owen, McCaslin and Hargrove on page 17, after line 13, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Engrossed Substitute House Bill No. 1760 is a measure which allows use of wage assignments for collection of spousal maintenance regardless of whether child support is also ordered, clarifies court jurisdiction and venue in actions related to support and maintenance, and allows certain medical expenses to be collected through wage assignment orders.

"The amendment by Senators Hochstatter, Vognild, Bauer, Owen, McCaslin and Hargrove would provide that child support for children over eighteen years of age for postsecondary education is not mandated and will not be a factor in determining an appropriate child support schedule.

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

The amendment by Senators Hochstatter, Vognild, Bauer, Owen, McCaslin and Hargrove on page 17, after line 13, to Engrossed Substitute House Bill No. 1760 was ruled out of order.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed Substitute House Bill No. 1760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1760.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1760 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Hargrove and Owen - 2.

Absent: Senator Skratek - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1713, by Representatives Bray, R. Fisher, Grant and Mastin

Revising vehicular window tinting labels.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1713.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1713 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Barr, Hochstatter, Nelson, Sellar and West - 6.

Absent: Senator Skratek - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

HOUSE BILL NO. 1713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator McDonald was excused.

On motion of Senator Jesernig, Senator Skratek was excused.

SECOND READING

HOUSE BILL NO. 1328, by Representatives Heavey, Riley and King

Setting the minimum rate of compensation for certain salespeople.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1328.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1328 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senator Vognild - 1.

Excused: Senators Cantu, McDonald, Moyer, Niemi, Skratek and Talmadge - 6.

HOUSE BILL NO. 1328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1733, by House Committee on State Government (originally sponsored by Representatives Linville, Reams, Brumsickle, Anderson, Pruitt, Kremen, Wolfe, Sommers, Ballard, Peery, Jones, King, Basich, Roland, G. Fisher, L. Johnson, Romero, Lemmon, Ogden, Karahalios, Eide and H. Myers) (by request of Productivity Board)

Clarifying productivity awards programs.

The bill was read the second time.

MOTIONS

On motion of Senator Drew, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.60.010 and 1987 c 387 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Board" means the productivity board.

(2) "Employee suggestion program" means the program developed by the board under RCW 41.60.020.

(3) "Teamwork incentive program" means the program developed by the board under RCW 41.60.100 through 41.60.120.

(4) "State employees" means present employees in state agencies and institutions of higher education except for elected officials, directors of such agencies and institutions, and their confidential secretaries and administrative assistants and others specifically ruled ineligible by the rules of the productivity board.

Sec. 2. RCW 41.60.015 and 1987 c 387 s 2 are each amended to read as follows:

(1) There is hereby created the productivity board. The board shall administer the employee suggestion program and the teamwork incentive program under this chapter (~~and shall review applications for teamwork incentive pay for state employees under RCW 41.60.100, 41.60.110, and 41.60.120~~).

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of personnel appointed under the provisions of RCW 41.06.130 or the director's designee;

(c) The director of financial management or the director's designee;

(d) The personnel director appointed under the provisions of RCW 28B.16.060 or the director's designee;

(e) The director of general administration or the director's designee;

(f) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees, but no one organization may be represented for two consecutive terms;

(g) One person representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing those subject to chapter 28B.16 RCW, both to be appointed by the governor; and

(h) In addition, the governor and board chairperson may jointly appoint persons to the board on an ad hoc basis. Ad hoc members shall serve in an advisory capacity and shall not have the right to vote.

Members under subsection (2) (f) and (g) of this section shall be appointed to serve three-year terms.

Members of the board appointed pursuant to subsection (2)(f) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 3. RCW 41.60.020 and 1982 c 167 s 7 are each amended to read as follows:

(1) The board shall formulate, establish, and maintain an employee suggestion program to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: PROVIDED, That the program shall include provisions for the processing of suggestions having multi-agency impact and post-implementation auditing of suggestions for fiscal accountability.

(2) The board shall prepare, at least annually, a topical list of all the productivity awards granted and disseminate this information to all the state government agencies that may be able to adapt them to their procedures.

(3) The board shall adopt rules and regulations necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter.

Sec. 4. RCW 41.60.100 and 1989 c 56 s 2 are each amended to read as follows:

With the exception of agencies of the legislative and judicial branches, any organizational unit composed of employees in any agency or group of agencies of state government ~~((having an identifiable budget or having its financial records maintained according to an accounting system which identifies the expenditures and receipts properly attributable to that unit))~~ with the ability to identify costs, revenues, or both may apply to the board ~~((for selection as a candidate for the award of))~~ to participate in the teamwork incentive ((pay-to-its-employees)) program. The application shall ~~((be submitted prior to the beginning of any year and shall))~~ have the approval of the heads of the agency or agencies within which the unit is located.

Applications shall be in the form specified by the board and contain such information as the board requires. This may include, but is not limited to, quantitative measures which establish a data base of program output or performance expectations, or both. This data base is used to evaluate savings in accordance with RCW 41.60.110(1).

The board shall evaluate the applications submitted. From those proposals which are considered to be reasonable and practical and which are found to include developed performance indicators which lend themselves to a judgment of success or failure, the board shall select the units to participate in the teamwork incentive ~~((pay))~~ program.

Sec. 5. RCW 41.60.110 and 1989 c 56 s 3 are each amended to read as follows:

(1) To qualify for ~~((the award of))~~ a teamwork incentive ((pay-to)) program award for its employees, a unit selected shall demonstrate to the satisfaction of the board that it has operated during the ~~((year))~~ period of participation at a lower cost or with an increase in revenue with ~~((either an increase in the level of services rendered or with))~~ no decrease in the level of services rendered.

(a) A unit completing its ~~((first year))~~ period of participation shall compare costs or revenues during that ~~((year))~~ period of participation to (i) the ~~((fiscal year))~~ expenditures or revenues for ~~((the year))~~ a comparable span of time immediately preceding the first ~~((year))~~ period of participation, or (ii) an average derived from the unit's historical data, or (iii) engineered standards used in conjunction with an average derived from the unit's historical data, or (iv) anticipated revenue as based on statistical projections or historical data;

(b) A unit participating in the teamwork incentive ~~((pay))~~ program for two or more consecutive ~~((years))~~ times may choose to compare its costs during the current ~~((year))~~ period of participation with (i) its costs or revenues for the immediately preceding ~~((year))~~ period, or (ii) ~~((a yearly))~~ an average of its costs or revenues for the preceding two or three ~~((years))~~ comparable spans of time in the teamwork incentive program;

(c) For the purposes of (a) of this subsection, a unit's historical data shall be restricted to data generated during the period of three years or less immediately preceding the unit's first ~~((year of))~~ participation in the teamwork incentive ~~((pay))~~ program; and

(d) For the purposes of (b) of this subsection, a unit's costs or revenues for preceding ~~((years))~~ periods of time may include the costs or revenues calculated under (a) (i), (ii), or (iii) of this subsection for ~~((years))~~ the periods of time the unit participated in the teamwork incentive ~~((pay))~~ program.

(2) The board shall satisfy itself from documentation submitted by the organizational unit that the claimed cost of operation or level of higher revenue is real and not merely apparent and that it is not, in whole or in part, the result of:

(a) Chance;

(b) A lowering of the quality of the service rendered;

(c) Nonrecurrence of expenditures which were single outlay, or one-time expenditures, in the preceding ~~((year))~~ comparable period of time;

(d) Stockpiling inventories in the immediately preceding ~~((year))~~ period so as to reduce requirements in the eligible ~~((year))~~ time period;

(e) Substitution of federal funds, other receipts, or nonstate funds for programs currently receiving state appropriations;

(f) Unreasonable postponement of payments of accounts payable until the ~~((year))~~ period immediately following the eligible ~~((year))~~ period of participation;

(g) Shifting of expenses to another unit of government; or

(h) Any other practice, event, or device which the board decides has caused a distortion which makes it falsely appear that a savings or increase in revenue gains or an increase in level of services has occurred.

(3) The board shall consider as legitimate ~~((savings))~~ efficiencies those reductions in expenditures or increases in revenue made possible by such items as the following:

(a) Reductions in overtime;

(b) Elimination of consultant fees;

(c) Less temporary help;

(d) Improved systems and procedures;

(e) Better deployment and utilization of personnel;

(f) Elimination of unnecessary travel;

(g) Elimination of unnecessary printing and mailing;

(h) Elimination of unnecessary payments for items such as advertising;

(i) Elimination of waste, duplication, and operations of doubtful value;

(j) Improved space utilization; ~~((and))~~

(k) Improved methods of collecting revenue or recovering money owed to the state; and

(l) Any other items determined by the board to represent cost savings or increased revenue.

Sec. 6. RCW 41.60.120 and 1989 c 56 s 4 are each amended to read as follows:

At the conclusion of the eligible ~~((year))~~ period, the board shall compare the expenditures or revenues for that ~~((year))~~ period of each unit selected against the expenditures or revenues of that unit for the immediately preceding ~~((year))~~ period or expenditures or revenues determined in accordance with RCW 41.60.110(1) (a) and (b) and, after making such adjustments as in the board's judgment are required to eliminate distortions, shall determine the amount, if any, that the unit has reduced the unit's cost of operations or increased its level of services or generated additional revenues to the state in the eligible ~~((year))~~ period. Adjustments to eliminate distortions may include any legislative increases in employee compensation and inflationary increases in the cost of services, materials, and supplies. Adjustments to additional revenue may include changes in client populations and the effects of legal changes. If the board also determines that ~~((in the board's judgment))~~ a unit qualifies for an award, the board shall award to the employees of that unit a sum ~~((equal))~~ up to twenty-five percent of the amount determined to be the savings or revenue increases to the state for the level of services rendered. The amount awarded shall be divided and distributed in ~~((equal shares))~~ accordance with board rules to the employees of the unit, except that employees who worked for that unit less than the ~~((twelve~~

months of the year)) full period during which the unit conducted a teamwork incentive program shall receive only a pro rata share based on the fraction of the ((year)) period worked for that unit. No individual share of the unit award may exceed the maximum award established by rule adopted by the board. Funds for this teamwork incentive ((pay)) award shall be drawn from the ((agency)) agencies in which the unit is located or from the benefiting fund or account without appropriation when additional revenue is generated to the fund or account.

Awards may be paid to teams for process changes which generate new or additional money for the general fund or any other funds of the state. The director of the office of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund in amounts equal to award payments made by the general fund, for innovations generating new or additional money for those other funds.

Sec. 7. RCW 41.60.160 and 1987 c 387 s 8 are each amended to read as follows:

No award may be made under this chapter to any elected state official or state agency director. ~~((No monetary award may be made to persons exempt from the state civil service law under RCW 41.06.070 (5) or (9).))~~

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Drew, the following title amendment was adopted:

On line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 41.60.010, 41.60.015, 41.60.020, 41.60.100, 41.60.110, 41.60.120, and 41.60.160; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1733, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1733, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1733, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Moyer, Niemi, Skratek and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1733, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brumsickle, Brown, Horn, Long, Quall, Carlson and Johanson) (by request of Washington State Patrol)

Controlling vehicle tax or license fee evasion.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

On page 4, line 32, after "state" strike "or foreign country"

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1127, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1127, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1127, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Barr - 1.

Excused: Senators Cantu, Moyer, Niemi, Skratek and Talmadge - 5.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1773, by Representatives Pruitt and R. Meyers

Adding certain miniature models to boiler regulation exemptions.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTION

On motion of Senator Spanel, Senator Vognild was excused.
The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1773.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1773 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Moyer, Niemi, Talmadge and Vognild - 5.

HOUSE BILL NO. 1773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, by House Committee on Appropriations (originally sponsored by Representatives Locke, Sommers, Silver, Jacobsen, Ludwig and Bray)

Increasing flexibility of institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the following Committee on Higher Education amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature acknowledges the academic freedom of institutions of higher education, and seeks to improve their efficiency and effectiveness in carrying out their missions. By this act, the legislature intends to increase the flexibility of institutions of higher education to manage personnel, construction, purchasing, printing, and tuition.

PART I PURCHASING, PRINTING, AND CONSTRUCTION AUTHORITY

NEW SECTION. Sec. 101. A new section is added to chapter 28B.10 RCW to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.550 through 43.19.637. The community and technical colleges shall comply with RCW

43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.1935, 43.19.19363, and 43.19.19368. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution.

Sec. 102. RCW 43.19.190 and 1991 c 238 s 135 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital ((service)) group purchasing organizations ((as defined in section 501(e) of the Internal Revenue Code, or its successor)): PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 ~~((as now or hereafter amended))~~: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under section 101 of this act:

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, ~~((as now or hereafter amended.))~~ or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including those educational institutions to which this section applies, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

Sec. 103. RCW 43.19.1906 and 1992 c 85 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939 ~~((as now or hereafter amended))~~. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 ~~((as now or hereafter amended))~~ or under section 101 of this act. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies (~~(including purchases of specialized equipment, instructional, and research equipment and materials by colleges and universities,)~~) if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 (~~(as now or hereafter amended)~~);

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital (~~(service)~~) group purchasing organizations (~~(as defined in section 501(e) of the Internal Revenue Code, or its successor)~~);

(7) Purchases by institutions of higher education not exceeding fifteen thousand dollars (~~(that are funded by research grant or contract funds, or other nonstate appropriated funds)~~): PROVIDED, That for purchases between two thousand five hundred dollars and fifteen thousand dollars quotations shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. A record of competition for all such purchases made from two thousand five hundred to fifteen thousand dollars shall be documented for audit purposes (~~(on a standard state form approved by the forms management center under provisions of RCW 43.19.510)~~); and

(8) Beginning on July 1, (~~(1989)~~) 1995, and on July 1 of each succeeding odd-numbered year, the (~~(five thousand)~~) dollar limits specified in (~~(subsection (2) of)~~) this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 104. RCW 43.78.030 and 1988 c 102 s 1 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, (~~(or)~~) to the printing of bond certificates or bond offering disclosure documents, or to any printing done or contracted for by institutions of higher education: PROVIDED, That institutions of higher education, in consultation with the public printer, develop vendor selection procedures comparable to those used by the public printer for contracted printing jobs. Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any (~~(institution of higher learning,)~~) institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern. (~~(Further, where any printing or binding needed by an institution of higher education is to be paid for from research grant or contract funds, short course revenues, or other nonstate appropriated funding source, such printing or binding may be done by any private printing company in the state of Washington, irrespective of the dollar limit specified in this section, when in the judgment of the officer of the institution so ordering, the saving in time or cost justifies the award to such local private printing concern.)~~)

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

NEW SECTION. Sec. 105. A new section is added to chapter 43.78 RCW to read as follows:

The public printer may use the state printing plant for the purposes of printing or furnishing materials under RCW 43.78.100 if an interlocal agreement under chapter 39.34 RCW has been executed between an institution of higher education and the public printer.

Sec. 106. RCW 43.78.100 and 1965 c 8 s 43.78.100 are each amended to read as follows:

The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. This section does not apply to institutions of higher education.

Sec. 107. RCW 43.78.110 and 1982 c 164 s 3 are each amended to read as follows:

Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, ~~((he)) the public printer~~ may obtain such work or supplies from such private sources. ~~((The public printer shall notify day training centers, group training homes, and sheltered workshops providing printing and related trade services under RCW 43.19.532 of the opportunity to bid on the provision of such work or supplies under this section.))~~

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

Sec. 108. RCW 28B.50.330 and 1991 c 238 s 48 are each amended to read as follows:

The boards of trustees of college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ~~((fifteen))~~ twenty-five thousand dollars, complete plans and specifications for such work shall be prepared ~~((and such work shall be prepared))~~ and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works procedure authorized in RCW 39.04.150: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any college of any building, improvements, or repairs, or other work, is less than ~~((five))~~ twenty-five thousand dollars, the publication requirements of RCW 39.04.020 ~~((and 39.04.070))~~ shall be inapplicable.

Sec. 109. RCW 28B.10.350 and 1985 c 152 s 1 are each amended to read as follows:

(1) When the cost to The Evergreen State College, any regional university, or state university, of any building, construction, renovation, remodeling, or demolition other than maintenance or repairs will equal or exceed the sum of twenty-five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling, or demolition equals or exceeds the sum of twenty-five thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage," under chapter 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works procedure authorized in RCW 28B.10.355.

(2) The Evergreen State College, any regional university, or state university may require a project to be put to public bid even when it is not required to do so under subsection (1) of this section.

(3) Where the estimated cost to The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling, or demolition is less than twenty-five thousand dollars or the contract is awarded by the small works procedure authorized in RCW 28B.10.355, the publication requirements of RCW 39.04.020 ~~((and 39.04.090))~~ shall be inapplicable.

(4) In the event of any emergency when the public interest or property of The Evergreen State College, regional university, or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of such college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 110. RCW 28B.10.355 and 1985 c 152 s 2 are each amended to read as follows:

Each board of regents of the state universities and each board of trustees of the regional universities and The Evergreen State College may establish a small works roster. The small works roster authorized by this section may be used for any public works project for which the estimated cost is less than ~~((fifty))~~ one hundred thousand dollars. Each board shall adopt rules to implement this section.

The roster shall be composed of all responsible contractors who have requested to be on the list. Each board shall establish a procedure for securing telephone or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. This procedure shall require either that a good faith effort be made to request quotations from all contractors on the small works roster who have indicated the capability of performing the kind of public works being contracted or that the board shall solicit quotations from at least five

contractors in a manner that will equitably distribute the opportunity among contractors on the roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection and available by telephone inquiry. Each board may adopt a procedure to prequalify contractors for inclusion on the small works roster. No board may be required to make available for public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

The small works roster shall be revised at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the state. Responsible contractors shall be added to the list at any time they submit a written request.

Sec. 111. RCW 39.04.020 and 1986 c 282 s 2 are each amended to read as follows:

Whenever the state((;)) or any municipality shall determine that any public work is necessary to be done, it shall cause plans, specifications, or both thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board, or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state((;)) or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of fifteen thousand dollars or the amounts specified in RCW 28B.10.350 or 28B.10.355 for colleges and universities, or the amounts specified in RCW 28B.50.330 or 39.04.150 for community colleges and technical colleges, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Sec. 112. RCW 39.04.150 and 1988 c 36 s 12 are each amended to read as follows:

(1) As used in this section, "agency" means the department of general administration, the department of fisheries, the department of wildlife, and the state parks and recreation commission.

(2) In addition to any other power or authority that an agency may have, each agency, alone or in concert, may establish a small works roster consisting of all qualified contractors who have requested to be included on the roster.

(3) The small works roster may make distinctions between contractors based on the geographic areas served and the nature of the work the contractor is qualified to perform. At least once every year, the agency shall advertise in a newspaper of general circulation the existence of the small works roster and shall add to the roster those contractors who request to be included on the roster.

(4) Construction, repair, or alteration projects estimated to cost less than fifty thousand dollars, or less than one hundred thousand dollars for projects managed by the department of general administration for community colleges and technical colleges, as defined under chapter 28B.50 RCW, are exempt from the requirement that the contracts be awarded after advertisement and competitive bid as defined by RCW 39.04.010. In lieu of advertisement and competitive bid, the agency shall solicit at least five quotations, confirmed in writing, from contractors chosen by random number generated by computer from the contractors on the small works roster for the category of job type involved and shall award the work to the party with the lowest quotation or reject all quotations. If the agency is unable to solicit quotations from five qualified contractors on the small works roster for a particular project, then the project shall be advertised and competitively bid. The agency shall solicit quotations randomly from contractors on the small works roster in a manner which will equitably distribute the opportunity for these contracts among contractors on the roster: PROVIDED, That whenever possible, the agency shall invite at least one proposal from a minority contractor who shall otherwise qualify to perform such work. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone request.

(5) The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount for bidding is contrary to public policy and is prohibited.

(6) The director of general administration shall adopt by rule a procedure to prequalify contractors for inclusion on the small works roster. Each agency shall follow the procedure adopted by the director of general administration. No agency shall be required to make available for public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

(7) An agency may adopt by rule procedures to implement this section which shall not be inconsistent with the procedures adopted by the director of the department of general administration pursuant to subsection (6) of this section.

PART II LOCAL TUITION AUTHORITY

Sec. 201. RCW 28B.15.031 and 1987 c 15 s 2 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be ~~((transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund))~~ deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That two and one-half percent of ~~((moneys~~

received as)) operating fees ((be exempt from such deposit and)) shall be retained by the institutions, except the technical colleges, for the purposes of RCW 28B.15.820(~~PROVIDED FURTHER, That money received by institutions of higher education from the periodic payment plan authorized by RCW 28B.15.411 shall be transmitted to the state treasurer within five days following the close of registration of the appropriate quarter or semester~~)).

Sec. 202. RCW 28B.15.202 and 1992 c 231 s 7 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the University of Washington and at Washington State University for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be thirty-three percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (2) of this section: PROVIDED, That the building fees for each academic year shall be three hundred and forty-two dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) For full time nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (5) of this section: PROVIDED, That the building fees for each academic year shall be five hundred and fifty-five dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(7) The governing boards of the state universities shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 203. RCW 28B.15.402 and 1992 c 231 s 10 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the regional universities and The Evergreen State College for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be twenty-five percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident graduate students, the total tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) The governing boards of each of the regional universities and The Evergreen State College shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 204. RCW 28B.15.502 and 1992 c 231 s 11 are each amended to read as follows:

Tuition fees and maximum services and activities fees at each community college for other than the summer term shall be set by the state board for community and technical colleges as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) The governing boards of each of the state community colleges shall charge to and collect from each student a services and activities fee. Each governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident student tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with subsection (3) of this section shall be set by the state board for community and technical colleges for summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

Subject to the limitations of RCW 28B.15.910, each governing board may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules and regulations of the state board for community and technical colleges.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

NEW SECTION. Sec. 205. A new section is added to chapter 28B.15 RCW to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act and the estimated interest on operating fees revenue, minus obligations under RCW 28B.15.820 and 43.991.040 and minus the amount of waived operating fees authorized under RCW 28B.15.910;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910.

NEW SECTION. Sec. 206. RCW 28B.15.824 and 1992 c 231 s 36 are each repealed.

PART III EMPLOYMENT RELATIONS

NEW SECTION. Sec. 301. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter shall apply to institutions of higher education with respect to the employees classified under chapter 28B.16 RCW or covered by a bargaining agreement under section 304(3) of this act.

Sec. 302. RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are each reenacted and amended to read as follows:
As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter (~~as designated by RCW 41.56.020~~), or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

(8) "Institution of higher education" means the same as the definition in RCW 28B.10.016.

Sec. 303. RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each amended to read as follows:

(1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute (~~(involving a political subdivision, municipal corporation, or the community college system of the state)~~) arising under a collective bargaining statute administered by the commission, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, he shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort.

NEW SECTION. **Sec. 304.** A new section is added to chapter 41.56 RCW to read as follows:

On the effective date of this section, all collective bargaining rights and obligations concerning relations between the institutions of higher education and their employees classified under chapter 28B.16 RCW shall be transferred to this chapter, subject to the following:

(1) The commission shall recognize, in their current form, all bargaining units certified by the higher education personnel board as of the effective date of this section.

(2) Except as provided in subsection (3) of this section:

(a) Collective bargaining under this section is limited to negotiation of grievance procedures and personnel matters over which the institution of higher education or related board may lawfully exercise discretion; and

(b) Terms of a collective bargaining agreement negotiated under this section, if in conflict with rules or policies by the higher education personnel board under chapter 28B.16 RCW are void and unenforceable to the extent of the conflict.

(3) At any time after the effective date of this section, an institution of higher education and the exclusive bargaining representative of a bargaining unit of employees classified under chapter 28B.16 RCW may exercise their option to have their relationship and corresponding obligations governed entirely by the provisions of this chapter, by filing notice of the parties' intent to be so governed, subject to the mutual adoption of a collective bargaining agreement recognizing the notice of intent. The parties shall provide the notice to the higher education personnel board and the commission. On the first day of the month following the month during which a collective bargaining agreement is executed by the parties recognizing the notice of intent and notice of the execution of the agreement and a copy of the agreement are received by the higher education personnel board and commission, chapter 28B.16 RCW shall cease to apply to all employees in the bargaining unit covered by the agreement, and the limitations on collective bargaining contained in RCW 41.56.100 and subsection (2) of this section shall cease to apply to that bargaining unit.

(4) If an institution of higher education and the exclusive bargaining representative of a bargaining unit of its employees agree to exercise the option to have their relationship and corresponding obligations governed entirely by this chapter, salary increases negotiated thereafter for the employees in the bargaining unit shall be subject to the following:

(a) Salary increases shall continue to be appropriated by the legislature. The exclusive bargaining representative shall meet before a legislative session with the governor or governor's designee and the representative of the institution of higher

education concerning the total dollar amount for salary increases and health care contributions that will be contained in the appropriations proposed by the governor under RCW 43.88.060;

(b) The collective bargaining agreements may provide for salary increases that are different from or that exceed the amount or percentage for salary increases provided by the legislature in the omnibus appropriations act for the institution of higher education or allocated to the board of trustees by the state board for community and technical colleges, but the base for salary increases provided by the legislature under (a) of this subsection shall include only those amounts appropriated by the legislature, and the base shall not include any additional salary increases provided under this subsection (4)(b);

(c) Any provisions of the collective bargaining agreements pertaining to salary increases provided under (a) of this subsection shall be subject to modification by the legislature. If any provision of a salary increase provided under (a) of this subsection is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

(5) Nothing in this section may be construed to require any institution of higher education to bargain collectively with any exclusive bargaining representative concerning any matter covered by chapter 41.05 RCW, except for the related cost or dollar contributions, or chapter 41.32 or 41.40 RCW.

Sec. 305. RCW 28B.16.040 and 1990 c 60 s 201 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and ~~((chairmen))~~ chairpersons; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, ~~((his))~~ the director's confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges ~~((education))~~.

(4) The personnel director of the higher education personnel board and ~~((his))~~ the director's confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, ~~((and principal assistants to executive heads of major administrative or academic divisions,))~~ as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 306. RCW 28B.16.100 and 1990 c 60 s 202 are each amended to read as follows:

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;

(3) Examination for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) ~~((Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;~~

~~((11) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and~~

complete membership rights: ~~AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;~~

~~(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;~~

~~(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;~~

~~(14)) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;~~

~~((15)) (11) Allocation and reallocation of positions within the classification plan;~~

~~((16)) (12) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 28B.16.116 and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community and technical colleges ~~((education))~~ for the various community colleges;~~

~~((17)) (13) Training programs including in-service, promotional, and supervisory;~~

~~((18)) (14) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;~~

~~((19)) (15) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their ~~((widows)) surviving spouses~~ by giving such eligible veterans and their ~~((widows)) surviving spouses~~ additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the ~~((widow)) surviving spouse~~ of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;~~

~~((20)) (16) Assuring that persons who are or have been employed in classified positions under chapter 41.06 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter; ~~((and~~~~

~~(21)) (17) Assuring that any person who is or has been employed in a classified position under this chapter will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions at any other institution of higher education or related board~~(-); and~~~~

~~((22)) (18) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.~~

The board shall consult with the human rights commission in the development of rules consistent with federal guidelines pertaining to affirmative action. The board shall transmit a report annually to the human rights commission which states the progress each institution of higher education has made in meeting affirmative action goals and timetables.

Sec. 307. RCW 28B.16.200 and 1979 c 151 s 18 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, the budget for which shall be subject to review and approval and appropriation by the legislature. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges ~~((education))~~ and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

(2) If employees cease to be classified under this chapter pursuant to an agreement authorized by section 304 of this act, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel board service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel board service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board based on the salaries and wages of the remaining employees classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature. The director of financial management shall report the amount and impact of any across-the-board reductions made under this section to the appropriations committee of the house of representatives and the ways and means committee of the senate, or appropriate successor committees, within thirty days of making the reductions.

(3) Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

NEW SECTION. Sec. 308. A new section is added to chapter 28B.16 RCW to read as follows:

At any time after the effective date of this section, an institution of higher education and the exclusive bargaining representative of a bargaining unit of employees classified under this chapter may exercise their option to have their relationship and corresponding obligations governed entirely by the provisions of chapter 41.56 RCW, by filing notice of the parties' intent to be so governed, subject to the mutual adoption of a collective bargaining agreement recognizing the notice of intent. The parties shall provide the notice to the board and the public employment relations commission. On the first day of the month following the month during which a collective bargaining agreement is executed by the parties recognizing the notice of intent and notice of the execution of the agreement and a copy of the agreement are received by the board and the public employment relations commission, this chapter shall cease to apply to all employees in the bargaining unit covered by the agreement.

NEW SECTION. Sec. 309. (1) On the effective date of this section, the labor relations functions of the higher education personnel board set forth in chapter 36, Laws of 1969 ex. sess. shall be transferred to the commission.

(2) On the effective date of this section, all business pending before the higher education personnel board that pertains to the functions transferred to the commission by this section shall be continued and acted upon by the commission. All existing contracts and obligations pertaining to such functions shall remain in full force and effect, but shall be performed by the commission in lieu of the higher education personnel board. The transfer of any functions shall not affect the validity of any act performed by the higher education personnel board or any officer or employee thereof before the effective date of the transferral of such functions.

(3) Notwithstanding any other provisions of this act, contracts or agreements are authorized between the commission and the higher education personnel board with respect to functions transferred by this section. Such contract or agreement may provide for an employee or employees of the higher education personnel board or other person or persons to continue to provide services relating to pending business that is transferred to the commission as of the effective date of this section, until such pending business is completed.

NEW SECTION. Sec. 310. (1) All employees of the higher education personnel board classified under the provisions of chapter 28B.16 RCW, the higher education personnel law, whose positions are entirely concerned with functions transferred to the commission by section 309 of this act, shall be transferred to the jurisdiction of the commission.

(2) All funds, reports, documents, surveys, books, records, files, papers, or other writings in the possession of the higher education personnel board pertaining to the functions transferred to the commission by section 309 of this act shall by the effective date of this section, be delivered to the custody of the commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the functions transferred by section 309 of this act shall by the effective date of this section be transferred to the commission.

NEW SECTION. Sec. 311. RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14 are each repealed.

PART IV MISCELLANEOUS

NEW SECTION. Sec. 401. The sum of . . . dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from each public four-year institution's and the community colleges' operating fees account established in RCW 28B.15.824 to the respective institution's local account for the purposes of sections 201 through 205 of this act.

NEW SECTION. Sec. 402. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 403. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTION

Senator Bauer moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature acknowledges the academic freedom of institutions of higher education, and seeks to improve their efficiency and effectiveness in carrying out their missions. By this act, the legislature intends to increase the flexibility of institutions of higher education to manage personnel, construction, purchasing, printing, and tuition.

PART I PURCHASING, PRINTING, AND CONSTRUCTION AUTHORITY

NEW SECTION. Sec. 101. A new section is added to chapter 28B.10 RCW to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.550 through 43.19.637. The community and technical colleges shall comply with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.1935, 43.19.19363, and 43.19.19368. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration.

Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution.

Sec. 102. RCW 43.19.190 and 1991 c 238 s 135 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital ((service)) group purchasing organizations ((as defined in section 501(e) of the Internal Revenue Code, or its successor)): PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 ((as now or hereafter amended)): PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under section 101 of this act;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, ((as now or hereafter amended,)) or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including those educational institutions to which this section applies, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

Sec. 103. RCW 43.19.1906 and 1992 c 85 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939 ((, as now or hereafter amended)). This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 ((as now or hereafter amended)) or under section 101 of this act. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the five thousand dollar bid limitation, or

subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies (~~(including purchases of specialized equipment, instructional, and research equipment and materials by colleges and universities;)~~) if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 (~~(as now or hereafter amended)~~);

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services:

PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital (~~(service)~~) group purchasing organizations (~~(as defined in section 504(e) of the Internal Revenue Code, or its successor)~~);

(7) Purchases by institutions of higher education not exceeding fifteen thousand dollars (~~(that are funded by research grant or contract funds, or other nonstate appropriated funds)~~): PROVIDED, That for purchases between two thousand five hundred dollars and fifteen thousand dollars quotations shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. A record of competition for all such purchases made from two thousand five hundred to fifteen thousand dollars shall be documented for audit purposes (~~(on a standard state form approved by the forms management center under provisions of RCW 43.19.540)~~); and

(8) Beginning on July 1, (~~(1989)~~) 1995, and on July 1 of each succeeding odd-numbered year, the (~~(five thousand)~~) dollar limits specified in (~~(subsection (2) of)~~) this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 104. RCW 43.78.030 and 1988 c 102 s 1 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, (~~(or)~~) to the printing of bond certificates or bond offering disclosure documents, or to any printing done or contracted for by institutions of higher education: PROVIDED, That institutions of higher education, in consultation with the public printer, develop vendor selection procedures comparable to those used by the public printer for contracted printing jobs. Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any (~~(institution of higher learning,)~~) institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern. (~~(Further, where any printing or binding needed by an institution of higher education is to be paid for from research grant or contract funds, short course revenues, or other nonstate appropriated funding source, such printing or binding may be done by any private printing company in the state of Washington, irrespective of the dollar limit specified in this section, when in the judgment of the officer of the institution so ordering, the saving in time or cost justifies the award to such local private printing concern.)~~)

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

NEW SECTION. Sec. 105. A new section is added to chapter 43.78 RCW to read as follows:

The public printer may use the state printing plant for the purposes of printing or furnishing materials under RCW 43.78.100 if an interlocal agreement under chapter 39.34 RCW has been executed between an institution of higher education and the public printer.

Sec. 106. RCW 43.78.100 and 1965 c 8 s 43.78.100 are each amended to read as follows:

The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. This section does not apply to institutions of higher education.

Sec. 107. RCW 43.78.110 and 1982 c 164 s 3 are each amended to read as follows:

Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, ~~((he)) the public printer~~ may obtain such work or supplies from such private sources. ~~((The public printer shall notify day training centers, group training homes, and sheltered workshops providing printing and related trade services under RCW 43.19.532 of the opportunity to bid on the provision of such work or supplies under this section.))~~

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

Sec. 108. RCW 28B.50.330 and 1991 c 238 s 48 are each amended to read as follows:

The boards of trustees of college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ~~((fifteen))~~ twenty-five thousand dollars, complete plans and specifications for such work shall be prepared ~~((and such work shall be prepared))~~ and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works procedure authorized in RCW 39.04.150: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any college of any building, improvements, or repairs, or other work, is less than ~~((five))~~ twenty-five thousand dollars, the publication requirements of RCW 39.04.020 ~~((and 39.04.070))~~ shall be inapplicable.

Sec. 109. RCW 28B.10.350 and 1985 c 152 s 1 are each amended to read as follows:

(1) When the cost to The Evergreen State College, any regional university, or state university, of any building, construction, renovation, remodeling, or demolition other than maintenance or repairs will equal or exceed the sum of twenty-five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling, or demolition equals or exceeds the sum of twenty-five thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage," under chapter 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works procedure authorized in RCW 28B.10.355.

(2) The Evergreen State College, any regional university, or state university may require a project to be put to public bid even when it is not required to do so under subsection (1) of this section.

(3) Where the estimated cost to The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling, or demolition is less than twenty-five thousand dollars or the contract is awarded by the small works procedure authorized in RCW 28B.10.355, the publication requirements of RCW 39.04.020 ~~((and 39.04.090))~~ shall be inapplicable.

(4) In the event of any emergency when the public interest or property of The Evergreen State College, regional university, or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of such college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 110. RCW 28B.10.355 and 1985 c 152 s 2 are each amended to read as follows:

Each board of regents of the state universities and each board of trustees of the regional universities and The Evergreen State College may establish a small works roster. The small works roster authorized by this section may be used for any public works project for which the estimated cost is less than ~~((fifty))~~ one hundred thousand dollars. Each board shall adopt rules to implement this section.

The roster shall be composed of all responsible contractors who have requested to be on the list. Each board shall establish a procedure for securing telephone or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. This procedure shall require either that a good faith effort be made to request quotations from all contractors on the small works roster who have indicated the capability of performing the kind of public works being contracted or that the board shall solicit quotations from at least five contractors in a manner that will equitably distribute the opportunity among contractors on the roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection and available by telephone inquiry. Each board may adopt a procedure to prequalify contractors for inclusion on the small works roster. No board may be required to make available for

public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

The small works roster shall be revised at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the state. Responsible contractors shall be added to the list at any time they submit a written request.

Sec. 111. RCW 39.04.020 and 1986 c 282 s 2 are each amended to read as follows:

Whenever the state(,) or any municipality shall determine that any public work is necessary to be done, it shall cause plans, specifications, or both thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board, or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state(,) or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of fifteen thousand dollars or the amounts specified in RCW 28B.10.350 or 28B.10.355 for colleges and universities, or the amounts specified in RCW 28B.50.330 or 39.04.150 for community colleges and technical colleges, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Sec. 112. RCW 39.04.150 and 1988 c 36 s 12 are each amended to read as follows:

(1) As used in this section, "agency" means the department of general administration, the department of fisheries, the department of wildlife, and the state parks and recreation commission.

(2) In addition to any other power or authority that an agency may have, each agency, alone or in concert, may establish a small works roster consisting of all qualified contractors who have requested to be included on the roster.

(3) The small works roster may make distinctions between contractors based on the geographic areas served and the nature of the work the contractor is qualified to perform. At least once every year, the agency shall advertise in a newspaper of general circulation the existence of the small works roster and shall add to the roster those contractors who request to be included on the roster.

(4) Construction, repair, or alteration projects estimated to cost less than fifty thousand dollars, or less than one hundred thousand dollars for projects managed by the department of general administration for community colleges and technical colleges, as defined under chapter 28B.50 RCW, are exempt from the requirement that the contracts be awarded after advertisement and competitive bid as defined by RCW 39.04.010. In lieu of advertisement and competitive bid, the agency shall solicit at least five quotations, confirmed in writing, from contractors chosen by random number generated by computer from the contractors on the small works roster for the category of job type involved and shall award the work to the party with the lowest quotation or reject all quotations. If the agency is unable to solicit quotations from five qualified contractors on the small works roster for a particular project, then the project shall be advertised and competitively bid. The agency shall solicit quotations randomly from contractors on the small works roster in a manner which will equitably distribute the opportunity for these contracts among contractors on the roster: PROVIDED, That whenever possible, the agency shall invite at least one proposal from a minority contractor who shall otherwise qualify to perform such work. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone request.

(5) The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount for bidding is contrary to public policy and is prohibited.

(6) The director of general administration shall adopt by rule a procedure to prequalify contractors for inclusion on the small works roster. Each agency shall follow the procedure adopted by the director of general administration. No agency shall be required to make available for public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

(7) An agency may adopt by rule procedures to implement this section which shall not be inconsistent with the procedures adopted by the director of the department of general administration pursuant to subsection (6) of this section.

PART II LOCAL TUITION AUTHORITY

Sec. 201. RCW 28B.15.031 and 1987 c 15 s 2 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be ~~((transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund))~~ deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That two and one-half percent of ~~((moneys received as))~~ operating fees ~~((be exempt from such deposit and))~~ shall be retained by the institutions, except the technical colleges, for the purposes of RCW 28B.15.820 ~~((PROVIDED FURTHER, That money received by institutions of higher education from the~~

periodic payment plan authorized by RCW 28B.15.411 shall be transmitted to the state treasurer within five days following the close of registration of the appropriate quarter or semester).

Sec. 202. RCW 28B.15.202 and 1992 c 231 s 7 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the University of Washington and at Washington State University for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be thirty-three percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (2) of this section: PROVIDED, That the building fees for each academic year shall be three hundred and forty-two dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) For full time nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (5) of this section: PROVIDED, That the building fees for each academic year shall be five hundred and fifty-five dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(7) The governing boards of the state universities shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 203. RCW 28B.15.402 and 1992 c 231 s 10 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the regional universities and The Evergreen State College for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be twenty-five percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year

shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident graduate students, the total tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) The governing boards of each of the regional universities and The Evergreen State College shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 204. RCW 28B.15.502 and 1992 c 231 s 11 are each amended to read as follows:

Tuition fees and maximum services and activities fees at each community college for other than the summer term shall be set by the state board for community and technical colleges as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) The governing boards of each of the state community colleges shall charge to and collect from each student a services and activities fee. Each governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident student tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with subsection (3) of this section shall be set by the state board for community and technical colleges for summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

Subject to the limitations of RCW 28B.15.910, each governing board may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules and regulations of the state board for community and technical colleges.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

NEW SECTION. Sec. 205. A new section is added to chapter 28B.15 RCW to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act and the estimated interest on operating fees revenue, minus obligations under RCW 28B.15.820 and 43.991.040 and minus the amount of waived operating fees authorized under RCW 28B.15.910;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910.

NEW SECTION. Sec. 206. RCW 28B.15.824 and 1992 c 231 s 36 are each repealed.

PART III EMPLOYMENT RELATIONS

NEW SECTION. Sec. 301. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter shall apply to institutions of higher education with respect to the employees included in a bargaining unit that has exercised the option specified in section 304 of this act.

Sec. 302. RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are each reenacted and amended to read as follows:
As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter (~~as designated by RCW 41.56.020~~), or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

Sec. 303. RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each amended to read as follows:

(1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute (~~(involving a political subdivision, municipal corporation, or the community college system of the state)~~) arising under a collective bargaining statute administered by the commission, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, (~~he~~) the director shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort.

NEW SECTION. **Sec. 304.** A new section is added to chapter 41.56 RCW to read as follows:

(1) At any time after July 1, 1993, an institution of higher education and the exclusive bargaining representative of a bargaining unit of employees classified under chapter 28B.16 or 41.06 RCW as appropriate may exercise their option to have their relationship and corresponding obligations governed entirely by the provisions of this chapter by complying with the following:

(a) The parties will file notice of the parties' intent to be so governed, subject to the mutual adoption of a collective bargaining agreement permitted by this section recognizing the notice of intent. The parties shall provide the notice to the higher education personnel board or its successor and the commission;

(b) During the negotiation of an initial contract between the parties under this chapter, the parties' scope of bargaining shall be governed by this chapter and any disputes arising out of the collective bargaining rights and obligations under this subsection shall be determined by the commission. If the commission finds that the parties are at impasse, the notice filed under (a) of this subsection shall be void and have no effect; and

(c) On the first day of the month following the month during which the institution of higher education and the exclusive bargaining representative provide notice to the higher education personnel board or its successor and the commission that they have executed an initial collective bargaining agreement recognizing the notice of intent filed under (a) of this subsection, chapter 28B.16 or 41.06 RCW as appropriate shall cease to apply to all employees in the bargaining unit covered by the agreement.

(2) All collective bargaining rights and obligations concerning relations between an institution of higher education and the exclusive bargaining representative of its employees who have agreed to exercise the option permitted by this section shall be determined under this chapter, subject to the following:

(a) The commission shall recognize, in its current form, the bargaining unit as certified by the higher education personnel board or its successor and the limitations on collective bargaining contained in RCW 41.56.100 shall not apply to that bargaining unit.

(b) If, on the date of filing the notice under subsection (1)(a) of this section, there is a union shop authorized for the bargaining unit under rules adopted by the higher education personnel board or its successor, the union shop requirement shall continue in effect for the bargaining unit and shall be deemed incorporated into the collective bargaining agreement applicable to the bargaining unit.

(c) Salary increases negotiated for the employees in the bargaining unit shall be subject to the following:

(i) Salary increases shall continue to be appropriated by the legislature. The exclusive bargaining representative shall meet before a legislative session with the governor or governor's designee and the representative of the institution of higher education concerning the total dollar amount for salary increases and health care contributions that will be contained in the appropriations proposed by the governor under RCW 43.88.060;

(ii) The collective bargaining agreements may provide for salary increases that are different from or that exceed the amount or percentage for salary increases provided by the legislature in the omnibus appropriations act for the institution of higher education or allocated to the board of trustees by the state board for community and technical colleges, but the base for salary increases provided by the legislature under (c)(i) of this subsection shall include only those amounts appropriated by the legislature, and the base shall not include any additional salary increases provided under this subsection (2)(c)(ii);

(iii) Any provisions of the collective bargaining agreements pertaining to salary increases provided under (c)(i) of this subsection shall be subject to modification by the legislature. If any provision of a salary increase provided under (c)(i) of this subsection is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

(3) Nothing in this section may be construed to permit an institution of higher education to bargain collectively with an exclusive bargaining representative concerning any matter covered by: (a) Chapter 41.05 RCW, except for the related cost or dollar contributions or additional or supplemental benefits as permitted by chapter (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993; or (b) chapter 41.32 or 41.40 RCW.

Sec. 305. RCW 28B.16.040 and 1990 c 60 s 201 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and ~~((chairmen))~~ chairpersons; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, ~~((his))~~ the director's confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges ~~((education))~~.

(4) The personnel director of the higher education personnel board and ~~((his))~~ the director's confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, ~~((and principal assistants to executive heads of major administrative or academic divisions;))~~ as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 306. RCW 28B.16.200 and 1979 c 151 s 18 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, the budget for which shall be subject to review and approval and appropriation by the legislature. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges ((education)) and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

(2) If employees cease to be classified under this chapter pursuant to an agreement authorized by section 304 of this act, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel board service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel board service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board based on the salaries and wages of the remaining employees classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature. The director of financial management shall report the amount and impact of any across-the-board reductions made under this section to the appropriations committee of the house of representatives and the ways and means committee of the senate, or appropriate successor committees, within thirty days of making the reductions.

(3) Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

NEW SECTION. Sec. 307. A new section is added to chapter 28B.16 RCW to read as follows:

At any time after July 1, 1993, an institution of higher education and the exclusive bargaining representative of a bargaining unit of employees classified under this chapter or chapter 41.06 RCW as appropriate may exercise their option to have

their relationship and corresponding obligations governed entirely by the provisions of chapter 41.56 RCW, by filing notice of the parties' intent to be so governed, subject to the mutual adoption of a collective bargaining agreement recognizing the notice of intent. The parties shall provide the notice to the board or its successor and the public employment relations commission. On the first day of the month following the month during which the institution of higher education and the exclusive bargaining representative provide notice to the board or its successor and the public employment relations commission that they have executed an initial collective bargaining agreement recognizing the notice of intent, this chapter shall cease to apply to all employees in the bargaining unit covered by the agreement, and all labor relations functions of the board or its successor with respect to these employees shall be transferred to the public employment relations commission.

PART IV MISCELLANEOUS

NEW SECTION. Sec. 401. The sum of . . . dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from each public four-year institution's and the community colleges' operating fees account established in RCW 28B.15.824 to the respective institution's local account for the purposes of sections 201 through 205 of this act.

NEW SECTION. Sec. 402. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 403. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

POINT OF INQUIRY

Senator Bluechel: "Senator Bauer, does this allow collective bargaining for the faculty if they choose at the institutions?"

Senator Bauer: "It deals with non-faculty."

Senator Bluechel: "This only deals with non-faculty?"

Senator Bauer: "Right."

POINT OF INQUIRY

Senator Anderson: "Senator Bauer, as you know, I came to you on Senate Bills--I had a Senate Bill that asked for increased flexibility for four years for the community college system, the technical colleges, and I have been following this bill throughout the process. I'm very distressed to see an amendment of this magnitude on the desk at the last minute. I have not had a chance to talk to my four-year university--Western--my community college at Whatcom nor my technical college about this, so I am assuming that you got the OKs from the community colleges, the technical colleges and all of the four-year institutions before you would put this out on the desk."

Senator Bauer: "The testimony that we got in the committee was that all six of the four-year regionals or researchers agreed to this. We are not dealing with the community colleges."

Senator Anderson: "So, the language contained in this striking amendment, since we did not adopt the committee amendment, is language that they have seen before--the language in your striking amendment since we are not adopting the committee amendment, this language in the striking amendment is language they have seen before?"

Senator Bauer: "Surely, we in the committee, had adopted an amendment that would have taken everybody out from under the HEC Board and put them under the PERC Board and this language just takes it back to where it was as it came from the House. So, whatever they had understood in the House, is now understood here."

POINT OF INQUIRY

Senator Bluechel: "Senator Bauer, could you go over the differences in Section 3 of the bill, as the original striking amendment to this striking amendment?"

Senator Bauer: "The difference, and I'll read it to you, so I won't make an error here. The difference between the striker and the committee amendment--in this amendment, bargaining units which do not opt out of civil service will continue to have their labor relations activities governed by the Higher Education Personnel Board or any successor to that agency. Only those bargaining units which opt out of civil service will have their labor relations governed by the Public Employment Relations Commission or PERC. This amendment also retains the union-shop provisions that have been established as a result of employee elections throughout the higher education system. So, whatever conditions of employment that were agreed upon by bargaining, while they are under the HEC Board, just moves over under the PERC Board."

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1509 was deferred.

SECOND READING

HOUSE BILL NO. 1689, by Representatives Chappell, Springer, Appelwick, Riley, Campbell, Brough, Basich, J. Kohl and Johanson

Making it a misdemeanor to impersonate a law enforcement officer.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.60.040 and 1975 1st ex.s. c 260 s 9A.60.040 are each amended to read as follows:

(1) A person is guilty of criminal impersonation in the first degree if ((he)) the person:

(a) Assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation in the first degree is a gross misdemeanor.

(3) A person is guilty of criminal impersonation in the second degree if the person:

(a) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and

(b) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer.

(4) Criminal impersonation in the second degree is a misdemeanor."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "officer;" strike the remainder of the title and insert "amending RCW 9A.60.040; and prescribing penalties."

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1689, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1689, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1689, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Rinehart - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

HOUSE BILL NO. 1689, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

SECOND READING

HOUSE BILL NO. 1244, by Representatives Franklin, Heavey, King, G. Cole, Springer, Jones and Veloria

Providing for payments for time lost from work while attending a medical examination for industrial insurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1244.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1244 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Cantu, Moyer, Niemi, Rinehart and Talmadge - 5.

HOUSE BILL NO. 1244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1566, by House Committee on Judiciary (originally sponsored by Representative H. Myers)

Changing who gives notice of estate tax findings filings.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 83.100.160 and 1988 c 64 s 15 are each amended to read as follows:

Upon filing findings under RCW 83.100.150, the clerk of the superior court shall give notice of the filing ((to all persons interested in the proceeding)) by causing notice thereof to be posted at the courthouse in the county in which the court is located(, and in addition thereto shall mail)). In addition, the department of revenue shall give notice of the filing to all persons interested in the proceeding by mailing a copy of the notice to all persons having an interest in property subject to the tax. The department of revenue is not required to conduct a search for persons interested in the proceedings or property. The department of revenue must mail a copy of the notice only to persons of whom the department has received actual notice as having an interest in the proceeding or property, and, if a probate or administrative proceeding has been commenced in this state, to persons who are listed in the court file as having an interest in the proceedings or property."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "filings;" strike the remainder of the title and insert "and amending RCW 83.100.160."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1566, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1566, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1566, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Moyer, Niemi, Rinehart and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1566, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1915, by House Committee on Local Government (originally sponsored by Representatives Patterson, H. Myers, Brough and Valle)

Allowing less restrictive easements concerning aircraft noise.

The bill was read the second time.

MOTION

On motion of Senator Drew, the rules were suspended, Substitute House Bill No. 1915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1915.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1915 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, McCaslin and McDonald - 6.

Excused: Senators Cantu, Moyer, Niemi, Rinehart and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1497, by House Committee on Higher Education (originally sponsored by Representative Dellwo)

Adopting the approved foreign degree-granting institution branch campus act.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Substitute House Bill No. 1497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1497.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1497 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Cantu, Moyer, Niemi, Rinehart and Talmadge - 5.

SUBSTITUTE HOUSE BILL NO. 1497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4201, by Representatives Ludwig, Padden, Appelwick, Foreman and Johanson

Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity.

The joint resolution was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Joint Resolution No. 4201 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4201.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4201 and the joint resolution passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Roach - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

HOUSE JOINT RESOLUTION NO. 4201, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4008, by Representatives Mastin, Campbell, Horn, Pruitt, Kremen and Long

Requesting a full deduction for sales taxes on federal tax returns.

The joint memorial was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Joint Memorial No. 4008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4008.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4008 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Rinehart - 1.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

HOUSE JOINT MEMORIAL NO. 4008, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1129, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Brown, Schmidt, Brough and Mielke) (by request of Washington State Patrol)

Limiting commercial motor vehicle inspections.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:
On page 4, line 25, after "act" insert ", other than the driver of a bus as defined in section 1(2) of this act."

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1129, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1129, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1129, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, Moyer, Niemi and Talmadge - 4.

SUBSTITUTE HOUSE BILL NO. 1129, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1644, by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Patterson, Brough, King, Springer, Former, Wineberry and J. Kohl

Changing provisions relating to voting by mail.

The bill was read the second time.

MOTION

Senator Haugen moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29.36.120 and 1983 1st ex.s. c 71 s 1 are each amended to read as follows:

At any primary or election, general or special, the county auditor may, in any precinct having fewer than ~~((one))~~ two hundred registered voters at the time of closing of voter registration as provided in RCW 29.07.160, conduct the voting in that precinct by mail ballot. For any precinct having fewer than ~~((one))~~ two hundred registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. Such application is valid for all subsequent mail ballot elections in that precinct so long as the voter remains qualified to vote.

~~((At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.~~

~~In no instance shall any special election be conducted by mail ballot in any precinct with more than one hundred registered voters if candidates for partisan office are to be voted upon.))~~

For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter a mail ballot and an envelope, preaddressed to the issuing officer.

NEW SECTION. Sec. 2. A new section is added to chapter 29.36 RCW to read as follows:

(1) At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

In no instance shall any special election be conducted by mail ballot in any precinct with two hundred or more registered voters if candidates for partisan office are to be voted upon.

(2) In an odd-numbered year, the county auditor may conduct by mail ballot a primary or a special election concurrently with the primary:

(a) For any office or ballot measure of a special purpose district which is entirely within the county;

(b) For any office or ballot measure of a special purpose district which lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(c) For any ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

A primary in an odd-numbered year may not be conducted by mail ballot in any precinct with two hundred or more registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

(3) For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days before the date of such election, mail or deliver to each registered voter a mail ballot and an envelope, preaddressed to the issuing officer. The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

(4) To the extent they are not inconsistent with subsections (1) through (3) of this section, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

Sec. 3. RCW 29.36.122 and 1983 1st ex.s. c 71 s 2 are each amended to read as follows:

For any special election conducted by mail, the county auditor shall send a mail ballot with a return identification envelope to each registered voter of the district in which the special election is being conducted not sooner than the twenty-fifth day before the

date of the election and not later than the fifteenth day before the date of the election. The envelope in which the ballot is mailed ~~((shall be clearly marked "Do Not Forward - Return to Sender - Return Postage Guaranteed."))~~ must clearly indicate that the ballot is not to be forwarded and is to be returned to the sender with return postage guaranteed.

Sec. 4. RCW 29.36.126 and 1983 1st ex.s. c 71 s 4 are each amended to read as follows:

Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor ~~((by United States mail or to any other place of deposit designated by the county auditor))~~. The ballot must be returned in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the election.

Sec. 5. RCW 29.36.130 and 1990 c 59 s 76 are each amended to read as follows:

All mail ballots authorized by RCW 29.36.120 ~~or section 2 of this act~~ shall contain the same offices, names of candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided in ~~((RCW 29.36.120 and 29.36.122 through 29.36.126 and 29.36.130, such))~~ this chapter, mail ballots shall be issued and canvassed in the same manner as absentee ballots issued pursuant to the request of the voter. The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of ~~((at least three election officials))~~ the canvassing board or their authorized representatives and the results not revealed to any unauthorized person until ~~((the polls have closed))~~ 8:00 p.m. or later if the auditor so directs. If electronic vote tallying devices are used, political party observers shall be afforded the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.33.350 prior to the count of ballots. Political party observers ~~((shall be allowed to count by hand ballots from up to ten precincts selected by the observers))~~ may select at random ballots to be counted manually as provided by RCW 29.54.025. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.85.225.

Sec. 6. RCW 29.36.139 and 1983 1st ex.s. c 71 s 6 are each amended to read as follows:

(1) A mail ballot shall be counted only if it is returned in the return identification envelope, if the envelope is signed by the registered voter to whom the ballot is issued, and if the signature is verified as provided in this subsection. The county auditor shall verify the signature of each voter on the return identification envelope with the signature on the voter's registration record. ~~((If the county auditor determines that a registered voter to whom a replacement ballot has been issued has voted more than once, the county auditor shall not count any ballot cast by that voter. The county auditor must notify both the county prosecuting attorney and the state attorney general of every instance in which a voter has voted more than once.))~~ A person who votes or attempts to vote more than once in a mail ballot election is subject to the penalties provided in chapter 29.85 RCW.

(2) Any mail ballot may be challenged in the same manner as an absentee ballot.

Sec. 7. RCW 29.36.150 and 1987 c 346 s 19 are each amended to read as follows:

The secretary of state shall adopt rules ~~((not inconsistent with the provisions of this chapter))~~ to:

- (1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (2) Establish standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (3) Provide uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections; and
- (4) Facilitate the operation of the provisions of this chapter regarding out-of-state voters, overseas voters, and service voters.

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors.

Sec. 8. RCW 29.10.180 and 1991 c 363 s 31 are each amended to read as follows:

(1) The county auditor may enter one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor finds that information received under such a contract gives the appearance that a voter has changed his or her residence address, the auditor shall notify the voter concerning the requirements of state and federal laws governing voter registration and residence.

(2) Whenever any vote-by-mail ballot, notification to voters following reprecincting of the county, notification to voters of selection to serve on jury duty, notification under subsection (1) of this section, or initial voter identification card is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.

(3) The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The notice shall also contain a warning that the county auditor must receive a response within ninety days from the date of mailing the notice of inquiry in a case resulting from a returned vote-by-mail ballot or forty-five days from the date of mailing in all other cases or the individual's voter registration will be canceled.

(4) The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the address information on the permanent registration record no later than the ninetieth day or forty-fifth day, as appropriate, after the date of mailing the inquiry.

(5) Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make any address corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within ninety days after the date of mailing the notice in a case resulting from a returned vote-by-mail ballot, or, in all other cases, within forty-five days after the date of mailing.

(6) The county auditor shall notify any voter whose registration has been canceled by sending, by first class mail, a written notice to the address indicated on the voter's permanent registration record and to any other address to which the original inquiry was sent. Upon receipt of a satisfactory voter response, the auditor shall reinstate the voter.

(7) A voter whose registration has been canceled under this section and who offers to vote at the next ensuing election shall be issued a questioned ballot. Upon receipt of such a questioned ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration shall be

immediately reinstated, and the voter's questioned ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's questioned ballot shall not be counted."

MOTION

On motion of Senator Jesernig, further consideration of House Bill No. 1644 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744, by House Committee on Appropriations (originally sponsored by Representatives Heavey, G. Cole, Brough and Orr)

Changing provisions relating to the LEOFF system.

The bill was read the second time.

MOTIONS

On motion of Senator Spanel, the following Committee on Ways and Means amendments were considered simultaneously and were adopted:

On page 2, line 13, after "beginning" strike "July 1, 1993" and insert "January 1, 1994"

On page 11, line 8, after "before" strike "July 1, 1993" and insert "January 1, 1994"

On page 11, at the beginning of line 9, strike "July 1, 1993" and insert "January 1, 1994"

On page 11, line 16, after "than" strike "July 1, 1994" and insert "January 1, 1995"

On page 14, beginning on line 16, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. This act shall take effect January 1, 1994."

On motion of Senator Spanel, the following title amendment was adopted:

On page 1, beginning on line 3 of the title, after "41.40 RCW;" strike the remainder of the title and insert "and providing an effective date."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 1744, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1744, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1744, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Loveland and Nelson - 2.

Excused: Senators Cantu and Moyer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1644 and the pending Committee on Government Operations striking amendment, deferred on second reading earlier today.

MOTION

On motion of Senator Roach, the following amendment by Senators Roach, Rasmussen, Loveland, McAuliffe and Hargrove to the Committee on Government Operations striking amendment was adopted:

On page 6, after line 33 of the committee amendment, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 10.64 RCW to read as follows:

Within fourteen days of the entry of a judgment of conviction of an individual for an infamous crime, the clerk of the court shall send a notice of the conviction including the full name of the defendant and his or her residential address to the county auditor or custodian of voting records in the county of the defendant's residence.

NEW SECTION. Sec. 10. A new section is added to chapter 29.10 RCW to read as follows:

Upon receiving notice under section 9 of this act, if the convicted person is a registered voter in the county, the county auditor or custodian of voting records shall strike the name of the defendant from the roll of registered voters."

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment, as amended, to House Bill No. 1644.2

The Committee on Government Operations striking amendment, as amended, to House Bill No. 1644 was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 29.36.120, 29.36.122, 29.36.126, 29.36.130, 29.36.139, 29.36.150, and 29.10.180; adding a new section to chapter 29.36 RCW; and prescribing penalties."

On page 1, line 7 of the committee amendment, after "RCW" insert "; adding a new section to chapter 10.64 RCW; and adding a new section to chapter 29.10 RCW"

On motion of Senator Haugen, the rules were suspended, House Bill No. 1644, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1644, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1644, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Anderson, Barr, Deccio, McCaslin, McDonald, Newhouse, Roach, Sellar and Smith, L. - 10.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 1644, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate commenced consideration of House Bill No. 2066.

SECOND READING

HOUSE BILL NO. 2066, by Representatives J. Kohl, Wang, G. Cole, Silver, Leonard, R. Fisher, Patterson, Peery, Locke, Pruitt, Brough, Cothorn, Appelwick and Eide

Changing school levy provisions.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the following Committee on Education amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.52.0531 and 1992 c 49 s 1 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1992, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1991.

(2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(3) For excess levies for collection in calendar year 1993 and thereafter, the maximum dollar amount shall be the sum of (a) and (b) of this subsection minus (c) of this subsection:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to

commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation;

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(e) For levies to be collected in calendar years 1994, 1995, 1996, and 1997, the maximum levy rate shall be the district's maximum levy percentage for 1993 plus five percent reduced by any levy reduction funds. For levies collected in 1998, the prior year shall mean 1993.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

Sec. 2. RCW 28A.500.010 and 1992 c 49 s 2 are each amended to read as follows:

(1) Commencing with taxes assessed in ~~((1988))~~ 1993 to be collected in calendar year ~~((1989))~~ 1994 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. ~~((For the first distribution of local effort assistance funds provided under this section in calendar year 1989, state funds may be prorated according to the formula in this section.))~~

(2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The "state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate" shall mean ~~((ten))~~ thirteen and three-tenths percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "~~((ten))~~ thirteen and three-tenths percent levy rate" of a district shall mean:

(i) ~~((Ten))~~ Thirteen and three-tenths percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) "Eligible districts" shall mean those districts with a ~~((ten))~~ thirteen and three-tenths percent levy rate which exceeds the state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ~~((ten))~~ thirteen and three-tenths percent levy rate and the state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate; to (ii) the state-wide average ~~((ten))~~ thirteen and three-tenths percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ~~((ten)) thirteen and three-tenths~~ percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ~~((ten)) thirteen and three-tenths~~ percent levy rate and the state-wide average ~~((ten)) thirteen and three-tenths~~ percent levy rate; divided by (ii) the district's ~~((ten)) thirteen and three-tenths~~ percent levy rate.

~~(4)((a) Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.~~

~~(b))~~ In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows:

- ~~((i))~~ (a) Thirty percent in April;
- ~~((ii))~~ (b) Twenty-three percent in May;
- ~~((iii))~~ (c) Two percent in June;
- ~~((iv) Twenty-six)~~ (d) Seventeen percent in August;
- (e) Nine percent in October;
- ~~((v))~~ (f) Seventeen percent in November; and
- ~~((vi))~~ (g) Two percent in December.

NEW SECTION. Sec. 3. Section 2 of this act shall expire December 31, 1997."

MOTION

On motion of Senator Pelz, the following amendment by Senators Pelz, Anderson, Gaspard, Rinehart and McDonald was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.0531 and 1992 c 49 s 1 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1992, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1991.

(2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(3) For excess levies for collection in calendar year 1993 and thereafter, the maximum dollar amount shall be the sum of (a) and (b) of this subsection minus (c) of this subsection:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation;

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(e) For levies to be collected in calendar years 1994 and 1995 the maximum levy rate shall be the district's maximum levy percentage for 1993 plus four percent reduced by any levy reduction funds. For levies collected in 1996, the prior year shall mean 1993.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

Sec. 2. RCW 28A.500.010 and 1992 c 49 s 2 are each amended to read as follows:

(1) Commencing with taxes assessed in ~~((1988))~~ 1993 to be collected in calendar year ~~((1989))~~ 1994 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. For ~~((the first))~~ distribution of local effort assistance funds provided under this section in calendar years ~~((1989))~~ 1994 and 1995, state funds may be prorated ~~((according to the formula in this section))~~ as provided in the omnibus appropriations act.

(2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The "state-wide average ~~((ten))~~ twelve percent levy rate" shall mean ~~((ten))~~ twelve percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "~~((ten))~~ twelve percent levy rate" of a district shall mean:

(i) ~~((Ten))~~ twelve percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) "Eligible districts" shall mean those districts with a ~~((ten))~~ twelve percent levy rate which exceeds the state-wide average ~~((ten))~~ twelve percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; to (ii) the state-wide average ~~((ten))~~ twelve percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ~~((ten))~~ twelve percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; divided by (ii) the district's ~~((ten))~~ twelve percent levy rate.

~~((4))((a) Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.~~

~~((b))~~ In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows:

~~((i))~~ (a) Thirty percent in April;

~~((ii))~~ (b) Twenty-three percent in May;

~~((iii))~~ (c) Two percent in June;

~~((iv) Twenty-six)~~ (d) Seventeen percent in August;

(e) Nine percent in October;

~~((v))~~ (f) Seventeen percent in November; and

~~((vi))~~ (g) Two percent in December.

NEW SECTION. Sec. 3. Section 2 of this act shall expire December 31, 1995."

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531 and 28A.500.010; and providing an expiration date."

On motion of Senator Pelz, the rules were suspended, House Bill No. 2066, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2066, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2066, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Barr, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Roach, Skratek, Smith, A., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Bauer, Deccio, Haugen, Jesernig, Loveland, McCaslin, Newhouse, Rasmussen, M., Sellar, Sheldon, Smith, L., Snyder, West and Williams - 15.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 2066, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1757, by Representatives Heavey, Veloria, Brumsickle, Lisk and King

Requiring continuing education for electricians.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1757.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Winsley and Wojahn - 46.

Voting nay: Senators Oke and Williams - 2.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 1757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Loveland was excused.

SECOND READING

HOUSE BILL NO. 1812, by Representatives Jones, Dorn, R. Meyers, Schmidt, Pruitt, Kessler, Karahalios and Carlson

Changing teacher evaluations for teachers with at least four years of satisfactory evaluations.

The bill was read the second time.

MOTION

On motion of Senator Pelz, the rules were suspended, House Bill No. 1812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1812.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1812 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Drew, Gaspard, Hargrove, Haugen, McAuliffe, McCaslin, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland and Williams - 23.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Hochstatter, Jesernig, McDonald, Moore, Moyer, Newhouse, Prince, Quigley, Roach, Talmadge, Vogndild, von Reichbauer, West, Winsley and Wojahn - 24.

Excused: Senators Cantu and Loveland - 2.

HOUSE BILL NO. 1812, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Jesernig served notice that he would move to reconsider the vote by which House Bill No. 1812 failed to pass the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1028, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives H. Myers, Vance, Jones, Orr, Flemming, Springer, Shin, Dunshee and Chappell)

Allowing live-in care at mobile home parks.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1028.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1028 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Haugen and McCaslin - 2.

Excused: Senators Cantu and Loveland - 2.

SUBSTITUTE HOUSE BILL NO. 1028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2028, by Representatives Orr and Wolfe

Requiring notice to retirement system members who are eligible to restore contributions.

The bill was read the second time.

MOTIONS

On motion of Senator Spanel, the following Committee on Ways and Means amendments were considered simultaneously and were adopted:

On page 1, at the beginning of line 7, insert "(1)"

On page 1, after line 14, insert the following:

"(2) Neither this section nor any other provision in this chapter or chapter 41.26, 41.32, 41.40, 41.54, or 43.43 RCW authorize the extension of statutory restore deadlines for members who do not receive notice of their eligibility to restore withdrawn contributions. This subsection applies retroactively to restoration periods which expired prior to the effective date of this act."

On motion of Senator Spanel, the following Committee on Ways and Means amendment was adopted:

On page 1, after line 14, insert the following:

"**Sec. 2.** RCW 41.40.058 and 1987 c 417 s 1 are each amended to read as follows:

(1) Any person who was a member of the state-wide city employees' retirement system governed by chapter 41.44 RCW and who also became a member of the public employees' retirement system on or before July 26, 1987, may, in a writing filed with the director, elect to:

(a) Transfer to the public employees' retirement system all service currently credited under chapter 41.44 RCW;

(b) Reestablish and transfer to the public employees' retirement system all service which was previously credited under chapter 41.44 RCW but which was canceled by discontinuance of service and withdrawal of accumulated contributions as provided in RCW 41.44.190. The service may be reestablished and transferred only upon payment by the member to the employees' savings fund of the public employees' retirement system of the amount withdrawn plus interest thereon from the date of withdrawal until the date of payment at a rate determined by the director. No additional payments are required for service credit described in this subsection if already established under this chapter; and

(c) Establish service credit for the initial period of employment not to exceed six months, prior to establishing membership under chapter 41.44 RCW, upon payment in full by the member of the total employer's contribution to the benefit account fund of the public employees' retirement system that would have been made under this chapter when the initial service was rendered. The payment shall be based on the first month's compensation earnable as a member of the state-wide city employees' retirement system and as defined in RCW 41.44.030(13). However, a person who has established service credit under RCW 41.40.010(~~((14))~~)(13) (c) or (d) shall not establish additional credit under this subsection nor may anyone who establishes credit under this subsection establish any additional credit under RCW 41.40.010(~~((14))~~)(13) (c) or (d). No additional payments are required for service credit described in this subsection if already established under this chapter.

(2)(a) In the case of a member of the public employees' retirement system who is employed by an employer on July 26, 1987, the written election required by subsection (1) of this section must be filed and the payments required by subsection (1)(b) and (c) of this section must be completed (~~(in full within one year after July 26, 1987)~~) by December 31, 1993.

(b) In the case of a former member of the public employees' retirement system who is not employed by an employer on July 26, 1987, the written election must be filed and the payments must be completed in full within one year after reemployment by an employer.

(c) In the case of a retiree receiving a retirement allowance from the public employees' retirement system on July 26, 1987, or any person having vested rights as described in RCW 41.40.150 (~~((3) or (5))~~) (4), the written election may be filed and the payments may be completed at any time.

(3) Upon receipt of the written election and payments required by subsection (1) of this section from any retiree described in subsection (2)(c) of this section, the department shall recompute the retiree's allowance in accordance with this section and shall pay any additional benefit resulting from such recomputation retroactively to the date of retirement from the system governed by this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Spanel, the following Committee on Ways and Means amendment was adopted:

On page 1, after line 14, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.40 RCW, under the subchapter heading "plan I," to read as follows:

Any active member or separated member who was not eligible to restore contributions under section 3, chapter 317, Laws of 1986, solely because he or she was an elected official, other than an elected official under Articles II or III of the Constitution of the state of Washington, shall be permitted to restore withdrawn contributions for periods of nonelected service no later than June 30, 1994, with interest as determined by the director."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Spanel, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "contributions;" insert "amending RCW 41.40.058;"

On page 1, line 3 of the title, after "41.50 RCW;" insert "adding a new section to chapter 41.40 RCW;"

On motion of Senator Spanel, the rules were suspended, House Bill No. 2028, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2028, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2028, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Pelz - 1.

Excused: Senator Cantu - 1.

HOUSE BILL NO. 2028, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758, by House Committee on Appropriations (originally sponsored by Representatives Chappell, Brumsickle, Orr, Springer, Riley and Sheldon)

Including public safety directors in the definition of "law enforcement officer."

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 1758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1758.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1758 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Loveland - 1.

Excused: Senator Cantu - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1509 and the pending striking amendment by Senator Bauer, deferred on second reading earlier today.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Bauer to Engrossed Substitute House Bill No. 1509.

The striking amendment by Senator Bauer to Engrossed Substitute House Bill No. 1509 was adopted.

MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 3 of the title, after "tuition;" strike the remainder of the title and insert "amending RCW 43.19.190, 43.19.1906, 43.78.030, 43.78.100, 43.78.110, 28B.50.330, 28B.10.350, 28B.10.355, 39.04.020, 39.04.150, 28B.15.031, 28B.15.202, 28B.15.402, 28B.15.502, 41.58.020, 28B.16.040, and 28B.16.200; reenacting and amending RCW 41.56.030; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.78 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 41.56 RCW; adding a new section to chapter 28B.16 RCW; creating a new section; repealing RCW 28B.15.824; making an appropriation; providing an effective date; and declaring an emergency."

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute House Bill No. 1509, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1509, as amended by the Senate, was deferred.

MOTION

At 5:46 p.m., on motion of Senator Jesernig, the Senate recessed until 6:30 p.m.

The Senate was called to order at 7:29 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SENATE BILL NO. 5101,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5320,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5515,
SUBSTITUTE SENATE BILL NO. 5535,
SENATE BILL NO. 5597,
SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5744, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1993

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 1041,
HOUSE BILL NO. 1346,
SUBSTITUTE HOUSE BILL NO. 1367,
SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1477,
SUBSTITUTE HOUSE BILL NO. 1555,
HOUSE BILL NO. 1838,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849,
HOUSE BILL NO. 2069, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5060,
SECOND SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5337,
SENATE BILL NO. 5455,
SENATE BILL NO. 5494, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5471,
SUBSTITUTE SENATE BILL NO. 5479,
SUBSTITUTE SENATE BILL NO. 5520,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5615,
SENATE BILL NO. 5689,
SUBSTITUTE SENATE BILL NO. 5878, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5060,
SECOND SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5337,
SENATE BILL NO. 5455,
SENATE BILL NO. 5494.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1041,
HOUSE BILL NO. 1346,

SUBSTITUTE HOUSE BILL NO. 1367,
SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1477,
SUBSTITUTE HOUSE BILL NO. 1555,
HOUSE BILL NO. 1838,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849,
HOUSE BILL NO. 2069.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5471,
SUBSTITUTE SENATE BILL NO. 5479,
SUBSTITUTE SENATE BILL NO. 5520,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5615,
SENATE BILL NO. 5689,
SUBSTITUTE SENATE BILL NO. 5878.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1509, as amended by the Senate, deferred on third reading earlier today.

MOTIONS

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute Senate Bill No. 1509, as amended by the Senate, was returned to second reading and read the second time.

On motion of Senator Bauer, the following amendment by Senators Bauer and Anderson was adopted:
On page 24, line 31, after "increases" insert "from local efficiency savings"

MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed Substitute House Bill No. 1509, as amended by the Senate under suspension of the Rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Wojahn, Senator Franklin was excused.

On motion of Senator Spanel, Senators Niemi and Owen were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1509, as amended by the Senate, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1509, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Barr, Bluechel, Hochstatter and Prince - 4.

Absent: Senator McCaslin - 1.

Excused: Senators Cantu, Franklin, Niemi and Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, as amended by the Senate, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Jacobsen, Pruitt, Romero, J. Kohl, Leonard, Basich, Shin, Wood, Dunshee, R. Meyers, Brough, Kessler, Johanson and Wolfe)

Authorizing institutions of higher education to develop and fund transportation demand management programs.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the following Committee on Transportation amendment was not adopted:

On page 3, line 14, after "exceed" strike "ten percent of the tuition and services and activities fees rate for resident undergraduate students." and insert "thirty percent of the rate established for services and activities fees, unless a majority of students consent through a vote to increase the transportation fee. If the board chooses to go to the students for an increase, the new transportation fee shall not exceed the full rate established for the services and activities fees. Technical colleges may impose the equivalent amount for their transportation fee."

MOTIONS

On motion of Senator Prince, the following amendment by Senators Prince and Vognild was adopted:

On page 3, line 13, after "students" strike everything through "students." on line 15 and insert "attending community colleges and technical colleges, the mandatory transportation fee shall not exceed sixty percent of the maximum rate permitted for services and activities fees at community colleges, unless, through a vote, a majority of students consent to increase the transportation fee. For students attending four-year institutions of higher education, the mandatory transportation fee shall not exceed thirty-five percent of the maximum rate permitted for services and activities fees at the institution unless, through a vote, a majority of students consent to increase the transportation fee."

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1085, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1085, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1085, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Nelson - 1.

Excused: Senators Cantu, Franklin, McCaslin, Niemi and Owen - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, by House Committee on Health Care (originally sponsored by Representatives L. Johnson, Dellwo, Quall, Campbell and Karahalios)

Regulating access to tobacco.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while present state law prohibits the sale and distribution of tobacco to minors, youth obtain tobacco products with ease. Availability and lack of enforcement put tobacco products in the hands of youth.

Federal law requires states to enforce laws prohibiting sale and distribution of tobacco products to minors in a manner that can reasonably be expected to reduce the extent to which the products are available to minors. It is imperative to effectively reduce the sale, distribution, and availability of tobacco products to minors.

NEW SECTION. Sec. 2. The definitions set forth in RCW 82.24.010 shall apply to sections 3 through 14 of this act. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.
(2) "Minor" refers to an individual who is less than eighteen years old.
(3) "Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.
(4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

(5) "Sampler" means a person engaged in the business of sampling other than a retailer.

(6) "Sampling" means the distribution of samples to members of the general public in a public place.

(7) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

NEW SECTION. Sec. 3. A person who holds a license issued under RCW 82.24.520 or 82.24.530 shall:

(1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and

(2) Display a sign concerning the prohibition of tobacco sales to minors.

Such sign shall:

(a) Be posted so that it is clearly visible to anyone purchasing tobacco products from the licensee;

(b) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED"; and

(c) Be provided free of charge by the liquor control board.

NEW SECTION. Sec. 4. No person shall sell or permit to be sold any tobacco product through any device that mechanically dispenses tobacco products unless the device is located fully within premises from which minors are prohibited or in industrial worksites where minors are not employed and not less than ten feet from all entrance or exit ways to and from each premises.

NEW SECTION. Sec. 5. No person shall sell or permit to be sold cigarettes not in the original unopened package or container to which the stamps required by RCW 82.24.060 have been affixed.

This section does not apply to the sale of loose leaf tobacco by a retail business that generates a minimum of sixty percent of annual gross sales from the sale of tobacco products.

NEW SECTION. Sec. 6. (1) No person may engage in the business of sampling within the state unless licensed to do so by the board. If a firm contracts with a manufacturer to distribute samples of the manufacturer's products, that firm is deemed to be the person engaged in the business of sampling.

(2) The board shall issue a license to a sampler not otherwise disqualified by section 11 of this act upon application and payment of the fee.

(3) A sampler's license expires on the thirtieth day of June of each year and must be renewed annually upon payment of the appropriate fee.

(4) The board shall annually determine the fee for a sampler's license and each renewal. However, the fee for a manufacturer whose employees distribute samples within the state is five hundred dollars per annum, and the fee for all other samplers must be not less than fifty dollars per annum.

(5) A sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. A person engaged in sampling under the license shall carry the license or a copy at all times.

NEW SECTION. Sec. 7. (1) No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to sampling (a) in an area to which persons under the age of eighteen are denied admission, (b) in or at a store or concession to which a retailer's license has been issued, or (c) at or adjacent to a production, repair, or outdoor construction site or facility.

(2) Notwithstanding subsection (1) of this section, no person may distribute or offer to distribute samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when that facility is being used primarily by persons under the age of eighteen for recreational, educational, or other purposes.

NEW SECTION. Sec. 8. No person shall give or distribute cigarettes or other tobacco products to a person by a coupon if such coupon is redeemed in any manner that does not require an in-person transaction in a retail store.

NEW SECTION. Sec. 9. A person under the age of eighteen who purchases or attempts to purchase or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in a smoking cessation program, or both. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

NEW SECTION. Sec. 10. (1) Where there may be a question of a person's right to purchase or obtain tobacco products by reason of age, the retailer, sampler, or agent thereof, shall require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: Liquor control authority card of identification of a state or province of Canada; driver's license, instruction permit, or identification card of a state or province of Canada; "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; United States military identification; passport; or merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080(4) that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The liquor control board shall waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence.

NEW SECTION. Sec. 11. (1) The liquor control board may suspend or revoke a retailer's license held by a business at any location, or may impose a monetary penalty as set forth in subsection (2) of this section, if the liquor control board finds that the licensee has violated RCW 26.28.080(4), or section 3, 4, 5, 6, 7, 8, or 10 of this act.

(2) The sanctions that the liquor control board may impose against a person licensed under RCW 82.24.530 and sections 6 and 7 of this act based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) For violation of RCW 26.28.080(4) or section 3 of this act:

(i) A monetary penalty of one hundred dollars for the first violation within any two-year period;

- (ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;
 - (iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;
 - (iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;
 - (v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;
 - (b) For violations of section 4 of this act, a monetary penalty in the amount of one hundred dollars for each day upon which such violation occurred;
 - (c) For violations of section 5 of this act occurring on the licensed premises:
 - (i) A monetary penalty of one hundred dollars for the first violation within any two-year period;
 - (ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;
 - (iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;
 - (iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;
 - (v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;
 - (d) For violations of sections 6 and 7 of this act, a monetary penalty in the amount of three hundred dollars for each violation;
 - (e) For violations of section 8 of this act, a monetary penalty in the amount of one thousand dollars for each violation.
- (3) The liquor control board may impose a monetary penalty upon any person other than a licensed cigarette retailer or licensed sampler if the liquor control board finds that the person has violated RCW 26.28.080(4), or section 3, 4, 5, 6, 7, 8, or 10 of this act.
- (4) The monetary penalty that the liquor control board may impose based upon one or more findings under subsection (3) of this section may not exceed the following:
- (a) For violation of RCW 26.28.080(4) or section 3 of this act, fifty dollars for the first violation and one hundred dollars for each subsequent violation;
 - (b) For violations of section 4 of this act, one hundred dollars for each day upon which such violation occurred;
 - (c) For violations of section 5 of this act, one hundred dollars for each violation;
 - (d) For violations of sections 6 and 7 of this act, three hundred dollars for each violation;
 - (e) For violations of section 8 of this act, one thousand dollars for each violation.
- (5) The liquor control board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.
- (6) The liquor control board may issue a cease and desist order to any person who is found by the liquor control board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080(4) or 82.24.500, requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order shall not preclude the imposition of other sanctions authorized by this statute or any other provision of law.
- (7) The liquor control board may seek injunctive relief to enforce the provisions of RCW 26.28.080(4) or 82.24.500 or this chapter. The liquor control board may initiate legal action to collect civil penalties imposed under this chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the liquor control board under this chapter, the court may, in addition to any other relief, award the liquor control board reasonable attorneys' fees and costs.
- (8) All proceedings under subsections (1) through (6) of this section shall be conducted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 12. (1) The liquor control board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080(4) and 82.24.500. The liquor control board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of section 11 of this act.

(2) The liquor control board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080(4) and 82.24.500, a peace officer or enforcement officer of the liquor control board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products is under the age of eighteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor control board.

(4) The liquor control board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

NEW SECTION. Sec. 13. (1) The youth tobacco prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520 and 82.24.530 and funds collected by the liquor control board from the imposition of monetary penalties and samplers' fees shall be deposited into this account, except that ten percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the liquor control board to pay the costs incurred, up to thirty percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products are available to individuals under the age of eighteen. The agreements shall also set forth requirements for data reporting by the liquor control board regarding its enforcement activities.

(4) The department of health and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco intervention strategies to prevent and reduce tobacco use by youth.

NEW SECTION. Sec. 14. This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of tobacco product promotions and sales within retail stores, except that political subdivisions that have adopted ordinances prohibiting sampling by January 1, 1993, may continue to enforce these ordinances. No political subdivision may: (1) Impose fees or license requirements on retail businesses for possessing or selling cigarettes or tobacco products, other than general business taxes or license fees not primarily levied on tobacco products; or (2) regulate or prohibit activities covered by sections 3 through 9 of this act. This chapter does not otherwise preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with chapter ..., Laws of 1993 (this act).

Sec. 15. RCW 82.24.530 and 1986 c 321 s 7 are each amended to read as follows:

A fee of ~~((ten))~~ ninety-three dollars shall accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates. A fee of ~~((one))~~ thirty additional dollars for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

NEW SECTION. Sec. 16. The department of health shall report to the house of representatives and senate committees with jurisdiction for health issues no later than February 1, 1995, on the effectiveness of enforcement and education activities as specified in this act. This study shall include information concerning the adequacy of revenue to support enforcement and education activities.

Sec. 17. RCW 82.24.550 and 1986 c 321 s 9 are each amended to read as follows:

(1) The department of revenue shall enforce the provisions of this chapter except RCW 82.24.500, which will be enforced by the liquor control board. The department of revenue may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The department of revenue has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the department of revenue. The department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the department of revenue finds the offender has been guilty of willful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department of revenue if it appears to the satisfaction of the department of revenue that the licensee will comply with the provisions of this chapter and the rules promulgated thereunder.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the department of revenue.

Sec. 18. RCW 82.24.560 and 1986 c 321 s 10 are each amended to read as follows:

Except as specified in section 13 of this act, all fees and penalties received or collected by the department of revenue pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund.

NEW SECTION. Sec. 19. Sections 2 through 14 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Oke moved that the following amendments by Senators Oke, West, Prentice and Moyer to the Committee on Health and Human Services amendment be considered simultaneously and be adopted:

On page 1, beginning on line 22 of the amendment, after "(3)" strike all material through "(7)" on line 31

On page 2, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 6. No retailer, wholesaler, tobacco manufacturer, or agent thereof, may give or distribute cigarettes or other tobacco products to any person at no cost."

Renumber the remaining sections consecutively and correct internal references accordingly.

Beginning on page 2, beginning on line 25 of the amendment, strike all of sections 6 and 7

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 3, line 23 of the amendment, after "person" insert "at a reduced price"

On page 7, line 18 of the amendment, after "penalties" strike "and samplers' fees"

On page 8, beginning on line 10 of the amendment, after "stores" strike all material through "ordinances" on line 12
Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Oke, West, Prentice and Moyer on page 1, beginning on line 22; page 2, after line 24; page 2, beginning on line 25; page 3, line 23;

page 7, line 18; and page 8, beginning on line 10; to the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 2071.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 17; Nays, 27; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Fraser, Hochstatter, McDonald, Nelson, Oke, Pelz, Prentice, Prince, Quigley, Sheldon, Smith, L., Sutherland and West - 17.

Voting nay: Senators Bauer, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Newhouse, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, Williams and Wojahn - 27.

Absent: Senator Winsley - 1.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

MOTION

Senator Snyder moved that the following amendment by Senator Owen to the Committee on Health and Human Services amendment be adopted:

On page 2, beginning on line 19 of the amendment, strike all of section 5

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Owen on page 2, beginning on line 19, to the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 2071.

The amendment by Senator Owen on page 2, beginning on line 19, to the Committee on Health and Human Services striking amendment was not adopted.

MOTION

Senator Snyder moved that the following amendment to the Committee on Health and Human Services amendment be adopted:

On page 4, line 24 of the amendment, after "act." insert "The liquor control board may determine that a monetary penalty not to exceed two hundred dollars per day may be paid in lieu of a license suspension."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Snyder on page 4, line 24, to the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 2071.

The amendment by Senator Snyder on page 4, line 24, to the Committee on Health and Human Services striking amendment was not adopted.

MOTION

Senator Vognild moved that the following amendment to the Committee on Health and Human Services amendment be adopted:

On page 8, line 5 of the committee amendment, strike "community" and insert "public"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 8, line 5, to the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 2071.

The amendment by Senator Vognild on page 8, line 5, to the Committee on Health and Human Services striking amendment was not adopted on a rising vote.

MOTION

Senator McDonald moved that the following amendment to the Committee on Health and Human Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 66.28.090 and 1981 1st ex.s. c 5 s 20 are each amended to read as follows:

(1) All licensed premises used in the manufacture, storage, or sale of liquor, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business, and/or any premises where a banquet permit has been granted, shall at all times be open to inspection by any liquor and tobacco enforcement officer, inspector₁ or peace officer.

(2) Every person, being on any such premises and having charge thereof, who refuses or fails to admit a liquor and tobacco enforcement officer, inspector₁ or peace officer demanding to enter therein in pursuance of this section in the execution of ~~((his/her))~~ his or her duty, or who obstructs or attempts to obstruct the entry of such liquor and tobacco enforcement officer, inspector₁ or officer of the peace, or who refuses to allow a liquor and tobacco enforcement officer, and/or an inspector to examine the books of the licensee, or who refuses or neglects to make any return required by this title or the ~~((regulations))~~ rules, shall be guilty of a violation of this title.

Sec. 2. RCW 66.44.010 and 1987 c 202 s 224 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor shall belong to the county, city, or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor.

(3) In addition to the other duties under this section, the board shall enforce chapters 82.24 and 82.26 RCW and RCW 26.28.080(4).

(4) The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor and tobacco enforcement officers. Such enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW and RCW 26.28.080(4) relating to cigarettes and tobacco. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW and RCW 26.28.080(4) relating to cigarettes and tobacco. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW and RCW 26.28.080(4) relating to cigarettes and tobacco.

(5) The board shall make a special effort to enforce laws that protect children and young adults from the harmful effects of tobacco and alcohol consumption.

Sec. 3. RCW 66.44.370 and 1981 1st ex.s. c 5 s 27 are each amended to read as follows:

No person shall knowingly or willfully resist or oppose any state, county, or municipal peace officer, or liquor and tobacco enforcement officer, in the discharge of his or her duties under Title 66 RCW, or aid and abet such resistance or opposition. Any person who violates this section shall be guilty of a violation of this title and subject to arrest by any such officer.

Sec. 4. RCW 82.24.010 and 1961 c 15 s 82.24.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only;

(2) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale, or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate;

(3) ("Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, the tax levied by this chapter and tax levied by this state;

(4)) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state;

((5)) (4) "Stamp" means the stamp or stamps or meter impressions by use of which the tax levy under this chapter is paid;

(5) "Board" means the liquor control board;

(6) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business," and "successor" shall apply equally in the provisions of this chapter;

(7) "Minor" refers to an individual who is less than eighteen years old;

(8) "Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building;

(9) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes;

(10) "Sampler" means a person engaged in the business of sampling other than a retailer;

(11) "Sampling" means the distribution of samples to members of the general public in a public place;

(12) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

Sec. 5. RCW 82.24.027 and 1986 c 3 s 12 are each amended to read as follows:

There is hereby levied and there shall be collected by the (department of revenue) board from the persons mentioned in and in the manner provided by this chapter, an additional tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette.

The moneys collected under this section shall be deposited in the water quality account under RCW 70.146.030 through June 30, 2021, and in the general fund thereafter.

Sec. 6. RCW 82.24.030 and 1990 c 216 s 1 are each amended to read as follows:

In order to enforce collection of the tax hereby levied, the (department of revenue) board shall design and have printed stamps of such size and denominations as may be determined by the (department) board, such stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the (department) board to readily ascertain by inspection, whether or not such tax has been paid. Except as otherwise provided in this chapter, every person shall cause to be affixed on every package of cigarettes, stamps of an amount equaling the tax due thereon before he or she sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: PROVIDED, That where it is established to the satisfaction of the (department) board that it is impractical to affix such stamps to the smallest container or

package, the ((department)) board may authorize the affixing of stamps of appropriate denomination to a large container or package.

The ((department)) board may authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this chapter, and if such use is authorized, shall provide reasonable rules ((and regulations)) with respect thereto.

Sec. 7. RCW 82.24.040 and 1990 c 216 s 2 are each amended to read as follows:

No wholesaler in this state may possess within this state unstamped cigarettes except that:

(1) Every wholesaler in the state who is licensed under Washington state law may possess within this state unstamped cigarettes for such period of time after receipt as is reasonably necessary to affix the stamps as required; and

(2) Any wholesaler in the state who is licensed under Washington state law and who furnishes a surety bond in a sum satisfactory to the ((department)) board, shall be permitted to set aside, without affixing the stamps required by this chapter, such part of ((his)) the wholesaler's stock as may be necessary for the conduct of ((his)) the wholesaler's business in making sales to persons in another state or foreign country, to instrumentalities of the federal government, or to the established governing bodies of any Indian tribe, recognized as such by the United States Department of the Interior. Such unstamped stock shall be kept separate and apart from stamped stock.

(3) Every wholesaler licensed under Washington state law shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, or to a federal instrumentality, or to an Indian tribal organization, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery, whether or not stamps were affixed thereto, and shall transmit such true duplicate invoice to the main office of the ((department)) board, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this section the ((department)) board may revoke the permission granted to the taxpayer to maintain a stock of goods to which the stamps required by this chapter have not been affixed. The ((department)) board may also revoke this permission to maintain a stock of unstamped goods for sale to a specific Indian tribal organization when it appears that sales of unstamped cigarettes to persons who are not enrolled members of a recognized Indian tribe are taking place, or have taken place, within the exterior boundaries of the reservation occupied by that tribe.

Sec. 8. RCW 82.24.050 and 1990 c 216 s 3 are each amended to read as follows:

~~((No)) Every retailer ((in this state may possess unstamped cigarettes within this state unless the retailer is licensed under Washington state law and, within a period of time after receipt of any of the articles taxed herein as is reasonably necessary for the purpose, causes the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: PROVIDED, That those articles to which stamps have been properly affixed by a wholesaler or another retailer, licensed under Washington state law, may be retained by any retailer, and that those articles intended for sale to qualified purchasers may, under rules adopted by the department of revenue, be retained by federal instrumentalities and Indian tribal organizations, without affixing the stamps required by this chapter)) shall purchase cigarettes with the stamps affixed.~~

Sec. 9. RCW 82.24.070 and 1987 c 496 s 5 are each amended to read as follows:

Wholesalers ((and retailers)) subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum computed at the rate of four dollars per one thousand stamps purchased or affixed by them.

Sec. 10. RCW 82.24.090 and 1975 1st ex.s. c 278 s 62 are each amended to read as follows:

Every wholesaler or retailer subject to the provisions of this chapter shall keep and preserve for a period of five years an accurate set of records, showing all transactions had with reference to the purchase and sale of any of the articles taxed herein and such persons shall also keep separately all invoices, and shall keep a record of all stamps purchased, and all such records and all stock of taxable articles on hand shall be open to inspection at all reasonable times by the ((department of revenue)) board or its duly authorized agent.

All wholesalers shall within fifteen days after the first day of each month file with the ((department of revenue)) board a report of all drop shipment sales made by them to retailers within this state during the preceding month, which report shall show the name and address of the retailer to whom the cigarettes were sold, the kind and quantity, and the date of delivery thereof.

Sec. 11. RCW 82.24.110 and 1990 c 216 s 4 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a licensed wholesaler or licensed retailer engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(c) For any person other than the ((department of revenue)) board or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(d) To violate any of the provisions of this chapter;

(e) To violate any lawful rule ((or regulation)) made and published by the ((department of revenue)) board;

(f) To use any stamps more than once;

(g) To refuse to allow the ((department of revenue)) board or any duly authorized agent thereof, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(h) For any retailer((- except one permitted to maintain an unstamped stock to engage in interstate business as provided herein,)) to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(i) For any person to make, use, or present or exhibit to the ((department of revenue)) board or any duly authorized agent thereof, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(j) For any wholesaler or retailer or ((his or her)) its agents or employees to fail to produce on demand of the ((department of revenue)) board all invoices of all the articles herein taxed or stamps bought ((by him or her)) or received in ((his or her)) its place of business within five years prior to such demand unless ((he or she)) the wholesaler or retailer can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond ((his)) its control;

(k) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, are untaxed, or are untaxed and stamped for the purpose of avoiding payment of tax. It is presumed that persons other

than dealers who purchase or receive shipments of unstamped, untaxed, or untaxed stamped cigarettes do so to avoid payment of the tax imposed herein;

(1) For any person to possess or transport upon the public highways, roads, or streets of this state a quantity of sixty thousand cigarettes or less (~~(unless the proper stamps required by this chapter have been affixed)~~ that are unstamped, untaxed, or untaxed stamped cigarettes unless the person transporting the cigarettes has in actual possession invoices or delivery tickets therefor which show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported and unless the cigarettes are consigned to or purchased by any person in this state who is a purchaser or consignee authorized by this chapter to possess unstamped, untaxed, or untaxed stamped cigarettes in this state.

(2) It is unlawful for any person knowingly or intentionally to possess or to transport upon the public highways, roads, or streets of this state a quantity in excess of sixty thousand cigarettes (~~(unless the proper stamps required by this chapter are affixed thereto or)~~ that are unstamped, untaxed, or untaxed stamped cigarettes unless the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. Violation of this section shall be punished as a class C felony under Title 9A RCW.

(3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating the provisions thereof.

Sec. 12. RCW 82.24.120 and 1990 c 267 s 1 are each amended to read as follows:

If any person, subject to the provisions of this chapter or any rules (~~(and regulations promulgated)~~ adopted by the (~~(department of revenue)~~ board under authority hereof, is found to have failed to affix the stamps required, or to have them affixed as herein provided, or to pay any tax due hereunder, or to have violated any of the provisions of this chapter or rules (~~(and regulations promulgated)~~ adopted by the (~~(department of revenue)~~ board in the administration hereof, there shall be assessed and collected from such person, in addition to any tax that may be found due, a penalty equal to the greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars, plus interest thereon at the rate of one percent for each thirty days or portions thereof from the date the tax became due, and upon notice mailed to the last known address of the person said amount shall become due and payable in ten days, at which time the (~~(department)~~ board or its duly authorized agent may make immediate demand upon such person for the payment of all such taxes and penalties. The (~~(department)~~ board, for good reason shown, may remit all or any part of penalties imposed, but the taxpayer must pay all taxes due and interest thereon, at the rate of one percent for each thirty days or portion thereof. The keeping of any unstamped, untaxed, or untaxed stamped articles coming within the provisions of this chapter shall be prima facie evidence of intent to violate the provisions of this chapter.

Sec. 13. RCW 82.24.130 and 1990 c 216 s 5 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that (~~(do not have the stamps affixed to the packages or containers))~~ are unstamped, untaxed, or untaxed and stamped.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the (~~(department)~~ board authorized to collect taxes or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The (~~(department)~~ board or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler (~~(or retailer)~~), licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband.

Sec. 14. RCW 82.24.135 and 1987 c 496 s 3 are each amended to read as follows:

In all cases of seizure of any property made subject to forfeiture under this chapter the (~~(department)~~ board shall proceed as follows:

(1) Forfeiture shall be deemed to have commenced by the seizure. Notice of seizure shall be given to the (~~(department)~~ board immediately if the seizure is made by someone other than an agent of the (~~(department)~~ board authorized to collect taxes.

(2) Upon notification or seizure by the (~~(department)~~ board or upon receipt of property subject to forfeiture under this chapter from any other person, the (~~(department)~~ board shall list and particularly describe the property seized in duplicate and have the property appraised by a qualified person not employed by the (~~(department)~~ board or acting as its agent. Listing and appraisal of the property shall be properly attested by the (~~(department)~~ board and the appraiser, who shall be allowed a reasonable appraisal fee. No appraisal is required if the property seized is judged by the (~~(department)~~ board to be less than one hundred dollars in value.

(3) The ((department)) board shall cause notice to be served within five days following the seizure or notification to the ((department)) board of the seizure on the owner of the property seized, if known, on the person in charge thereof, and on any other person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by mail. If service is by mail it shall be by both certified mail with return receipt requested and regular mail. Service by mail shall be deemed complete upon mailing within the five-day period following the seizure or notification of the seizure to the ((department)) board.

(4) If no person notifies the ((department)) board in writing of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the item seized shall be considered forfeited.

(5) If any person notifies the ((department)) board, in writing, of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the ((director)) board or the ((director's)) board's designee, except that any person asserting a claim or right may bring an action for return of the seized items in the superior court of the county in which such property was seized, if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be in accordance with chapter 34.05 RCW. The burden of proof by a preponderance of the evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the items seized. The ((department)) board shall promptly return the article or articles to the claimant upon a determination that the claimant is the present lawful owner or is lawfully entitled to possession thereof of the items seized.

Sec. 15. RCW 82.24.145 and 1987 c 496 s 4 are each amended to read as follows:

When property is forfeited under this chapter the ((department)) board may:

(1) Retain the property or any part thereof for official use or upon application by any law enforcement agency of this state, another state, or the District of Columbia, or of the United States for the exclusive use of enforcing the provisions of this chapter or the laws of any other state or the District of Columbia or of the United States.

(2) Sell the property at public auction to the highest bidder after due advertisement, but the ((department)) board before delivering any of the goods so seized shall require the person to whom the property is sold to affix the proper amount of stamps. The proceeds of the sale and all moneys forfeited under this chapter shall be first applied to the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. The balance of the proceeds and all moneys shall be deposited in the general fund of the state. Proper expenses of investigation includes costs incurred by any law enforcement agency or any federal, state, or local agency.

Sec. 16. RCW 82.24.180 and 1990 c 267 s 2 are each amended to read as follows:

The ((department of revenue)) board may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions thereof.

When any property is returned under this section, the ((department)) board may return such goods to the parties from whom they were seized if and when such parties affix the proper amount of stamps thereto, and pay to the ((department)) board as penalty an amount equal to the greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars, and interest thereon at the rate of one percent for each thirty days or portion thereof from the date the tax became due, and in such cases, no advertisement shall be made or notices posted in connection with said seizure.

Sec. 17. RCW 82.24.190 and 1987 c 202 s 244 are each amended to read as follows:

When the ((department of revenue)) board has good reason to believe that any of the articles taxed herein are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter or ((regulations)) rules issued under authority hereof, it may make affidavit of such fact, describing the place or thing to be searched, before any judge of any court in this state, and such judge shall issue a search warrant directed to the sheriff, any deputy, police officer, or duly authorized agent of the ((department of revenue)) board commanding him or her diligently to search any building, room in a building, place, or vehicle as may be designated in the affidavit and search warrant, and to seize such tobacco so possessed and to hold the same until disposed of by law, and to arrest the person in possession or control thereof. If upon the return of such warrant, it shall appear that any of the articles taxed herein, unlawfully possessed, were seized, the same shall be sold as provided in this chapter.

Sec. 18. RCW 82.24.210 and 1975 1st ex.s. c 278 s 68 are each amended to read as follows:

The ((department of revenue)) board may ((promulgate)) adopt rules ((and regulations)) providing for the refund to dealers for the cost of stamps affixed to articles taxed herein, which by reason of damage become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber. In the case of any articles to which stamps have been affixed, and which articles have been sold and shipped to a regular dealer in such articles in another state, the seller in this state shall be entitled to a refund of the actual amount of the stamps so affixed, less the affixing discount, upon condition that the seller in this state makes affidavit that the articles were sold and shipped outside of the state and that ((he)) the seller has received from the purchaser outside the state a written acknowledgment that ((he)) the purchaser has received such articles with the amount of stamps affixed thereto, together with the name and address of such purchaser. The ((department of revenue)) board may redeem any unused stamps purchased from it at the face value thereof less the affixing discount.

Sec. 19. RCW 82.24.230 and 1961 c 15 s 82.24.230 are each amended to read as follows:

All of the provisions contained in chapter 82.32 RCW except RCW 82.32.050, 82.32.060, 82.32.070, 82.32.100, and 82.32.270 shall have full force and application with respect to taxes imposed under the provisions of this chapter (, except the following sections thereof: RCW 82.32.050, 82.32.060, 82.32.070, 82.32.100 and 82.32.270); except that "department of revenue" or "department" means the liquor control board.

Sec. 20. RCW 82.24.250 and 1990 c 216 s 6 are each amended to read as follows:

No person other than (1) a licensed wholesaler in its own vehicle, or (2) a person who has given notice to the ((department)) board in advance of the commencement of transportation shall transport or cause to be transported unstamped, untaxed, or untaxed stamped cigarettes (not having the stamps affixed to the packages or containers), upon the public highways, roads, or streets of this state. In the case of transportation of unstamped cigarettes such persons shall have in their actual possession invoices or delivery tickets for such cigarettes, which shall show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. If the cigarettes are consigned to or purchased by any person in this state such purchaser or consignee must be a person who is authorized by chapter

82.24 RCW to possess unstamped, untaxed, or untaxed stamped cigarettes in this state. In the absence of such invoices or delivery tickets, or, if the name or address of the consignee or purchaser is falsified or if the purchaser or consignee is not authorized by chapter 82.24 RCW to possess unstamped, untaxed, or untaxed stamped cigarettes, the cigarettes so transported shall be deemed contraband subject to seizure and sale under the provisions of RCW 82.24.130.

Transportation of cigarettes from a point outside this state to a point in some other state will not be considered a violation of this section provided that the person so transporting such cigarettes has in his or her possession adequate invoices or delivery tickets which give the true name and address of such out-of-state seller or consignor and such out-of-state purchaser or consignee.

In any case where the ((department)) board or its duly authorized agent, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this section, the ((department)) board, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes.

For purposes of this section, the term "person authorized by chapter 82.24 RCW to possess unstamped, untaxed, or untaxed stamped cigarettes" shall mean a wholesaler (~~or retailer,~~) licensed under Washington state law, the United States or an agency thereof, and any Indian tribal organization authorized under rules adopted by the ((department of revenue)) board to possess ((~~unstamped cigarettes~~)) these articles.

Sec. 21. RCW 82.24.510 and 1986 c 321 s 5 are each amended to read as follows:

(1) The licenses issuable under this chapter are as follows:

(a) A wholesaler's license.

(b) A retailer's license.

(c) A vending machine license.

(2) Application for the licenses shall be made through the master license system under chapter 19.02 RCW. The ((department of revenue)) board shall adopt rules regarding the regulation of the licenses. The ((department of revenue)) board may refrain from the issuance of any license under this chapter if the ((department)) board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the ((department)) board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. Each such license shall expire on the master license expiration date, and each such license shall be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the ((department of revenue)) board made pursuant thereto.

Sec. 22. RCW 82.24.520 and 1986 c 321 s 6 are each amended to read as follows:

A fee of six hundred fifty dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the ((department of revenue)) board requires, shall be exhibited in the place of business for which it is issued and in such manner as is prescribed for the display of a master license. The ((department of revenue)) board shall require each licensed wholesaler to file with the ((department)) board a bond in an amount not less than ((~~one~~)) five thousand dollars to guarantee the proper performance of the duties and the discharge of the liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the ((department of revenue)) board and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

Sec. 23. RCW 82.24.530 and 1986 c 321 s 7 are each amended to read as follows:

A fee of ((~~ten~~)) ninety-three dollars shall accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates. A fee of ((~~one~~)) thirty additional dollars for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

Sec. 24. RCW 82.24.550 and 1986 c 321 s 9 are each amended to read as follows:

(1) The ((department of revenue)) board shall enforce the provisions of this chapter. The ((department of revenue)) board may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The ((department of revenue)) board has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the ((department of revenue)) board. The ((department of revenue)) board, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule ((~~promulgated thereunder~~)) adopted under this chapter, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the ((department of revenue)) board finds the offender has been guilty of willful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the ((department of revenue)) board at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the ((department of revenue)) board if it appears to the satisfaction of the ((department of revenue)) board that the licensee will comply with the provisions of this chapter and the rules ((~~promulgated thereunder~~)) adopted under this chapter.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the ((department of revenue)) board, and any order of suspension or revocation by the ((department of revenue)) board of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the ((department of revenue)) board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the ((department of revenue)) board.

Sec. 25. RCW 82.24.560 and 1986 c 321 s 10 are each amended to read as follows:

Except under section 55 of this act, all fees and penalties received or collected by the ((department of revenue)) board pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund.

NEW SECTION. Sec. 26. A new section is added to chapter 82.24 RCW to read as follows:

The board may adopt rules to implement this chapter.

Sec. 27. RCW 82.26.010 and 1975 1st ex.s. c 278 s 70 are each amended to read as follows:

As used in this chapter:

(1) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but shall not include cigarettes as defined in RCW 82.24.010((4));

(2) "Manufacturer" means a person who manufactures and sells tobacco products;

(3) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, or fabricates tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers;

(4) "Subjobber" means any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers;

(5) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers;

(6) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of this chapter, or for any other purposes whatsoever.

(7) "Wholesale sales price" means the established price for which a manufacturer sells a tobacco product to a distributor, exclusive of any discount or other reduction;

(8) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state;

(9) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine;

(10) "Retail outlet" means each place of business from which tobacco products are sold to consumers;

(11) ("Department" means the state department of revenue) "Board" means the liquor control board.

Sec. 28. RCW 82.26.050 and 1975 1st ex.s. c 278 s 72 are each amended to read as follows:

~~((From and after July 1, 1959))~~ No person shall engage in the business of a distributor or subjobber of tobacco products at any place of business without first having received from the ((department of revenue)) board a certificate of registration ((as provided in RCW 82.32.030)).

Sec. 29. RCW 82.26.060 and 1975 1st ex.s. c 278 s 73 are each amended to read as follows:

Every distributor shall keep at each registered place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made, except sales to the ultimate consumer.

These records shall show the names and addresses of purchasers ~~((, the inventory of all tobacco products on hand on July 1, 1959,))~~ and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products.

When a registered distributor sells tobacco products exclusively to the ultimate consumer at the address given in the certificate, no invoice of those sales shall be required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that registered distributor. All books, records, and other papers and documents required by this section to be kept shall be preserved for a period of at least five years after the date of the documents, as aforesaid, or the date of the entries thereof appearing in the records, unless the ((department of revenue)) board, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours the ((department)) board, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the ((department)) board, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate of the distributor at such premises shall be subject to revocation by the ((department)) board.

Sec. 30. RCW 82.26.080 and 1975 1st ex.s. c 278 s 74 are each amended to read as follows:

Every retailer and subjobber shall procure itemized invoices of all tobacco products purchased. The invoices shall show the name and address of the seller and the date of purchase. The retailer and subjobber shall preserve a legible copy of each such invoice for five years from the date of purchase. Invoices shall be available for inspection by the ((department of revenue)) board or its authorized agents or employees at the retailer's or subjobber's place of business.

Sec. 31. RCW 82.26.090 and 1975 1st ex.s. c 278 s 75 are each amended to read as follows:

Records of all deliveries or shipments of tobacco products from any public warehouse of first destination in this state shall be kept by the warehouse and be available to the ((department of revenue)) board for inspection. They shall show the name and address of the consignee, the date, the quantity of tobacco products delivered, and such other information as the ((department)) board may require. These records shall be preserved for five years from the date of delivery of the tobacco products.

Sec. 32. RCW 82.26.110 and 1975 1st ex.s. c 278 s 76 are each amended to read as follows:

Where tobacco products upon which the tax imposed by this chapter has been reported and paid, are shipped or transported by the distributor to retailers without the state, to be sold by those retailers, or are returned to the manufacturer by the distributor or destroyed by the distributor, credit of such tax may be made to the distributor in accordance with ((regulations)) rules prescribed by the ((department of revenue)) board.

Sec. 33. RCW 82.26.120 and 1963 ex.s. c 28 s 5 are each amended to read as follows:

All of the provisions contained in chapter 82.32 RCW shall have full force and application with respect to taxes imposed under the provisions of this chapter; except that "department of revenue" or "department" means the liquor control board.

NEW SECTION. Sec. 34. A new section is added to chapter 82.26 RCW to read as follows:

The board may adopt rules to implement this chapter.

NEW SECTION. Sec. 35. A new section is added to chapter 82.32 RCW to read as follows:

The liquor control board may contract with the department for the collection of taxes, penalties, and interest, and the making of refunds, related to the administration and enforcement of chapters 82.24 and 82.26 RCW.

NEW SECTION. Sec. 36. All powers, duties, and functions of the department of revenue pertaining to chapters 82.24 and 82.26 RCW are transferred to the liquor control board. All references to the director or department of revenue in the Revised Code of Washington shall be construed to mean the liquor control board when referring to the functions transferred in this section.

NEW SECTION. Sec. 37. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of revenue pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the liquor control board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of revenue in carrying out the powers, functions, and duties transferred shall be made available to the liquor control board. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the liquor control board.

Any appropriations made to the department of revenue for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the liquor control board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 38. All employees of the department of revenue engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the liquor control board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the liquor control board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 39. All rules and all pending business before the department of revenue pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the liquor control board. All existing contracts and obligations shall remain in full force and shall be performed by the liquor control board.

NEW SECTION. Sec. 40. The transfer of the powers, duties, functions, and personnel of the department of revenue shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 41. If apportionments of budgeted funds are required because of the transfers directed by sections 36 through 39 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 42. Nothing contained in sections 37 through 42 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 43. The legislature finds that while present state law prohibits the sale and distribution of tobacco to minors, youth obtain tobacco products with ease. Availability and lack of enforcement put tobacco products in the hands of youth.

Federal law requires states to enforce laws prohibiting sale and distribution of tobacco products to minors in a manner that can reasonably be expected to reduce the extent to which the products are available to minors. It is imperative to effectively reduce the sale, distribution, and availability of tobacco products to minors.

NEW SECTION. Sec. 44. A person who holds a license issued under RCW 82.24.520 or 82.24.530 shall:

- (1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and
- (2) Display a sign concerning the prohibition of tobacco sales to minors.

Such sign shall:

(a) Be posted so that it is clearly visible to anyone purchasing tobacco products from the licensee;

(b) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED"; and

(c) Be provided free of charge by the liquor control board.

NEW SECTION. Sec. 45. No person shall sell or permit to be sold any tobacco product through any device that mechanically dispenses tobacco products unless the device is located fully within premises from which minors are prohibited or in industrial worksites where minors are not employed and not less than ten feet from all entrance or exit ways to and from each premises.

NEW SECTION. Sec. 46. No person shall sell or permit to be sold cigarettes not in the original unopened package or container to which the stamps required by RCW 82.24.060 have been affixed.

This section does not apply to the sale of loose leaf tobacco by a retail business that generates a minimum of sixty percent of annual gross sales from the sale of tobacco products.

NEW SECTION. Sec. 47. (1) No person may engage in the business of sampling within the state unless licensed to do so by the board. If a firm contracts with a manufacturer to distribute samples of the manufacturer's products, that firm is deemed to be the person engaged in the business of sampling.

(2) The board shall issue a license to a sampler not otherwise disqualified by section 52 of this act upon application and payment of the fee.

(3) A sampler's license expires on the thirtieth day of June of each year and must be renewed annually upon payment of the appropriate fee.

(4) The board shall annually determine the fee for a sampler's license and each renewal. However, the fee for a manufacturer whose employees distribute samples within the state is five hundred dollars per annum, and the fee for all other samplers must be not less than fifty dollars per annum.

(5) A sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. A person engaged in sampling under the license shall carry the license or a copy at all times.

NEW SECTION. Sec. 48. (1) No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to sampling (a) in an area to which persons under the age of eighteen are denied admission, (b) in or at a store or concession to which a retailer's license has been issued, or (c) at or adjacent to a production, repair, or outdoor construction site or facility.

(2) Notwithstanding subsection (1) of this section, no person may distribute or offer to distribute samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when that facility is being used primarily by persons under the age of eighteen for recreational, educational, or other purposes.

NEW SECTION. Sec. 49. No person shall give or distribute cigarettes or other tobacco products to a person by a coupon if such coupon is redeemed in any manner that does not require an in-person transaction in a retail store.

NEW SECTION. Sec. 50. A person under the age of eighteen who purchases or attempts to purchase or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in a smoking cessation program, or both. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

NEW SECTION. Sec. 51. (1) Where there may be a question of a person's right to purchase or obtain tobacco products by reason of age, the retailer, sampler, or agent thereof, shall require the purchaser or recipient to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: Liquor control authority card of identification of a state or province of Canada; driver's license, instruction permit, or identification card of a state or province of Canada; "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; United States military identification; passport; or merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080(4) that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The liquor control board shall waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence.

NEW SECTION. Sec. 52. (1) The liquor control board may suspend or revoke a retailer's license held by a business at any location, or may impose a monetary penalty as set forth in subsection (2) of this section, if the liquor control board finds that the licensee has violated RCW 26.28.080(4), or section 44, 45, 46, 47, 48, 49, or 51 of this act.

(2) The sanctions that the liquor control board may impose against a person licensed under RCW 82.24.530 and sections 47 and 48 of this act based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) For violation of RCW 26.28.080(4), or section 44 or 51 of this act:

(i) A monetary penalty of one hundred dollars for the first violation within any two-year period;

(ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;

(iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;

(iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;

(b) For violations of section 45 of this act, a monetary penalty in the amount of one hundred dollars for each day upon which such violation occurred;

(c) For violations of section 46 of this act occurring on the licensed premises:

(i) A monetary penalty of one hundred dollars for the first violation within any two-year period;

(ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;

(iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;

(iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;

(d) For violations of sections 47 and 48 of this act, a monetary penalty in the amount of three hundred dollars for each violation;

(e) For violations of section 49 of this act, a monetary penalty in the amount of one thousand dollars for each violation.

(3) The liquor control board may impose a monetary penalty upon any person other than a licensed cigarette retailer or licensed sampler if the liquor control board finds that the person has violated RCW 26.28.080(4), or section 44, 45, 46, 47, 48, 49, or 51 of this act.

(4) The monetary penalty that the liquor control board may impose based upon one or more findings under subsection (3) of this section may not exceed the following:

(a) For violation of RCW 26.28.080(4), or section 44 or 51 of this act, fifty dollars for the first violation and one hundred dollars for each subsequent violation;

(b) For violations of section 45 of this act, one hundred dollars for each day upon which such violation occurred;

(c) For violations of section 46 of this act, one hundred dollars for each violation;

(d) For violations of sections 47 and 48 of this act, three hundred dollars for each violation;

(e) For violations of section 49 of this act, one thousand dollars for each violation.

(5) The liquor control board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(6) The liquor control board may issue a cease and desist order to any person who is found by the liquor control board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080(4) or chapter 82.24 or 82.26 RCW, requiring

such person to cease specified conduct that is in violation. The issuance of a cease and desist order shall not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(7) The liquor control board may seek injunctive relief to enforce the provisions of RCW 26.28.080(4) or chapter 82.24 or 82.26 RCW or this chapter. The liquor control board may initiate legal action to collect civil penalties imposed under this chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the liquor control board under this chapter, the court may, in addition to any other relief, award the liquor control board reasonable attorneys' fees and costs.

(8) All proceedings under subsections (1) through (6) of this section shall be conducted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 53. (1) The liquor control board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080(4) and chapter 82.24 or 82.26 RCW. The liquor control board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of section 52 of this act.

(2) The liquor control board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of chapter 82.24 or 82.26 RCW or this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080(4) and 82.24.500, a peace officer or enforcement officer of the liquor control board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products is under the age of eighteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor control board.

(4) The liquor control board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

NEW SECTION. Sec. 54. This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of tobacco product promotions and sales within retail stores, except that political subdivisions that have adopted ordinances prohibiting sampling by January 1, 1993, may continue to enforce these ordinances. No political subdivision may: (1) Impose fees or license requirements on retail businesses for possessing or selling cigarettes or tobacco products, other than general business taxes or license fees not primarily levied on tobacco products; or (2) regulate or prohibit activities covered by sections 44 through 50 of this act. This chapter does not otherwise preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with chapter ..., Laws of 1993 (this act).

NEW SECTION. Sec. 55. A new section is added to chapter 43.70 RCW to read as follows:

(1) The youth tobacco prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520 and 82.24.530 and funds collected by the liquor control board from the imposition of monetary penalties and samplers' fees shall be deposited into this account, except that ten percent of all such fees and penalties shall be deposited in the state general fund.

(2) Thirty percent of the moneys in the youth tobacco prevention account shall be appropriated to the liquor control board to be used for implementation of sections 44 through 54 of this act, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products by youth has been reduced.

(3) The department of health shall, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco intervention strategies to prevent and reduce tobacco use by youth.

NEW SECTION. Sec. 56. A new section is added to chapter 43.70 RCW to read as follows:

The department of health shall report to the house of representatives and senate committees with jurisdiction for health issues no later than February 1, 1995, on the effectiveness of enforcement and education activities as specified in chapter ..., Laws of 1993 (this act). This study shall include information concerning the adequacy of revenue to support enforcement and education activities.

NEW SECTION. Sec. 57. Sections 44 through 54 of this act shall constitute a new chapter in Title 66 RCW.

NEW SECTION. Sec. 58. RCW 82.24.260 and 1987 c 80 s 3 & 1986 c 3 s 13 are each repealed.

NEW SECTION. Sec. 59. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe that the amendment by Senator McDonald expands the scope and object of Engrossed Substitute House Bill No. 2071. I think Senator McDonald was very candid in describing this amendment. Basically, it is a change in the collection of cigarette and other tobacco taxation, transferring that responsibility from the Department of Revenue to the Liquor Control Board. The basic objective of the bill that is before us, however, is a bill relating to minor access to tobacco products. It deals with the enforcement of laws relating to minors access to tobacco and, therefore, the amendment by Senator McDonald which deals with the question of who collects the cigarette and other tobacco taxes expands the scope and object of a bill that is designed to deal solely with the access of minors to tobacco products."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 2071 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435, by House Committee on Capital Budget (originally sponsored by Representatives Wang and Ogden) (by request of Office of Financial Management)

Adopting the supplemental capital budget.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1435.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1435 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogndild, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Barr, Nelson, Roach, Sellar and von Reichbauer - 6.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver and Valle) (by request of Office of Financial Management)

Making supplemental appropriations.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following Committee on Ways and Means amendment be adopted:
Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 1992 c 232 s 112 is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ((955,000))

1,000,000

Sec. 102. 1992 c 232 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ((27,687,000))

27,921,000

Public Safety and Education

Account Appropriation \$ 26,352,000

Judicial Information System

Account Appropriation \$ 200,000

Drug Enforcement and Education Account

Appropriation \$ 850,000

TOTAL APPROPRIATION \$ ((55,089,000))

55,323,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((20,850,000)) 21,084,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily

assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) \$688,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) \$6,507,000 of the public safety and education account appropriation and \$850,000 of the drug enforcement and education account appropriation are provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(6) In implementing the cost reduction measures required by this act, the administrator for the courts may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

(7) \$345,000 of the general fund--state appropriation is provided solely for implementation of Substitute House Bill No. 2459. The amount provided in this subsection is contingent on enactment of Substitute House Bill No. 2459 (superior court judges) and House Bill No. 2887 or 2997 (appellate court filing fees). If neither House Bill No. 2887 or 2997 is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) \$10,000 of the general fund appropriation is provided solely for the jury source list task force to continue to develop methodology and standards for merging the list of registered voters with the list of licensed drivers and identocard holders to form an expanded jury source list for use in the state. The task force shall include the department of information services. By November 2, 1992, the task force shall report its recommendations to the supreme court and the appropriate committees of the legislature. However, if Substitute House Bill No. 2945 is enacted by June 30, 1992, the amount provided in this subsection is provided solely to implement the bill.

Sec. 103. 1992 c 232 s 117 is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ ((1,762,000))

1,842,000

Sec. 104. 1992 c 232 s 118 is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation \$ ((8,038,000))

12,480,081

Archives and Records Management Account

Appropriation \$ 3,522,000

Savings Recovery Account Appropriation \$ 569,000

TOTAL APPROPRIATION \$ ((12,129,000))

16,571,081

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((809,000)) 4,330,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of presidential preference, primary, and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$((2,919,000)) 3,384,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION. Sec. 105. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation \$ 239,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for defending tribal shellfish litigation (*U.S. v. Washington*, subproceeding 89-3).

Sec. 106. 1991 sp.s. c 16 s 126 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ ((20,563,000))

19,345,000

General Fund--Federal Appropriation \$ 101,000

Savings Recovery Account Appropriation \$ 1,932,000

Public Safety and Education Account

Appropriation \$ 290,000

Motor Vehicle Fund Appropriation \$ 108,000

TOTAL APPROPRIATION \$ ((22,994,000))

21,776,000

22 The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

Sec. 107. 1992 c 232 s 129 is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund

Appropriation \$ ((16,749,000))

16,771,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) \$163,000 is provided solely to implement management excellence initiatives to improve selection criteria, performance evaluations, and training assessments for state managers.

Sec. 108. 1992 c 232 s 134 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 29,076,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,403,000 is provided solely for information systems projects known by the following names or successor names:

Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902, chapter 16, Laws of 1991 sp. sess. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.

(2) \$((1,077,000)) 907,000 is provided solely for the one-time implementation costs of Engrossed Substitute House Bill No. 2947 (early retirement), including the preparation of information on early retirement by the combined benefits communications project. ((If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.))

(3) \$170,000 is provided solely for the one-time implementation costs of the 1993 early retirement legislation. If the legislation is not enacted by June 30, 1993, this amount shall lapse.

Sec. 109. 1992 c 232 s 136 is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ ((96,370,000))

96,802,000

Timber Tax Distribution Account Appropriation \$ 4,241,000

State Toxics Control Account Appropriation \$ ((90,000))

83,115

Solid Waste Management Account Appropriation \$ 82,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ 226,000

Vehicle Tire Recycling Account Appropriation \$ 122,000

Air Operating Permit Account Appropriation \$ 42,000

Oil/Hazardous Substance Cleanup Account

Appropriation \$ 27,000

Litter Control Account Appropriation \$ 96,000

TOTAL APPROPRIATION \$ ((191,296,000))

101,721,115

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,145,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management". Authority to expend this amount is conditioned on compliance with section 902, chapter 16, Laws of 1991 sp. sess.

(2) \$584,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

(4) \$100,000 of the general fund appropriation is provided solely for the implementation of Substitute House Bill No. 2672 (cellular phone study). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(5) \$432,000 of the general fund appropriation is provided solely for defense of the state in legal actions involving utility litigation relating to property tax.

(6) The entire litter control account appropriation is provided solely for the implementation of House Bill No. 2635 (litter/recycling assessment). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 110. 1992 c 232 s 139 is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

General Fund--State Appropriation \$ ((42,000))

46,000

Sec. 111. 1992 c 232 s 141 is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ ((4,467,000))

5,207,000

General Fund--Federal Appropriation \$ 1,649,000

General Fund--Private/Local Appropriation \$ 274,000

Savings Recovery Account Appropriation \$ 1,070,000

Risk Management Account Appropriation \$ 1,151,000

Motor Transport Account Appropriation \$ 8,568,000

Central Stores Revolving Account Appropriation \$ 3,965,000

Industrial Insurance Premium Refund Account \$ 18,514

Air Pollution Control Account Appropriation \$ 111,000
General Administration Facilities and Services
Revolving Fund Appropriation \$ 20,749,000
TOTAL APPROPRIATION \$ ((42,004,000))

42,762,514

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) \$((2,850,000)) 2,176,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$3,965,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of this amount \$155,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

Sec. 112. 1992 c 232 s 152 is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ ((8,906,000))

8,960,000

General Fund--Federal Appropriation \$ 7,582,000

General Fund--Private/Local Appropriation \$ 180,000

TOTAL APPROPRIATION \$ ((46,668,000))

16,722,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

**PART II
HUMAN SERVICES**

Sec. 201. 1991 sp.s. c 16 s 201 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) ~~((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose))~~ The appropriations in sections 201 through 218 of chapter 16, Laws of 1991 1st sp. sess., as amended, shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1993, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) Appropriations in this act derived from the \$31,600,000 federal child care block grant and the Title IV-A grant are subject to the following conditions and limitations:

(a) \$13,290,000 is provided solely for vendor rate increases for child care facilities. Increases by cluster shall result in rates set at a uniform percentile of child care provider rates across clusters. Rates set by other methods shall result in the same percentage increase as the state-wide average increase for rates set by cluster. The department shall transfer rate increase funds among child care programs as necessary to maintain a uniform rate policy.

(b) \$1,000,000 is provided solely to contract with eligible providers for specialized child care and respite care for children of homeless parents. Providers shall demonstrate that licensed child-care facilities are available to provide specialized child care for children under six years of age. Respite child-care providers shall demonstrate that respite child care is available for children under six years of age and shall submit to a felony background check through the state patrol. Child-care services provided by shelters shall be subject to department of community development rules on applicant eligibility criteria. The total allocation to providers within a county shall be not less than twenty-five thousand dollars per fiscal year in counties that had at least one hundred children under the age of five served in emergency shelters for the preceding year as reported by the department of community development and not less than ten thousand dollars for all other counties. If Substitute Senate Bill No. 5653 (homeless child care) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(c) \$450,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(d) \$100,000 is provided solely for licensing and regulation activities of the department of social and health services.

(e) \$100,000 is provided solely for data collection, evaluation, and reporting activities of the department of social and health services.

(f) \$4,609,000 is provided solely to increase child care slots for low-income families.

(g) \$100,000 is provided solely for transfer through interagency agreement to the department of health to fund increased child care licensing workload.

Sec. 202. 1992 c 232 s 201 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation \$ ((277,041,000))

276,734,000

General Fund--Federal Appropriation \$ ((171,473,000))

179,051,000

Drug Enforcement and Education

Account Appropriation \$ 4,000,000

Public Safety and Education

Account Appropriation \$ 2,418,000

TOTAL APPROPRIATION \$ ((454,932,000))

462,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$607,000 of the general fund--state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) \$513,000 is provided solely to expand family reconciliation services.

(2) \$2,949,000 of the general fund--state appropriation and \$691,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and five percent on January 1, 1993, for children's out-of-home residential providers except interim care, including but not limited to foster parents and child placement agencies, and ((3-4)) two percent on July 1, 1992, and three percent on January 1, 1993, for other providers, except child care providers.

(3) \$1,150,000 of the general fund--state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

(4) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).

(5) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(6) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(7) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

(8) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have

successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

(9) The amounts in subsections (7) and (8) of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

(10) \$100,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

(11) Up to \$25,000 of the general fund--state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

(12) \$1,500,000 of the general fund--state appropriation is provided solely for increased funding for domestic violence programs.

(13) \$480,000 of the general fund--state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

(14) \$1,000,000 of the general fund--state appropriation is provided solely for the transfer of children who are inappropriately housed in crisis residential centers to residential services designed to meet their specific needs.

(15) \$30,000 of the general fund--state appropriation is provided solely to fund follow-up research on the Childhaven therapeutic childcare study.

Sec. 203. 1992 c 232 s 202 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ ((53,246,000))	<u>50,377,000</u>
General Fund--Federal Appropriation \$ 135,000	
Drug Enforcement and Education	
Account Appropriation \$ 1,762,000	
TOTAL APPROPRIATION \$ ((55,443,000))	<u>52,274,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$670,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of two percent on July 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and two percent on July 1, 1992, and three percent on January 1, 1993, for other vendors.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ((57,750,000))	<u>60,291,000</u>
General Fund--Federal Appropriation \$ 949,000	
Drug Enforcement and Education	
Account Appropriation \$ 940,000	
TOTAL APPROPRIATION \$ ((59,639,000))	<u>62,180,000</u>
(3) PROGRAM SUPPORT	
General Fund Appropriation \$ ((2,996,000))	<u>3,014,000</u>
Drug Enforcement and Education Account Appropriation \$ 342,000	
TOTAL APPROPRIATION \$ ((3,338,000))	<u>3,356,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

Sec. 204. 1992 c 232 s 203 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation \$ ((219,896,000))	<u>220,467,000</u>
General Fund--Federal Appropriation \$ ((109,490,000))	<u>125,492,000</u>
General Fund--Local Appropriation \$ ((3,360,000))	<u>8,828,000</u>
TOTAL APPROPRIATION \$ ((332,746,000))	<u>354,787,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,444,000 of the general fund--state appropriation and \$1,602,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(b) \$23,971,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) \$6,400,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund--state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) \$9,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund--state appropriation is provided solely for regional support networks for acquisition and implementation of local management information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund--state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund--state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund--state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) \$500,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided solely for up to five performance-based contracts for the delivery of children's mental health services with regional support networks that have developed interagency children's mental health services delivery plans. To be eligible for a contract, the interagency children's mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children's mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

(c) ~~\$(1,500,000)~~ 2,571,000 of the general fund--state appropriation is provided solely for transportation services.

(d) \$2,000,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ((193,404,000))

193,351,000

General Fund--Federal Appropriation \$ ((62,735,000))

68,735,000

TOTAL APPROPRIATION \$ ((256,139,000))

262,086,000

(3) CIVIL COMMITMENT

General Fund--State Appropriation \$ ((4,908,000))

4,383,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation \$ 1,889,000

General Fund--Federal Appropriation \$ ((2,966,000))

2,629,000

TOTAL APPROPRIATION \$ (4,855,000)

4,518,000

The appropriations in this subsection are subject to the following conditions and limitations: \$31,000 of the general fund--state appropriation is provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(5) PROGRAM SUPPORT

General Fund--State Appropriation \$ ((5,959,000))

5,296,000

General Fund--Federal Appropriation \$ ((1,867,000))

2,185,000

TOTAL APPROPRIATION \$ ((7,826,000))

7,481,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 from the general fund--state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

Sec. 205. 1992 c 232 s 205 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ ((183,785,000))

175,431,000

General Fund--Federal Appropriation \$ ((143,224,000))

99,904,000

TOTAL APPROPRIATION \$ ((297,006,000))

275,335,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$500,000 of the general fund--state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

(b) \$631,000 of the general fund--state appropriation and \$815,000 of the general fund--federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

(c) \$1,500,000 of the general fund--state appropriation is provided solely for the family support services program.

(d) \$4,674,000 of the general fund--state appropriation and \$4,674,000 of the general fund--federal appropriation are provided solely for community-based residential programs for up to seventy-three clients who during the 1991-93 biennium transfer from residential habilitation centers.

(e) \$400,000 of the general fund--state appropriation is provided solely for costs related to additional case management.

(f) \$800,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ((441,371,000))

144,718,000

General Fund--Federal Appropriation \$ ((181,440,000))

185,928,000

TOTAL APPROPRIATION \$ ((322,811,000))

330,646,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The general fund--state appropriation shall be reduced by the amount that has been expended as of the effective date of this act from the appropriation under section 207, chapter 16, Laws of 1991 sp. sess.

(b) \$100,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ ((5,585,000))

5,458,000

General Fund--Federal Appropriation \$ ((1,001,000))

1,018,000

TOTAL APPROPRIATION \$ ((6,586,000))

6,476,000

The appropriations in this section are subject to the following conditions and limitations: \$1,015,000 of the general fund--state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

Sec. 206. 1992 c 232 s 210 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund--State Appropriation \$ ((538,176,000))

529,198,000

General Fund--Federal Appropriation \$ ((643,550,000))

621,378,000

TOTAL APPROPRIATION \$ ((1,181,726,000))

1,150,576,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and 3.4 percent on July 1, 1992.

(2) \$1,000,000 of the general fund--state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least \$16,015,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services programs.

(4) \$714,000 of the general fund--state appropriation is provided solely to continue funding for the volunteer chore services program.

(5) \$3,387,000 of the general fund--state appropriation and \$1,668,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(6) \$5,001,000 of the general fund--state appropriation and \$3,751,000 of the general fund--federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPES workers (agency and individual providers), Title XIX personal care contracted workers, and respite care workers.

(7) \$1,477,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for increases in the assisted living program.

(8) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or

mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

(9) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

(10) Within the appropriations provided in this section, the department shall implement House Bill No. 2811 (AIDS nursing supply costs).

Sec. 207. 1992 c 232 s 211 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation \$ ((619,135,000))	<u>593,340,000</u>
General Fund--Federal Appropriation \$ ((685,111,000))	<u>718,950,000</u>
TOTAL APPROPRIATION \$ ((1,304,246,000))	<u>1,312,290,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more
 Exemption: \$55 71 86 102 117 133 154 170

(2) \$563,000 of the general fund--state appropriation and \$616,000 of the general fund--federal appropriation are provided solely for a two percent vendor rate increase on July 1, 1992, and a three percent increase on January 1, 1993.

(3) \$((5,482,000)) 4,827,000 of the general fund--state appropriation and \$((5,284,000)) 5,812,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance--special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal three percent on January 1, 1993.

(4) \$1,008,000 of the general fund--state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).

Sec. 208. 1992 c 232 s 212 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation \$ ((41,458,000))	<u>40,101,000</u>
General Fund--Federal Appropriation \$ ((41,642,000))	<u>44,803,000</u>
Drug Enforcement and Education Account State Appropriation \$ 38,236,000	
TOTAL APPROPRIATION \$ ((121,336,000))	<u>123,140,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,781,000 of the general fund--state appropriation and \$44,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(2) \$50,000 of the general fund--state appropriation is provided solely for a program to inform clients in substance abuse programs of the consequences of the use of drugs and alcohol during pregnancy.

Sec. 209. 1992 c 232 s 213 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation \$ ((1,009,929,000))	<u>1,007,523,000</u>
General Fund--Federal Appropriation \$ ((1,205,576,000))	<u>1,264,344,000</u>
General Fund--Local Appropriation \$ 58,904,000	
TOTAL APPROPRIATION \$ ((2,274,409,000))	<u>2,330,771,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,995,000 of the general fund--state appropriation and \$6,182,000 of the general fund--federal appropriation is provided solely for a two percent vendor rate increase on July 1, 1992, and a three percent increase on January 1, 1993.

(2) \$341,000 of the general fund--state appropriation and \$370,000 of the general fund--federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.

(3) The department shall adopt measures to realize savings of \$7,500,000 in general fund--state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.

(4) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.

(5) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

(6) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(7) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(8) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(9) \$125,000 of the general fund--state appropriation and \$150,000 of the general fund--federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

(10) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(11) \$435,000, of which \$217,500 is appropriated from the general fund--federal appropriation, is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(12) \$49,000,000 of the general fund--federal appropriation and \$40,000,000 of the general fund--private/local appropriation are provided solely to establish a hospital assistance program through the disproportionate share mechanism. The program shall assist Harborview Medical Center, University of Washington Medical Center, small and rural hospitals as determined by the department.

(13) \$341,000 of the general fund--state appropriation and \$427,000 of the general fund--federal appropriation are provided solely to restore foot care services by podiatric physicians and surgeons beginning July 1, 1992.

Sec. 210. 1992 c 232 s 214 is amended to read as follows:

(1) ~~\$(29,540,000))~~ 31,193,000 is appropriated from the general fund--state and ~~\$(34,532,000))~~ 38,093,000 is appropriated from the general fund--federal for the fiscal period beginning September 1, 1991, and ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the components of the disproportionate share adjustment under section 9 of this act. The appropriation in this subsection shall lapse on the date that sections 1 through 4 of this act expire. Amounts that have been paid under this subsection, but are properly attributable to a period after the expiration of sections 1 through 4 of this act, shall be repaid or credited to the state as provided in rules of the department.

(2) \$13,713,000 is appropriated from the general fund--state and \$16,762,000 is appropriated from the general fund--federal for the biennium ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the medical indigency care components of the disproportionate share adjustment under RCW 74.09.730(1) (b) and (c).

(3) The allotments from the appropriations in this section shall be made so as to enable expenditure of the appropriations through the end of the 1991-93 biennium.

(4) The appropriations in this section are supplemental to other appropriations to the medical assistance program. The department of social and health services shall not use the moneys appropriated in this section in lieu of any other appropriations for the medical assistance program.

Sec. 211. 1992 c 232 s 215 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation \$ ((46,077,000))

14,434,000

General Fund--Federal Appropriation \$ ((55,803,000))

61,678,000

TOTAL APPROPRIATION \$ ((71,880,000))

76,112,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund--state appropriation is provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(2) \$1,621,000 of the general fund--state appropriation and \$3,576,000 of the general fund--federal appropriation are provided solely to enhance vocational rehabilitation services.

(3) \$800,000 of the general fund--state appropriation and \$2,420,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for severely handicapped individuals who completed a high school curriculum in 1989 or 1990, or who will complete a high school curriculum during the 1991-93 biennium.

Sec. 212. 1992 c 232 s 216 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES

PROGRAM

General Fund--State Appropriation \$ ((49,428,000))	<u>44,601,000</u>
General Fund--Federal Appropriation \$ ((36,372,000))	<u>39,453,000</u>
Industrial Insurance Premium Refund Account Appropriation \$ 80,000	
TOTAL APPROPRIATION \$ ((85,800,000))	<u>84,134,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).

(2) The secretary shall require each regional office of the developmental disabilities division, each aging and adult field services regional office, each county alcohol and substance abuse program, and each mental health regional support network to enter into written collaborative agreements by October 1, 1992. The agreements shall define specific actions each party will take to reduce the number and length of state and local psychiatric hospitalizations by persons in the nonmental health agency's target population, including persons with developmental disabilities, persons with age-related dementia and traumatic brain injury, and persons with chemical dependencies. By November 1, 1992, the secretary shall report to the human services and appropriations committees of the house of representatives and the health and long-term care and ways and means committees of the senate on the actions each party in each regional support network catchment area will take to reduce hospitalization of each target population.

Sec. 213. 1992 c 232 s 217 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION

PROGRAM

General Fund--State Appropriation \$ ((493,987,000))	<u>193,049,000</u>
General Fund--Federal Appropriation \$ ((204,785,000))	<u>212,795,000</u>
TOTAL APPROPRIATION \$ ((398,772,000))	<u>405,844,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$68,000 of the general fund--state appropriation and \$20,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(2) \$1,748,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for the supplemental security income pilot project.

(3) \$500,000 of the general fund--state appropriation is provided solely to implant section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.

(4) \$249,000 of the general fund--state appropriation and \$419,000 of the general fund--federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(5) \$250,000 of the general fund--state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.

(6) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.

(7) \$599,000 of the general fund--state appropriation and \$1,103,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(8) \$962,000 of the general fund--state appropriation and \$962,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(9) \$800,000 of the general fund--state appropriation is provided solely to expand refugee services.

(10) \$600,000 of the general fund--state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.

(11) \$80,000 of the general fund--state appropriation and \$80,000 of the general fund--federal appropriation are provided solely for a program to inform clients in community service offices of the consequences of the use of drugs and alcohol during pregnancy.

(12) \$183,000 of the general fund--state appropriation is provided for the department's continued administration of the development of the automated client eligibility system (ACES).

Sec. 214. 1992 c 232 s 218 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation \$ ((46,406,000))	<u>49,958,000</u>
General Fund--Federal Appropriation \$ ((92,698,000))	
	<u>100,356,000</u>
General Fund--Local Appropriation \$ 280,000	
Public Safety and Education	
Account Appropriation \$ 5,049,000	
TOTAL APPROPRIATION \$ ((144,133,000))	
	<u>155,643,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,049,000 from the public safety and education account appropriation is provided solely to county officials to provide child support enforcement services.

(2) The department shall increase federal support for current state programs. It is the intent of the legislature that the department increase federal support by at least \$2,000,000. If necessary, the department shall retain outside experts to assist in increasing federal support.

Sec. 215. 1992 c 232 s 219 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation \$ ((31,223,000))	<u>30,523,000</u>
General Fund--Federal Appropriation \$ ((11,249,000))	
	<u>13,280,000</u>
TOTAL APPROPRIATION \$ ((42,472,000))	
	<u>43,803,000</u>

Sec. 216. 1992 c 232 s 222 is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ ((402,767,000))	<u>98,499,000</u>
General Fund--Federal Appropriation \$ 202,410,000	
General Fund--Private/Local Appropriation \$ 1,370,000	
Public Safety and Education Account Appropriation \$ 7,794,000	
Fire Service Trust Account \$ 164,000	
Building Code Council Account Appropriation \$ 974,000	
Public Works Assistance Account Appropriation \$ 1,022,000	
Fire Service Training Account Appropriation \$ 1,103,000	
State Toxics Control Account Appropriation \$ ((726,000))	
	<u>670,450</u>
Drug Enforcement and Education Account Appropriation \$ 4,188,000	
Low Income Weatherization Account Appropriation \$ 2,563,000	
Washington Housing Trust Fund Appropriation \$ 13,500,000	
Oil Spill Administration Account Appropriation \$ 395,000	
Enhanced 911 Account Appropriation \$ 1,936,000	
Water Quality Account Appropriation \$ 1,500,000	
TOTAL APPROPRIATION \$ ((342,412,000))	
	<u>338,088,450</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,331,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program.

(2) \$970,000 of the general fund--state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(3) \$50,000 of the general fund--state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

(4) \$3,213,000 of the general fund--state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(5) \$20,000 of the general fund--state appropriation is provided solely for a grant for the Children's Museum.

(6) \$225,000 of the general fund--state appropriation is provided solely for continuation of the Washington state games.

(7) \$198,000 of the general fund--state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

(8) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(9) \$12,095,000 of the general fund--state appropriation is provided solely for growth management planning grants to local governments.

(10) \$4,129,000 of the general fund--state appropriation is provided solely to implement chapter 32, Laws of 1991 sp. sess. (Engrossed Substitute House Bill No. 1025, growth management). Of the amount provided in this subsection \$2,433,000 is provided solely for planning grants to local governments additional to those provided for under subsection (9) of this section.

(11) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1992 as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(j) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(l) \$180,000 to the department of community development for general administration of grants.

(12) \$8,087,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1993 as follows:

(a) \$4,180,000 to local units of government to continue existing local drug task forces.

(b) \$440,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department.

(c) \$749,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$231,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$300,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$543,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(k) \$225,000 to the department of community development for general administration of grants.

(l) \$140,000 to the department of community development to conduct a program evaluation in accordance with federal regulations.

(m) \$404,000 to the Washington state patrol for implementing changes in managing criminal history records in accordance with new federal standards.

(n) \$100,000 to the Washington state patrol for the crime lab program.

(o) \$150,000 to the criminal justice training commission for law enforcement training.

(p) If the department determines insufficient state match dollars are available in managing state and federal drug programs, it is the intent of the legislature that funds appropriated to the supreme court in section 109(1) of this act be used as match, as appropriate, to ensure the receipt of all available federal funding.

(13) \$170,000 of the state toxics control account appropriation is provided solely for a contract with the Washington state patrol for continued funding of the clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(14) \$980,000 of the general fund--state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.

(15) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(16) \$150,000 of the general fund--state appropriation is provided solely for the Mount St. Helen's monitoring system and emergency medical services.

(17) \$290,000 of the general fund--state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.

(18) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

(19) \$46,000 of the general fund--state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).

(20) \$220,000 of the general fund--state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:

(a) Acting as a clearinghouse for and providing information and referral services;

(b) Providing management training courses designed for nonprofit managers, staff, and boards;

(c) Providing direct assistance to individual organizations;

(d) Assisting organizations in soliciting and managing volunteers; and

(e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(21) \$40,000 of the general fund--state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

(22) \$50,000 of the general fund--state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(23) \$25,000 of the general fund--state appropriation is provided solely for Washington's share of costs associated with the Bi-State Policy Advisory Committee.

(24) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

(25) \$50,000 of the general fund--state appropriation is provided solely for the community development finance program to continue assistance to timber-dependent communities.

(26) \$545,000 of the general fund--state appropriation is provided solely for the local development matching fund program.

(27) \$135,000 of the general fund--state appropriation is provided solely for administration of the development loan fund.

(28) \$2,400,000 of the public safety and education account appropriation is provided solely for civil representation of indigent persons in accordance with Engrossed Substitute House Bill No. 1378 or House Bill No. 2997 (indigent civil legal services). If neither bill is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(29) \$50,000 of the state building code council appropriation is provided to fund training related to state building code requirements for accessibility as related to the federal fair housing amendments act of 1988 and Americans with disabilities act of 1990.

(30) \$50,000 of the general fund--state appropriation is provided solely for the department to contract for long-term care ombudsperson services.

Sec. 217. 1991 sp.s. c 16 s 221 is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation \$ ((4,292,000))

4,047,000

General Fund--Federal Appropriation \$ 942,000

General Fund--Private/Local Appropriation \$ 520,000

TOTAL APPROPRIATION \$ ((5,754,000))

5,509,000

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund--local/private appropriation is provided solely for the provision of technical assistance services by the department.

Sec. 218. 1992 c 232 s 224 is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation \$ ((107,000))

162,000

Worker and Community Right-to-Know Account

Appropriation \$ 20,000

Accident Fund Appropriation \$ 8,602,000

Medical Aid Fund Appropriation \$ 8,602,000

TOTAL APPROPRIATION \$ ((17,331,000))

17,386,000

Sec. 219. 1991 sp.s. c 16 s 225 is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ ((3,247,000))

3,079,000

Sec. 220. 1992 c 232 s 228 is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation \$ ((22,005,000))

22,827,000

General Fund--Federal Appropriation \$ 6,708,000

General Fund--Local Appropriation \$ 10,429,000

TOTAL APPROPRIATION \$ ((39,442,000))

39,964,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

(2) ~~\$(10,092,000)~~ 10,632,000 of the general fund--state appropriation, \$4,269,000 of the general fund--federal appropriation, and \$7,296,000 of the general fund--local appropriation are provided solely for operation of the veterans' home at Retsil.

(3) ~~\$(6,928,000)~~ 7,173,000 of the general fund--state appropriation, \$2,439,000 of the general fund--federal appropriation, and \$3,133,000 of the general fund--local appropriation are provided solely for operation of the soldiers' home and colony at Orting.

Sec. 221. 1992 c 232 s 229 is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ ~~((132,613,000))~~

124,362,000

General Fund--Federal Appropriation \$ 129,786,000

General Fund--Local Appropriation \$ 17,817,000

Hospital Commission Account Appropriation \$ 2,919,000

Medical Disciplinary Account Appropriation \$ 1,677,000

Health Professions Account Appropriation \$ 25,350,000

Public Safety and Education Account Appropriation \$ 82,000

State Toxics Control Account Appropriation \$ ~~((3,324,000))~~

3,067,755

Drug Enforcement and Education Account Appropriation \$ 492,000

Medical Test Site Licensure Account Appropriation \$ 489,000

Safe Drinking Water Account Appropriation \$ 710,000

TOTAL APPROPRIATION \$ ~~((304,453,000))~~

306,751,755

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,038,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund--state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

(3) \$165,000 of the general fund--state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

(4) ~~\$(1,000,000)~~ 847,000 of the general fund--state appropriation is provided solely for expanding the high priority infant tracking program.

(5) ~~\$(2,410,000)~~ 2,251,000 of the general fund--state appropriation is provided solely to continue implementation of the trauma system plan.

(6) ~~\$(2,400,000)~~ 2,394,000 of the general fund--state appropriation is provided solely for expansion of migrant health clinic services.

(7) \$1,100,000 of the general fund--state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

(8) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

(9) \$450,000 of the general fund--state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

(10) ~~\$(1,000,000)~~ 983,800 of the general fund--state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

(11) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6069 (bone marrow donor program). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(12) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2337 (malpractice insurance/retired). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(13) The department of health, in consultation with the current poison center network, shall prepare a plan to consolidate the network into one center. The plan shall include proposed funding methods that minimize the need for increased general fund--state support. The plan shall take maximum advantage of efficiencies realized through consolidation. The plan shall include a proposed site or host institution. Any proposed increases in the quantity or quality of service shall be separately identified as potential additions to the plan. The plan shall be delivered to the fiscal and health committees of the house of representatives and senate by December 1, 1992.

(14) By October 1, 1992, each regional AIDS network shall enter a written collaborative agreement with each mental health regional support network in its catchment area. The agreement shall define specific actions each party will take to reduce state and local psychiatric hospitalizations of persons with AIDS-related dementia. By November 1, 1992, the department of health shall report to the human services and appropriations committees of the house of representatives and to the health and long-term care and ways and means committees of the senate on the actions each regional AIDS network will take to reduce hospitalization of persons with AIDS-related dementia.

Sec. 222. 1992 c 232 s 230 is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, after May 1, 1993, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

(1) COMMUNITY CORRECTIONS
General Fund Appropriation \$ ((403,115,000)) 101,781,000
Drug Enforcement and Education Account Appropriation \$ ((7,604,000)) 7,156,000
Public Safety and Education Account Appropriation \$ 195,000
TOTAL APPROPRIATION \$ ((410,914,000)) 109,132,000

The appropriations in this subsection are limited to the following conditions and limitations:
(a) \$195,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.
(b) \$75,000 of the general fund--state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).
(2) INSTITUTIONAL SERVICES
General Fund Appropriation \$ ((340,687,000)) 352,172,000
Drug Enforcement and Education Account Appropriation \$ 37,837,000
TOTAL APPROPRIATION \$ ((378,524,000)) 390,009,000

~~((The appropriations in this subsection are subject to the following conditions and limitations:
(1) \$10,560,000 of the general fund--state appropriation is provided solely for the start-up and operation of new correctional capacity. Expenditure of any portion of this amount shall be subject to the prior written authorization of the director of the office of financial management, which shall be transmitted to the legislative fiscal committees. If the new correctional capacity is not completed during fiscal year 1993, up to \$1,497,000 of this amount may be expended to support emergency capacity.
(2) If the secretary determines that institutional overcrowding constitutes an emergency and the availability of additional new capacity can alleviate this emergency, the department may, subject to the authorization of the director of financial management, exceed its allotment authority to accelerate new facility start-up. Notice of any such action shall be transmitted to appropriate legislative committees. This subsection does not authorize the department to exceed its biennial appropriation.))~~
(3) ADMINISTRATION AND PROGRAM SUPPORT
General Fund Appropriation \$ ((35,234,000)) 35,934,000
Drug Enforcement and Education Account Appropriation \$ 2,140,000
Industrial Insurance Premium Refund Account
Appropriation \$ 208,000
TOTAL APPROPRIATION \$ ((37,582,000)) 38,282,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) ~~\$((350,000))~~ 1,050,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).
(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.
(c) Within the appropriations in this subsection, amounts may be deposited into the community services revolving fund and used to satisfy outstanding court-ordered costs and restitution, consistent with the authority granted under RCW 9.95.360, of a Washington state inmate who is a foreign national seeking transfer to the United Kingdom pursuant to RCW 43.06.350. The foreign national shall execute a promissory note for the full amount paid by the department, plus interest, to satisfy outstanding court-ordered costs and restitution costs.
(4) CORRECTIONAL INDUSTRIES
General Fund Appropriation \$ 3,348,000
Sec. 223. 1992 c 232 s 232 is amended to read as follows:
FOR THE WASHINGTON BASIC HEALTH PLAN
General Fund Appropriation \$ ((40,713,000)) 39,713,000

The appropriation in this section is subject to the following conditions and limitations:
(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.
(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91.
(3) A maximum of ~~((3,881,000))~~ \$4,106,000 of the general fund appropriation may be expended for the administration of the plan.
(4) \$550,000 of the general fund appropriation is provided solely for unanticipated changes in rates, enrollment mix or member attrition after April 1, 1993.

**PART III
NATURAL RESOURCES**

Sec. 301. 1992 c 232 s 303 is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation \$ ((65,589,000))	<u>58,859,000</u>
General Fund--Federal Appropriation \$ 38,234,000	
General Fund--Private/Local Appropriation \$ 1,015,000	
Special Grass Seed Burning Research Account Appropriation \$ 132,000	
Reclamation Revolving Account Appropriation \$ 513,000	
Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s. \$ 300,000	
Litter Control Account Appropriation \$ 7,674,000	
State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26) \$ 2,547,000	
State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriation pursuant to chapter 159, Laws of 1980 (Referendum 39) \$ 908,000	
State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38) \$ 1,298,000	
Stream Gaging Basic Data Fund Appropriation \$ 302,000	
Vehicle Tire Recycling Account Appropriation \$ 7,820,000	
Water Quality Account Appropriation \$ 3,461,000	
Wood Stove Education Account Appropriation \$ 1,380,000	
Worker and Community Right-to-Know Fund Appropriation \$ 393,000	
State Toxics Control Account--State Appropriation \$ ((50,482,000))	<u>46,599,963</u>
State Toxics Control Account--Federal Appropriation \$ 7,527,000	
Local Toxics Control Account Appropriation \$ 3,220,000	
Water Quality Permit Account Appropriation \$ 14,532,000	
Solid Waste Management Account Appropriation \$ 7,918,000	
Underground Storage Tank Account Appropriation \$ 3,862,000	
Hazardous Waste Assistance Account Appropriation \$ 5,543,000	
Air Pollution Control Account Appropriation \$ 8,555,000	
Aquatic Lands Enhancement Account Appropriation \$ 50,000	
Oil Spill Response Account Appropriation \$ 2,863,000	
Oil Spill Administration Account Appropriation \$ 3,156,000	
Fresh Water Aquatic Weed Control Account Appropriation \$ 895,000	
Air Operating Permit Account Appropriation \$ 2,511,000	
Water Pollution Control Revolving Account Appropriation \$ 1,094,000	
TOTAL APPROPRIATION \$ ((239,775,000))	<u>233,161,963</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$((8,648,000)) 8,445,000 of the general fund--state appropriation and \$1,149,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.
- (2) \$5,174,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).
- (3) \$1,323,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).
- (4) \$1,000,000 of the general fund--state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.
- (5) \$961,000 of the general fund--state appropriation, \$3,459,000 of the general fund--federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from the river to minimize flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) \$295,000 of the general fund--state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) ~~\$(8,000,000)~~ 6,062,740 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(10) \$286,000 of the general fund--state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system interties).

(11) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

(12) \$200,000 of the general fund--state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

(13) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

(14) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(15) \$144,000 of the general fund--state appropriation is provided solely for the wastewater treatment operator certification and training program. Of this amount, no more shall be expended than the amount anticipated to be deposited by June 30, 1993, into the general fund from revenues from wastewater treatment operator certification and training fees.

Sec. 302. 1992 c 232 s 306 is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ ~~((1,131,000))~~

1,158,000

The appropriation in this section is subject to the following conditions and limitations: \$67,000 is provided solely for an additional administrative law judge.

Sec. 303. 1992 c 232 s 307 is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation \$ ~~((33,708,000))~~

31,047,000

Motor Vehicle Fund Appropriation \$ 564,000

Solid Waste Management Account Appropriation \$ 1,800,000

Litter Control Account Appropriation \$ 2,200,000

TOTAL APPROPRIATION \$ ~~((38,272,000))~~

35,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.

(2) \$2,200,000 of the litter control account appropriation and \$1,800,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) for the 1991-1993 biennium. If House Bill No. 2635 (litter/recycling assessment) is not enacted by June 30, 1992, \$1,200,000 from the litter control account appropriation and \$800,000 from the solid waste management account appropriation shall lapse.

(3) \$1,800,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as

contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

(4) \$1,040,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities.

(5) \$7,565,000 of the general fund appropriation is provided solely for the Washington high technology center.

(6) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices.

(7) \$90,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

(8) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding for associate development organizations (ADOs). In determining revisions of contract amounts for grants to ADOs the department shall seek to maintain current grant levels for ADOs that serve rural or economically distressed communities.

(9) \$30,000 of the general fund appropriation is provided solely for the Taiwan office.

(10) \$40,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 6494 (Hanford lease). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 304. 1992 c 232 s 311 is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ ((61,934,000))	<u>57,378,000</u>
General Fund--Federal Appropriation \$ ((17,928,000))	<u>22,428,000</u>
General Fund--Private/Local Appropriation \$ ((8,313,000))	<u>10,813,000</u>
Aquatic Lands Enhancement Account Appropriation \$ 1,083,000	
Oil Spill Administration Account Appropriation \$ 410,000	
Industrial Insurance Premium Refund Account Appropriation \$ 4,000	
TOTAL APPROPRIATION \$ ((88,772,000))	<u>92,116,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$263,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,153,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(4) \$427,000 of the general fund--state appropriation is provided solely for increased enforcement activities.

(5) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs, on behalf of the department of fisheries, in defending the state in tribal halibut litigation (*United States v. Washington*, subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

Sec. 305. 1992 c 232 s 312 is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ 10,843,000	
ORV (Off-Road Vehicle) Account Appropriation \$ ((275,000))	<u>325,000</u>
Aquatic Lands Enhancement Account Appropriation \$ 1,096,000	
Public Safety and Education Account Appropriation \$ 589,000	
Wildlife Fund--State Appropriation \$ 50,002,000	
Wildlife Fund--Federal Appropriation \$ ((16,308,000))	<u>19,511,000</u>
Wildlife Fund--Private/Local Appropriation \$ ((2,120,000))	<u>4,648,000</u>
Game Special Wildlife Account Appropriation \$ 832,000	
Oil Spill Administration Account Appropriation \$ 565,000	
TOTAL APPROPRIATION \$ ((82,630,000))	<u>88,411,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$498,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program.

(4) During the 1991-93 biennium the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund--state appropriation and \$3,872,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement.

(5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

(6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall funding level for the agency.

Sec. 306. 1992 c 232 s 313 is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation \$ ((59,958,000))	<u>65,986,000</u>
General Fund--Federal Appropriation \$ ((604,000))	<u>704,000</u>
General Fund--Private/Local Appropriation \$ 12,000	
ORV (Off-Road Vehicle) Account Appropriation \$ 4,521,000	
Forest Development Account Appropriation \$ ((30,155,000))	<u>30,755,000</u>
Survey and Maps Account Appropriation \$ 1,074,000	
Natural Resources Conservation Area Stewardship Account Appropriation \$ 1,080,000	
Aquatic Lands Enhancement Account Appropriation \$ 1,716,000	
Resource Management Cost Account Appropriation \$ ((79,555,000))	<u>78,955,000</u>
Aquatic Land Dredged Material Disposal Site Account Appropriation \$ 814,000	
State Toxics Control Account Appropriation \$ ((764,000))	<u>705,744</u>
Air Pollution Control Account Appropriation \$ ((430,000))	<u>835,000</u>
Oil Spill Administration Account Appropriation \$ 128,000	
Litter Control Account Appropriation \$ 500,000	
Industrial Insurance Premium Refund Account Appropriation \$ 82,000	
TOTAL APPROPRIATION \$ ((180,493,000))	<u>187,867,744</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) \$450,000 of the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) \$((10,695,000)) 17,623,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(4) \$1,862,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) \$2,698,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(6) \$1,433,000 of the general fund--state appropriation is provided solely for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) \$2,930,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, \$1,126,000 is provided solely for monitoring and enforcement of forest practices permit conditions,

reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: \$722,000 to the department of fisheries, \$626,000 to the department of wildlife, and \$456,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) ~~\$(429,000)~~ 835,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system. Expenditure of this amount is contingent on receipt of a nonstate match of equal value, as determined by the department.

(13) \$1,575,000 of the general fund--state appropriation is provided for fiscal year 1993 solely for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

Sec. 307. 1992 c 232 s 314 is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation \$ ~~((18,776,000))~~

22,043,000

General Fund--Federal Appropriation \$ 1,226,000

State Toxics Control Account Appropriation \$ ~~((1,109,000))~~

1,025,337

Weights and Measures Account Appropriation \$ 400,000

TOTAL APPROPRIATION \$ ~~((21,511,000))~~

24,694,337

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.

(2) \$100,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$836,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount, \$506,000 is provided solely for noxious weed control grants.

(4) \$97,000 of the general fund--state appropriation is provided solely to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

(5) \$30,000 of the general fund--state appropriation is provided solely for the Taiwan office.

(6) The following amounts are for the weights and measures program as provided in Substitute Senate Bill 6483:

(a) \$50,000 of the general fund--state appropriation is provided solely for a study regarding funding for the weights and measures program;

(b) \$150,000 of the general fund--state appropriation is provided solely for the consumer protection activities of the weights and measures program; and

(c) \$400,000 of the weights and measures account appropriation is provided solely to implement the weights and measures program.

(7) \$3,125,000 of the general fund--state appropriation is provided solely for the department's costs directly associated with the survey and eradication of the Asian Gypsy Moth (AGM) in western Washington. The department shall not contribute greater than twenty-five percent of the total cost of the AGM program.

Sec. 308. 1991 sp.s. c 16 s 317 is amended to read as follows:

FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation \$ 3,162,000

State Toxics Control Account Appropriation \$ ~~((372,000))~~

341,604

TOTAL APPROPRIATION \$ ~~((3,534,000))~~

3,503,604

**PART IV
TRANSPORTATION**

Sec. 401. 1992 c 232 s 402 is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ 17,575,000

Architects' License Account Appropriation \$ 861,000

Cemetery Account Appropriation \$ 203,000

Health Professions Account Appropriation \$ 506,000

Professional Engineers' Account Appropriation \$ ~~((2,096,000))~~

2,128,000

Real Estate Commission Account Appropriation \$ 7,396,000

Air Pollution Control Account Appropriation \$ 106,000
Master Licensing Account Appropriation \$ 3,310,000
TOTAL APPROPRIATION \$ ((32,053,000))

32,085,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

- (a) Chapter 334, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5124, licensing private security guards) \$ 538,000
- (b) Chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, licensing private detectives) \$ 145,000
- (c) Chapter 236, Laws of 1991 (Substitute House Bill No. 1712, athlete agent registration) \$ 42,000

The appropriation in this subsection (1)(c) shall be reduced by any amount expended as of the effective date of this act from the appropriation in section 10, chapter 236, Laws of 1991.

- (d) Chapter 324, Laws of 1991 (Engrossed Substitute House Bill No. 1136, cosmetology regulations) \$ 329,000

(2) The entire master licensing account appropriation is contingent on enactment of Senate Bill No. 6461 (master license fees). If the bill is not enacted by June 30, 1992, the appropriation is null and void.

PART V EDUCATION

Sec. 501. 1992 c 232 s 502 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ((5,183,846,000))

5,229,704,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((499,307,000)) 499,786,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

- (i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;
- (ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and
- (iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((21.44))~~ 21.25 percent in the 1991-92 school year and ~~((20.30))~~ 20.75 percent in the 1992-93 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((18.84))~~ 19.09 percent in the 1991-92 school year and ~~((18.53))~~ 18.66 percent in the 1992-93 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,690,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of \$1,766,000 may be expended in fiscal year 1992 and a maximum of \$1,856,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and 5.0 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

Sec. 502. 1992 c 232 s 503 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ((206,433,000))

208,927,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12A, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12A.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12A" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on January 15, 1992, at 12:00 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of ((4.2047)) 1.2061 for certificated salaries and ((4.4534)) 1.1559 for classified salaries for the 1991-92 school year. For the 1992-93 school year, the rate for certificated salaries shall be ((4.4966)) 1.2011 and the rate for classified salaries shall be ((4.4503)) 1.1516.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for the 1991-92 school year, and further increased by 3.0 percent for the 1992-93 school year, as shown on LEAP Document 12A.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for the 1991-92 school year and further increased by 3.0 percent for the 1992-93 school year, as shown on LEAP Document 12A.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For the 1991-92 school year, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12A, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For the 1992-93 school year, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12A, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of

Service BA BA+15 BA+30 BA+45 BA+90

0 20,801 21,363 21,945 22,528 24,400
1 21,482 22,063 22,664 23,285 25,212
2 22,178 22,776 23,395 24,076 26,035
3 22,908 23,525 24,161 24,880 26,874
4 23,652 24,307 24,961 25,718 27,764
5 24,430 25,102 25,775 26,589 28,668
6 25,240 25,910 26,620 27,492 29,603
7 26,064 26,750 27,478 28,407 30,569
8 26,899 27,624 28,368 29,374 31,566
9 28,528 29,309 30,352 32,595
10 30,262 31,379 33,653
11 32,437 34,760
12 33,461 35,897
13 37,062
14 38,233
15 or more 39,227

Years of

Service BA+135 MA MA+45 MA+90

or PHD

0 25,606 24,939 26,811 28,018
1 26,434 25,696 27,624 28,846
2 27,295 26,488 28,447 29,706
3 28,188 27,292 29,286 30,600
4 29,115 28,130 30,176 31,527
5 30,073 29,000 31,080 32,485
6 31,043 29,904 32,015 33,455
7 32,065 30,818 32,981 34,476
8 33,116 31,786 33,978 35,528
9 34,198 32,762 35,007 36,609
10 35,308 33,791 36,064 37,720
11 36,449 34,849 37,172 38,861
12 37,637 35,949 38,309 40,049
13 38,854 37,086 39,474 41,265
14 40,116 38,258 40,720 42,528
15 or mor 41,159 39,252 41,779 43,634

1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of

Service BA+135 MA MA+45 MA+90

or PHD

0 26,514 25,824 27,762 29,012
1 27,372 26,608 28,603 29,869
2 28,263 27,428 29,456 30,759
3 29,188 28,260 30,324 31,685
4 30,148 29,128 31,246 32,645
5 31,139 30,029 32,182 33,637
6 32,144 30,965 33,150 34,642
7 33,202 31,912 34,151 35,699
8 34,290 32,913 35,183 36,788
9 35,411 33,924 36,248 37,908
10 36,561 34,989 37,344 39,058
11 37,742 36,085 38,490 40,239
12 38,972 37,224 39,667 41,469
13 40,232 38,401 40,874 42,729
14 41,539 39,615 42,165 44,036
15 or more 42,619 40,644 43,261 45,181

Years of

Service BA BA+15 BA+30 BA+45 BA+90

0 21,425 22,003 22,603 23,203 25,131

1 22,126 22,724 23,343 23,983 25,968
 2 22,843 23,459 24,096 24,798 26,816
 3 23,595 24,230 24,886 25,626 27,679
 4 24,361 25,036 25,709 26,489 28,596
 5 25,162 25,854 26,547 27,386 29,527
 6 25,997 26,686 27,418 28,317 30,490
 7 26,845 27,552 28,302 29,258 31,485
 8 27,705 28,452 29,219 30,255 32,513
 9 29,384 30,188 31,261 33,572
 10 31,169 32,320 34,661
 11 33,409 35,802
 12 34,464 36,973
 13 38,173
 14 39,379
 15 or more 40,403

Years of
 Service BA+135 MA MA+45 MA+90

or PHD

0 26,374 25,687 27,615 28,858
 1 27,226 26,467 28,452 29,710
 2 28,113 27,282 29,300 30,596
 3 29,033 28,110 30,163 31,517
 4 29,988 28,973 31,080 32,472
 5 30,974 29,870 32,011 33,458
 6 31,974 30,801 32,974 34,458
 7 33,026 31,742 33,969 35,510
 8 34,109 32,739 34,997 36,593
 9 35,223 33,744 36,056 37,707
 10 36,367 34,804 37,145 38,851
 11 37,542 35,893 38,286 40,026
 12 38,765 37,027 39,457 41,249
 13 40,018 38,197 40,657 42,502
 14 41,319 39,404 41,941 43,803
 15 or more 42,393 40,429 43,032 44,942

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and
 (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(10) The superintendent of public instruction, in cooperation with the legislative budget committee, shall conduct a study to verify the accuracy of education credits reported by school districts to the superintendent for purposes of calculating staff-mix ratios used in the 1991-93 biennial operating budget process. The study shall be presented to the fiscal committees of the senate and house of representatives by November 1, 1992.

NEW SECTION. Sec. 503. 1992 c 239 s 5 (uncodified) is repealed.

Sec. 504. 1992 c 232 s 504 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ((42,885,000))

42,986,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be the same as those specified in section 503(3) of this act.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by \$((48.66)) 18.68 per pupil for the 1991-92 school year and by \$((32.99)) 33.11 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by \$((44.45)) 14.18 per pupil for the 1991-92 school year and by \$((25.42)) 25.15 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by \$((44.05)) 11.06 per pupil for the 1991-92 school year and by \$((47.59)) 17.65 per pupil for the 1992-93 school year.

(d) Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by \$1.28 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

Sec. 505. 1992 c 232 s 505 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT

INCREASES

General Fund Appropriation \$ ((84,890,000))

84,866,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$317.79 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$43.71 per month for the 1991-92 school year and an additional \$27.84 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional \$.25 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional \$6.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional \$2.13 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional \$4.51 per pupil for the 1992-93 school year.

Sec. 506. 1992 c 232 s 506 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ((299,292,000))

303,484,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$26,183,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$873,000 may be expended for regional transportation coordinators.

(3) A maximum of \$65,000 may be expended for bus driver training.

(4) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.

(5) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(6) \$755,000 of the general fund--state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.

(7) \$90,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

Sec. 507. 1992 c 232 s 508 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ ((694,264,000))

691,418,000

General Fund--Federal Appropriation \$ 83,900,000

TOTAL APPROPRIATION \$ ((775,164,000))

775,318,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$62,792,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$192,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund--federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 508. 1992 c 232 s 509 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education

Account Appropriation \$ 8,358,000

General Fund--State Appropriation \$ ((2,203,000))

2,002,000

TOTAL APPROPRIATION \$ ((10,564,000))

10,360,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,086,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(3) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

(4) The remainder of the appropriation shall be expended to provide up to \$137.16 for other students completing the program. School districts receiving moneys from this appropriation may make refunds to traffic safety students for program fee increases implemented during the 1991-92 school year as a result of funding reductions under section 510, chapter 16, Laws of 1991 sp. sess.

Sec. 509. 1992 c 232 s 510 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ ((40,466,000))

10,478,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$475,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

Sec. 510. 1992 c 232 s 511 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ ((149,244,000))

149,578,000

The appropriation in this section is provided for state matching funds pursuant to RCW 28A.500.010.

Sec. 511. 1992 c 232 s 513 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ ((24,906,000))

25,036,000

General Fund--Federal Appropriation \$ 7,700,000

TOTAL APPROPRIATION \$ ((32,606,000))

32,736,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,071,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

(3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

Sec. 512. 1992 c 232 s 514 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ((9,926,000))

9,966,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$975,000 is for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 school year shall be distributed at a maximum rate of \$((397.16)) 397.48 per student and for the 1992-93 school year shall be distributed at a maximum rate of \$((355.77)) 356.70 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of \$494,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 513. 1992 c 232 s 517 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ((29,687,000))

29,808,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at the rates of \$((508.82)) 509.37 and \$((505.69)) 507.43, respectively, per eligible student.

(3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.

(4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 514. 1992 c 232 s 518 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ((92,442,000))

93,529,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,817,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$((426)) 426.77 and \$425 per unit, respectively, as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

(3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 515. 1992 c 232 s 520 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT

FUNDS

General Fund Appropriation \$ ((57,710,000))

57,745,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

NEW SECTION. Sec. 516. The appropriations in sections 501, 502, 504, 506, 507, 509, and 511 through 514 of this act include amounts sufficient for state retirement system contributions by school districts and educational service districts to implement the following:

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the retiree's age sixty-five allowance. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the retiree's age sixty-five allowance. This increase shall be calculated using the formulas and definitions contained in RCW 41.32.575 and 41.40.325 except that: (a) In calculating the increase to be paid from May 1, 1992, through June 30, 1993, to members who retired after age 65, "Index A" shall be the index for the calendar year prior to the year the member retired; and (b) the limitations imposed by RCW 41.32.575(2)(b) and 41.40.325(2)(b) do not apply. The increase provided in this subsection shall be effective for the remainder of the 1991-93 biennium.

(2) Chapter 234, Laws of 1992 (early retirement).

PART VI HIGHER EDUCATION

Sec. 601. 1992 c 238 s 1 is amended to read as follows:

HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2)(a) "Student quality standard" means, for each four-year institution and the community and technical colleges as a whole, the following amount divided by the budgeted enrollment levels specified in (b) of this subsection: The combined operating appropriations under this act from the general fund--state and the institutional operating fees account, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are excluded, and with the exception of the state board for community and technical colleges, where technical college operations and FTE enrollments, the Seattle vocational institute operations and FTE enrollments, and supplemental funding and enrollments for timber-dependent communities are excluded.

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus four percent or minus two percent (~~(, except each branch campus shall enroll within plus or minus twelve percent)~~). If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution (~~(or branch campus)~~) (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than four percent above or two percent below the budgeted amount, (~~(or twelve percent above or below the budgeted amount for each branch campus)~~) then an amount equal to the student quality standard multiplied by the number of full time equivalent students above or below the variances shall revert to the state general fund. The variance allowance for the state board for community and technical colleges excludes the technical colleges.

Average
1991-93
Budgeted
FTEs

University of Washington	<u>TOTAL 30,674</u>
Main campus	29,981
Tacoma branch	345
Bothell branch	348
Washington State University	<u>TOTAL 16,776</u>
Main campus	15,806
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	160
Eastern Washington University	7,281
Central Washington University	6,361
The Evergreen State College	3,159
Western Washington University	8,913
State Board for Community and Technical Colleges	88,350

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(3)(a) Each four-year institution of higher education shall reduce the amount of operating fee foregone revenue from tuition waivers by 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast.

(b) The state board for community and technical colleges shall reduce the amount of operating fee foregone revenue from tuition waivers, for the community college system as a whole, by 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast, excluding the adult basic education program.

(4)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993.

1991-92 1992-93

University of Washington	\$ 2,888,000	7,391,000
Washington State University	\$ 1,157,000	3,264,000
Eastern Washington University	\$ 435,000	1,084,000
Central Washington University	\$ 393,000	958,000
The Evergreen State College	\$ 185,000	459,000
Western Washington University	\$ 540,000	1,317,000

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, and 2.5 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address its most serious salary inequities among exempt staff within these classifications.

1991-92 1992-93

University of Washington	\$ 918,000	2,500,000
Washington State University	\$ 625,000	1,748,000
Eastern Washington University	\$ 118,000	320,000
Central Washington University	\$ 93,000	253,000
The Evergreen State College	\$ 79,000	212,000
Western Washington University	\$ 138,000	374,000
Higher Education Coordinating Board	\$ 25,000	69,000

(d) \$4,342,000 for fiscal year 1992 and \$10,657,000 for fiscal year 1993 are provided solely for the state board for community and technical colleges to provide faculty and exempt staff for the community college system as a whole excluding the technical colleges, average salary increases of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(5)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.0 percent across-the-board increase effective January 1, 1993. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

1991-92 1992-93

University of Washington	\$ 1,422,000	4,068,000
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Washington State University \$ 868,000 2,496,000
 Eastern Washington University \$ 214,000 613,000
 Central Washington University \$ 172,000 494,000
 The Evergreen State College \$ 131,000 374,000
 Western Washington University \$ 232,000 683,000
 State Board for Community and Technical Colleges \$ 1,323,000 3,800,000
 Higher Education Coordinating Board \$ 12,000 34,000

(b) The salary increases granted in this subsection (5) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (5) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(6) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on January 3, 1991, and revised by the board on February 14, 1991. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

University of Washington \$ 2,386,000
 Washington State University \$ 1,057,000
 Eastern Washington University \$ 239,000
 Central Washington University \$ 198,000
 The Evergreen State College \$ 265,000
 Western Washington University \$ 289,000
 State Board for Community College Education \$ 1,634,000
 Higher Education Coordinating Board \$ 26,000

Sec. 602. 1992 c 238 s 2 is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation \$ ((735,024,000))

735,984,000

Community Colleges Operating Fees Account

Appropriation \$ 62,123,000

General Fund--Federal Appropriation \$ 4,700,000

TOTAL APPROPRIATION \$ ((801,847,000))

802,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,549,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.

(2) \$1,463,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.

(3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community and technical colleges, and contained in the legislative budget notes.

(4) \$2,204,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber-dependent communities).

(5) \$1,000,000 of the general fund--state appropriation is provided solely for grants to the community college districts to fund unusually high start-up costs for training programs.

(6) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. An ((maximum)) amount of \$1,000,000 for fiscal years 1992 and 1993 and \$1,240,000 for fiscal year 1993 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community and technical colleges shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.

(7) \$78,731,000 of the general fund--state appropriation is provided solely for vocational programs and adult basic education at technical colleges. ((Of this amount, \$7,800,000 of expenditures may be accrued but not disbursed.))

(8) \$2,315,000 of the general fund--state appropriation is provided solely for technical college employee salary increases of four percent in fiscal year 1992 and three percent in fiscal year 1993.

(9) \$783,000 of the general fund--state appropriation is provided solely for technical college employees' insurance benefit increases. A maximum of \$307,325 is provided for fiscal year 1992 and \$475,675 is provided for fiscal year 1993.

(10) \$1,414,000 of the general fund--state appropriation is provided solely to lease computer equipment, reprogram software and data bases, and to provide for other initial operating costs necessary to merge the computer systems of the technical colleges into the community and technical college system created under chapter 238, Laws of 1991. The apportionment of this amount among the technical colleges shall be made by the director of the state board for community and technical colleges.

(11) \$1,481,000 of the general fund--state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, transportation, child care, and other support services.

(12) \$4,700,000 of the general fund--federal appropriation is provided solely for adult basic education and other related purposes as may be defined by federal regulations.

(13) \$3,064,000 of the general fund--state appropriation is provided solely for the Seattle vocational institute.

(14) The state board for community and technical colleges shall reduce spending for the entire system by \$625,000 for travel. These funds are to be used to mitigate enrollment reductions as part of the agency's 2.5 percent allotment reduction.

(15) \$585,000 of the general fund--state appropriation is provided solely for English instruction to non-English speaking immigrants.

(16) \$500,000 of the general fund--state appropriation is provided solely for 225 supplemental FTE enrollment slots for Grays Harbor Community College to expand educational and training opportunities for workers displaced from the timber and wood products industries.

(17) \$175,000 of the general fund--state appropriation is provided solely for mitigation of the effect of Renton Technical College business and technical building connection to the Renton sewer system.

(18) \$225,000 of the general fund--state appropriation is provided solely to Renton Technical College to settle a negotiated construction contract claim.

Sec. 603. 1992 c 238 s 3 is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ ((596,503,000))

598,810,000

University of Washington Operating Fees Account

Appropriation \$ 73,803,000

Medical Aid Fund Appropriation \$ 3,818,000

Accident Fund Appropriation \$ 3,818,000

Death Investigations Account Appropriation \$ ((1,145,000))

1,257,000

Oil Spill Administration Account Appropriation \$ 229,000

TOTAL APPROPRIATION \$ ((679,316,000))

681,735,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,782,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) \$7,472,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(4) \$679,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(5) \$561,000 is provided solely to operate the Olympic natural resources center.

(6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).

(7) \$4,255,000 of the general fund appropriation is provided solely for evening degree program enrollment levels of 337 student FTEs in the first year and 375 student FTEs in the second year.

(8) The University of Washington shall reduce spending by \$630,000 for travel. These funds are to be used to mitigate enrollment reductions planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) \$40,000 of the general fund appropriation is provided solely for the planning for learning project.

Sec. 604. 1992 c 238 s 4 is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ ((336,148,000))

336,816,000

Washington State University Operating Fees Account

Appropriation \$ 35,977,000

Industrial Insurance Premium Refund Account

Appropriation \$ 27,920

TOTAL APPROPRIATION \$ ((372,125,000))

372,820,920

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,719,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. At least \$500,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) \$6,947,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) \$6,929,000 of the general fund appropriation is provided solely to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(4) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$293,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$60,000 of the general fund appropriation is provided solely for the aquatic animal health program.

(7) \$779,000 of the general fund appropriation is provided solely to operate the international marketing program for agriculture commodities and trade (IMPACT). If House Bill No. 2316 (IMPACT sunset termination) is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) Washington State University shall reduce spending by \$562,000 for travel. These funds are to be used to mitigate enrollment reductions of planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) Funding for the agricultural experimental stations shall not be reduced by more than 2.5 percent from the initial 1991-93 biennial allotted level.

Sec. 605. 1992 c 238 s 6 is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((75,926,000))

76,059,000

Central Washington University Operating Fees

Account Appropriation \$ 9,727,000

Industrial Insurance Premium Refund Account

Appropriation \$ 13,000

TOTAL APPROPRIATION \$ ((85,653,000))

85,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$147,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Central Washington University shall reduce spending by \$111,000 for travel. These funds are to be used to improve instruction.

Sec. 606. 1992 c 232 s 613 is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ ((3,924,000))

3,971,000

General Fund--Federal Appropriation \$ 33,067,000

TOTAL APPROPRIATION \$ ((36,988,000))

37,038,000

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 1992 c 232 s 706 is amended to read as follows:

FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ ((1,503,000))

3,003,000

Special Fund Agency Tort Defense Services

Revolving Fund Appropriation \$ 850,000

TOTAL APPROPRIATION \$ ((2,353,000))

3,853,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, ((the state treasurer)) each affected agency is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 702. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

FOR THE GOVERNOR--FIRE PROTECTION CONTRACTS

General Fund--State Appropriation \$ 155,000

The appropriation in this section is subject to the following conditions and limitations: The governor shall distribute the moneys appropriated in this section to agencies engaged in mandatory negotiations with cities for fire protection contracts. The funding is based on one cent per square foot valuation of state property subject to negotiations. State agencies may request the money from the office of financial management and the money will be released based on demonstrated need.

Sec. 703. 1992 c 232 s 707 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ ((762,000))

1,578,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Archives and Records Management Account \$ ((874))

1,005

Winter Recreational Program Account \$ 75

Snowmobile Account \$ 226

Flood Control Assistance Account \$ ((1,354))

Aquatic Lands Enhancement \$ 110	<u>34,460</u>
State Investment Board Expense Account \$ ((1,995))	
	<u>4,330</u>
State Toxics Control Account \$ ((674))	
	<u>161,542</u>
State Emergency Water Projects Revolving Account \$ 16	
Charitable, Educational Penal (CEP), and Reformatory Institutions (RI) Account \$ 19,384	
State and Local Improvement Revolving Account-- Waste Disposal Facilities \$ 384	
Local Toxics Control Account \$ 51,879	
Litter Control Account \$ ((299))	
	<u>1,564</u>
State Patrol Highway Account \$ 120,300	
State Wildlife Fund \$ 31,900	
Highway Safety Account \$ 597	
Motor Vehicle Fund \$ 46,932	
High Capacity Transportation Account \$ 7,110	
Public Service Revolving Account \$ ((3,038))	
	<u>5,346</u>
Insurance Commissioner's Regulatory Account \$ ((2,079))	
	<u>13,041</u>
Water Quality Account \$ ((88,565))	
	<u>89,017</u>
State Treasurer's Service Fund \$ 546	
Drug Enforcement and Education Account \$ 400	
Legal Services Revolving Fund \$ 24,362	
Municipal Revolving Account \$ ((6,249))	
	<u>9,512</u>
Department of Personnel Service Fund \$ ((1,238))	
	<u>1,283</u>
State Auditing Services Revolving Account \$ ((2,878))	
	<u>3,044</u>
Liquor Revolving Fund \$ ((22,597))	
	<u>23,201</u>
Convention and Trade Center Operations Account \$ 4,037	
Department of Retirement Systems Expense Fund \$ 2,415	
Accident Fund \$ ((3,034))	
	<u>4,994</u>
Medical Aid Fund \$ ((3,034))	
	<u>4,994</u>
<u>Hospital Commission Account \$ 37</u>	
<u>Health Professions Account \$ 3,952</u>	
<u>Grade Crossing Protective Account \$ 33,791</u>	
<u>Vehicle Tire Recycling Account \$ 149</u>	
<u>Water Quality Permit Account \$ 12</u>	
<u>Solid Waste Management Account \$ 1,127</u>	
<u>Hazardous Waste Assistance Account \$ 98</u>	
<u>Puget Sound Ferry Operations Account \$ 429</u>	
<u>Public Safety and Education Account \$ 1,381</u>	
<u>Forest Development Account \$ 2,034</u>	
<u>Resource Management Cost Account \$ 7,734</u>	
<u>State Capital Historical Association Museum Account \$ 37</u>	
<u>Special Wildlife Account \$ 868</u>	

Sec. 704. 1992 c 232 s 708 is amended to read as follows:

FOR SUNDRY CLAIMS The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law \$ 8,111.92
- 2 (2) State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180 \$ 1,715.72
- (3) City of Tacoma, in settlement of all claims per Pierce County Superior Court, Cause No. 86-2-09014-8 \$ 758,052.07
- (4) Charles Bauleke, for payment of claim number

SCJ-91-13 \$ 3,347

(5) Carol Berg, for payment of claim number
 SCJ-91-18 \$ 5,120.22
 (6) Denny Flatz, for payment of claim number
 SCJ-91-21 \$ 6,603.87
 (7) Cynthia A. Fonken, for payment of claim numbers
 SCJ-91-17 and SCJ-91-15 \$ 6,815.93
 (8) Wesley A. Grow, for payment of claim number
 SCJ-90-16 \$ 2,143
 (9) Larry Harris, for payment of claim number
 SCJ-91-20 \$ 2,379
 (10) Steve Allen Rice, for payment of claim number
 SCJ-91-25 \$ 4,031.11
(11) Mark Stewart, for payment of claim number
 SCJ-91-29 \$ 17,919.89
(12) Ryan Chapin, for payment of claim number
 SCJ-92-05 \$ 4,765.81
(13) Gene Lindsey, for payment of claim number
 SCJ-92-06 \$ 4,259.44
(14) Donald Inman, for payment of claim number
 SCJ-92-07 \$ 8,115.72
(15) Jeffrey Turner, for payment of claim number
 SCJ-92-08 \$ 20,778.30
(16) Anson Avery, for payment of claim number
 SCJ-92-09 \$ 3,828.00
(17) Joseph Flarity, for payment of claim number
 SCJ-92-12 \$ 70,018.03
(18) Al Smithson, for payment of claim number
 SCJ-90-08 from the state wildlife account \$ 27,411.94
(19) Barbara Burton, for payment of claim number
 SCJ-92-01 from the state wildlife account \$ 8,250.00
(20) Sound Anesthesia, for payment of claim number
 SCJ-92-03 \$ 35,314.70
(21) Al Smithson, for payment of claim number
 SCJ-93-01 from the state wildlife account \$ 21,056.88
(22) Pat L. Thompson, for payment of claim number
 SCJ-92-10 \$ 10,278.93
(23) Kenneth G. Bussey, for payment of claim number
 SCJ-93-01 \$ 11,386.98
(24) Ronald N. Wilson, for payment of claim number
 SCJ-93-03 \$ 3,343.75
(25) John Peil (Goodman) for payment of claim number
 SCJ-93-04 \$ 2,779.80
(26) Bob Klingenstein, for payment of claim number
 SCG-93-05 from the state wildlife account \$ 4,459.00
(27) Lester Eaton, Jr., for payment of claim numbers
 SCG-93-03 and SCG-93-04 from the state wildlife account \$ 19,302.84
(28) Daniel Nix, for payment of claim number
 SCJ-92-16 \$ 35,581.20
(29) Wyman K. Dobson, for payment of claim number
 SCJ-93-09 \$ 6,946.38
(30) Gabriel Valdez, for payment of claim number
 SCJ-93-05 \$ 3,141.57
(31) John Garrett, for payment of claim number
 SCO-91-20 from the state wildlife account \$ 42,605.20
(32) Orion Corporation, for payment of claim number
 SCJ-93-02 from the state building construction account,
 including interest through April 30, 1993 \$ 3,570,000.00

NEW SECTION. Sec. 705. The following acts or parts of acts are each repealed:

- (1) 1992 c 232 s 705 (uncodified); and
- (2) 1992 c 232 s 712 (uncodified) and 1991 sp.s. c 16 s 716 (uncodified).

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 1992 c 232 s 802 is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State
 Treasurer's Service Account: For transfer to
 the general fund on or before June 30, 1993,

an amount up to \$16,627,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit to the fiscal year in which earned \$ 16,627,000

General Fund--State: For transfer to the Flood Control Assistance Account \$ 3,700,000

Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund \$ 631,400

Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 14,500,000

Disability Accommodation Revolving Account: For transfer to the General Fund \$ 190,000

Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes \$ 2,003,000

State Employees' Insurance Account: For transfer to the general fund (Northwestern National Life Insurance Refund) \$ 8,310,000

Department of Personnel Service Fund: For transfer to the general fund \$ 820,000

Trust Land Purchase Account: For transfer to the general fund \$ 18,575,000

Motor Transport Account: For transfer to the general fund \$ 947,000

Resource Management Cost Account: For transfer to the agricultural permanent account, the University of Washington bond retirement account, the charitable, educational, penal and reformatory institutions account, the capitol building construction account, the normal school permanent account, and the scientific permanent account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources \$ 20,000,000

Sec. 802. 1991 sp.s. c 16 s 802 is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution \$ 4,600,000

General Fund Appropriation for public utility district excise tax distribution \$ 24,314,000

General Fund Appropriation for prosecuting attorneys' salaries \$ 2,704,000

General Fund Appropriation for motor vehicle excise tax distribution \$ 83,075,000

General Fund Appropriation for local mass transit assistance \$ 275,140,000

General Fund Appropriation for camper and travel trailer excise tax distribution \$ 2,585,000

General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution \$ 760,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 90,000

Liquor Excise Tax Fund Appropriation for liquor excise tax distribution \$ 22,000,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ 359,745,000

Liquor Revolving Fund Appropriation for liquor profits distribution \$ 45,645,850

Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$ 83,100,000

Municipal Sales and Use Tax Equalization Account Appropriation \$ 44,690,000

County Sales and Use Tax Equalization Account

Appropriation \$ 15,100,000	
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$ ((750,000))	<u>1,100,000</u>
County Criminal Justice Account Appropriation \$ 56,152,000	
Municipal Criminal Justice Account Appropriation \$ 22,460,000	
TOTAL APPROPRIATION \$ ((1,042,910,850))	<u>1,043,260,850</u>

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. APPLICABILITY OF OTHER PROVISIONS. This act is subject to the provisions, definitions, conditions, and limitations of chapter 16, Laws of 1991 sp. sess., as amended by chapter 232, Laws of 1992, chapter 238, Laws of 1992, and this act.

NEW SECTION. Sec. 902. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:
SPENDING CONTROLS. (1) All agencies, including those headed by elected officials and appointed boards or commissions, shall control costs to ensure that operating expenditures for capital outlays and noncapitalized fixed assets for the period beginning April 1, 1993, and ending June 30, 1993, will not exceed the sum of that agency's monthly allotments for capital outlays and noncapitalized fixed assets for that same time period.

(2) All agencies, including those headed by elected officials and appointed boards or commissions, shall control costs to ensure that expenditures of state general fund appropriations for the period beginning April 1, 1993, and ending June 30, 1993, will not exceed the sum of that agency's monthly allotments of state general fund expenditures for that same time period.

(3) All agencies over one hundred employees, including those headed by elected officials and appointed boards or commissions, are directed to place into reserve status one percent of their April through June allotments for salaries. It is intended that these savings be achieved through the fiscal limitations imposed in the Governor's January 13, 1993, directive. Expenditure control mechanisms are assumed to include attrition, administrative efficiencies, and reductions in nonessential travel and purchases. The office of financial management shall issue agency savings targets and instructions for allotment amendment submittals.

Exceptions for the limitations described in subsections (1) through (3) of this section may be granted by the office of financial management only in cases of preexisting legal obligations or emergency conditions.

For the purposes of this section, "allotments" are considered to be the January 31, 1993, office of financial management approved expenditure plan as revised for any 1993 supplemental appropriations.

NEW SECTION. Sec. 903. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 904. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Rinehart, the following amendments to the Committee on Ways and Means amendment were considered simultaneously and were adopted:

On page 40, line 31 of the Ways and Means Committee amendment, after "mitigate the" insert "one-time"

On page 40, line 32 of the Ways and Means Committee amendment, strike "in the manner provided under RCW 72.72.030(2)" and insert "((in the manner provided under RCW 72.72.030(2)))"

On motion of Senator Rinehart, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 93, line 25 of the Ways and Means Committee amendment, strike "35,581.20" and insert "38,581.20"

MOTION

On motion of Senator Talmadge, the following amendment by Senators Talmadge and McDonald to the Committee on Ways and Means amendment was adopted:

On page 99, after line 3 of the committee amendment, insert the following:

"NEW SECTION. Sec. 903. A new section is added to chapter 43.105 RCW to read as follows:

UNAUTHORIZED DATA PROCESSING EXPENDITURES. No state agency may expend any moneys for major information technology projects subject to review by the department of information services under RCW 43.105.190 unless specifically authorized by the legislature. A violation of this section constitutes a violation of RCW 43.88.290 and shall subject the head of the agency to forfeiture of office and other civil penalties as provided under RCW 43.88.300. In addition to the penalties under RCW 43.88.300, the agency head shall be subject to a civil penalty of up to ten percent of the unauthorized expenditure.

If the department of information services approved an expenditure in violation of this section, or had responsibility to approve the expenditure, then all sanctions described in this section and RCW 43.88.300 shall also apply to the director of information services."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1524.

The Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1524 was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1991 sp.s. c 16 ss 126, 201, 221, 225, 317, and 802 (uncodified); amending 1992 c 232 ss 112, 113, 117, 118, 129, 134, 136, 139, 141, 152, 201, 202, 203, 205, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 222, 224, 228, 229, 230, 232, 303, 306, 307, 311, 312, 313, 314, 402, 502, 503, 504, 505, 506, 508, 509, 510, 511, 513, 514, 517, 518, 520, 613, 706, 707, 708, and 802 (uncodified); amending 1992 c 238 ss 1, 2, 3, 4, and 6 (uncodified); adding new sections to Laws of 1991 sp.s. c 16 (uncodified); creating new sections; repealing 1992 c 239 s 5 (uncodified); repealing 1992 c 232 s 705 (uncodified); repealing 1992 c 232 s 712 (uncodified); repealing 1991 sp.s. c 16 s 716 (uncodified); making appropriations; and declaring an emergency."

On page 101, line .. of the committee title amendment, after "(uncodified);" insert "adding a new section to chapter 43.105 RCW;"

On page 101, line .. of the committee title amendment, before "making" insert "prescribing penalties;"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1524, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1524, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1524, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Anderson, Barr, Roach and Smith, L. - 5.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1246, by Representatives G. Cole, Heavey, King, Franklin, Jones, Veloria and Johanson

Revising provisions for maintaining employee benefits for temporarily disabled workers.

The bill was read the second time.

MOTIONS

On motion of Senator Prentice, the following amendment was adopted:

On page 2, line 32, after "injury." insert "Such benefits shall not be continued or resumed if to do so is inconsistent with the terms of the benefit program, or with the terms of the collective bargaining agreement currently in force."

On motion of Senator Prentice, the rules were suspended, House Bill No. 1246, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1246, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1246, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Barr, Bluechel, Deccio, Hochstatter, Moyer, Nelson, Newhouse and Prince - 9.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

HOUSE BILL NO. 1246, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248, by House Committee on Appropriations (originally sponsored by Representatives King, Heavey, Franklin, Orr, Jones, G. Cole, Voloria and Johanson)

Regulating the increase of industrial insurance death and disability benefits.

The bill was read the second time.

MOTION

On motion of Senator Moore, the following Committee on Labor and Commerce amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.32.050 and 1991 c 88 s 2 are each amended to read as follows:

- (1) Where death results from the injury the expenses of burial not to exceed two thousand dollars shall be paid.
- (2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:
 - (i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;
 - (ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;
 - (iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;
 - (iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;
 - (v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or
 - (vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.
- (b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.
- (c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.
- (d) In no event shall the monthly payments provided in subsection (2) of this section exceed ~~((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018~~((;-))~~ as follows:

AFTER PERCENTAGE

<u>June 30, 1993</u>	<u>110%</u>
<u>June 30, 1995</u>	<u>125%</u>
<u>June 30, 1997</u>	<u>150%</u>

(e) In addition to the monthly payments provided for in (2)(a) through (2)(c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid the sum of one thousand six hundred dollars, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs.

However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to (2)(a)(i) of this section and subject to any modifications specified under (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or ~~((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, ~~((which ever is the lesser of the two sums-))~~ as follows:

AFTER PERCENTAGE

June 30, 1993 110%
June 30, 1995 125%
June 30, 1997 150%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of ~~((the))~~ his or her death or ~~((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018~~((, whichever is the lesser of the two sums-))~~ as follows:

AFTER PERCENTAGE

June 30, 1993 110%
June 30, 1995 125%
June 30, 1997 150%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 2. RCW 51.32.060 and 1988 c 161 s 1 are each amended to read as follows:

(1) When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

- (b) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.
- (c) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.
- (d) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.
- (e) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.
- (f) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.
- (g) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.
- (h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.
- (i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.
- (j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.
- (k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.
- (l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.
- (2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.
- (3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.
- (4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.
- (5) In no event shall the monthly payments provided in this section exceed (~~one hundred percent~~) the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018(~~(, except that this)~~) as follows:

AFTER PERCENTAGE

<u>June 30, 1993</u>	<u>110%</u>
<u>June 30, 1995</u>	<u>125%</u>
<u>June 30, 1997</u>	<u>150%</u>

- The limitations under this subsection shall not apply to the payments provided for in subsection (3) of this section.
- (6) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.
- (7) The benefits provided by this section are subject to modification under RCW 51.32.067.
- Sec. 3.** RCW 51.32.090 and 1988 c 161 s 4 are each amended to read as follows:
- (1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.
- (2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.
- (3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.
- (4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.
- Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed (~~one hundred percent~~) the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018(~~(-)~~) as follows:

AFTER PERCENTAGE

<u>June 30, 1993</u>	<u>110%</u>
<u>June 30, 1995</u>	<u>125%</u>
<u>June 30, 1997</u>	<u>150%</u>

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTIONS

Senator Gaspard moved that the following amendment by Senators Gaspard, Moore and Vognild be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.32.050 and 1991 c 88 s 2 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two thousand dollars shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section exceed (~~one hundred percent~~) the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018(~~(-)~~) as follows:

AFTER PERCENTAGE

<u>June 30, 1993</u>	<u>105%</u>
<u>June 30, 1994</u>	<u>110%</u>

June 30, 1995 115%
June 30, 1996 120%

(e) In addition to the monthly payments provided for in (2)(a) through (2)(c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid the sum of one thousand six hundred dollars, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to (2)(a)(i) of this section and subject to any modifications specified under (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under (2)(f)(ii) of this section to a surviving spouse based upon termination of a marriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or ((one hundred percent)) the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, ((which ever is the lesser of the two sums-)) as follows:

AFTER PERCENTAGE

June 30, 1993 105%
June 30, 1994 110%
June 30, 1995 115%
June 30, 1996 120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of ((the)) his or her death or ((one hundred percent)) the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 ((, whichever is the lesser of the two sums-)) as follows:

AFTER PERCENTAGE

June 30, 1993 105%
June 30, 1994 110%
June 30, 1995 115%
June 30, 1996 120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits

as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 2. RCW 51.32.060 and 1988 c 161 s 1 are each amended to read as follows:

(1) When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

(b) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.

(c) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.

(d) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.

(e) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.

(g) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.

(h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.

(i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.

(j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.

(k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.

(2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

(4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(5) In no event shall the monthly payments provided in this section exceed ~~((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018~~((, except that this))~~ as follows:

AFTER PERCENTAGE

June 30, 1993 105%

June 30, 1994 110%

June 30, 1995 115%

June 30, 1996 120%

The limitations under this subsection shall not apply to the payments provided for in subsection (3) of this section.

(6) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(7) The benefits provided by this section are subject to modification under RCW 51.32.067.

Sec. 3. RCW 51.32.090 and 1988 c 161 s 4 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.

(4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the

physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed (~~one hundred percent~~) the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018(~~-~~) as follows:

AFTER PERCENTAGE

<u>June 30, 1993</u>	<u>105%</u>
<u>June 30, 1994</u>	<u>110%</u>
<u>June 30, 1995</u>	<u>115%</u>
<u>June 30, 1996</u>	<u>120%</u>

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Senator Anderson moved that the following amendment to the striking amendment by Senators Gaspard, Moore and Vognild be adopted:

On page 1, after line 6 of the amendment, strike all material through "1993." on page 9, line 18, and insert the following: "NEW SECTION. Sec. 1. (1) There is hereby created a legislative task force on workers' compensation to review the state's industrial insurance system and make recommendations on the following issues:

(a) The adequacy and equity of the industrial insurance benefit structure with regard to death and disability benefit increases;

(b) Alternative benefit formulas such as utilizing spendable income in the computation;

(c) The effectiveness and efficiency of claims management services with the department; and

(d) Alternative claims management options.

(2) The task force consists of up to twelve voting members, as follows:

(a) Two members from each caucus of the senate, appointed by the president of the senate, with at least two members from the membership of the labor and commerce committee;

(b) Two members from each caucus of the house of representatives, appointed by the speaker of the house of representatives, with at least two members from the membership of the commerce and labor committee; and

(c) Two representatives of business, including self-insurers, and self-insured public employers; and two representatives of labor appointed jointly by the president of the senate and the speaker of the house of representatives.

(3) The department of labor and industries shall cooperate with the task force and the deputy director of the department of labor and industries in charge of industrial insurance shall be the nonvoting chairperson.

(4) The task force shall use legislative staff and facilities, but may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this section. All expenses of the task force, including travel, shall be paid jointly by the senate and the house of representatives.

(5) The task force shall report its findings and recommendations to the appropriate legislative committees by December 1, 1994. The task force shall expire July 1, 1995."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 1, line 6, to the striking amendment by Senators Gaspard, Moore and Vognild to Engrossed Substitute House Bill No. 1248.

The motion by Senator Anderson failed and the amendment to the striking amendment by Senators Gaspard, Moore and Vognild was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Gaspard, Moore and Vognild to Engrossed Substitute House Bill No. 1248.

The striking amendment by Senators Gaspard, Moore and Vognild to Engrossed Substitute House Bill No. 1248 was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 51.32.050, 51.32.060, and 51.32.090; providing an effective date; and declaring an emergency."

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1248, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1248, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1248, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Haugen, Hochstatter, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 19.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249, by House Committee on Appropriations (originally sponsored by Representatives Heavey, King, Franklin, Orr, G. Cole, Jones, Veloria, Johanson and R. Meyers)

Increasing industrial insurance partial disability awards.

The bill was read the second time.

MOTIONS

Senator Vognild moved that the following Committee on Labor and Commerce amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.32.080 and 1988 c 161 s 6 are each amended to read as follows:

(1)(a) Until July 1, 1993, for the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium).....	\$54,000.00
Of leg at or above knee joint with functional stump.....	48,600.00
Of leg below knee joint.....	43,200.00
Of leg at ankle (Syme).....	37,800.00
Of foot at mid-metatarsals.....	18,900.00
Of great toe with resection of metatarsal bone.....	11,340.00
Of great toe at metatarsophalangeal joint....	6,804.00
Of great toe at interphalangeal joint.....	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone....	4,140.00
Of lesser toe at metatarsophalangeal joint..	2,016.00
Of lesser toe at proximal interphalangeal joint.....	1,494.00
Of lesser toe at distal interphalangeal joint.....	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder.....	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon.....	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand....	48,600.00

Of all fingers except the thumb at metacarpophalangeal joints____ 29,160.00
 Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone_____ 19,440.00
 Of thumb at interphalangeal joint_____ 9,720.00
 Of index finger at metacarpophalangeal joint or with resection of metacarpal bone__ 12,150.00
 Of index finger at proximal interphalangeal joint..... 9,720.00
 Of index finger at distal interphalangeal joint..... 5,346.00
 Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone__ 9,720.00
 Of middle finger at proximal interphalangeal joint..... 7,776.00
 Of middle finger at distal interphalangeal joint..... 4,374.00
 Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone__ 4,860.00
 Of ring finger at proximal interphalangeal joint..... 3,888.00
 Of ring finger at distal interphalangeal joint..... 2,430.00
 Of little finger at metacarpophalangeal joint or with resection of metacarpal bone__ 2,430.00
 Of little finger at proximal interphalangeal joint..... 1,944.00
 Of little finger at distal interphalangeal joint..... 972.00

MISCELLANEOUS

Loss of one eye by enucleation___ 21,600.00
 Loss of central visual acuity in one eye_____ 18,000.00
 Complete loss of hearing in both ears_____ 43,200.00
 Complete loss of hearing in one ear_____ 7,200.00

(b) Beginning on July 1, 1993, compensation under this subsection shall be computed as follows:

(i) Beginning on July 1, 1993, the compensation amounts for the specified disabilities listed in (a) of this subsection shall be increased by thirty-five percent; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b)(i) of this subsection, shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30 immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(2) Compensation for amputation of a member or part thereof at a site other than those ((above)) specified in subsection (1) of this section, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation shall be calculated based on the adjusted schedule of compensation in effect for the respective time period as prescribed in subsection (1) of this section.

(3)(a) Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to ((that above)) the disabilities specified in subsection (1) of this section, which most closely resembles and approximates in degree of disability such other disability, and compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment((-PROVIDED, That in order)). To reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments.

(b) Until July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars((-PROVIDED, That)). Beginning on July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be adjusted as follows:

(i) Beginning on July 1, 1993, the amount payable for total bodily impairment under this section shall be increased to one hundred twenty-one thousand five hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the amount payable for total bodily impairment prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(c) Until July 1, 1993, the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars((-PROVIDED FURTHER, That in case)). Beginning on July 1, 1993, total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed a sum calculated as follows:

(i) Beginning on July 1, 1993, the sum shall be increased to one hundred twenty-one thousand five hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(4) If permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent

total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

~~((3))~~ (5) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

~~((4))~~ (6) When the compensation provided for in subsections (1) ~~(and (2))~~ through (3) of this section exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment ~~(- PROVIDED, That))~~. However, upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application ~~(- PROVIDED FURTHER, That))~~. Upon the death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

(7) Awards payable under this section are governed by the schedule in effect on the date of injury.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Gaspard, the following amendments by Senators Gaspard, Moore and Vognild to the Committee on Labor and Commerce striking amendment were considered simultaneously and were adopted:

On page 2, line 31 of the committee amendment, after "by" strike "thirty-five" and insert "thirty-two"

On page 4, line 2 of the committee amendment, after "hundred" strike "twenty-one thousand five" and insert "eighteen thousand eight"

On page 4, line 15 of the committee amendment, after "hundred" strike "twenty-one thousand five" and insert "eighteen thousand eight"

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment, as amended, to Engrossed Substitute House Bill No. 1249.

The Committee on Labor and Commerce striking amendment, as amended, to Engrossed Substitute House Bill No. 1249 was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "awards;" strike the remainder of the title and insert "amending RCW 51.32.080; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1249, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1249, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1249, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Moyer, Newhouse, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Anderson, Barr, Bluechel, Deccio, Haugen, Hochstatter, McDonald, Nelson, Oke, Prince, Sellar, Smith, L. and West - 13.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Wojahn assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 1415, by Representative G. Cole

Modifying the imprinting law for over-the-counter medications in solid dosage form.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 1415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1415.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1415 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

ENGROSSED HOUSE BILL NO. 1415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1003, by House Committee on Local Government (originally sponsored by Representatives Riley and Wineberry)

Concerning judicial proceedings for involuntary commitment or detention.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1003.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1003 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

SUBSTITUTE HOUSE BILL NO. 1003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1508, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky and Pruitt)

Regulating prescription claims for insurance coverage that were initially approved over the telephone or by other means.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1508.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1508 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

SUBSTITUTE HOUSE BILL NO. 1508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1532, by House Committee on Health Care (originally sponsored by Representatives Veloria, Lisk, R. Johnson, Jacobsen, King, Pruitt, Karahalios, Quall, Van Luven, Long, Eide and Anderson)

Creating an interim permit for physical therapist licensure candidates.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1532.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1532 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

SUBSTITUTE HOUSE BILL NO. 1532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2071 and the pending striking amendment by Senator McDonald to the Committee on Health and Human Services striking amendment, deferred on second reading earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 2071 is a measure which empowers the State Liquor Control Board to implement and enforce various procedures and prohibitions designed to reduce the availability of tobacco products to minors.

"The striking amendment by Senator McDonald would empower the Liquor Control Board to administer the program designed to reduce the availability of tobacco products to minors and, in addition, would transfer from the Department of Revenue to the Liquor Control Board the authority to administer all the laws relative to taxation on cigarettes and tobacco products.

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

The striking amendment by Senator McDonald to the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 2071 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 2071.

The Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 2071 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "tobacco," strike the remainder of the title and insert "amending RCW 82.24.530, 82.24.550, and 82.24.560; adding a new chapter to Title 70 RCW; creating new sections; and prescribing penalties."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 2071, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2071, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2071, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Amondson, Deccio and Loveland - 3.

Excused: Senators Cantu, McCaslin, Niemi and Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:33 p.m., on motion of Senator Jesernig, the Senate adjourned until 8:30 a.m., Friday, April 16, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINETY-FIFTH DAY, APRIL 15, 1993

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

NINETY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 16, 1993

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Drew, Erwin, Hochstatter, McAuliffe, McCaslin, McDonald, Moyer, Niemi, Owen, Pelz, Rinehart, Roach, Sellar and Talmadge. On motion of Senator Oke, Senators Erwin, Hochstatter, McCaslin, McDonald, Moyer, Roach and Sellar were excused. On motion of Senator Spanel, Senators Bauer, Drew, McAuliffe, Niemi, Owen, Pelz, Rinehart and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Eri Shiraishi and David Manchester, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Due to work in the health care reform conference committee, I missed the vote on the following bills: Substitute House Bill No. 1765, as amended by the Senate; Engrossed Substitute House Bill No. 1140, as amended by the Senate; Substitute House Bill No. 1072, as amended by the Senate; Engrossed House Bill No. 1175, as amended by the Senate; Substitute House Bill No. 1014, as amended by the Senate; House Bill No. 1351; Substitute House Bill No. 1582; Engrossed Substitute House Bill No. 1662, as amended by the Senate under suspension of the rules; Engrossed Substitute House Bill No. 1493, as amended by the Senate; and Substitute House Bill No. 1912, as amended by the Senate.

I would have voted 'yes' on all the measures.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1765, by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long, Cooke, Dellwo, Mastin, Thibaudeau, Campbell, Riley, Johanson, Karahalios, Eide, J. Kohl, Springer and Leonard)

Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of corrections and the University of Washington may enter into a collaborative arrangement to provide improved services for mentally ill offenders with a focus on prevention, treatment, and reintegration into society. The participants in the collaborative arrangement may develop a strategic plan within sixty days after the effective date of this act to address the management of mentally ill offenders within the correctional system, facilitating their reentry into the community and the mental health system, and preventing the inappropriate incarceration of mentally ill individuals. The collaborative arrangement may also specify the establishment and maintenance of a corrections mental health center located at McNeil Island corrections center. The collaborative arrangement shall require that an advisory panel of key stakeholders be established and consulted throughout the development and implementation of the center. The stakeholders advisory panel shall include a broad array of interest groups drawn from representatives of mental health, criminal justice, and correctional systems. The stakeholders advisory panel shall include, but is not limited to, membership from: The department of corrections, the department of social and health services mental health division and division of juvenile rehabilitation, regional support networks, local and regional law enforcement agencies, the sentencing guidelines commission, county and city jails, mental health advocacy groups for the mentally ill, developmentally disabled, and traumatically brain-injured, and the general public. The center established by the department of corrections and University of Washington, in consultation with the stakeholder advisory groups, shall have the authority to:

- (a) Develop new and innovative treatment approaches for corrections mental health clients;
- (b) Improve the quality of mental health services within the department and throughout the corrections system;
- (c) Facilitate mental health staff recruitment and training to meet departmental, county, and municipal needs;
- (d) Expand research activities within the department in the area of treatment services, the design of delivery systems, the development of organizational models, and training for corrections mental health care professionals;
- (e) Improve the work environment for correctional employees by developing the skills, knowledge, and understanding of how to work with offenders with special chronic mental health challenges;
- (f) Establish a more positive rehabilitative environment for offenders;
- (g) Strengthen multidisciplinary mental health collaboration between the University of Washington, other groups committed to the intent of this section, and the department of corrections;
- (h) Strengthen department linkages between institutions of higher education, public sector mental health systems, and county and municipal corrections;
- (i) Assist in the continued formulation of corrections mental health policies;
- (j) Develop innovative and effective recruitment and training programs for correctional personnel working with mentally ill offenders;
- (k) Assist in the development of a coordinated continuum of mental health care capable of providing services from corrections entry to community return; and
- (l) Evaluate all current and innovative approaches developed within this center in terms of their effective and efficient achievement of improved mental health of inmates, development and utilization of personnel, the impact of these approaches on the functioning of correctional institutions, and the relationship of the corrections system to mental health and criminal justice systems. Specific attention should be paid to evaluating the effects of programs on the reintegration of mentally ill offenders into the community and the prevention of inappropriate incarceration of mentally ill persons.

(2) The corrections mental health center may conduct research, training, and treatment activities for the mentally ill offender within selected sites operated by the department. The department shall provide support services for the center such as food services, maintenance, perimeter security, classification, offender supervision, and living unit functions. The University of Washington may develop, implement, and evaluate the clinical, treatment, research, and evaluation components of the mentally ill offender center. The institute of public policy and management may be consulted regarding the development of the center and in the recommendations regarding public policy. As resources permit, training within the center shall be available to state, county, and municipal agencies requiring the services. Other state colleges, state universities, and mental health providers may be involved in activities as required on a subcontract basis. Community mental health organizations, research groups, and community advocacy groups may be critical components of the center's operations and involved as appropriate to annual objectives. Mentally ill clients may be drawn from throughout the department's population and transferred to the center as clinical need, available services, and department jurisdiction permits.

(3) The department shall prepare a report of the center's progress toward the attainment of stated goals and provide the report to the legislature annually.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1765, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1765, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1765, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 0; Absent, 0; Excused, 15.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, Moore, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, M., Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 34.

Excused: Senators Bauer, Drew, Erwin, Hochstatter, McAuliffe, McCaslin, McDonald, Moyer, Niemi, Owen, Pelz, Rinehart, Roach, Sellar and Talmadge - 15.

SUBSTITUTE HOUSE BILL NO. 1765, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140, by House Committee on Local Government (originally sponsored by Representatives Locke, Horn, H. Myers, Eide, Valle, Rust, Leonard, Basich, Franklin, Shin, Springer and J. Kohl)

Revising provisions relating to metropolitan municipal corporations.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.58.030 and 1965 c 7 s 35.58.030 are each amended to read as follows:

Any area of the state containing two or more cities, at least one of which is ~~((a city of the first class))~~ of ten thousand or more population, may organize as a metropolitan municipal corporation for the performance of certain functions, as provided in this chapter. The boundaries of a metropolitan municipal corporation may not be expanded to include territory located in a county other than a component county except as a result of the consolidation of two or more contiguous metropolitan municipal corporations.

Sec. 2. RCW 35.58.040 and 1991 c 363 s 39 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing ~~((or hereafter created,))~~ within a county with a population of ~~((from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of))~~ one million or more~~((;))~~ shall, upon May 21, 1971, ~~((as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971,))~~ have the same boundaries as those of the respective central county of such metropolitan corporation~~((: PROVIDED, That))~~. The boundaries of such metropolitan corporation may not be enlarged or diminished after such date by annexation as provided in chapter 35.58 RCW ~~((as now or hereafter amended))~~ and any purported annexation of territory shall be deemed void. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 3. RCW 35.58.090 and 1973 1st ex.s. c 195 s 23 are each amended to read as follows:

The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless ~~((he))~~ that person is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"FORMATION OF METROPOLITAN MUNICIPAL CORPORATION

Shall a metropolitan municipal corporation be established for the area described in a resolution of the ~~((board of commissioners))~~ county legislative authority of county adopted on the day of , 19. . . , to perform the metropolitan functions of (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES
NO

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the ~~((board of commissioners))~~ county legislative authority of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council which shall be held not later than ~~((thirty))~~ sixty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR TWENTY-FIVE CENTS PER THOUSAND DOLLARS OF ASSESSED VALUE LEVY

Shall the metropolitan municipal corporation, if formed, levy a general tax of twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said corporation in excess of the constitutional and/or statutory tax limits for authorized purposes of the corporation?

YES
NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax, with a forty percent validation requirement, in the manner set forth in Article VII, section 2(a) of the Constitution of this state(~~, as amended by Amendment 59 and as thereafter amended~~)).

Sec. 4. RCW 35.58.120 and 1983 c 92 s 1 are each amended to read as follows:

Unless the rights, powers, functions, and obligations of a metropolitan municipal corporation have been assumed by a county as provided in chapter 36.56 RCW, a metropolitan municipal corporation shall be governed by a metropolitan council composed of ((the following:

~~(1) One member (a) who shall be the elected county executive of the central county, or (b) if there shall be no elected county executive, one member who shall be selected by, and from, the board of commissioners of the central county.~~

~~(2) One additional member for each county commissioner district or county council district which shall contain fifteen thousand or more persons residing within the metropolitan municipal corporation, who shall be the county commissioner or county councilman from such district;~~

~~(3) One additional member selected by the board of commissioners or county council of each component county for each county commissioner district or county council district containing fifteen thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation each such appointee to be a resident of such unincorporated portion;~~

~~(4) One member from each component city which shall have a population of fifteen thousand or more persons, who shall be the mayor of such city, if such city shall have the mayor-council form of government, and in other cities shall be selected by, and from, the mayor and city council of each of such cities.~~

~~(5) One member representing all component cities which have less than fifteen thousand population each, to be selected by and from the mayors of such smaller cities in the following manner: The mayors of all such cities shall meet prior to July 1 of each even-numbered year at a time and place to be fixed by the metropolitan council. The chairperson of the metropolitan council shall preside. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.~~

~~(6) One additional member selected by the city council of each component city containing a population of fifteen thousand or more for each fifty thousand population over and above the first fifteen thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other officers of such city.~~

~~(7) For any metropolitan municipal corporation which shall be authorized to perform the function of metropolitan water pollution abatement, two additional members who shall be commissioners of a sewer district or a water district which is operating a sewer system and is a component part of the metropolitan municipal corporation and shall participate only in those council actions which relate to the performance of the function of metropolitan water pollution abatement. The commissioners of all such sewer districts and water districts which are component parts of the metropolitan municipal corporation shall meet on the first Tuesday of the month following May 21, 1971 and thereafter on the second Tuesday of June of each even-numbered year at seven o'clock p.m. at the office of the board of county commissioners of the central county. After election of a chairman, nominations shall be made to select members to serve on the metropolitan council and successive ballots taken for each member until one candidate receives a majority of votes cast. The two members so selected shall not be from districts whose boundaries come within ten miles of each other.~~

~~(8) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. The member shall not hold any public office of or be an employee of any component city or component county of the metropolitan municipal corporation)) elected officials of the component counties and component cities, and possibly other persons, as determined by agreement of each of the component counties and the component cities equal in number to at least twenty-five percent of the total number of component cities that have at least seventy-five percent of the combined component city populations. The agreement shall remain in effect until altered in the same manner as the initial composition is determined.~~

Sec. 5. RCW 35.58.230 and 1965 c 7 s 35.58.230 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan water advisory committee to be formed by notifying the legislative body of each component city which operates a water system to appoint one person to serve on such advisory committee and the board of commissioners of each water district, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a water district commissioner. The metropolitan water advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council with respect to matters relating to the performance of the water supply function.

The requirement to create a metropolitan water advisory committee shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW.

Sec. 6. RCW 35.58.270 and 1967 c 105 s 12 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation with a commission form of management, a metropolitan transit commission shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan transit commission shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan transportation facilities, including but not limited to the power to construct, acquire, maintain, operate, extend, alter, repair, control and manage a local public transportation system within and without the

metropolitan area, to establish new passenger transportation services and to alter, curtail, or abolish any services as the commission may deem desirable and to fix tolls and fares.

The comprehensive plan for public transportation service and any amendments thereof shall be adopted by the metropolitan council and the metropolitan transit commission shall provide transportation facilities and service consistent with such plan. The metropolitan transit commission shall authorize expenditures for transportation purposes within the budget adopted by the metropolitan council. Tolls and fares may be fixed or altered by the commission only after approval thereof by the metropolitan council. Bonds of the metropolitan municipal corporation for public transportation purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan transit commission shall consist of seven members. Six of such members shall be appointed by the metropolitan council and the seventh member shall be the chairman of the metropolitan council who shall be ex officio the chairman of the metropolitan transit commission. Three of the six appointed members of the commission shall be residents of the central city and three shall be residents of the metropolitan area outside of the central city. The three central city members of the first metropolitan transit commission shall be selected from the existing transit commission of the central city, if there be a transit commission in such city. The terms of first appointees shall be for one, two, three, four, five and six years, respectively. Thereafter, commissioners shall serve for a term of four years. Compensation of transit commissioners shall be determined by the metropolitan council.

The requirement to create a metropolitan transit commission shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW.

Sec. 7. RCW 35.58.300 and 1965 c 7 s 35.58.300 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan parks and parkways, a metropolitan park board shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan park board shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan park and parkway facilities.

The metropolitan park board shall authorize expenditures for park and parkway purposes within the budget adopted by the metropolitan council. Bonds of the metropolitan municipal corporation for park and parkway purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan park board shall consist of five members appointed by the metropolitan council at least two of whom shall be residents of the central city. The terms of first appointees shall be for one, two, three, four and five years, respectively. Thereafter members shall serve for a term of four years. Compensation of park board members shall be determined by the metropolitan council.

The requirement to create a metropolitan park board shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW.

Sec. 8. RCW 35.58.320 and 1965 c 7 s 35.58.320 are each amended to read as follows:

A metropolitan municipal corporation shall have power to acquire by purchase and condemnation all lands and property rights, both within and without the metropolitan area, which are necessary for its purposes. Such right of eminent domain shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities ((~~of the first class~~)), except insofar as such laws may be inconsistent with the provisions of this chapter.

Sec. 9. RCW 35.58.340 and 1965 c 7 s 35.58.340 are each amended to read as follows:

Except as otherwise provided herein, a metropolitan municipal corporation may sell, or otherwise dispose of any real or personal property acquired in connection with any authorized metropolitan function and which is no longer required for the purposes of the metropolitan municipal corporation in the same manner as provided for cities ((~~of the first class~~)). When the metropolitan council determines that a metropolitan facility or any part thereof which has been acquired from a component city or county without compensation is no longer required for metropolitan purposes, but is required as a local facility by the city or county from which it was acquired, the metropolitan council shall by resolution transfer it to such city or county.

Sec. 10. RCW 35.58.350 and 1965 c 7 s 35.58.350 are each amended to read as follows:

All the powers and functions of a metropolitan municipal corporation shall be vested in the metropolitan council unless expressly vested in specific officers, boards, or commissions by this chapter, or vested in the county legislative authority of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation as provided in chapter 36.56 RCW. Without limitation of the foregoing authority, or of other powers given it by this chapter, the metropolitan council shall have the following powers:

(1) To establish offices, departments, boards and commissions in addition to those provided by this chapter which are necessary to carry out the purposes of the metropolitan municipal corporation, and to prescribe the functions, powers and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the metropolitan municipal corporation except those whose appointment or removal is otherwise provided by this chapter.

(3) To fix the salaries, wages and other compensation of all officers and employees of the metropolitan municipal corporation unless the same shall be otherwise fixed in this chapter.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the metropolitan municipal corporation.

Sec. 11. RCW 35.58.410 and 1965 c 7 s 35.58.410 are each amended to read as follows:

(1) On or before the third Monday in June of each year, each metropolitan municipal corporation shall adopt a budget for the following calendar year. Such budget shall include a separate section for each authorized metropolitan function. Expenditures shall be segregated as to operation and maintenance expenses and capital and betterment outlays. Administrative and other expense general to the corporation shall be allocated between the authorized metropolitan functions. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. ((~~The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities and counties in the manner provided in this chapter.~~)) The metropolitan council shall not be required to confine capital or betterment expenditures made from bond proceeds or emergency expenditures to items provided in the budget. The affirmative vote of three-fourths of all members of the metropolitan council shall be required to authorize emergency expenditures.

(2) Subsection (1) of this section shall not apply to a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW. This subsection (2) shall apply only to each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW.

Each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall, on or before the third Monday in June of each year, prepare an estimate of all revenues to be collected during the following calendar year, including any surplus funds remaining unexpended from the preceding year for each authorized metropolitan function.

By June 30 of each year, the county shall adopt the rate for sewage disposal that will be charged to component cities and sewer districts during the following budget year.

As long as any general obligation indebtedness remains outstanding that was issued by the metropolitan municipal corporation prior to the assumption by the county, the county shall continue to impose the taxes authorized by RCW 82.14.045 and 35.58.273(5) at the maximum rates and on all of the taxable events authorized by law. If, despite the continued imposition of those taxes, the estimate of revenues made on or before the third Monday in June shows that estimated revenues will be insufficient to make all debt service payments falling due in the following calendar year on all general obligation indebtedness issued by the metropolitan municipal corporation prior to the assumption by the county of the rights, powers, functions, and obligations of the metropolitan municipal corporation, the remaining amount required to make the debt service payments shall be designated as "supplemental income" and shall be obtained from component cities and component counties as provided under RCW 35.58.420.

The county shall prepare and adopt a budget each year in accordance with applicable general law or county charter. If supplemental income has been designated under this subsection, the supplemental income shall be reflected in the budget that is adopted. If during the budget year the actual tax revenues from the taxes imposed under the authority of RCW 82.14.045 and 35.58.273(5) exceed the estimates upon which the supplemental income was based, the difference shall be refunded to the component cities and component counties in proportion to their payments promptly after the end of the budget year. A county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall not be required to confine capital or betterment expenditures for authorized metropolitan functions from bond proceeds or emergency expenditures to items provided in the budget.

Sec. 12. RCW 39.36.020 and 1971 ex. s. c 218 s 1 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent on the value of the taxable property therein.

(2) Counties, cities, towns, and public hospital districts are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such counties, cities, towns, or public hospital districts without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent counties, cities, towns, and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein. However, any county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW may become indebted to a larger amount for its authorized metropolitan functions, as provided under chapter 35.58 RCW, but not exceeding an additional three-fourths of one percent of the value of the taxable property in the county without the assent of three-fifths of the voters therein voting at an election held for that purpose, and in cases requiring such assent not exceeding an additional two and one-half percent of the value of the taxable property in the county.

(3) School districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space and park facilities: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015.

Sec. 13. RCW 35.58.450 and 1984 c 186 s 18 are each amended to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to contract indebtedness and issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation, not to exceed an amount, together with any outstanding nonvoter approved general indebtedness, equal to three-fourths of one percent of the value of the taxable property within the metropolitan municipal corporation, as the term "value of the taxable property" is defined in RCW 39.36.015. A metropolitan municipal corporation may additionally contract indebtedness and issue general obligation bonds, for any authorized capital purpose of a metropolitan municipal corporation, together with any other outstanding general indebtedness, not to exceed an amount equal to five percent of the value of the taxable property within the corporation, as the term "value of the taxable property" is defined in RCW 39.36.015, when a proposition authorizing the indebtedness has been approved by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of ((votes-east)) voters voting within the area of said metropolitan municipal corporation at the last

preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization. The elections shall be held pursuant to RCW 39.36.050.

Whenever the voters of a metropolitan municipal corporation have, pursuant to RCW 84.52.056, approved excess property tax levies to retire such bond issues, both the principal of and interest on such general obligation bonds may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the constitutional and/or statutory tax limit. The principal of and interest on any general obligation bond may be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes ~~((and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes))~~.

General obligation bonds shall be issued and sold by the metropolitan council as provided in chapter 39.46 RCW and shall mature in not to exceed forty years from the date of issue.

Sec. 14. RCW 35.58.460 and 1983 c 167 s 48 are each amended to read as follows:

(1) A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan water pollution abatement, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest as provided in RCW 39.46.030, or may be bearer bonds; shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council; shall be signed by the chairman and attested by the secretary of the metropolitan council, ~~((one))~~ any of which signatures may be ~~((a))~~ facsimile signatures, and the seal of the metropolitan municipal corporation shall be impressed or imprinted thereon; any attached interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner, at such price and at such rate or rates of interest as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the owners of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bond owners to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to be the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the owner of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 15. RCW 35.58.490 and 1965 c 7 s 35.58.490 are each amended to read as follows:

~~((If a metropolitan municipal corporation shall have been authorized to levy a general tax on all taxable property located within the metropolitan municipal corporation in the manner provided in this chapter, either at the time of the formation of the metropolitan municipal corporation or subsequently, the))~~ A metropolitan council shall have the power to authorize the issuance of interest bearing warrants on such terms and conditions as the metropolitan council shall provide ~~((same to be repaid from the proceeds of such tax when collected))~~ and to repay the interest bearing warrants with any moneys legally authorized for such purposes, including tax receipts where appropriate.

Sec. 16. RCW 35.58.500 and 1965 c 7 s 35.58.500 are each amended to read as follows:

The metropolitan municipal corporation shall have the power to levy special assessments payable over a period of not exceeding twenty years on all property within the metropolitan area specially benefited by any improvement, on the basis of special benefits conferred, to pay in whole, or in part, the damages or costs of any such improvement, and for such purpose may establish local improvement districts and enlarged local improvement districts, issue local improvement warrants and bonds to be repaid by the collection of local improvement assessments and generally to exercise with respect to any improvements which it may be authorized to construct or acquire the same powers as may now or hereafter be conferred by law upon cities ~~((of the first class))~~. Such local improvement districts shall be created and such special assessments levied and collected and local improvement warrants and bonds issued and sold in the same manner as shall now or hereafter be provided by law for cities ~~((of the first class))~~. The duties imposed upon the city treasurer under such acts shall be imposed upon the treasurer of the county in which such local improvement district shall be located.

A metropolitan municipal corporation may provide that special benefit assessments levied in any local improvement district may be paid into such revenue bond redemption fund or funds as may be designated by the metropolitan council to secure the payment of revenue bonds issued to provide funds to pay the cost of improvements for which such assessments were levied. If local improvement district assessments shall be levied for payment into a revenue bond fund, the local improvement district created therefor shall be designated a utility local improvement district. A metropolitan municipal corporation that creates a utility local improvement district shall conform with the laws relating to utility local improvement districts created by a city.

Sec. 17. RCW 35.58.520 and 1965 c 7 s 35.58.520 are each amended to read as follows:

A metropolitan municipal corporation shall have the power to invest its funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in ~~((property or securities in which mutual savings banks may legally invest funds subject to their control))~~ any investments in which a city is authorized to invest, as provided in RCW 35.39.030.

Sec. 18. RCW 35.58.530 and 1969 ex.s. c 135 s 3 are each amended to read as follows:

Territory located within a component county that is annexed to a component city after the establishment of a metropolitan municipal corporation shall by such act be annexed to ~~((such))~~ the metropolitan municipal corporation. Territory within a metropolitan municipal corporation may be annexed to a city which is not within such metropolitan municipal corporation in the manner provided by law and in such event either (1) such city may be annexed to such metropolitan municipal corporation by ordinance of the legislative body of the city concurred in by resolution of the metropolitan council, or (2) if such city shall not be so annexed such territory shall remain within the metropolitan municipal corporation unless such city shall by resolution of its legislative body request the withdrawal of such territory subject to any outstanding indebtedness of the metropolitan corporation and the metropolitan council shall by resolution consent to such withdrawal.

Any territory located within a component county that is contiguous to a metropolitan municipal corporation and lying wholly within an incorporated city or town may be annexed to such metropolitan municipal corporation by ordinance of the legislative body of such city or town requesting such annexation concurred in by resolution of the metropolitan council.

Any other territory located within a component county that is adjacent to a metropolitan municipal corporation may be annexed thereto by vote of the qualified electors residing in the territory to be annexed, in the manner provided in this chapter. An election to annex such territory may be called pursuant to a petition or resolution in the following manner:

(1) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the territory to be annexed and shall be filed with the auditor of the central county.

(2) A resolution calling for such an election may be adopted by the metropolitan council.

Any resolution or petition calling for such an election shall describe the boundaries of the territory to be annexed, and state that the annexation of such territory to the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons or property within the metropolitan municipal corporation and within the territory proposed to be annexed.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. ~~((For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each city within the territory proposed to be annexed and of each county a portion of which shall be located within the territory proposed to be annexed. No person may withdraw his name from a petition after it has been filed with the auditor.))~~ Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency thereof.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

- (1) RCW 35.58.118 and 1971 ex.s. c 303 s 4 & 1967 c 105 s 10;
- (2) RCW 35.58.440 and 1965 c 7 s 35.58.440; and
- (3) RCW 35A.57.010 and 1967 ex.s. c 119 s 35A.57.010."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "corporations;" strike the remainder of the title and insert "amending RCW 35.58.030, 35.58.040, 35.58.090, 35.58.120, 35.58.230, 35.58.270, 35.58.300, 35.58.320, 35.58.340, 35.58.350, 35.58.410, 39.36.020, 35.58.450, 35.58.460, 35.58.490, 35.58.500, 35.58.520, and 35.58.530; and repealing RCW 35.58.118, 35.58.440, and 35A.57.010."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1140, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1140, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1140, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Excused: Senators Drew, Erwin, Hochstatter, McAuliffe, Moyer, Niemi, Owen, Rinehart, Sellar and Talmadge - 10.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1072, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Johanson and Ogden)

Changing provisions relating to guardians ad litem.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendments by Senators Roach, Talmadge, Adam Smith, Rasmussen and Moyer be considered simultaneously and be adopted:

On page 1, line 12, after "(2)" insert "Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem; and

(e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

(3)"

On page 2, line 3, after "subsection" strike "(3)" and insert "(((3))) (4)"

On page 2, at the beginning of line 5, strike "(3)" and insert "(((3))) (4)"

On page 2, line 11, after "subsection" strike "(2)" and insert "(((2))) (3)"

Correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Roach, Talmadge, Adam Smith, Rasmussen and Moyer on page 1, line 12; page 2, line 3; page 2, at the beginning of line 5; and page 2, line 11, to Substitute House Bill No. 1072.

The motion by Senator Roach carried and the amendments were adopted.

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1072, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1072, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1072, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Drew, Erwin, Hochstatter, Moyer, Niemi, Owen, Sellar and Talmadge - 8.

SUBSTITUTE HOUSE BILL NO. 1072, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1175, by Representatives Jacobsen, Dellwo, Dorn, J. Kohl, Brumsickle, Linville, Dunshee, Pruitt, Johanson, Wood, Leonard and Basich

Regarding the study of American Indian languages and cultures in the common schools.

The bill was read the second time.

MOTIONS

Senator Pelz moved that the following Committee on Education amendment be adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.150.220 and 1990 c 33 s 105 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.250 and 28A.150.260:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(b) "Instruction in work skills" shall include instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(2) Satisfaction of the basic education goal identified in RCW 28A.150.210 shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours. A minimum of ninety-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, foreign languages, which may be American Indian languages, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills: PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met.

(4) Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish: PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with

such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.

(7) Handicapped education programs, vocational-technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

Sec. 2. RCW 28A.150.220 and 1992 c 141 s 503 are each amended to read as follows:

(1) Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 3. RCW 28A.230.090 and 1992 c 141 s 402 and 1992 c 60 s 1 are each reenacted and amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students. Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district foreign language graduation requirement.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.

Sec. 4. RCW 28A.600.060 and 1991 c 116 s 22 are each amended to read as follows:

The recipients of the Washington state honors awards shall be selected based on student achievement in both verbal and quantitative areas, as measured by a test or tests of general achievement selected by the superintendent of public instruction, and shall include student performance in the academic core areas of English, mathematics, science, social studies, and foreign languages, which may be American Indian languages. The performance level in such academic core subjects shall be determined by grade point averages, numbers of credits earned, and courses enrolled in during the beginning of the senior year.

NEW SECTION. Sec. 5. Section 2 of this act shall take effect September 1, 1998. However, section 2 of this act shall not take effect if, by September 1, 1998, a law is enacted stating that a school accountability and academic assessment system is not in place."

On motion of Senator Pelz, the following amendment to the Committee on Education amendment was adopted:
On page 5, beginning on line 10, strike "requirement of languages other than English" and insert "foreign language requirement"

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed House Bill No. 1175.

The Committee on Education striking amendment, as amended, to Engrossed House Bill No. 1175, was adopted.

MOTIONS

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.220, 28A.150.220, and 28A.600.060; reenacting and amending RCW 28A.230.090; and providing a contingent effective date."

On motion of Senator Pelz, the rules were suspended, Engrossed House Bill No. 1175, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Pelz, in the summary it references information included in history curriculum. Do we now, besides the reference to language of the Indian culture, have any history requirement changes with this bill?"

Senator Pelz: "No, any course in Washington State History and Government used to fulfill high school graduation requirements is encouraged to include information on the culture, history and government of the American Indian people."

Senator Anderson: "So, there is no change and mandate on curriculum?"

Senator Pelz: "Absolutely not."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1175, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1175, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Anderson and McDonald - 2.

Excused: Senators Erwin, Hochstatter, Moyer, Niemi, Owen, Sellar and Talmadge - 7.

ENGROSSED HOUSE BILL NO. 1175, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1014, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Appelwick and Riley)

Updating uniform commercial code articles 1, 3, and 4.

The bill was read the second time.

MOTION

On motion of Senator Moore, the following Committee on Labor and Commerce amendment was adopted:
Strike everything after the enacting clause and insert the following:

"ARTICLE 1
GENERAL PROVISIONS
PART 2
GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

Sec. 1. RCW 62A.1-201 and 1992 c 134 s 14 are each amended to read as follows:

Subject to additional definitions contained in the subsequent Articles of this Title which are applicable to specific Articles or Parts thereof, and unless the context otherwise requires, in this Title:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Title (RCW 62A.1-205 and RCW 62A.2-208). Whether an agreement has legal consequences is determined by the provisions of this Title, if applicable; otherwise by the law of contracts (RCW 62A.1-103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or certificated security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like (including oil and gas) at wellhead or minehead shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this Title and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper, or certificated securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this Title to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" with respect to ~~((an instrument, certificated security, or document of title means the person in possession if~~ (a) in the case of an instrument, it is payable to bearer or to the order of the person in possession, (b) in the case of a security, the person in possession is the registered owner, or the security has been indorsed to the person in possession by the registered owner, or the security is in bearer form, or (c) in the case of a document of title, the goods are deliverable to bearer or to the order of the person in possession)) a negotiable instrument, means the person in possession if the instrument is payable to bearer or, in the case of an instrument payable to an identified person, if the identified person is in possession. "Holder" with respect to a document of title means the person in possession if the goods are deliverable to bearer or to the order of the person in possession.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government ~~((or intergovernmental organization)) and includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more nations.~~

(25) A person has "notice" of a fact when

(a) he has actual knowledge of it; or

(b) he has received a notice or notification of it; or

(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this Title.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this Title.

(30) "Person" includes an individual or an organization (See RCW 62A.1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation, except for lease-purchase agreements under chapter 63.19 RCW. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (RCW 62A.2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under RCW 62A.2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (RCW 62A.2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (RCW 62A.3-303, RCW 62A.4-208 and RCW 62A.4-209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a preexisting claim; or

(c) by accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

Sec. 2. RCW 62A.1-207 and 1965 ex.s. c 157 s 1-207 are each amended to read as follows:

(1) A party who, with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest" or the like are sufficient.

(2) Subsection (1) of this section shall not apply to an accord and satisfaction.

ARTICLE 3

((COMMERCIAL PAPER)) NEGOTIABLE INSTRUMENTS

PART I

((SHORT TITLE, FORM AND INTERPRETATION)) GENERAL PROVISIONS AND DEFINITIONS

Sec. 3. RCW 62A.3-101 and 1965 ex.s. c 157 s 3-101 are each amended to read as follows:

SHORT TITLE. This Article ((shall be known and)) may be cited as Uniform Commercial Code -- ((Commercial Paper))
Negotiable Instruments.

Sec. 4. RCW 62A.3-102 and 1965 ex.s. c 157 s 3-102 are each amended to read as follows:

((DEFINITIONS AND INDEX OF DEFINITIONS. (1) In this Article unless the context otherwise requires

(a) "Issue" means the first delivery of an instrument to a holder or a remitter.

(b) An "order" is a direction to pay and must be more than an authorization or request. It must identify the person to pay with reasonable certainty. It may be addressed to one or more such persons jointly or in the alternative but not in succession.

(c) A "promise" is an undertaking to pay and must be more than an acknowledgment of an obligation.

(d) "Secondary party" means a drawer or endorser.

(e) "Instrument" means a negotiable instrument.

(2) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance." RCW 62A.3-410.

"Accommodation party." RCW 62A.3-415.

"Alteration." RCW 62A.3-407.

"Certificate of deposit." RCW 62A.3-104.

"Certification." RCW 62A.3-411.

"Check." RCW 62A.3-104.

"Definite time." RCW 62A.3-109.

"Dishonor." RCW 62A.3-507.

"Draft." RCW 62A.3-104.

"Holder in due course." RCW 62A.3-302.

"Negotiation." RCW 62A.3-202.

"Note." RCW 62A.3-104.

"Notice of dishonor." RCW 62A.3-508.

"On demand." RCW 62A.3-108.

"Presentment." RCW 62A.3-504.

"Protest." RCW 62A.3-509.

"Restrictive indorsement." RCW 62A.3-205.

"Signature." RCW 62A.3-401.

(3) The following definitions in other Articles apply to this Article:

"Account." RCW 62A.4-104.

"Banking day." RCW 62A.4-104.

"Clearing house." RCW 62A.4-104.

"Collecting bank." RCW 62A.4-105.

"Customer." RCW 62A.4-104.

"Depository bank." RCW 62A.4-105.

"Documentary draft." RCW 62A.4-104.

"Intermediary bank." RCW 62A.4-105.

"Item." RCW 62A.4-104.

"Midnight deadline." RCW 62A.4-104.

"Payor bank." RCW 62A.4-105.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.)

SUBJECT MATTER. (a) This Article applies to negotiable instruments. It does not apply to money, to payment orders governed by Article 4A, or to securities governed by Article 8.

(b) If there is conflict between this Article and Article 4 or 9, Articles 4 and 9 govern.

(c) Regulations of the Board of Governors of the Federal Reserve System and operating circulars of the Federal Reserve Banks supersede any inconsistent provision of this Article to the extent of the inconsistency.

Sec. 5. RCW 62A.3-103 and 1965 ex.s. c 157 s 3-103 are each amended to read as follows:

((LIMITATIONS ON SCOPE OF ARTICLE. (1) This Article does not apply to money, documents of title or investment securities.

(2) The provisions of this Article are subject to the provisions of the Article on Bank Deposits and Collections (Article 4) and Secured Transactions (Article 9).))

DEFINITIONS. (a) In this Article:

(1) "Acceptor" means a drawee who has accepted a draft.

(2) "Drawee" means a person ordered in a draft to make payment.

(3) "Drawer" means a person who signs or is identified in a draft as a person ordering payment.

(4) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(5) "Maker" means a person who signs or is identified in a note as a person undertaking to pay.

(6) "Order" means a written instruction to pay money signed by the person giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.

(7) "Ordinary care" in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which the person is located, with respect to the business in which the person is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate the bank's prescribed procedures and the bank's procedures do not vary unreasonably from general banking usage not disapproved by this Article or Article 4.

(8) "Party" means a party to an instrument.

(9) "Promise" means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

(10) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(8)).

(11) "Remitter" means a person who purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.

(b) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance" RCW 62A.3-409
"Accommodated party" RCW 62A.3-419
"Accommodation party" RCW 62A.3-419
"Alteration" RCW 62A.3-407
"Anomalous indorsement" RCW 62A.3-205
"Blank indorsement" RCW 62A.3-205
"Cashier's check" RCW 62A.3-104
"Certificate of deposit" RCW 62A.3-104
"Certified check" RCW 62A.3-409
"Check" RCW 62A.3-104
"Consideration" RCW 62A.3-303
"Draft" RCW 62A.3-104
"Holder in due course" RCW 62A.3-302
"Incomplete instrument" RCW 62A.3-115
"Indorsement" RCW 62A.3-204
"Indorser" RCW 62A.3-204
"Instrument" RCW 62A.3-104
"Issue" RCW 62A.3-105
"Issuer" RCW 62A.3-105
"Negotiable instrument" RCW 62A.3-104
"Negotiation" RCW 62A.3-201
"Note" RCW 62A.3-104
"Payable at a definite time" RCW 62A.3-108
"Payable on demand" RCW 62A.3-108
"Payable to bearer" RCW 62A.3-109
"Payable to order" RCW 62A.3-109
"Payment" RCW 62A.3-602
"Person entitled to enforce" RCW 62A.3-301
"Presentment" RCW 62A.3-501
"Reacquisition" RCW 62A.3-207
"Special indorsement" RCW 62A.3-205
"Teller's check" RCW 62A.3-104
"Transfer of instrument" RCW 62A.3-203
"Traveler's check" RCW 62A.3-104
"Value" RCW 62A.3-303

(c) The following definitions in other Articles apply to this Article:

"Bank" RCW 62A.4-105
"Banking day" RCW 62A.4-104
"Clearing house" RCW 62A.4-104
"Collecting bank" RCW 62A.4-105
"Depository bank" RCW 62A.4-105
"Documentary draft" RCW 62A.4-104
"Intermediary bank" RCW 62A.4-105
"Item" RCW 62A.4-104
"Payor bank" RCW 62A.4-105
"Suspends payments" RCW 62A.4-104

(d) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 6. RCW 62A.3-104 and 1965 ex.s. c 157 s 3-104 are each amended to read as follows:

((FORM OF NEGOTIABLE INSTRUMENTS; "DRAFT"; "CHECK"; "CERTIFICATE OF DEPOSIT"; "NOTE". (1) Any writing to be a negotiable instrument within this Article must

(a) be signed by the maker or drawer; and
(b) contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this Article; and
(c) be payable on demand or at a definite time; and
(d) be payable to order or to bearer.

(2) A writing which complies with the requirements of this section is

(a) a "draft" ("bill of exchange") if it is an order;
(b) a "check" if it is a draft drawn on a bank and payable on demand;
(c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;
(d) a "note" if it is a promise other than a certificate of deposit.

(3) As used in other Articles of this Title, and as the context may require, the terms "draft", "check", "certificate of deposit" and "note" may refer to instruments which are not negotiable within this Article as well as to instruments which are so negotiable.))

NEGOTIABLE INSTRUMENT. (a) Except as provided in subsections (c) and (d), "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) Is payable on demand or at a definite time; and

(3) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, or (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor.

(b) "Instrument" means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except subsection (a)(1), and otherwise falls within the definition of "check" in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this Article.

(e) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

(f) "Check" means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank, or (ii) a cashier's check or teller's check. An instrument may be a check even though it is described on its face by another term, such as "money order."

(g) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) "Teller's check" means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) "Traveler's check" means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term "traveler's check" or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

Sec. 7. RCW 62A.3-105 and 1965 ex.s. c 157 s 3-105 are each amended to read as follows:

~~((WHEN PROMISE OR ORDER UNCONDITIONAL. (1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument~~

~~(a) is subject to implied or constructive conditions; or~~

~~(b) states its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or~~

~~(c) refers to or states that it arises out of a separate agreement or refers to a separate agreement for rights as to prepayment or acceleration; or~~

~~(d) states that it is drawn under a letter of credit; or~~

~~(e) states that it is secured, whether by mortgage, reservation of title or otherwise; or~~

~~(f) indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or~~

~~(g) is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or~~

~~(h) is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.~~

~~(2) A promise or order is not unconditional if the instrument~~

~~(a) states that it is subject to or governed by any other agreement; or~~

~~(b) states that it is to be paid only out of a particular fund or source except as provided in this section.))~~

ISSUE OF INSTRUMENT. (a) "Issue" means the first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person.

(b) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(c) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

Sec. 8. RCW 62A.3-106 and 1989 c 13 s 1 are each amended to read as follows:

~~((SUM CERTAIN- DEFINITIONS. (1) The sum payable is a sum certain even though it is to be paid~~

~~(a) with stated interest or by stated installments; or~~

~~(b) with stated different rates of interest before and after default or a specified date; or~~

~~(c) with a stated discount or addition if paid before or after the date fixed for payment; or~~

~~(d) with exchange or less exchange, whether at a fixed rate or at the current rate; or~~

~~(e) with costs of collection or an attorney's fee or both upon default.~~

~~(2) A rate of interest that cannot be calculated by looking only to the instrument is a stated rate of interest in subsection (1) of this section if the rate during any period is readily ascertainable by a reference in the instrument to a published statute, regulation, rule of court, generally accepted commercial or financial index, compendium of interest rates, or announced or established rate of one or more named financial institutions.~~

~~(3) Graduated, variable, annuity or price-level adjusted payments are stated installments in subsection (1) of this section if such payments are provided for in the instrument.~~

~~(4) Nothing in this section shall validate any term which is otherwise illegal.))~~

UNCONDITIONAL PROMISE OR ORDER. (a) Except as provided in this section, for the purposes of RCW 62A.3-104(a), a promise or order is unconditional unless it states (i) an express condition to payment, (ii) that the promise or order is subject to or governed by another writing, or (iii) that rights or obligations with respect to the promise or order are stated in another writing. A reference to another writing does not of itself make the promise or order conditional.

(b) A promise or order is not made conditional (i) by a reference to another writing for a statement of rights with respect to collateral, prepayment, or acceleration, or (ii) because payment is limited to resort to a particular fund or source.

(c) If a promise or order requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the promise or order, the condition does not make the promise or order conditional for the purposes of RCW 62A.3-104(a). If the person whose specimen signature appears on an instrument fails to countersign the instrument, the failure to countersign is a defense to the obligation of the issuer, but the failure does not prevent a transferee of the instrument from becoming a holder of the instrument.

(d) If a promise or order at the time it is issued or first comes into possession of a holder contains a statement, required by applicable statutory or administrative law, to the effect that the rights of a holder or transferee are subject to claims or defenses that the issuer could assert against the original payee, the promise or order is not thereby made conditional for the purposes of RCW 62A.3-104(a); but if the promise or order is an instrument, there cannot be a holder in due course of the instrument.

Sec. 9. RCW 62A.3-107 and 1965 ex.s. c 157 s 3-107 are each amended to read as follows:

~~((MONEY. (1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.~~

~~(2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and, unless a different medium of payment is specified in the instrument, may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand. If such an instrument specifies a foreign currency as the medium of payment the instrument is payable in that currency.))~~

INSTRUMENT PAYABLE IN FOREIGN MONEY. Unless the instrument otherwise provides, an instrument that states the amount payable in foreign money may be paid in the foreign money or in an equivalent amount in dollars calculated by using the current bank-offered spot rate at the place of payment for the purchase of dollars on the day on which the instrument is paid.

Sec. 10. RCW 62A.3-108 and 1965 ex.s. c 157 s 3-108 are each amended to read as follows:

~~((PAYABLE ON DEMAND. Instruments payable on demand include those payable at sight or on presentation and those in which no time for payment is stated.))~~

PAYABLE ON DEMAND OR AT DEFINITE TIME. (a) A promise or order is "payable on demand" if it (i) states that it is payable on demand or at sight, or otherwise indicates that it is payable at the will of the holder, or (ii) does not state any time of payment.

(b) A promise or order is "payable at a definite time" if it is payable on elapse of a definite period of time after sight or acceptance or at a fixed date or dates or at a time or times readily ascertainable at the time the promise or order is issued, subject to rights of (i) prepayment, (ii) acceleration, (iii) extension at the option of the holder, or (iv) extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event.

(c) If an instrument, payable at a fixed date, is also payable upon demand made before the fixed date, the instrument is payable on demand until the fixed date and, if demand for payment is not made before that date, becomes payable at a definite time on the fixed date.

Sec. 11. RCW 62A.3-109 and 1989 c 13 s 2 are each amended to read as follows:

~~((DEFINITE TIME. (1) An instrument is payable at a definite time if by its terms it is payable~~

~~(a) on or before a stated date or at a fixed period after a stated date; or~~

~~(b) at a fixed period after sight; or~~

~~(c) at a definite time subject to any acceleration; or~~

~~(d) at a definite time subject to extension at the option of the holder, or to extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event; or~~

~~(e) by variable, graduated, annuity or price-level adjusted payments.~~

~~(2) An instrument which by its terms is otherwise payable only upon an act or event uncertain as to time of occurrence is not payable at a definite time even though the act or event has occurred.))~~

PAYABLE TO BEARER OR TO ORDER. (a) A promise or order is payable to bearer if it:

(1) States that it is payable to bearer or to the order of bearer or otherwise indicates that the person in possession of the promise or order is entitled to payment;

(2) Does not state a payee; or

(3) States that it is payable to or to the order of cash or otherwise indicates that it is not payable to an identified person.

(b) A promise or order that is not payable to bearer is payable to order if it is payable (i) to the order of an identified person or (ii) to an identified person or order. A promise or order that is payable to order is payable to the identified person.

(c) An instrument payable to bearer may become payable to an identified person if it is specially indorsed pursuant to RCW 62A.3-205(a). An instrument payable to an identified person may become payable to bearer if it is indorsed in blank pursuant to RCW 62A.3-205(b).

Sec. 12. RCW 62A.3-110 and 1965 ex.s. c 157 s 3-110 are each amended to read as follows:

~~((PAYABLE TO ORDER. (1) An instrument is payable to order when by its terms it is payable to the order or assigns of any person therein specified with reasonable certainty, or to him or his order, or when it is conspicuously designated on its face as "exchange" or the like and names a payee. It may be payable to the order of~~

~~(a) the maker or drawer; or~~

~~(b) the drawee; or~~

~~(c) a payee who is not maker, drawer or drawee; or~~

~~(d) two or more payees together or in the alternative; or~~

~~(e) an estate, trust or fund, in which case it is payable to the order of the representative of such estate, trust or fund or his successors; or~~

~~(f) an office, or an officer by his title as such in which case it is payable to the principal but the incumbent of the office or his successors may act as if he or they were the holder; or~~

~~(g) a partnership or unincorporated association, in which case it is payable to the partnership or association and may be indorsed or transferred by any person thereto authorized.~~

(2) An instrument not payable to order is not made so payable by such words as "payable upon return of this instrument properly indorsed."

(3) An instrument made payable both to order and to bearer is payable to order unless the bearer words are handwritten or typewritten.)

IDENTIFICATION OF PERSON TO WHOM INSTRUMENT IS PAYABLE. (a) The person to whom an instrument is initially payable is determined by the intent of the person, whether or not authorized, signing as, or in the name or behalf of, the issuer of the instrument. The instrument is payable to the person intended by the signer even if that person is identified in the instrument by a name or other identification that is not that of the intended person. If more than one person signs in the name or behalf of the issuer of an instrument and all the signers do not intend the same person as payee, the instrument is payable to any person intended by one or more of the signers.

(b) If the signature of the issuer of an instrument is made by automated means, such as a check-writing machine, the payee of the instrument is determined by the intent of the person who supplied the name or identification of the payee, whether or not authorized to do so.

(c) A person to whom an instrument is payable may be identified in any way, including by name, identifying number, office, or account number. For the purpose of determining the holder of an instrument, the following rules apply:

(1) If an instrument is payable to an account and the account is identified only by number, the instrument is payable to the person to whom the account is payable. If an instrument is payable to an account identified by number and by the name of a person, the instrument is payable to the named person, whether or not that person is the owner of the account identified by number.

(2) If an instrument is payable to:

(i) A trust, an estate, or a person described as trustee or representative of a trust or estate, the instrument is payable to the trustee, the representative, or a successor of either, whether or not the beneficiary or estate is also named;

(ii) A person described as agent or similar representative of a named or identified person, the instrument is payable to the represented person, the representative, or a successor of the representative;

(iii) A fund or organization that is not a legal entity, the instrument is payable to a representative of the members of the fund or organization; or

(iv) An office or to a person described as holding an office, the instrument is payable to the named person, the incumbent of the office, or a successor to the incumbent.

(d) If an instrument is payable to two or more persons alternatively, it is payable to any of them and may be negotiated, discharged, or enforced by any or all of them in possession of the instrument. If an instrument is payable to two or more persons not alternatively, it is payable to all of them and may be negotiated, discharged, or enforced only by all of them. If an instrument payable to two or more persons is ambiguous as to whether it is payable to the persons alternatively, the instrument is payable to the persons alternatively.

Sec. 13. RCW 62A.3-111 and 1965 ex.s. c 157 s 3-111 are each amended to read as follows:

~~((PAYABLE TO BEARER. An instrument is payable to bearer when by its terms it is payable to~~

~~(a) bearer or the order of bearer; or~~

~~(b) a specified person or bearer; or~~

~~(c) "cash" or the order of "cash", or any other indication which does not purport to designate a specific payee.))~~

PLACE OF PAYMENT. Except as otherwise provided for items in Article 4, an instrument is payable at the place of payment stated in the instrument. If no place of payment is stated, an instrument is payable at the address of the drawee or maker stated in the instrument. If no address is stated, the place of payment is the place of business of the drawee or maker. If a drawee or maker has more than one place of business, the place of payment is any place of business of the drawee or maker chosen by the person entitled to enforce the instrument. If the drawee or maker has no place of business, the place of payment is the residence of the drawee or maker.

Sec. 14. RCW 62A.3-112 and 1965 ex.s. c 157 s 3-112 are each amended to read as follows:

~~((TERMS AND OMISSIONS NOT AFFECTING NEGOTIABILITY. (1) The negotiability of an instrument is not affected by~~

~~(a) the omission of a statement of any consideration or of the place where the instrument is drawn or payable; or~~

~~(b) a statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or that in case of default on those obligations the holder may realize on or dispose of the collateral; or~~

~~(c) a promise or power to maintain or protect collateral or to give additional collateral; or~~

~~(d) a term authorizing a confession of judgment on the instrument if it is not paid when due; or~~

~~(e) a term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or~~

~~(f) a term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or~~

~~(g) a statement in a draft drawn in a set of parts (RCW 62A.3-801) to the effect that the order is effective only if no other part has been honored.~~

~~(2) Nothing in this section shall validate any term which is otherwise illegal.))~~

INTEREST. (a) Unless otherwise provided in the instrument, (i) an instrument is not payable with interest, and (ii) interest on an interest-bearing instrument is payable from the date of the instrument.

(b) Interest may be stated in an instrument as a fixed or variable amount of money or it may be expressed as a fixed or variable rate or rates. The amount or rate of interest may be stated or described in the instrument in any manner and may require reference to information not contained in the instrument. If an instrument provides for interest, but the amount of interest payable cannot be ascertained from the description, interest is payable at the judgment rate in effect at the place of payment of the instrument and at the time interest first accrues.

Sec. 15. RCW 62A.3-113 and 1965 ex.s. c 157 s 3-113 are each amended to read as follows:

~~((SEAL. An instrument otherwise negotiable is within this Article even though it is under a seal.))~~

DATE OF INSTRUMENT. (a) An instrument may be antedated or postdated. The date stated determines the time of payment if the instrument is payable at a fixed period after date. Except as provided in RCW 62A.4-401(c), an instrument payable on demand is not payable before the date of the instrument.

(b) If an instrument is undated, its date is the date of its issue or, in the case of an unissued instrument, the date it first comes into possession of a holder.

Sec. 16. RCW 62A.3-114 and 1965 ex.s. c 157 s 3-114 are each amended to read as follows:
~~((DATE, ANTEDATING, POSTDATING. (1) The negotiability of an instrument is not affected by the fact that it is undated, antedated or postdated.~~

~~(2) Where an instrument is antedated or postdated the time when it is payable is determined by the stated date if the instrument is payable on demand or at a fixed period after date.~~

~~(3) Where the instrument or any signature thereon is dated, the date is presumed to be correct.))~~

CONTRADICTIONARY TERMS OF INSTRUMENT. If an instrument contains contradictory terms, typewritten terms prevail over printed terms, handwritten terms prevail over both, and words prevail over numbers.

Sec. 17. RCW 62A.3-115 and 1965 ex.s. c 157 s 3-115 are each amended to read as follows:

~~((INCOMPLETE INSTRUMENTS. (1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.~~

~~(2) If the completion is unauthorized the rules as to material alteration apply (RCW 62A.3-407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting.))~~

INCOMPLETE INSTRUMENT. (a) "Incomplete instrument" means a signed writing, whether or not issued by the signer, the contents of which show at the time of signing that it is incomplete but that the signer intended it to be completed by the addition of words or numbers.

(b) Subject to subsection (c), if an incomplete instrument is an instrument under RCW 62A.3-104, it may be enforced according to its terms if it is not completed, or according to its terms as augmented by completion. If an incomplete instrument is not an instrument under RCW 62A.3-104, but, after completion, the requirements of RCW 62A.3-104 are met, the instrument may be enforced according to its terms as augmented by completion.

(c) If words or numbers are added to an incomplete instrument without authority of the signer, there is an alteration of the incomplete instrument under RCW 62A.3-407.

(d) The burden of establishing that words or numbers were added to an incomplete instrument without authority of the signer is on the person asserting the lack of authority.

Sec. 18. RCW 62A.3-116 and 1965 ex.s. c 157 s 3-116 are each amended to read as follows:

~~((INSTRUMENTS PAYABLE TO TWO OR MORE PERSONS. An instrument payable to the order of two or more persons (a) if in the alternative is payable to any one of them and may be negotiated, discharged or enforced by any of them who has possession of it;~~

~~(b) if not in the alternative is payable to all of them and may be negotiated, discharged or enforced only by all of them.))~~

JOINT AND SEVERAL LIABILITY; CONTRIBUTION. (a) Except as otherwise provided in the instrument, two or more persons who have the same liability on an instrument as makers, drawers, acceptors, indorsers who indorse as joint payees, or anomalous indorsers are jointly and severally liable in the capacity in which they sign.

(b) Except as provided in RCW 62A.3-419(e) or by agreement of the affected parties, a party having joint and several liability who pays the instrument is entitled to receive from any party having the same joint and several liability contribution in accordance with applicable law.

(c) Discharge of one party having joint and several liability by a person entitled to enforce the instrument does not affect the right under subsection (b) of a party having the same joint and several liability to receive contribution from the party discharged.

Sec. 19. RCW 62A.3-117 and 1965 ex.s. c 157 s 3-117 are each amended to read as follows:

~~((INSTRUMENTS PAYABLE WITH WORDS OF DESCRIPTION. An instrument made payable to a named person with the addition of words describing him~~

~~(a) as agent or officer of a specified person is payable to his principal but the agent or officer may act as if he were the holder;~~

~~(b) as any other fiduciary for a specified person or purpose is payable to the payee and may be negotiated, discharged or enforced by him;~~

~~(c) in any other manner is payable to the payee unconditionally and the additional words are without effect on subsequent parties.))~~

OTHER AGREEMENTS AFFECTING INSTRUMENT. Subject to applicable law regarding exclusion of proof of contemporaneous or previous agreements, the obligation of a party to an instrument to pay the instrument may be modified, supplemented, or nullified by a separate agreement of the obligor and a person entitled to enforce the instrument, if the instrument is issued or the obligation is incurred in reliance on the agreement or as part of the same transaction giving rise to the agreement. To the extent an obligation is modified, supplemented, or nullified by an agreement under this section, the agreement is a defense to the obligation.

Sec. 20. RCW 62A.3-118 and 1965 ex.s. c 157 s 3-118 are each amended to read as follows:

~~((AMBIGUOUS TERMS AND RULES OF CONSTRUCTION. The following rules apply to every instrument:~~

~~(a) Where there is doubt whether the instrument is a draft or a note the holder may treat it as either. A draft drawn on the drawer is effective as a note.~~

~~(b) Handwritten terms control typewritten and printed terms, and typewritten control printed.~~

~~(c) Words control figures except that if the words are ambiguous figures control.~~

~~(d) Unless otherwise specified a provision for interest means interest at the judgment rate at the place of payment from the date of the instrument, or if it is undated from the date of issue.~~

~~(e) Unless the instrument otherwise specifies two or more persons who sign as maker, acceptor or drawer or indorser and as a part of the same transaction are jointly and severally liable even though the instrument contains such words as "I promise to pay."~~

~~(f) Unless otherwise specified consent to extension authorizes a single extension for not longer than the original period. A consent to extension, expressed in the instrument, is binding on secondary parties and accommodation makers. A holder may not exercise his option to extend an instrument over the objection of a maker or acceptor or other party who in accordance with RCW 62A.3-604 tenders full payment when the instrument is due.))~~

STATUTE OF LIMITATIONS. (a) Except as provided in subsection (e), an action to enforce the obligation of a party to pay a note payable at a definite time must be commenced within six years after the due date or dates stated in the note or, if a due date is accelerated, within six years after the accelerated due date.

(b) Except as provided in subsection (d) or (e), if demand for payment is made to the maker of a note payable on demand, an action to enforce the obligation of a party to pay the note must be commenced within six years after the demand. If no demand for payment is made to the maker, an action to enforce the note is barred if neither principal nor interest on the note has been paid for a continuous period of ten years.

(c) Except as provided in subsection (d), an action to enforce the obligation of a party to an unaccepted draft to pay the draft must be commenced within three years after dishonor of the draft or ten years after the date of the draft, whichever period expires first.

(d) An action to enforce the obligation of the acceptor of a certified check or the issuer of a teller's check, cashier's check, or traveler's check must be commenced within three years after demand for payment is made to the acceptor or issuer, as the case may be.

(e) An action to enforce the obligation of a party to a certificate of deposit to pay the instrument must be commenced within six years after demand for payment is made to the maker, but if the instrument states a due date and the maker is not required to pay before that date, the six-year period begins when a demand for payment is in effect and the due date has passed.

(f) An action to enforce the obligation of a party to pay an accepted draft, other than a certified check, must be commenced (i) within six years after the due date or dates stated in the draft or acceptance if the obligation of the acceptor is payable at a definite time, or (ii) within six years after the date of the acceptance if the obligation of the acceptor is payable on demand.

(g) Unless governed by other law regarding claims for indemnity or contribution, an action (i) for conversion of an instrument, for money had and received, or like action based on conversion, (ii) for breach of warranty, or (iii) to enforce an obligation, duty, or right arising under this Article and not governed by this section must be commenced within three years after the cause of action accrues.

Sec. 21. RCW 62A.3-119 and 1965 ex.s. c 157 s 3-119 are each amended to read as follows:

~~((OTHER WRITINGS AFFECTING INSTRUMENT. (1) As between the obligor and his immediate obligee or any transferee the terms of an instrument may be modified or affected by any other written agreement executed as a part of the same transaction, except that a holder in due course is not affected by any limitation of his rights arising out of the separate written agreement if he had no notice of the limitation when he took the instrument.~~

~~(2) A separate agreement does not affect the negotiability of an instrument.))~~

NOTICE OF RIGHT TO DEFEND ACTION. In an action for breach of an obligation for which a third person is answerable over pursuant to this Article or Article 4, the defendant may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over. If the notice states (i) that the person notified may come in and defend and (ii) that failure to do so will bind the person notified in an action later brought by the person giving the notice as to any determination of fact common to the two litigations, the person notified is so bound unless after reasonable receipt of the notice the person notified does come in and defend.

PART 2

NEGOTIATION, TRANSFER, AND ((NEGOTIATION)) INDORSEMENT

Sec. 22. RCW 62A.3-201 and 1965 ex.s. c 157 s 3-201 are each amended to read as follows:

~~((TRANSFER: RIGHT TO INDORSEMENT. (1) Transfer of an instrument vests in the transferee such rights as the transferor has therein, except that a transferee who has himself been a party to any fraud or illegality affecting the instrument or who as a prior holder had notice of a defense or claim against it cannot improve his position by taking from a later holder in due course.~~

~~(2) A transfer of a security interest in an instrument vests the foregoing rights in the transferee to the extent of the interest transferred.~~

~~(3) Unless otherwise agreed any transfer for value of an instrument not then payable to bearer gives the transferee the specifically enforceable right to have the unqualified indorsement of the transferor. Negotiation takes effect only when the indorsement is made and until that time there is no presumption that the transferee is the owner.))~~

NEGOTIATION. (a) "Negotiation" means a transfer of possession, whether voluntary or involuntary, of an instrument by a person other than the issuer to a person who thereby becomes its holder.

(b) Except for negotiation by a remitter, if an instrument is payable to an identified person, negotiation requires transfer of possession of the instrument and its indorsement by the holder. If an instrument is payable to bearer, it may be negotiated by transfer of possession alone.

Sec. 23. RCW 62A.3-202 and 1965 ex.s. c 157 s 3-202 are each amended to read as follows:

~~((NEGOTIATION. (1) Negotiation is the transfer of an instrument in such form that the transferee becomes a holder. If the instrument is payable to order it is negotiated by delivery with any necessary indorsement; if payable to bearer it is negotiated by delivery.~~

~~(2) An indorsement must be written by or on behalf of the holder and on the instrument or on a paper so firmly affixed thereto as to become a part thereof.~~

~~(3) An indorsement is effective for negotiation only when it conveys the entire instrument or any unpaid residue. If it purports to be of less it operates only as a partial assignment.~~

~~(4) Words of assignment, condition, waiver, guaranty, limitation or disclaimer of liability and the like accompanying an indorsement do not affect its character as an indorsement.))~~

NEGOTIATION SUBJECT TO RESCISSION. (a) Negotiation is effective even if obtained (i) from an infant, a corporation exceeding its powers, or a person without capacity, (ii) by fraud, duress, or mistake, or (iii) in breach of duty or as part of an illegal transaction.

(b) To the extent permitted by other law, negotiation may be rescinded or may be subject to other remedies, but those remedies may not be asserted against a subsequent holder in due course or a person paying the instrument in good faith and without knowledge of facts that are a basis for rescission or other remedy.

Sec. 24. RCW 62A.3-203 and 1965 ex.s. c 157 s 3-203 are each amended to read as follows:

~~((WRONG OR MISPELLED NAME.—Where an instrument is made payable to a person under a misspelled name or one other than his own he may indorse in that name or his own or both; but signature in both names may be required by a person paying or giving value for the instrument.))~~

TRANSFER OF INSTRUMENT; RIGHTS ACQUIRED BY TRANSFER. (a) An instrument is transferred when it is delivered by a person other than its issuer for the purpose of giving to the person receiving delivery the right to enforce the instrument.

(b) Transfer of an instrument, whether or not the transfer is a negotiation, vests in the transferee any right of the transferor to enforce the instrument, including any right as a holder in due course, but the transferee cannot acquire rights of a holder in due course by a transfer, directly or indirectly, from a holder in due course if the transferee engaged in fraud or illegality affecting the instrument.

(c) Unless otherwise agreed, if an instrument is transferred for value and the transferee does not become a holder because of lack of indorsement by the transferor, the transferee has a specifically enforceable right to the unqualified indorsement of the transferor, but negotiation of the instrument does not occur until the indorsement is made.

(d) If a transferor purports to transfer less than the entire instrument, negotiation of the instrument does not occur. The transferee obtains no rights under this Article and has only the rights of a partial assignee.

Sec. 25. RCW 62A.3-204 and 1965 ex.s. c 157 s 3-204 are each amended to read as follows:

~~((SPECIAL INDORSEMENT; BLANK INDORSEMENT.—(1) A special indorsement specifies the person to whom or to whose order it makes the instrument payable.—Any instrument specially indorsed becomes payable to the order of the special indorsee and may be further negotiated only by his indorsement.~~

~~(2) An indorsement in blank specifies no particular indorsee and may consist of a mere signature.—An instrument payable to order and indorsed in blank becomes payable to bearer and may be negotiated by delivery alone until specially indorsed.~~

~~(3) The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.))~~

INDORSEMENT. (a) "Indorsement" means a signature, other than that of a signer as maker, drawer, or acceptor, that alone or accompanied by other words is made on an instrument for the purpose of (i) negotiating the instrument, (ii) restricting payment of the instrument, or (iii) incurring indorser's liability on the instrument, but regardless of the intent of the signer, a signature and its accompanying words is an indorsement unless the accompanying words, terms of the instrument, place of the signature, or other circumstances unambiguously indicate that the signature was made for a purpose other than indorsement. For the purpose of determining whether a signature is made on an instrument, a paper affixed to the instrument is a part of the instrument.

(b) "Indorser" means a person who makes an indorsement.

(c) For the purpose of determining whether the transferee of an instrument is a holder, an indorsement that transfers a security interest in the instrument is effective as an unqualified indorsement of the instrument.

(d) If an instrument is payable to a holder under a name that is not the name of the holder, indorsement may be made by the holder in the name stated in the instrument or in the holder's name or both, but signature in both names may be required by a person paying or taking the instrument for value or collection.

Sec. 26. RCW 62A.3-205 and 1965 ex.s. c 157 s 3-205 are each amended to read as follows:

~~((RESTRICTIVE INDORSEMENTS.—An indorsement is restrictive which either~~

~~(a) is conditional; or~~

~~(b) purports to prohibit further transfer of the instrument; or~~

~~(c) includes the words "for collection", "for deposit", "pay any bank", or like terms signifying a purpose of deposit or collection; or~~

~~(d) otherwise states that it is for the benefit or use of the indorser or of another person.))~~

SPECIAL INDORSEMENT; BLANK INDORSEMENT; ANOMALOUS INDORSEMENT. (a) If an indorsement is made by the holder of an instrument, whether payable to an identified person or payable to bearer, and the indorsement identifies a person to whom it makes the instrument payable, it is a "special indorsement." When specially indorsed, an instrument becomes payable to the identified person and may be negotiated only by the indorsement of that person. The principles stated in RCW 62A.3-110 apply to special indorsements.

(b) If an indorsement is made by the holder of an instrument and it is not a special indorsement, it is a "blank indorsement." When indorsed in blank, an instrument becomes payable to bearer and may be negotiated by transfer of possession alone until specially indorsed.

(c) The holder may convert a blank indorsement that consists only of a signature into a special indorsement by writing, above the signature of the indorser, words identifying the person to whom the instrument is made payable.

(d) "Anomalous indorsement" means an indorsement made by a person who is not the holder of the instrument. An anomalous indorsement does not affect the manner in which the instrument may be negotiated.

Sec. 27. RCW 62A.3-206 and 1965 ex.s. c 157 s 3-206 are each amended to read as follows:

~~((EFFECT OF RESTRICTIVE INDORSEMENT.—(1) No restrictive indorsement prevents further transfer or negotiation of the instrument.~~

~~(2) An intermediary bank, or a payor bank which is not the depository bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor or the person presenting for payment.~~

~~(3) Except for an intermediary bank, any transferee under an indorsement which is conditional or includes the words "for collection", "for deposit", "pay any bank", or like terms (subparagraphs (a) and (c) of RCW 62A.3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value.—In addition such transferee is a holder in due course if he otherwise complies with the requirements of RCW 62A.3-302 on what constitutes a holder in due course.~~

~~(4) The first taker under an indorsement for the benefit of the indorser or another person (subparagraph (d) of RCW 62A.3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and~~

to the extent that he does so he becomes a holder for value. In addition such taker is a holder in due course if he otherwise complies with the requirements of RCW 62A.3-302 on what constitutes a holder in due course. A later holder for value is neither given notice nor otherwise affected by such restrictive indorsement unless he has knowledge that a fiduciary or other person has negotiated the instrument in any transaction for his own benefit or otherwise in breach of duty (subsection (2) of RCW 62A.3-304).)

RESTRICTIVE INDORSEMENT. (a) An indorsement limiting payment to a particular person or otherwise prohibiting further transfer or negotiation of the instrument is not effective to prevent further transfer or negotiation of the instrument.

(b) An indorsement stating a condition to the right of the indorsee to receive payment does not affect the right of the indorsee to enforce the instrument. A person paying the instrument or taking it for value or collection may disregard the condition, and the rights and liabilities of that person are not affected by whether the condition has been fulfilled.

(c) If an instrument bears an indorsement (i) described in RCW 62A.4-201(b), or (ii) in blank or to a particular bank using the words "for deposit," "for collection," or other words indicating a purpose of having the instrument collected by a bank for the indorser or for a particular account, the following rules apply:

(1) A person, other than a bank, who purchases the instrument when so indorsed converts the instrument unless the amount paid for the instrument is received by the indorser or applied consistently with the indorsement.

(2) A depository bank that purchases the instrument or takes it for collection when so indorsed converts the instrument unless the amount paid by the bank with respect to the instrument is received by the indorser or applied consistently with the indorsement.

(3) A payor bank that is also the depository bank or that takes the instrument for immediate payment over the counter from a person other than a collecting bank converts the instrument unless the proceeds of the instrument are received by the indorser or applied consistently with the indorsement.

(4) Except as otherwise provided in subsection (c)(3), a payor bank or intermediary bank may disregard the indorsement and is not liable if the proceeds of the instrument are not received by the indorser or applied consistently with the indorsement.

(d) Except for an indorsement covered by subsection (c), if an instrument bears an indorsement using words to the effect that payment is to be made to the indorsee as agent, trustee, or other fiduciary for the benefit of the indorser or another person, the following rules apply:

(1) Unless there is notice of breach of fiduciary duty as provided in RCW 62A.3-307, a person who purchases the instrument from the indorsee or takes the instrument from the indorsee for collection or payment may pay the proceeds of payment or the value given for the instrument to the indorsee without regard to whether the indorsee violates a fiduciary duty to the indorser.

(2) A subsequent transferee of the instrument or person who pays the instrument is neither given notice nor otherwise affected by the restriction in the indorsement unless the transferee or payor knows that the fiduciary dealt with the instrument or its proceeds in breach of fiduciary duty.

(e) The presence on an instrument of an indorsement to which this section applies does not prevent a purchaser of the instrument from becoming a holder in due course of the instrument unless the purchaser is a converter under subsection (c) or has notice or knowledge of breach of fiduciary duty as stated in subsection (d).

(f) In an action to enforce the obligation of a party to pay the instrument, the obligor has a defense if payment would violate an indorsement to which this section applies and the payment is not permitted by this section.

Sec. 28. RCW 62A.3-207 and 1965 ex.s. c 157 s 3-207 are each amended to read as follows:

~~((NEGOTIATION EFFECTIVE ALTHOUGH IT MAY BE RESCINDED. (1) Negotiation is effective to transfer the instrument although the negotiation is~~

~~(a) made by an infant, a corporation exceeding its powers, or any other person without capacity; or~~

~~(b) obtained by fraud, duress or mistake of any kind; or~~

~~(c) part of an illegal transaction; or~~

~~(d) made in breach of duty.~~

~~(2) Except as against a subsequent holder in due course such negotiation is in an appropriate case subject to rescission, the declaration of a constructive trust or any other remedy permitted by law.))~~

REACQUISITION. Reacquisition of an instrument occurs if it is transferred to a former holder, by negotiation or otherwise. A former holder who reacquires the instrument may cancel indorsements made after the reacquirer first became a holder of the instrument. If the cancellation causes the instrument to be payable to the reacquirer or to bearer, the reacquirer may negotiate the instrument. An indorser whose indorsement is canceled is discharged, and the discharge is effective against any subsequent holder.

PART 3

((RIGHTS OF A HOLDER)) ENFORCEMENT OF INSTRUMENTS

Sec. 29. RCW 62A.3-301 and 1965 ex.s. c 157 s 3-301 are each amended to read as follows:

~~((RIGHTS OF A HOLDER. The holder of an instrument whether or not he is the owner may transfer or negotiate it and, except as otherwise provided in RCW 62A.3-603 on payment or satisfaction, discharge it or enforce payment in his own name.))~~

PERSON ENTITLED TO ENFORCE INSTRUMENT. "Person entitled to enforce" an instrument means (i) the holder of the instrument, (ii) a nonholder in possession of the instrument who has the rights of a holder, or (iii) a person not in possession of the instrument who is entitled to enforce the instrument pursuant to RCW 62A.3-309 (section 37 of this act) or 62A.3-418(d). A person may be a person entitled to enforce the instrument even though the person is not the owner of the instrument or is in wrongful possession of the instrument.

Sec. 30. RCW 62A.3-302 and 1965 ex.s. c 157 s 3-302 are each amended to read as follows:

HOLDER IN DUE COURSE. ~~((1) A holder in due course is a holder who takes the instrument~~

~~(a) for value; and~~

~~(b) in good faith; and~~

~~(c) without notice that it is overdue or has been dishonored or of any defense against or claim to it on the part of any person.~~

~~(2) A payee may be a holder in due course.~~

(3) A holder does not become a holder in due course of an instrument:

(a) by purchase of it at judicial sale or by taking it under legal process; or

(b) by acquiring it in taking over an estate; or

(c) by purchasing it as part of a bulk transaction not in regular course of business of the transferor.

(4) A purchaser of a limited interest can be a holder in due course only to the extent of the interest purchased.)

(a) Subject to subsection (c) and RCW 62A.3-106(d), "holder in due course" means the holder of an instrument if:

(1) The instrument when issued or negotiated to the holder does not bear such apparent evidence of forgery or alteration or is not otherwise so irregular or incomplete as to call into question its authenticity; and

(2) The holder took the instrument (i) for value, (ii) in good faith, (iii) without notice that the instrument is overdue or has been dishonored or that there is an uncured default with respect to payment of another instrument issued as part of the same series, (iv) without notice that the instrument contains an unauthorized signature or has been altered, (v) without notice of any claim to the instrument described in RCW 62A.3-306, and (vi) without notice that any party has a defense or claim in recoupment described in RCW 62A.3-305(a).

(b) Notice of discharge of a party, other than discharge in an insolvency proceeding, is not notice of a defense under subsection (a), but discharge is effective against a person who became a holder in due course with notice of the discharge. Public filing or recording of a document does not of itself constitute notice of a defense, claim in recoupment, or claim to the instrument.

(c) Except to the extent a transferor or predecessor in interest has rights as a holder in due course, a person does not acquire rights of a holder in due course of an instrument taken (i) by legal process or by purchase in an execution, bankruptcy, or creditor's sale or similar proceeding, (ii) by purchase as part of a bulk transaction not in ordinary course of business of the transferor, or (iii) as the successor in interest to an estate or other organization.

(d) If, under RCW 62A.3-303(a)(1), the promise of performance that is the consideration for an instrument has been partially performed, the holder may assert rights as a holder in due course of the instrument only to the fraction of the amount payable under the instrument equal to the value of the partial performance divided by the value of the promised performance.

(e) If (i) the person entitled to enforce an instrument has only a security interest in the instrument and (ii) the person obliged to pay the instrument has a defense, claim in recoupment, or claim to the instrument that may be asserted against the person who granted the security interest, the person entitled to enforce the instrument may assert rights as a holder in due course only to an amount payable under the instrument which, at the time of enforcement of the instrument, does not exceed the amount of the unpaid obligation secured.

(f) To be effective, notice must be received at a time and in a manner that gives a reasonable opportunity to act on it.

(g) This section is subject to any law limiting status as a holder in due course in particular classes of transactions.

Sec. 31. RCW 62A.3-303 and 1965 ex.s. c 157 s 3-303 are each amended to read as follows:

~~((TAKING FOR VALUE. A holder takes the instrument for value~~

~~(a) to the extent that the agreed consideration has been performed or that he acquires a security interest in or a lien on the instrument otherwise than by legal process; or~~

~~(b) when he takes the instrument in payment of or as security for an antecedent claim against any person whether or not the claim is due; or~~

~~(c) when he gives a negotiable instrument for it or makes an irrevocable commitment to a third person.))~~

VALUE AND CONSIDERATION. (a) An instrument is issued or transferred for value if:

(1) The instrument is issued or transferred for a promise of performance, to the extent the promise has been performed;

(2) The transferee acquires a security interest or other lien in the instrument other than a lien obtained by judicial proceeding;

(3) The instrument is issued or transferred as payment of, or as security for, an antecedent claim against any person, whether or not the claim is due;

(4) The instrument is issued or transferred in exchange for a negotiable instrument; or

(5) The instrument is issued or transferred in exchange for the incurring of an irrevocable obligation to a third party by the person taking the instrument.

(b) "Consideration" means any consideration sufficient to support a simple contract. The drawer or maker of an instrument has a defense if the instrument is issued without consideration. If an instrument is issued for a promise of performance, the issuer has a defense to the extent performance of the promise is due and the promise has not been performed. If an instrument is issued for value as stated in subsection (a), the instrument is also issued for consideration.

Sec. 32. RCW 62A.3-304 and 1965 ex.s. c 157 s 3-304 are each amended to read as follows:

~~((NOTICE TO PURCHASER. (1) The purchaser has notice of a claim or defense if~~

~~(a) the instrument is so incomplete, bears such visible evidence of forgery or alteration, or is otherwise so irregular as to call into question its validity, terms or ownership or to create an ambiguity as to the party to pay; or~~

~~(b) the purchaser has notice that the obligation of any party is voidable in whole or in part, or that all parties have been discharged.~~

~~(2) The purchaser has notice of a claim against the instrument when he has knowledge that a fiduciary has negotiated the instrument in payment of or as security for his own debt or in any transaction for his own benefit or otherwise in breach of duty.~~

~~(3) The purchaser has notice that an instrument is overdue if he has reason to know~~

~~(a) that any part of the principal amount is overdue or that there is an uncured default in payment of another instrument of the same series; or~~

~~(b) that acceleration of the instrument has been made; or~~

~~(c) that he is taking a demand instrument after demand has been made or more than a reasonable length of time after its issue. A reasonable time for a check drawn and payable within the states and territories of the United States and the District of Columbia is presumed to be thirty days.~~

~~(4) Knowledge of the following facts does not of itself give the purchaser notice of a defense or claim~~

~~(a) that the instrument is antedated or postdated;~~

~~(b) that it was issued or negotiated in return for an executory promise or accompanied by a separate agreement, unless the purchaser has notice that a defense or claim has arisen from the terms thereof;~~

~~(c) that any party has signed for accommodation;~~

(d) that an incomplete instrument has been completed, unless the purchaser has notice of any improper completion;
(e) that any person negotiating the instrument is or was a fiduciary;
(f) that there has been default in payment of interest on the instrument or in payment of any other instrument, except one of the same series.

(5) The filing or recording of a document does not of itself constitute notice within the provisions of this Article to a person who would otherwise be a holder in due course.

(6) To be effective notice must be received at such time and in such manner as to give a reasonable opportunity to act on it.))

OVERDUE INSTRUMENT. (a) An instrument payable on demand becomes overdue at the earliest of the following times:

(1) On the day after the day demand for payment is duly made;

(2) If the instrument is a check, 90 days after its date; or

(3) If the instrument is not a check, when the instrument has been outstanding for a period of time after its date which is unreasonably long under the circumstances of the particular case in light of the nature of the instrument and usage of the trade.

(b) With respect to an instrument payable at a definite time the following rules apply:

(1) If the principal is payable in installments and a due date has not been accelerated, the instrument becomes overdue upon default under the instrument for nonpayment of an installment, and the instrument remains overdue until the default is cured.

(2) If the principal is not payable in installments and the due date has not been accelerated, the instrument becomes overdue on the day after the due date.

(3) If a due date with respect to principal has been accelerated, the instrument becomes overdue on the day after the accelerated due date.

(c) Unless the due date of principal has been accelerated, an instrument does not become overdue if there is default in payment of interest but no default in payment of principal.

Sec. 33. RCW 62A.3-305 and 1965 ex.s. c 157 s 3-305 are each amended to read as follows:

((RIGHTS OF A HOLDER IN DUE COURSE. To the extent that a holder is a holder in due course he takes the instrument free from

(1) all claims to it on the part of any person; and

(2) all defenses of any party to the instrument with whom the holder has not dealt except

(a) infancy, to the extent that it is a defense to a simple contract; and

(b) such other incapacity, or duress, or illegality of the transaction, as renders the obligation of the party a nullity; and

(c) such misrepresentation as has induced the party to sign the instrument with neither knowledge nor reasonable opportunity to obtain knowledge of its character or its essential terms; and

(d) discharge in insolvency proceedings; and

(e) any other discharge of which the holder has notice when he takes the instrument.))

DEFENSES AND CLAIMS IN RECOUPMENT. (a) Except as stated in subsection (b), the right to enforce the obligation of a party to pay an instrument is subject to the following:

(1) A defense of the obligor based on (i) infancy of the obligor to the extent it is a defense to a simple contract, (ii) duress, lack of legal capacity, or illegality of the transaction which, under other law, nullifies the obligation of the obligor, (iii) fraud that induced the obligor to sign the instrument with neither knowledge nor reasonable opportunity to learn of its character or its essential terms, or (iv) discharge of the obligor in insolvency proceedings;

(2) A defense of the obligor stated in another section of this Article or a defense of the obligor that would be available if the person entitled to enforce the instrument were enforcing a right to payment under a simple contract; and

(3) A claim in recoupment of the obligor against the original payee of the instrument if the claim arose from the transaction that gave rise to the instrument; but the claim of the obligor may be asserted against a transferee of the instrument only to reduce the amount owing on the instrument at the time the action is brought.

(b) The right of a holder in due course to enforce the obligation of a party to pay the instrument is subject to defenses of the obligor stated in subsection (a)(1), but is not subject to defenses of the obligor stated in subsection (a)(2) or claims in recoupment stated in subsection (a)(3) against a person other than the holder.

(c) Except as stated in subsection (d), in an action to enforce the obligation of a party to pay the instrument, the obligor may not assert against the person entitled to enforce the instrument a defense, claim in recoupment, or claim to the instrument (RCW 62A.3-306) of another person, but the other person's claim to the instrument may be asserted by the obligor if the other person is joined in the action and personally asserts the claim against the person entitled to enforce the instrument. An obligor is not obliged to pay the instrument if the person seeking enforcement of the instrument does not have rights of a holder in due course and the obligor proves that the instrument is a lost or stolen instrument.

(d) In an action to enforce the obligation of an accommodation party to pay an instrument, the accommodation party may assert against the person entitled to enforce the instrument any defense or claim in recoupment under subsection (a) that the accommodated party could assert against the person entitled to enforce the instrument, except the defenses of discharge in insolvency proceedings, infancy, and lack of legal capacity.

Sec. 34. RCW 62A.3-306 and 1965 ex.s. c 157 s 3-306 are each amended to read as follows:

((RIGHTS OF ONE NOT HOLDER IN DUE COURSE. Unless he has the rights of a holder in due course any person takes the instrument subject to

(a) all valid claims to it on the part of any person; and

(b) all defenses of any party which would be available in an action on a simple contract; and

(c) the defenses of want or failure of consideration, non-performance of any condition precedent, non-delivery, or delivery for a special purpose (RCW 62A.3-408); and

(d) the defense that he or a person through whom he holds the instrument acquired it by theft, or that payment or satisfaction to such holder would be inconsistent with the terms of a restrictive indorsement. The claim of any third person to the instrument is not otherwise available as a defense to any party liable thereon unless the third person himself defends the action for such party.))

CLAIMS TO AN INSTRUMENT. A person taking an instrument, other than a person having rights of a holder in due course, is subject to a claim of a property or possessory right in the instrument or its proceeds, including a claim to rescind a

negotiation and to recover the instrument or its proceeds. A person having rights of a holder in due course takes free of the claim to the instrument.

Sec. 35. RCW 62A.3-307 and 1965 ex.s. c 157 s 3-307 are each amended to read as follows:

~~(BURDEN OF ESTABLISHING SIGNATURES, DEFENSES AND DUE COURSE. (1) Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue~~

~~(a) the burden of establishing it is on the party claiming under the signature; but~~

~~(b) the signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become incompetent before proof is required.~~

~~(2) When signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defense.~~

~~(3) After it is shown that a defense exists a person claiming the rights of a holder in due course has the burden of establishing that he or some person under whom he claims is in all respects a holder in due course.)~~

NOTICE OF BREACH OF FIDUCIARY DUTY. (a) In this section:

(1) "Fiduciary" means an agent, trustee, partner, corporate officer or director, or other representative owing a fiduciary duty with respect to an instrument.

(2) "Represented person" means the principal, beneficiary, partnership, corporation, or other person to whom the duty stated in subsection (a)(1) is owed.

(b) If (i) an instrument is taken from a fiduciary for payment or collection or for value, (ii) the taker has knowledge of the fiduciary status of the fiduciary, and (iii) the represented person makes a claim to the instrument or its proceeds on the basis that the transaction of the fiduciary is a breach of fiduciary duty, the following rules apply:

(1) Notice of breach of fiduciary duty by the fiduciary is notice of the claim of the represented person.

(2) In the case of an instrument payable to the represented person or the fiduciary as such, the taker has notice of the breach of fiduciary duty if the instrument is (i) taken in payment of or as security for a debt known by the taker to be the personal debt of the fiduciary, (ii) taken in a transaction known by the taker to be for the personal benefit of the fiduciary, or (iii) deposited to an account other than an account of the fiduciary, as such, or an account of the represented person.

(3) If an instrument is issued by the represented person or the fiduciary as such, and made payable to the fiduciary personally, the taker does not have notice of the breach of fiduciary duty unless the taker knows of the breach of fiduciary duty.

(4) If an instrument is issued by the represented person or the fiduciary as such, to the taker as payee, the taker has notice of the breach of fiduciary duty if the instrument is (i) taken in payment of or as security for a debt known by the taker to be the personal debt of the fiduciary, (ii) taken in a transaction known by the taker to be for the personal benefit of the fiduciary, or (iii) deposited to an account other than an account of the fiduciary, as such, or an account of the represented person.

NEW SECTION. Sec. 36. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-308, to read as follows:

PROOF OF SIGNATURES AND STATUS AS HOLDER IN DUE COURSE. (a) In an action with respect to an instrument, the authenticity of, and authority to make, each signature on the instrument is admitted unless specifically denied in the pleadings. If the validity of a signature is denied in the pleadings, the burden of establishing validity is on the person claiming validity, but the signature is presumed to be authentic and authorized unless the action is to enforce the liability of the purported signer and the signer is dead or incompetent at the time of trial of the issue of validity of the signature. If an action to enforce the instrument is brought against a person as the undisclosed principal of a person who signed the instrument as a party to the instrument, the plaintiff has the burden of establishing that the defendant is liable on the instrument as a represented person under RCW 62A.3-402(a).

(b) If the validity of signatures is admitted or proved and there is compliance with subsection (a), a plaintiff producing the instrument is entitled to payment if the plaintiff proves entitlement to enforce the instrument under RCW 62A.3-301, unless the defendant proves a defense or claim in recoupment. If a defense or claim in recoupment is proved, the right to payment of the plaintiff is subject to the defense or claim, except to the extent the plaintiff proves that the plaintiff has rights of a holder in due course which are not subject to the defense or claim.

NEW SECTION. Sec. 37. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-309, to read as follows:

ENFORCEMENT OF LOST, DESTROYED, OR STOLEN INSTRUMENT. (a) A person not in possession of an instrument is entitled to enforce the instrument if (i) the person was in possession of the instrument and entitled to enforce it when loss of possession occurred, (ii) the loss of possession was not the result of a transfer by the person or a lawful seizure, and (iii) the person cannot reasonably obtain possession of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(b) A person seeking enforcement of an instrument under subsection (a) must prove the terms of the instrument and the person's right to enforce the instrument. If that proof is made, RCW 62A.3-308 (section 36 of this act) applies to the case as if the person seeking enforcement had produced the instrument. The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means.

NEW SECTION. Sec. 38. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-310, to read as follows:

EFFECT OF INSTRUMENT ON OBLIGATION FOR WHICH TAKEN. (a) Unless otherwise agreed, if a certified check, cashier's check, or teller's check is taken for an obligation, the obligation is discharged to the same extent discharge would result if an amount of money equal to the amount of the instrument were taken in payment of the obligation. Discharge of the obligation does not affect any liability that the obligor may have as an indorser of the instrument.

(b) Unless otherwise agreed and except as provided in subsection (a), if a note or an uncertified check is taken for an obligation, the obligation is suspended to the same extent the obligation would be discharged if an amount of money equal to the amount of the instrument were taken, and the following rules apply:

(1) In the case of an uncertified check, suspension of the obligation continues until dishonor of the check or until it is paid or certified. Payment or certification of the check results in discharge of the obligation to the extent of the amount of the check.

(2) In the case of a note, suspension of the obligation continues until dishonor of the note or until it is paid. Payment of the note results in discharge of the obligation to the extent of the payment.

(3) Except as provided in subsection (b)(4), if the check or note is dishonored and the obligee of the obligation for which the instrument was taken is the person entitled to enforce the instrument, the obligee may enforce either the instrument or the obligation. In the case of an instrument of a third person which is negotiated to the obligee by the obligor, discharge of the obligor on the instrument also discharges the obligation.

(4) If the person entitled to enforce the instrument taken for an obligation is a person other than the obligee, the obligee may not enforce the obligation to the extent the obligation is suspended. If the obligee is the person entitled to enforce the instrument but no longer has possession of it because it was lost, stolen, or destroyed, the obligation may not be enforced to the extent of the amount payable on the instrument, and to that extent the obligee's rights against the obligor are limited to enforcement of the instrument.

(c) If an instrument other than one described in subsection (a) or (b) is taken for an obligation, the effect is (i) that stated in subsection (a) if the instrument is one on which a bank is liable as maker or acceptor, or (ii) that stated in subsection (b) in any other case.

NEW SECTION. Sec. 39. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-311, to read as follows:

ACCORD AND SATISFACTION BY USE OF INSTRUMENT. (a) If a person against whom a claim is asserted proves that (i) that person in good faith tendered an instrument to the claimant as full satisfaction of the claim, (ii) the amount of the claim was unliquidated or subject to a bona fide dispute, and (iii) the claimant obtained payment of the instrument, the following subsections apply.

(b) Unless subsection (c) applies, the claim is discharged if the person against whom the claim is asserted proves that the instrument or an accompanying written communication contained a conspicuous statement to the effect that the instrument was tendered as full satisfaction of the claim.

(c) Subject to subsection (d), a claim is not discharged under subsection (b) if either of the following applies:

(1) The claimant, if an organization, proves that (i) within a reasonable time before the tender, the claimant sent a conspicuous statement to the person against whom the claim is asserted that communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to a designated person, office, or place, and (ii) the instrument or accompanying communication was not received by that designated person, office, or place.

(2) The claimant, whether or not an organization, proves that within 90 days after payment of the instrument, the claimant tendered repayment of the amount of the instrument to the person against whom the claim is asserted. This subsection (c)(2) does not apply if the claimant is an organization that sent a statement complying with subsection (c)(1)(i).

(d) A claim is discharged if the person against whom the claim is asserted proves that within a reasonable time before collection of the instrument was initiated, the claimant, or an agent of the claimant having direct responsibility with respect to the disputed obligation, knew that the instrument was tendered in full satisfaction of the claim.

NEW SECTION. Sec. 40. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-312, to read as follows:

LOST, DESTROYED, OR STOLEN CASHIER'S CHECK, TELLER'S CHECK, OR CERTIFIED CHECK. (a) In this section:

(1) "Check" means a cashier's check, teller's check, or certified check.

(2) "Claimant" means a person who claims the right to receive the amount of a cashier's check, teller's check, or certified check that was lost, destroyed, or stolen.

(3) "Declaration of loss" means a written statement, made under penalty of perjury, to the effect that (i) the declarer lost possession of a check, (ii) the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check, (iii) the loss of possession was not the result of a transfer by the declarer or a lawful seizure, and (iv) the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(4) "Obligated bank" means the insurer of a cashier's check or teller's check or the acceptor of a certified check.

(b) A claimant may assert a claim to the amount of a check by a communication to the obligated bank describing the check with reasonable certainty and requesting payment of the amount of the check, if (i) the claimant is the drawer or payee of a certified check or the remitter or payee of a cashier's check or teller's check, (ii) the communication contains or is accompanied by a declaration of loss of the claimant with respect to the check, (iii) the communication is received at a time and in a manner affording the bank a reasonable time to act on it before the check is paid, and (iv) the claimant provides reasonable identification if requested by the obligated bank. Delivery of a declaration of loss is a warranty of the truth of the statements made in the declaration. If a claim is asserted in compliance with this subsection, the following rules apply:

(1) The claim becomes enforceable at the later of (i) the time the claim is asserted, or (ii) the ninetieth day following the date of the check, in the case of a cashier's check or teller's check, or the ninetieth day following the date of the acceptance, in the case of a certified check.

(2) Until the claim becomes enforceable, it has no legal effect and the obligated bank may pay the check or, in the case of a teller's check, may permit the drawee to pay the check. Payment to a person entitled to enforce the check discharges all liability of the obligated bank with respect to the check.

(3) If the claim becomes enforceable before the check is presented for payment, the obligated bank is not obliged to pay the check.

(4) When the claim becomes enforceable, the obligated bank becomes obliged to pay the amount of the check to the claimant if payment of the check has not been made to a person entitled to enforce the check. Subject to RCW 62A.4-302(a), payment to the claimant discharges all liability of the obligated bank with respect to the check.

(c) If the obligated bank pays the amount of a check to a claimant under subsection (b)(4) and the check is presented for payment by a person having rights of a holder in due course, the claimant is obliged to (i) refund the payment to the obligated bank if the check is paid, or (ii) pay the amount of the check to the person having rights of a holder in due course if the check is dishonored.

(d) If a claimant has the right to assert a claim under subsection (b) and is also a person entitled to enforce a cashier's check, teller's check, or certified check that is lost, destroyed, or stolen, the claimant may assert rights with respect to the check under this section.

PART 4 LIABILITY OF PARTIES

Sec. 41. RCW 62A.3-401 and 1965 ex.s. c 157 s 3-401 are each amended to read as follows:

SIGNATURE. ~~((1) No)~~ (a) A person is not liable on an instrument unless ~~((his signature appears thereon))~~ (i) the person signed the instrument, or (ii) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under RCW 62A.3-402.

~~((2))~~ (b) A signature ~~((is))~~ may be made ~~((by use of any name, including any trade or assumed name, upon an instrument, or by any word or mark used in lieu of a written signature))~~ (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.

Sec. 42. RCW 62A.3-402 and 1965 ex.s. c 157 s 3-402 are each amended to read as follows:

~~((SIGNATURE IN AMBIGUOUS CAPACITY. Unless the instrument clearly indicates that a signature is made in some other capacity it is an indorsement.))~~

SIGNATURE BY REPRESENTATIVE. (a) If a person acting, or purporting to act, as a representative signs an instrument by signing either the name of the represented person or the name of the signer, the represented person is bound by the signature to the same extent the represented person would be bound if the signature were on a simple contract. If the represented person is bound, the signature of the representative is the "authorized signature of the represented person" and the represented person is liable on the instrument, whether or not identified in the instrument.

(b) If a representative signs the name of the representative to an instrument and the signature is an authorized signature of the represented person, the following rules apply:

(1) If the form of the signature shows unambiguously that the signature is made on behalf of the represented person who is identified in the instrument, the representative is not liable on the instrument.

(2) Subject to subsection (c), if (i) the form of the signature does not show unambiguously that the signature is made in a representative capacity or (ii) the represented person is not identified in the instrument, the representative is liable on the instrument to a holder in due course that took the instrument without notice that the representative was not intended to be liable on the instrument. With respect to any other person, the representative is liable on the instrument unless the representative proves that the original parties did not intend the representative to be liable on the instrument.

(c) If a representative signs the name of the representative as drawer of a check without indication of the representative status and the check is payable from an account of the represented person who is identified on the check, the signer is not liable on the check if the signature is an authorized signature of the represented person.

Sec. 43. RCW 62A.3-403 and 1965 ex.s. c 157 s 3-403 are each amended to read as follows:

~~((SIGNATURE BY AUTHORIZED REPRESENTATIVE. (1) A signature may be made by an agent or other representative, and his authority to make it may be established as in other cases of representation. No particular form of appointment is necessary to establish such authority.~~

(2) An authorized representative who signs his own name to an instrument

(a) is personally obligated if the instrument neither names the person represented nor shows that the representative signed in a representative capacity;

(b) except as otherwise established between the immediate parties, is personally obligated if the instrument names the person represented but does not show that the representative signed in a representative capacity, or if the instrument does not name the person represented but does show that the representative signed in a representative capacity.

(3) Except as otherwise established the name of an organization preceded or followed by the name and office of an authorized individual is a signature made in a representative capacity.))

UNAUTHORIZED SIGNATURE. (a) Unless otherwise provided in this Article or Article 4, an unauthorized signature is ineffective except as the signature of the unauthorized signer in favor of a person who in good faith pays the instrument or takes it for value. An unauthorized signature may be ratified for all purposes of this Article.

(b) If the signature of more than one person is required to constitute the authorized signature of an organization, the signature of the organization is unauthorized if one of the required signatures is lacking.

(c) The civil or criminal liability of a person who makes an unauthorized signature is not affected by any provision of this Article which makes the unauthorized signature effective for the purposes of this Article.

Sec. 44. RCW 62A.3-404 and 1965 ex.s. c 157 s 3-404 are each amended to read as follows:

~~((UNAUTHORIZED SIGNATURES. (1) Any unauthorized signature is wholly inoperative as that of the person whose name is signed unless he ratifies it or is precluded from denying it; but it operates as the signature of the unauthorized signer in favor of any person who in good faith pays the instrument or takes it for value.~~

(2) Any unauthorized signature may be ratified for all purposes of this Article. Such ratification does not of itself affect any rights of the person ratifying against the actual signer.)

IMPOSTORS; FICTITIOUS PAYEES. (a) If an impostor, by use of the mails or otherwise, induces the issuer of an instrument to issue the instrument to the impostor, or to a person acting in concert with the impostor, by impersonating the payee of the instrument or a person authorized to act for the payee, an indorsement of the instrument by any person in the name of the payee is effective as the indorsement of the payee in favor of a person who, in good faith, pays the instrument or takes it for value or for collection.

(b) If (i) a person whose intent determines to whom an instrument is payable (RCW 62A.3-110 (a) or (b)) does not intend the person identified as payee to have any interest in the instrument, or (ii) the person identified as payee of an instrument is a fictitious person, the following rules apply until the instrument is negotiated by special indorsement:

(1) Any person in possession of the instrument is its holder.

(2) An indorsement by any person in the name of the payee stated in the instrument is effective as the indorsement of the payee in favor of a person who, in good faith, pays the instrument or takes it for value or for collection.

(c) Under subsection (a) or (b), an indorsement is made in the name of a payee if (i) it is made in a name substantially similar to that of the payee or (ii) the instrument, whether or not indorsed, is deposited in a depository bank to an account in a name substantially similar to that of the payee.

(d) With respect to an instrument to which subsection (a) or (b) applies, if a person paying the instrument or taking it for value or for collection fails to exercise ordinary care in paying or taking the instrument and that failure contributes to loss resulting from payment of the instrument, the person bearing the loss may recover from the person failing to exercise ordinary care to the extent the failure to exercise ordinary care contributed to the loss.

Sec. 45. RCW 62A.3-405 and 1965 ex.s. c 157 s 3-405 are each amended to read as follows:

~~((IMPOSTORS; SIGNATURE IN NAME OF PAYEE. (1) An indorsement by any person in the name of a named payee is effective if~~

~~(a) an impostor by use of the mails or otherwise has induced the maker or drawer to issue the instrument to him or his confederate in the name of the payee; or~~

~~(b) a person signing as or on behalf of a maker or drawer intends the payee to have no interest in the instrument; or~~

~~(c) an agent or employee of the maker or drawer has supplied him with the name of the payee intending the latter to have no such interest.~~

~~(2) Nothing in this section shall affect the criminal or civil liability of the person so indorsing.)~~

EMPLOYER'S RESPONSIBILITY FOR FRAUDULENT INDORSEMENT BY EMPLOYEE. (a) In this section:

(1) "Employee" includes an independent contractor and employee of an independent contractor retained by the employer.

(2) "Fraudulent indorsement" means (i) in the case of an instrument payable to the employer, a forged indorsement purporting to be that of the employer, or (ii) in the case of an instrument with respect to which the employer is the issuer, a forged indorsement purporting to be that of the person identified as payee.

(3) "Responsibility" with respect to instruments means authority (i) to sign or indorse instruments on behalf of the employer, (ii) to process instruments received by the employer for bookkeeping purposes, for deposit to an account, or for other disposition, (iii) to prepare or process instruments for issue in the name of the employer, (iv) to supply information determining the names or addresses of payees of instruments to be issued in the name of the employer, (v) to control the disposition of instruments to be issued in the name of the employer, or (vi) to act otherwise with respect to instruments in a responsible capacity.

"Responsibility" does not include authority that merely allows an employee to have access to instruments or blank or incomplete instrument forms that are being stored or transported or are part of incoming or outgoing mail, or similar access.

(b) For the purpose of determining the rights and liabilities of a person who, in good faith, pays an instrument or takes it for value or for collection, if an employer entrusted an employee with responsibility with respect to the instrument and the employee or a person acting in concert with the employee makes a fraudulent indorsement of the instrument, the indorsement is effective as the indorsement of the person to whom the instrument is payable if it is made in the name of that person. If the person paying the instrument or taking it for value or for collection fails to exercise ordinary care in paying or taking the instrument and that failure contributes to loss resulting from the fraud, the person bearing the loss may recover from the person failing to exercise ordinary care to the extent the failure to exercise ordinary care contributed to the loss.

(c) Under subsection (b), an indorsement is made in the name of the person to whom an instrument is payable if (i) it is made in a name substantially similar to the name of that person or (ii) the instrument, whether or not indorsed, is deposited in a depository bank to an account in a name substantially similar to the name of that person.

Sec. 46. RCW 62A.3-406 and 1965 ex.s. c 157 s 3-406 are each amended to read as follows:

NEGLIGENCE CONTRIBUTING TO FORGED SIGNATURE OR ALTERATION ((OR UNAUTHORIZED SIGNATURE)) OF INSTRUMENT. ((Any)) (a) A person ((who by his negligence substantially)) whose failure to exercise ordinary care contributes to ((a material)) an alteration of ((the)) an instrument or to the making of ((an unauthorized signature)) a forged signature on an instrument is precluded from asserting the alteration or ((lack of authority)) the forgery against a ((holder in due course or against a drawee or other payor)) person who, in good faith, pays the instrument ((in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business)) or takes it for value or for collection.

(b) Under subsection (a), if the person asserting the preclusion fails to exercise ordinary care in paying or taking the instrument and that failure contributes to loss, the loss is allocated between the person precluded and the person asserting the preclusion according to the extent to which the failure of each to exercise ordinary care contributed to the loss.

(c) Under subsection (a), the burden of proving failure to exercise ordinary care is on the person asserting the preclusion. Under subsection (b), the burden of proving failure to exercise ordinary care is on the person precluded.

Sec. 47. RCW 62A.3-407 and 1965 ex.s. c 157 s 3-407 are each amended to read as follows:

ALTERATION. (((1) Any alteration of an instrument is material which changes the contract of any party thereto in any respect, including any such change in

(a) the number or relations of the parties; or

(b) an incomplete instrument, by completing it otherwise than as authorized; or

(c) the writing as signed, by adding to it or by removing any part of it.

(2) As against any person other than a subsequent holder in due course

(a) alteration by the holder which is both fraudulent and material discharges any party whose contract is thereby changed unless that party assents or is precluded from asserting the defense;

(b) no other alteration discharges any party and the instrument may be enforced according to its original tenor, or as to incomplete instruments according to the authority given.

(3) A subsequent holder in due course may in all cases enforce the instrument according to its original tenor, and when an incomplete instrument has been completed, he may enforce it as completed.) (a) "Alteration" means (i) an unauthorized change in an instrument that purports to modify in any respect the obligation of a party, or (ii) an unauthorized addition of words or numbers or other change to an incomplete instrument relating to the obligation of a party.

(b) Except as provided in subsection (c), an alteration fraudulently made discharges a party whose obligation is affected by the alteration unless that party assents or is precluded from asserting the alteration. No other alteration discharges a party, and the instrument may be enforced according to its original terms.

(c) A payor bank or drawee paying a fraudulently altered instrument or a person taking it for value, in good faith and without notice of the alteration, may enforce rights with respect to the instrument (i) according to its original terms, or (ii) in the case of an incomplete instrument altered by unauthorized completion, according to its terms as completed.

Sec. 48. RCW 62A.3-408 and 1965 ex.s. c 157 s 3-408 are each amended to read as follows:

((CONSIDERATION. Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (RCW 62A.3-305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this Title under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.))

DRAWEE NOT LIABLE ON UNACCEPTED DRAFT. A check or other draft does not of itself operate as an assignment of funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until the drawee accepts it.

Sec. 49. RCW 62A.3-409 and 1965 ex.s. c 157 s 3-409 are each amended to read as follows:

((DRAFT NOT AN ASSIGNMENT. (1) A check or other draft does not of itself operate as an assignment of any funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until he accepts it.

(2) Nothing in this section shall affect any liability in contract, tort or otherwise arising from any letter of credit or other obligation or representation which is not an acceptance.))

ACCEPTANCE OF DRAFT; CERTIFIED CHECK. (a) "Acceptance" means the drawee's signed agreement to pay a draft as presented. It must be written on the draft and may consist of the drawee's signature alone. Acceptance may be made at any time and becomes effective when notification pursuant to instructions is given or the accepted draft is delivered for the purpose of giving rights on the acceptance to any person.

(b) A draft may be accepted although it has not been signed by the drawer, is otherwise incomplete, is overdue, or has been dishonored.

(c) If a draft is payable at a fixed period after sight and the acceptor fails to date the acceptance, the holder may complete the acceptance by supplying a date in good faith.

(d) "Certified check" means a check accepted by the bank on which it is drawn. Acceptance may be made as stated in subsection (a) or by a writing on the check which indicates that the check is certified. The drawee of a check has no obligation to certify the check, and refusal to certify is not dishonor of the check.

Sec. 50. RCW 62A.3-410 and 1965 ex.s. c 157 s 3-410 are each amended to read as follows:

((DEFINITION AND OPERATION OF ACCEPTANCE. (1) Acceptance is the drawee's signed engagement to honor the draft as presented. It must be written on the draft, and may consist of his signature alone. It becomes operative when completed by delivery or notification.

(2) A draft may be accepted although it has not been signed by the drawer or is otherwise incomplete or is overdue or has been dishonored.

(3) Where the draft is payable at a fixed period after sight and the acceptor fails to date his acceptance the holder may complete it by supplying a date in good faith.))

ACCEPTANCE VARYING DRAFT. (a) If the terms of a drawee's acceptance vary from the terms of the draft as presented, the holder may refuse the acceptance and treat the draft as dishonored. In that case, the drawee may cancel the acceptance.

(b) The terms of a draft are not varied by an acceptance to pay at a particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at that bank or place.

(c) If the holder assents to an acceptance varying the terms of a draft, the obligation of each drawer and indorser that does not expressly assent to the acceptance is discharged.

Sec. 51. RCW 62A.3-411 and 1965 ex.s. c 157 s 3-411 are each amended to read as follows:

((CERTIFICATION OF A CHECK. (1) Certification of a check is acceptance. Where a holder procures certification the drawer and all prior indorsers are discharged.

(2) Unless otherwise agreed a bank has no obligation to certify a check.

(3) A bank may certify a check before returning it for lack of proper indorsement. If it does so the drawer is discharged.))

REFUSAL TO PAY CASHIER'S CHECKS, TELLER'S CHECKS, AND CERTIFIED CHECKS. (a) In this section, "obligated bank" means the acceptor of a certified check or the issuer of a cashier's check or teller's check bought from the issuer.

(b) If the obligated bank wrongfully (i) refuses to pay a cashier's check or certified check, (ii) stops payment of a teller's check, or (iii) refuses to pay a dishonored teller's check, the person asserting the right to enforce the check is entitled to compensation for expenses and loss of interest resulting from the nonpayment and may recover consequential damages if the obligated bank refuses to pay after receiving notice of particular circumstances giving rise to the damages.

(c) Expenses or consequential damages under subsection (b) are not recoverable if the refusal of the obligated bank to pay occurs because (i) the bank suspends payments, (ii) the obligated bank asserts a claim or defense of the bank that it has reasonable grounds to believe is available against the person entitled to enforce the instrument, (iii) the obligated bank has a reasonable doubt whether the person demanding payment is the person entitled to enforce the instrument, or (iv) payment is prohibited by law.

Sec. 52. RCW 62A.3-412 and 1965 ex.s. c 157 s 3-412 are each amended to read as follows:

((ACCEPTANCE VARYING DRAFT. (1) Where the drawee's proffered acceptance in any manner varies the draft as presented the holder may refuse the acceptance and treat the draft as dishonored in which case the drawee is entitled to have his acceptance cancelled.

(2) The terms of the draft are not varied by an acceptance to pay at any particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at such bank or place.

(3) Where the holder assents to an acceptance varying the terms of the draft each drawer and indorser who does not affirmatively assent is discharged.))

OBLIGATION OF ISSUER OF NOTE OR CASHIER'S CHECK. The issuer of a note or cashier's check or other draft drawn on the drawer is obliged to pay the instrument (i) according to its terms at the time it was issued or, if not issued, at the time it first came into possession of a holder, or (ii) if the issuer signed an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation is owed to a person entitled to enforce the instrument or to an indorser who paid the instrument under RCW 62A.3-415.

Sec. 53. RCW 62A.3-413 and 1965 ex.s. c 157 s 3-413 are each amended to read as follows:

((CONTRACT OF MAKER, DRAWER AND ACCEPTOR. (1) The maker or acceptor engages that he will pay the instrument according to its tenor at the time of his engagement or as completed pursuant to RCW 62A.3-115 on incomplete instruments.

(2) The drawer engages that upon dishonor of the draft and any necessary notice of dishonor or protest he will pay the amount of the draft to the holder or to any indorser who takes it up. The drawer may disclaim this liability by drawing without recourse.

(3) By making, drawing or accepting the party admits as against all subsequent parties including the drawee the existence of the payee and his then capacity to indorse.))

OBLIGATION OF ACCEPTOR. (a) The acceptor of a draft is obliged to pay the draft (i) according to its terms at the time it was accepted, even though the acceptance states that the draft is payable "as originally drawn" or equivalent terms, (ii) if the acceptance varies the terms of the draft, according to the terms of the draft as varied, or (iii) if the acceptance is of a draft that is an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation is owed to a person entitled to enforce the draft or to the drawer or an indorser who paid the draft under RCW 62A.3-414 or 62A.3-415.

(b) If the certification of a check or other acceptance of a draft states the amount certified or accepted, the obligation of the acceptor is that amount. If (i) the certification or acceptance does not state an amount, (ii) the amount of the instrument is subsequently raised, and (iii) the instrument is then negotiated to a holder in due course, the obligation of the acceptor is the amount of the instrument at the time it was taken by the holder in due course.

Sec. 54. RCW 62A.3-414 and 1965 ex.s. c 157 s 3-414 are each amended to read as follows:

((CONTRACT OF INDORSER; ORDER OF LIABILITY. (1) Unless the indorsement otherwise specifies (as by such words as "without recourse") every indorser engages that upon dishonor and any necessary notice of dishonor and protest he will pay the instrument according to its tenor at the time of his indorsement to the holder or to any subsequent indorser who takes it up, even though the indorser who takes it up was not obligated to do so.

(2) Unless they otherwise agree indorsers are liable to one another in the order in which they indorse, which is presumed to be the order in which their signatures appear on the instrument.))

OBLIGATION OF DRAWER. (a) This section does not apply to cashier's checks or other drafts drawn on the drawer.

(b) If an unaccepted draft is dishonored, the drawer is obliged to pay the draft (i) according to its terms at the time it was issued or, if not issued, at the time it first came into possession of a holder, or (ii) if the drawer signed an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation is owed to a person entitled to enforce the draft or to an indorser who paid the draft under RCW 62A.3-415.

(c) If a draft is accepted by a bank, the drawer is discharged, regardless of when or by whom acceptance was obtained.

(d) If a draft is accepted and the acceptor is not a bank, the obligation of the drawer to pay the draft if the draft is dishonored by the acceptor is the same as the obligation of an indorser under RCW 62A.3-415 (a) and (c).

(e) If a draft states that it is drawn "without recourse" or otherwise disclaims liability of the drawer to pay the draft, the drawer is not liable under subsection (b) to pay the draft if the draft is not a check. A disclaimer of the liability stated in subsection (b) is not effective if the draft is a check.

(f) If (i) a check is not presented for payment or given to a depository bank for collection within 30 days after its date, (ii) the drawee suspends payments after expiration of the 30-day period without paying the check, and (iii) because of the suspension of payments, the drawer is deprived of funds maintained with the drawee to cover payment of the check, the drawer to the extent deprived of funds may discharge its obligation to pay the check by assigning to the person entitled to enforce the check the rights of the drawer against the drawee with respect to the funds.

Sec. 55. RCW 62A.3-415 and 1965 ex.s. c 157 s 3-415 are each amended to read as follows:

((CONTRACT OF ACCOMMODATION PARTY. (1) An accommodation party is one who signs the instrument in any capacity for the purpose of lending his name to another party to it.

(2) When the instrument has been taken for value before it is due the accommodation party is liable in the capacity in which he has signed even though the taker knows of the accommodation.

(3) As against a holder in due course and without notice of the accommodation oral proof of the accommodation is not admissible to give the accommodation party the benefit of discharges dependent on his character as such. In other cases the accommodation character may be shown by oral proof.

(4) An indorsement which shows that it is not in the chain of title is notice of its accommodation character.

(5) An accommodation party is not liable to the party accommodated, and if he pays the instrument has a right of recourse on the instrument against such party.))

OBLIGATION OF INDORSER. (a) Subject to subsections (b), (c), (d), and (e) and to RCW 62A.3-419(d), if an instrument is dishonored, an indorser is obliged to pay the amount due on the instrument (i) according to the terms of the instrument at the time it was indorsed, or (ii) if the indorser indorsed an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation of the indorser is owed to a person entitled to enforce the instrument or to a subsequent indorser who paid the instrument under this section.

(b) If an indorsement states that it is made "without recourse" or otherwise disclaims liability of the indorser, the indorser is not liable under subsection (a) to pay the instrument.

(c) If notice of dishonor of an instrument is required by RCW 62A.3-503 and notice of dishonor complying with that section is not given to an indorser, the liability of the indorser under subsection (a) is discharged.

(d) If a draft is accepted by a bank after an indorsement is made, the liability of the indorser under subsection (a) is discharged.

(e) If an indorser of a check is liable under subsection (a) and the check is not presented for payment, or given to a depository bank for collection, within 30 days after the day the indorsement was made, the liability of the indorser under subsection (a) is discharged.

Sec. 56. RCW 62A.3-416 and 1965 ex.s. c 157 s 3-416 are each amended to read as follows:

~~((CONTRACT OF GUARANTOR. (1) "Payment guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor without resort by the holder to any other party.~~

~~(2) "Collection guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor, but only after the holder has reduced his claim against the maker or acceptor to judgment and execution has been returned unsatisfied, or after the maker or acceptor has become insolvent or it is otherwise apparent that it is useless to proceed against him.~~

~~(3) Words of guaranty which do not otherwise specify guarantee payment.~~

~~(4) No words of guaranty added to the signature of a sole maker or acceptor affect his liability on the instrument. Such words added to the signature of one of two or more makers or acceptors create a presumption that the signature is for the accommodation of the others.~~

~~(5) When words of guaranty are used presentment, notice of dishonor and protest are not necessary to charge the user.~~

~~(6) Any guaranty written on the instrument is enforceable notwithstanding any statute of frauds.))~~

TRANSFER WARRANTIES. (a) A person who transfers an instrument for consideration warrants to the transferee and, if the transfer is by indorsement, to any subsequent transferee that:

(1) The warrantor is a person entitled to enforce the instrument;

(2) All signatures on the instrument are authentic and authorized;

(3) The instrument has not been altered;

(4) The instrument is not subject to a defense or claim in recoupment of any party which can be asserted against the warrantor; and

(5) The warrantor has no knowledge of any insolvency proceeding commenced with respect to the maker or acceptor or, in the case of an unaccepted draft, the drawer.

(b) A person to whom the warranties under subsection (a) are made and who took the instrument in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the instrument plus expenses and loss of interest incurred as a result of the breach.

(c) The warranties stated in subsection (a) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under subsection (b) is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(d) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. 57. RCW 62A.3-417 and 1965 ex.s. c 157 s 3-417 are each amended to read as follows:

~~((WARRANTIES ON PRESENTMENT AND TRANSFER. (1) Any person who obtains payment or acceptance and any prior transferor warrants to a person who in good faith pays or accepts that~~

~~(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title; and~~

~~(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by a holder in due course acting in good faith~~

~~(i) to a maker with respect to the maker's own signature; or~~

~~(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or~~

~~(iii) to an acceptor of a draft if the holder in due course took the draft after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and~~

~~(c) the instrument has not been materially altered, except that this warranty is not given by a holder in due course acting in good faith~~

~~(i) to the maker of a note; or~~

~~(ii) to the drawer of a draft whether or not the drawer is also the drawee; or~~

~~(iii) to the acceptor of a draft with respect to an alteration made prior to the acceptance if the holder in due course took the draft after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or~~

~~(iv) to the acceptor of a draft with respect to an alteration made after the acceptance.~~

~~(2) Any person who transfers an instrument and receives consideration warrants to his transferee and if the transfer is by indorsement to any subsequent holder who takes the instrument in good faith that~~

~~(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and~~

~~(b) all signatures are genuine or authorized; and~~

~~(c) the instrument has not been materially altered; and~~

~~(d) no defense of any party is good against him; and~~

~~(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted instrument.~~

~~(3) By transferring "without recourse" the transferor limits the obligation stated in subsection (2)(d) to a warranty that he has no knowledge of such a defense.~~

(4) A selling agent or broker who does not disclose the fact that he is acting only as such gives the warranties provided in this section, but if he makes such disclosure warrants only his good faith and authority.)

PRESENTMENT WARRANTIES. (a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft, (i) the person obtaining payment or acceptance, at the time of presentment, and (ii) a previous transferor of the draft, at the time of transfer, warrant to the drawee making payment or accepting the draft in good faith that:

(1) The warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;

(2) The draft has not been altered; and

(3) The warrantor has no knowledge that the signature of the drawer of the draft is unauthorized.

(b) A drawee making payment may recover from any warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft, breach of warranty is a defense to the obligation of the acceptor. If the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from any warrantor for breach of warranty the amounts stated in this subsection.

(c) If a drawee asserts a claim for breach of warranty under subsection (a) based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under RCW 62A.3-404 or 62A.3-405 or the drawer is precluded under RCW 62A.3-406 or 62A.4-406 from asserting against the drawee the unauthorized indorsement or alteration.

(d) If (i) a dishonored draft is presented for payment to the drawer or an indorser or (ii) any other instrument is presented for payment to a party obliged to pay the instrument, and (iii) payment is received, the following rules apply:

(1) The person obtaining payment and a prior transferor of the instrument warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the instrument, a person entitled to enforce the instrument or authorized to obtain payment on behalf of a person entitled to enforce the instrument.

(2) The person making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses and loss of interest resulting from the breach.

(e) The warranties stated in subsections (a) and (d) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under subsection (b) or (d) is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(f) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. 58. RCW 62A.3-418 and 1965 ex.s. c 157 s 3-418 are each amended to read as follows:

~~((FINALITY OF PAYMENT OR ACCEPTANCE. Except for recovery of bank payments as provided in the Article on Bank Deposits and Collections (Article 4) and except for liability for breach of warranty on presentment under the preceding section, payment or acceptance of any instrument is final in favor of a holder in due course, or a person who has in good faith changed his position in reliance on the payment.))~~

PAYMENT OR ACCEPTANCE BY MISTAKE. (a) Except as provided in subsection (c), if the drawee of a draft pays or accepts the draft and the drawee acted on the mistaken belief that (i) payment of the draft had not been stopped pursuant to RCW 62A.4-403 or (ii) the signature of the drawer of the draft was authorized, the drawee may recover the amount of the draft from the person to whom or for whose benefit payment was made or, in the case of acceptance, may revoke the acceptance. Rights of the drawee under this subsection are not affected by failure of the drawee to exercise ordinary care in paying or accepting the draft.

(b) Except as provided in subsection (c), if an instrument has been paid or accepted by mistake and the case is not covered by subsection (a), the person paying or accepting may, to the extent permitted by the law governing mistake and restitution, (i) recover the payment from the person to whom or for whose benefit payment was made or (ii) in the case of acceptance, may revoke the acceptance.

(c) The remedies provided by subsection (a) or (b) may not be asserted against a person who took the instrument in good faith and for value or who in good faith changed position in reliance on the payment or acceptance. This subsection does not limit remedies provided by RCW 62A.3-417 or 62A.4-407.

(d) Notwithstanding RCW 62A.4-213, if an instrument is paid or accepted by mistake and the payor or acceptor recovers payment or revokes acceptance under subsection (a) or (b), the instrument is deemed not to have been paid or accepted and is treated as dishonored, and the person from whom payment is recovered has rights as a person entitled to enforce the dishonored instrument.

Sec. 59. RCW 62A.3-419 and 1965 ex.s. c 157 s 3-419 are each amended to read as follows:

~~((CONVERSION OF INSTRUMENT; INNOCENT REPRESENTATIVE. (1) An instrument is converted when~~

~~(a) a drawee to whom it is delivered for acceptance refuses to return it on demand; or~~

~~(b) any person to whom it is delivered for payment refuses on demand either to pay or to return it; or~~

~~(c) it is paid on a forged indorsement.~~

~~(2) In an action against a drawee under subsection (1) the measure of the drawee's liability is the face amount of the instrument. In any other action under subsection (1) the measure of liability is presumed to be the face amount of the instrument.~~

~~(3) Subject to the provisions of this Title concerning restrictive indorsements a representative, including a depository or collecting bank, who has in good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his hands.~~

~~(4) An intermediary bank or payor bank which is not a depository bank is not liable in conversion solely by reason of the fact that proceeds of an item indorsed restrictively (RCW 62A.3-205 and RCW 62A.3-206) are not paid or applied consistently with the restrictive indorsement of an indorser other than its immediate transferor.))~~

INSTRUMENTS SIGNED FOR ACCOMMODATION. (a) If an instrument is issued for value given for the benefit of a party to the instrument ("accommodated party") and another party to the instrument ("accommodation party") signs the instrument

for the purpose of incurring liability on the instrument without being a direct beneficiary of the value given for the instrument, the instrument is signed by the accommodation party "for accommodation."

(b) An accommodation party may sign the instrument as maker, drawer, acceptor, or indorser and, subject to subsection (d), is obliged to pay the instrument in the capacity in which the accommodation party signs. The obligation of an accommodation party may be enforced notwithstanding any statute of frauds and whether or not the accommodation party receives consideration for the accommodation.

(c) A person signing an instrument is presumed to be an accommodation party and there is notice that the instrument is signed for accommodation if the signature is an anomalous indorsement or is accompanied by words indicating that the signer is acting as surety or guarantor with respect to the obligation of another party to the instrument. Except as provided in RCW 62A.3-605, the obligation of an accommodation party to pay the instrument is not affected by the fact that the person enforcing the obligation had notice when the instrument was taken by that person that the accommodation party signed the instrument for accommodation.

(d) If the signature of a party to an instrument is accompanied by words indicating unambiguously that the party is guaranteeing collection rather than payment of the obligation of another party to the instrument, the signer is obliged to pay the amount due on the instrument to a person entitled to enforce the instrument only if (i) execution of judgment against the other party has been returned unsatisfied, (ii) the other party is insolvent or in an insolvency proceeding, (iii) the other party cannot be served with process, or (iv) it is otherwise apparent that payment cannot be obtained from the other party.

(e) An accommodation party who pays the instrument is entitled to reimbursement from the accommodated party and is entitled to enforce the instrument against the accommodated party. An accommodated party who pays the instrument has no right of recourse against, and is not entitled to contribution from, an accommodation party.

NEW SECTION. Sec. 60. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-420, to read as follows:

CONVERSION OF INSTRUMENT. (a) The law applicable to conversion of personal property applies to instruments. An instrument is also converted if it is taken by transfer, other than a negotiation, from a person not entitled to enforce the instrument or a bank makes or obtains payment with respect to the instrument for a person not entitled to enforce the instrument or receive payment. An action for conversion of an instrument may not be brought by (i) the issuer or acceptor of the instrument or (ii) a payee or indorsee who did not receive delivery of the instrument either directly or through delivery to an agent or a co-payee.

(b) In an action under subsection (a), the measure of liability is presumed to be the amount payable on the instrument, but recovery may not exceed the amount of the plaintiff's interest in the instrument.

(c) A representative, other than a depository bank, who has in good faith dealt with an instrument or its proceeds on behalf of one who was not the person entitled to enforce the instrument is not liable in conversion to that person beyond the amount of any proceeds that it has not paid out.

PART 5

((PRESENTMENT, NOTICE OF) DISHONOR ((AND PROTEST))

Sec. 61. RCW 62A.3-501 and 1965 ex.s. c 157 s 3-501 are each amended to read as follows:

~~((WHEN PRESENTMENT, NOTICE OF DISHONOR, AND PROTEST NECESSARY OR PERMISSIBLE. (1) Unless excused (RCW 62A.3-511) presentment is necessary to charge secondary parties as follows:~~

~~(a) presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere than at the residence or place of business of the drawee, or its date of payment depends upon such presentment. The holder may at his option present for acceptance any other draft payable at a stated date;~~

~~(b) presentment for payment is necessary to charge any indorser;~~

~~(c) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, presentment for payment is necessary, but failure to make presentment discharges such drawer, acceptor or maker only as stated in RCW 62A.3-502(1)(b).~~

~~(2) Unless excused (RCW 62A.3-511)~~

~~(a) notice of any dishonor is necessary to charge any indorser;~~

~~(b) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, notice of any dishonor is necessary, but failure to give such notice discharges such drawer, acceptor or maker only as stated in RCW 62A.3-502(1)(b).~~

~~(3) Unless excused (RCW 62A.3-511) protest of any dishonor is necessary to charge the drawer and indorsers of any draft which on its face appears to be drawn or payable outside of the states and territories of the United States and the District of Columbia. The holder may at his option make protest of any dishonor of any other instrument and in the case of a foreign draft may on insolvency of the acceptor before maturity make protest for better security.~~

~~(4) Notwithstanding any provision of this section, neither presentment nor notice of dishonor nor protest is necessary to charge an indorser who has indorsed an instrument after maturity.))~~

PRESENTMENT. (a) "Presentment" means a demand made by or on behalf of a person entitled to enforce an instrument (i) to pay the instrument made to the drawee or a party obliged to pay the instrument or, in the case of a note or accepted draft payable at a bank, to the bank, or (ii) to accept a draft made to the drawee.

(b) The following rules are subject to Article 4, agreement of the parties, and clearinghouse rules and the like:

(1) Presentment may be made at the place of payment of the instrument and must be made at the place of payment if the instrument is payable at a bank in the United States; may be made by any commercially reasonable means, including an oral, written, or electronic communication; is effective when the demand for payment or acceptance is received by the person to whom presentment is made; and is effective if made to any one of two or more makers, acceptors, drawees, or other payors.

(2) Upon demand of the person to whom presentment is made, the person making presentment must (i) exhibit the instrument, (ii) give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so, and (iii) sign a receipt on the instrument for any payment made or surrender the instrument if full payment is made.

(3) Without dishonoring the instrument, the party to whom presentment is made may (i) return the instrument for lack of a necessary indorsement, or (ii) refuse payment or acceptance for failure of the presentment to comply with the terms of the instrument, an agreement of the parties, or other applicable law or rule.

(4) The party to whom presentment is made may treat presentment as occurring on the next business day after the day of presentment if the party to whom presentment is made has established a cut-off hour not earlier than 2:00 p.m. for the receipt and processing of instruments presented for payment or acceptance and presentment is made after the cut-off hour.

Sec. 62. RCW 62A.3-502 and 1965 ex.s. c 157 s 3-502 are each amended to read as follows:

~~((UNEXCUSED-DELAY; DISCHARGE. (1) Where without excuse any necessary presentment or notice of dishonor is delayed beyond the time when it is due~~

~~(a) any indorser is discharged; and~~

~~(b) any drawer or the acceptor of a draft payable at a bank or the maker of a note payable at a bank who because the drawee or payor bank becomes insolvent during the delay is deprived of funds maintained with the drawee or payor bank to cover the instrument may discharge his liability by written assignment to the holder of his rights against the drawee or payor bank in respect of such funds, but such drawer, acceptor or maker is not otherwise discharged.~~

~~(2) Where without excuse a necessary protest is delayed beyond the time when it is due any drawer or indorser is discharged.))~~

DISHONOR. (a) Dishonor of a note is governed by the following rules:

(1) If the note is payable on demand, the note is dishonored if presentment is duly made to the maker and the note is not paid on the day of presentment.

(2) If the note is not payable on demand and is payable at or through a bank or the terms of the note require presentment, the note is dishonored if presentment is duly made and the note is not paid on the day it becomes payable or the day of presentment, whichever is later.

(3) If the note is not payable on demand and subsection (a)(2) does not apply, the note is dishonored if it is not paid on the day it becomes payable.

(b) Dishonor of an unaccepted draft other than a documentary draft is governed by the following rules:

(1) If a check is duly presented for payment to the payor bank otherwise than for immediate payment over the counter, the check is dishonored if the payor bank makes timely return of the check or sends timely notice of dishonor or nonpayment under RCW 62A.4-301 or 62A.4-302, or becomes accountable for the amount of the check under RCW 62A.4-302.

(2) If a draft is payable on demand and subsection (b)(1) does not apply, the draft is dishonored if presentment for payment is duly made to the drawee and the draft is not paid on the day of presentment.

(3) If a draft is payable on a date stated in the draft, the draft is dishonored if (i) presentment for payment is duly made to the drawee and payment is not made on the day the draft becomes payable or the day of presentment, whichever is later, or (ii) presentment for acceptance is duly made before the day the draft becomes payable and the draft is not accepted on the day of presentment.

(4) If a draft is payable on elapse of a period of time after sight or acceptance, the draft is dishonored if presentment for acceptance is duly made and the draft is not accepted on the day of presentment.

(c) Dishonor of an unaccepted documentary draft occurs according to the rules stated in subsection (b) (2), (3), and (4), except that payment or acceptance may be delayed without dishonor until no later than the close of the third business day of the drawee following the day on which payment or acceptance is required by subsection (b) (2), (3), and (4).

(d) Dishonor of an accepted draft is governed by the following rules:

(1) If the draft is payable on demand, the draft is dishonored if presentment for payment is duly made to the acceptor and the draft is not paid on the day of presentment; or

(2) If the draft is not payable on demand, the draft is dishonored if presentment for payment is duly made to the acceptor and payment is not made on the day it becomes payable or the day of presentment, whichever is later.

(e) In any case in which presentment is otherwise required for dishonor under this section and presentment is excused under RCW 62A.3-504, dishonor occurs without presentment if the instrument is not duly accepted or paid.

(f) If a draft is dishonored because timely acceptance of the draft was not made and the person entitled to demand acceptance consents to a late acceptance, from the time of acceptance the draft is treated as never having been dishonored.

Sec. 63. RCW 62A.3-503 and 1965 ex.s. c 157 s 3-503 are each amended to read as follows:

~~((TIME OF PRESENTMENT. (1) Unless a different time is expressed in the instrument the time for any presentment is determined as follows:~~

~~(a) where an instrument is payable at or a fixed period after a stated date any presentment for acceptance must be made on or before the date it is payable;~~

~~(b) where an instrument is payable after sight it must either be presented for acceptance or negotiated within a reasonable time after date of issue whichever is later;~~

~~(c) where an instrument shows the date on which it is payable presentment for payment is due on that date;~~

~~(d) where an instrument is accelerated presentment for payment is due within a reasonable time after the acceleration;~~

~~(e) with respect to the liability of any secondary party presentment for acceptance or payment of any other instrument is due within a reasonable time after such party becomes liable thereon.~~

~~(2) A reasonable time for presentment is determined by the nature of the instrument, any usage of banking or trade and the facts of the particular case. In the case of an uncertified check which is drawn and payable within the United States and which is not a draft drawn by a bank the following are presumed to be reasonable periods within which to present for payment or to initiate bank collection:~~

~~(a) with respect to the liability of the drawer, thirty days after date of issue whichever is later; and~~

~~(b) with respect to the liability of an endorser, seven days after his indorsement.~~

~~(3) Where any presentment is due on a day which is not a full business day for either the person making presentment or the party to pay or accept, presentment is due on the next following day which is a full business day for both parties.~~

~~(4) Presentment to be sufficient must be made at a reasonable hour, and if at a bank during its banking day.))~~

NOTICE OF DISHONOR. (a) The obligation of an indorser stated in RCW 62A.3-415(a) and the obligation of a drawer stated in RCW 62A.3-414(d) may not be enforced unless (i) the indorser or drawer is given notice of dishonor of the instrument complying with this section or (ii) notice of dishonor is excused under RCW 62A.3-504(b).

(b) Notice of dishonor may be given by any person; may be given by any commercially reasonable means, including an oral, written, or electronic communication; and is sufficient if it reasonably identifies the instrument and indicates that the instrument has been dishonored or has not been paid or accepted. Return of an instrument given to a bank for collection is sufficient notice of dishonor.

(c) Subject to RCW 62A.3-504(c), with respect to an instrument taken for collection by a collecting bank, notice of dishonor must be given (i) by the bank before midnight of the next banking day following the banking day on which the bank receives notice of dishonor of the instrument, or (ii) by any other person within 30 days following the day on which the person receives notice of dishonor. With respect to any other instrument, notice of dishonor must be given within 30 days following the day on which dishonor occurs.

Sec. 64. RCW 62A.3-504 and 1965 ex.s. c 157 s 3-504 are each amended to read as follows:

~~((HOW PRESENTMENT MADE. (1) Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder.~~

~~(2) Presentment may be made~~

~~(a) by mail, in which event the time of presentment is determined by the time of receipt of the mail; or~~

~~(b) through a clearing house; or~~

~~(c) at the place of acceptance or payment specified in the instrument or if there be none at the place of business or residence of the party to accept or pay. If neither the party to accept or pay nor anyone authorized to act for him is present or accessible at such place presentment is excused.~~

~~(3) It may be made~~

~~(a) to any one of two or more makers, acceptors, drawees or other payors; or~~

~~(b) to any person who has authority to make or refuse the acceptance or payment.~~

~~(4) A draft accepted or a note made payable at a bank in the United States must be presented at such bank.~~

~~(5) In the cases described in RCW 62A.4-210 presentment may be made in the manner and with the result stated in that section.))~~

EXCUSED PRESENTMENT AND NOTICE OF DISHONOR. (a) Presentment for payment or acceptance of an instrument is excused if (i) the person entitled to present the instrument cannot with reasonable diligence make presentment, (ii) the maker or acceptor has repudiated an obligation to pay the instrument or is dead or in insolvency proceedings, (iii) by the terms of the instrument presentment is not necessary to enforce the obligation of indorsers or the drawer, (iv) the drawer or indorser whose obligation is being enforced has waived presentment or otherwise has no reason to expect or right to require that the instrument be paid or accepted, or (v) the drawer instructed the drawee not to pay or accept the draft or the drawee was not obligated to the drawer to pay the draft.

(b) Notice of dishonor is excused if (i) by the terms of the instrument notice of dishonor is not necessary to enforce the obligation of a party to pay the instrument, or (ii) the party whose obligation is being enforced waived notice of dishonor. A waiver of presentment is also a waiver of notice of dishonor.

(c) Delay in giving notice of dishonor is excused if the delay was caused by circumstances beyond the control of the person giving the notice and the person giving the notice exercised reasonable diligence after the cause of the delay ceased to operate.

Sec. 65. RCW 62A.3-505 and 1965 ex.s. c 157 s 3-505 are each amended to read as follows:

~~((RIGHTS OF PARTY TO WHOM PRESENTMENT IS MADE. (1) The party to whom presentment is made may without dishonor require~~

~~(a) exhibition of the instrument; and~~

~~(b) reasonable identification of the person making presentment and evidence of his authority to make it if made for another; and~~

~~(c) that the instrument be produced for acceptance or payment at a place specified in it, or if there be none at any place reasonable in the circumstances; and~~

~~(d) a signed receipt on the instrument for any partial or full payment and its surrender upon full payment.~~

~~(2) Failure to comply with any such requirement invalidates the presentment but the person presenting has a reasonable time in which to comply and the time for acceptance or payment runs from the time of compliance.))~~

EVIDENCE OF DISHONOR. (a) The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor stated:

(1) A document regular in form as provided in subsection (b) that purports to be a protest;

(2) A purported stamp or writing of the drawee, payor bank, or presenting bank on or accompanying the instrument stating that acceptance or payment has been refused unless reasons for the refusal are stated and the reasons are not consistent with dishonor;

(3) A book or record of the drawee, payor bank, or collecting bank, kept in the usual course of business which shows dishonor, even if there is no evidence of who made the entry.

(b) A protest is a certificate of dishonor made by a United States consul or vice-consul, or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.

Sec. 66. RCW 62A.3-512 and 1990 c 203 s 2 are each amended to read as follows:

~~((Ne))~~ A person may not record the number of a credit card given as identification under RCW ~~((62A.3-505(1)(b)))~~ 62A.3-501(a)(2) or given as proof of credit worthiness when payment for goods or services is made by check or draft. Nothing in this section prohibits the recording of the number of a credit card given in lieu of a deposit to secure payment in the event of a default, loss, damage, or other occurrence.

Sec. 67. RCW 62A.3-515 and 1991 c 168 s 1 are each amended to read as follows:

~~((1) Whenever)~~ (a) If a check as defined in RCW 62A.3-104 ~~((has been))~~ is dishonored by nonacceptance or nonpayment, the payee or holder of the check is entitled to collect a reasonable handling fee for each ~~((such))~~ instrument. ~~((When such))~~ If the check ~~((has))~~ is not ~~((been))~~ paid within fifteen days and after the holder of ~~((such))~~ the check sends ~~((such))~~ a notice of dishonor as provided by RCW 62A.3-520 to the drawer at ~~((his or her))~~ the drawer's last known address, ~~((then))~~ and if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of ~~((such))~~ the instrument ~~((shall also be))~~ is liable for payment of interest at the rate of twelve percent per annum from the date of dishonor, and cost of collection not to exceed forty dollars or the face amount of the check, whichever is ~~((the lesser))~~ less. In addition, in the event of court action on the check, the court, after ~~((such))~~ notice and the expiration of ~~((said))~~ the fifteen days, shall award a reasonable attorneys fee, and three times the face amount of the check or three hundred dollars, whichever is less, as part of the damages payable to the holder of the check. This section ~~((shall))~~ does not apply to ~~((any))~~ an instrument ~~((which has been))~~ that is dishonored by reason of ~~((any))~~ a justifiable stop payment order.

~~((2)(a))~~ (b)(1) Subsequent to the commencement of ~~((the))~~ an action on the check (subsection (a)) but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the ~~((sum of the))~~ face amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court and service costs.

~~((b))~~ (2) Nothing in this section precludes the right to commence action in ~~((any))~~ a court under chapter 12.40 RCW for small claims.

Sec. 68. RCW 62A.3-520 and 1991 c 168 s 2 are each amended to read as follows:

The notice of dishonor shall be sent by mail to the drawer at ~~((his or her))~~ the drawer's last known address, and ~~((said))~~ the notice shall be substantially in the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by, which is the drawee bank designated on your check. This check is dated, and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

- (1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court;
- (2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and
- (3) Three hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are also CAUTIONED that law enforcement agencies may be provided with a copy of this notice of dishonor and the check drawn by you for the possibility of proceeding with criminal charges if you do not pay the amount of this check within fifteen days after the date this letter is postmarked.

You are advised to make your payment to at the following address:

Sec. 69. RCW 62A.3-522 and 1981 c 254 s 3 are each amended to read as follows:

In addition to sending a notice of dishonor to the drawer of the check under RCW 62A.3-520, the holder of the check shall execute an affidavit certifying service of the notice by mail. The affidavit of service by mail ~~((shall))~~ must be attached to a copy of the notice of dishonor and ~~((shall))~~ must be substantially in the following form:

AFFIDAVIT OF SERVICE BY MAIL

I,, hereby certify that on the ___ day of, 19.., a copy of the foregoing Notice was served on by mailing via the United States Postal Service, postage prepaid, at, Washington.

Dated:

(Signature)

The holder shall retain the affidavit ~~((shall be retained))~~ with the check but shall file a copy of the affidavit ~~((shall be filed))~~ with the clerk of the court in which an action on the check is commenced.

Sec. 70. RCW 62A.3-525 and 1981 c 254 s 4 are each amended to read as follows:

No interest, collection costs, and attorneys' fees, except handling fees, ~~((shall be recovered))~~ are recoverable on any dishonored check under the provisions of RCW 62A.3-515 where the holder of ~~((such))~~ the check or any agent, employee, or assign of the holder has demanded:

- (1) Interest or collection costs in excess of that provided by RCW 62A.3-515; or
- (2) Interest or collection costs prior to the expiration of fifteen days after the mailing of notice of dishonor, as provided by RCW 62A.3-515 and 62A.3-520; or
- (3) Attorneys' fees either without having ~~((such))~~ the fees set by the court, or prior to the expiration of fifteen days after the mailing of notice of dishonor, as provided by RCW 62A.3-515 and 62A.3-520.

PART 6 DISCHARGE AND PAYMENT

Sec. 71. RCW 62A.3-601 and 1965 ex.s. c 157 s 3-601 are each amended to read as follows:

~~((DISCHARGE OF PARTIES. (1) The extent of the discharge of any party from liability on an instrument is governed by the sections on~~

- ~~((a) payment or satisfaction (RCW 62A.3-603); or~~
- ~~((b) tender of payment (RCW 62A.3-604); or~~
- ~~((c) cancellation or renunciation (RCW 62A.3-605); or~~

- (d) impairment of right of recourse or of collateral (RCW 62A.3-606); or
- (e) reacquisition of the instrument by a prior party (RCW 62A.3-208); or
- (f) fraudulent and material alteration (RCW 62A.3-407); or
- (g) certification of a check (RCW 62A.3-411); or
- (h) acceptance varying a draft (RCW 62A.3-412); or
- (i) unexcused delay in presentment or notice of dishonor or protest (RCW 62A.3-502).

(2) Any party is also discharged from his liability on an instrument to another party by any other act or agreement with such party which would discharge his simple contract for the payment of money.

(3) The liability of all parties is discharged when any party who has himself no right of action or recourse on the instrument

(a) reacquires the instrument in his own right; or

(b) is discharged under any provision of this Article, except as otherwise provided with respect to discharge for impairment of recourse or of collateral (RCW 62A.3-606).))

DISCHARGE AND EFFECT OF DISCHARGE. (a) The obligation of a party to pay the instrument is discharged as stated in this Article or by an act or agreement with the party which would discharge an obligation to pay money under a simple contract.

(b) Discharge of the obligation of a party is not effective against a person acquiring rights of a holder in due course of the instrument without notice of the discharge.

Sec. 72. RCW 62A.3-602 and 1965 ex.s. c 157 s 3-602 are each amended to read as follows:

((EFFECT OF DISCHARGE AGAINST HOLDER IN DUE COURSE.—No discharge of any party provided by this Article is effective against a subsequent holder in due course unless he has notice thereof when he takes the instrument.))

PAYMENT. (a) Subject to subsection (b), an instrument is paid to the extent payment is made (i) by or on behalf of a party obliged to pay the instrument, and (ii) to a person entitled to enforce the instrument. To the extent of the payment, the obligation of the party obliged to pay the instrument is discharged even though payment is made with knowledge of a claim to the instrument under RCW 62A.3-306 by another person.

(b) The obligation of a party to pay the instrument is not discharged under subsection (a) if:

(1) A claim to the instrument under RCW 62A.3-306 is enforceable against the party receiving payment and (i) payment is made with knowledge by the payor that payment is prohibited by injunction or similar process of a court of competent jurisdiction, or (ii) in the case of an instrument other than a cashier's check, teller's check, or certified check, the party making payment accepted, from the person having a claim to the instrument, indemnity against loss resulting from refusal to pay the person entitled to enforce the instrument; or

(2) The person making payment knows that the instrument is a stolen instrument and pays a person it knows is in wrongful possession of the instrument.

Sec. 73. RCW 62A.3-603 and 1965 ex.s. c 157 s 3-603 are each amended to read as follows:

((PAYMENT OR SATISFACTION.—(1) The liability of any party is discharged to the extent of his payment or satisfaction to the holder even though it is made with knowledge of a claim of another person to the instrument unless prior to such payment or satisfaction the person making the claim either supplies indemnity deemed adequate by the party seeking the discharge or enjoins payment or satisfaction by order of a court of competent jurisdiction in an action in which the adverse claimant and the holder are parties. This subsection does not, however, result in the discharge of the liability

(a) of a party who in bad faith pays or satisfies a holder who acquired the instrument by theft or who (unless having the rights of a holder in due course) holds through one who so acquired it; or

(b) of a party (other than an intermediary bank or a payor bank which is not a depository bank) who pays or satisfies the holder of an instrument which has been restrictively indorsed in a manner not consistent with the terms of such restrictive indorsement.

(2) Payment or satisfaction may be made with the consent of the holder by any person including a stranger to the instrument. Surrender of the instrument to such a person gives him the rights of a transferee (RCW 62A.3-201).))

TENDER OF PAYMENT. (a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.

(b) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument and the tender is refused, there is discharge, to the extent of the amount of the tender, of the obligation of an indorser or accommodation party having a right of recourse with respect to the obligation to which the tender relates.

(c) If tender of payment of an amount due on an instrument is made to a person entitled to enforce the instrument, the obligation of the obligor to pay interest after the due date on the amount tendered is discharged. If presentment is required with respect to an instrument and the obligor is able and ready to pay on the due date at every place of payment stated in the instrument, the obligor is deemed to have made tender of payment on the due date to the person entitled to enforce the instrument.

Sec. 74. RCW 62A.3-604 and 1965 ex.s. c 157 s 3-604 are each amended to read as follows:

((TENDER OF PAYMENT.—(1) Any party making tender of full payment to a holder when or after it is due is discharged to the extent of all subsequent liability for interest, costs and attorney's fees.

(2) The holder's refusal of such tender wholly discharges any party who has a right of recourse against the party making the tender.

(3) Where the maker or acceptor of an instrument payable otherwise than on demand is able and ready to pay at every place of payment specified in the instrument when it is due, it is equivalent to tender.))

DISCHARGE BY CANCELLATION OR RENUNCIATION. (a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed writing.

(b) Cancellation or striking out of an indorsement pursuant to subsection (a) does not affect the status and rights of a party derived from the indorsement.

Sec. 75. RCW 62A.3-605 and 1965 ex.s. c 157 s 3-605 are each amended to read as follows:

((CANCELLATION AND RENUNCIATION.—(1) The holder of an instrument may even without consideration discharge any party

(a) in any manner apparent on the face of the instrument or the indorsement, as by intentionally cancelling the instrument or the party's signature by destruction or mutilation, or by striking out the party's signature; or

(b) by renouncing his rights by a writing signed and delivered or by surrender of the instrument to the party to be discharged.

(2) Neither cancellation nor renunciation without surrender of the instrument affects the title thereto-))

DISCHARGE OF INDORSERS AND ACCOMMODATION PARTIES. (a) In this section, the term "indorser" includes a drawer having the obligation described in RCW 62A.3-414(d).

(b) Discharge, under RCW 62A.3-604, of the obligation of a party to pay an instrument does not discharge the obligation of an indorser or accommodation party having a right of recourse against the discharged party.

(c) If a person entitled to enforce an instrument agrees, with or without consideration, to an extension of the due date of the obligation of a party to pay the instrument, the extension discharges an indorser or accommodation party having a right of recourse against the party whose obligation is extended to the extent the indorser or accommodation party proves that the extension caused loss to the indorser or accommodation party with respect to the right of recourse.

(d) If a person entitled to enforce an instrument agrees, with or without consideration, to a material modification of the obligation of a party other than an extension of the due date, the modification discharges the obligation of an indorser or accommodation party having a right of recourse against the person whose obligation is modified to the extent the modification causes loss to the indorser or accommodation party with respect to the right of recourse. The loss suffered by the indorser or accommodation party as a result of the modification is equal to the amount of the right of recourse unless the person enforcing the instrument proves that no loss was caused by the modification or that the loss caused by the modification was an amount less than the amount of the right of recourse.

(e) If the obligation of a party to pay an instrument is secured by an interest in collateral and a person entitled to enforce the instrument impairs the value of the interest in collateral, the obligation of an indorser or accommodation party having a right of recourse against the obligor is discharged to the extent of the impairment. The value of an interest in collateral is impaired to the extent (i) the value of the interest is reduced to an amount less than the amount of the right of recourse of the party asserting discharge, or (ii) the reduction in value of the interest causes an increase in the amount by which the amount of the right of recourse exceeds the value of the interest. The burden of proving impairment is on the party asserting discharge.

(f) If the obligation of a party is secured by an interest in collateral not provided by an accommodation party and a person entitled to enforce the instrument impairs the value of the interest in collateral, the obligation of any party who is jointly and severally liable with respect to the secured obligation is discharged to the extent the impairment causes the party asserting discharge to pay more than that party would have been obliged to pay, taking into account rights of contribution, if impairment had not occurred. If the party asserting discharge is an accommodation party not entitled to discharge under subsection (e), the party is deemed to have a right to contribution based on joint and several liability rather than a right to reimbursement. The burden of proving impairment is on the party asserting discharge.

(g) Under subsection (e) or (f), impairing value of an interest in collateral includes (i) failure to obtain or maintain perfection or recordation of the interest in collateral, (ii) release of collateral without substitution of collateral of equal value, (iii) failure to perform a duty to preserve the value of collateral owed, under Article 9 or other law, to a debtor or surety or other person secondarily liable, or (iv) failure to comply with applicable law in disposing of collateral.

(h) An accommodation party is not discharged under subsection (c), (d), or (e) unless the person entitled to enforce the instrument knows of the accommodation or has notice under RCW 62A.3-419(c) that the instrument was signed for accommodation.

(i) A party is not discharged under this section if (i) the party asserting discharge consents to the event or conduct that is the basis of the discharge, or (ii) the instrument or a separate agreement of the party provides for waiver of discharge under this section either specifically or by general language indicating that parties waive defenses based on suretyship or impairment of collateral.

NEW SECTION. Sec. 76. The following acts or parts of acts are each repealed:

- (1) RCW 62A.3-120 and 1965 ex.s. c 157 s 3-120;
- (2) RCW 62A.3-121 and 1965 ex.s. c 157 s 3-121;
- (3) RCW 62A.3-122 and 1965 ex.s. c 157 s 3-122;
- (4) RCW 62A.3-208 and 1965 ex.s. c 157 s 3-208;
- (5) RCW 62A.3-506 and 1965 ex.s. c 157 s 3-506;
- (6) RCW 62A.3-507 and 1965 ex.s. c 157 s 3-507;
- (7) RCW 62A.3-508 and 1965 ex.s. c 157 s 3-508;
- (8) RCW 62A.3-509 and 1965 ex.s. c 157 s 3-509;
- (9) RCW 62A.3-510 and 1965 ex.s. c 157 s 3-510;
- (10) RCW 62A.3-511 and 1965 ex.s. c 157 s 3-511;
- (11) RCW 62A.3-606 and 1965 ex.s. c 157 s 3-606;
- (12) RCW 62A.3-701 and 1965 ex.s. c 157 s 3-701;
- (13) RCW 62A.3-801 and 1965 ex.s. c 157 s 3-801;
- (14) RCW 62A.3-802 and 1965 ex.s. c 157 s 3-802;
- (15) RCW 62A.3-803 and 1965 ex.s. c 157 s 3-803;
- (16) RCW 62A.3-804 and 1965 ex.s. c 157 s 3-804; and
- (17) RCW 62A.3-805 and 1965 ex.s. c 157 s 3-805.

ARTICLE 4
BANK DEPOSITS AND COLLECTIONS
PART 1
GENERAL PROVISIONS AND DEFINITIONS

Sec. 77. RCW 62A.4-101 and 1965 ex.s. c 157 s 4-101 are each amended to read as follows:

SHORT TITLE. This Article (~~shall be known and~~) may be cited as Uniform Commercial Code--Bank Deposits and Collections.

Sec. 78. RCW 62A.4-102 and 1965 ex.s. c 157 s 4-102 are each amended to read as follows:

APPLICABILITY. ~~((1))~~ (a) To the extent that items within this Article are also within ~~((the scope of))~~ Articles 3 and 8, they are subject to ~~((the provisions of))~~ those Articles. ~~((In the event of))~~ If there is conflict ~~((the provisions of))~~, this Article governs ~~((those of))~~ Article 3, but ~~((the provisions of))~~ Article 8 governs ~~((those of))~~ this Article.

~~((2))~~ (b) The liability of a bank for action or non-action with respect to ~~((any))~~ an item handled by it for purposes of presentment, payment, or collection is governed by the law of the place where the bank is located. In the case of action or non-action by or at a branch or separate office of a bank, its liability is governed by the law of the place where the branch or separate office is located.

Sec. 79. RCW 62A.4-103 and 1965 ex.s. c 157 s 4-103 are each amended to read as follows:

VARIATION BY AGREEMENT; MEASURE OF DAMAGES; ~~((CERTAIN))~~ ACTION CONSTITUTING ORDINARY CARE. ~~((1))~~ (a) The effect of the provisions of this Article may be varied by agreement ~~((except that no agreement can))~~, but the parties to the agreement cannot disclaim a bank's responsibility for its ~~((own))~~ lack of good faith or failure to exercise ordinary care or ~~((can))~~ limit the measure of damages for ~~((such))~~ the lack or failure~~((but))~~. However, the parties may determine by agreement ~~((determine))~~ the standards by which ~~((such))~~ the bank's responsibility is to be measured if ~~((such))~~ those standards are not manifestly unreasonable.

~~((2))~~ (b) Federal Reserve regulations and operating ~~((letters))~~ circulares, clearing-house rules, and the like~~((;))~~ have the effect of agreements under subsection ~~((1))~~ (a), whether or not specifically assented to by all parties interested in items handled.

~~((3))~~ (c) Action or non-action approved by this Article or pursuant to Federal Reserve regulations or operating ~~((letters constitutes))~~ circulares is the exercise of ordinary care and, in the absence of special instructions, action or non-action consistent with clearing-house rules and the like or with a general banking usage not disapproved by this Article, is prima facie ~~((constitutes))~~ the exercise of ordinary care.

~~((4))~~ (d) The specification or approval of certain procedures by this Article ~~((does))~~ is not ~~((constitute))~~ disapproval of other procedures ~~((which))~~ that may be reasonable under the circumstances.

~~((5))~~ (e) The measure of damages for failure to exercise ordinary care in handling an item is the amount of the item reduced by an amount ~~((which))~~ that could not have been realized by the ~~((use))~~ exercise of ordinary care~~((, and where))~~. If there is also bad faith it includes any other damages~~((, if any, suffered by))~~ the party suffered as a proximate consequence.

Sec. 80. RCW 62A.4-104 and 1981 c 122 s 1 are each amended to read as follows:

DEFINITIONS AND INDEX OF DEFINITIONS. ~~((1))~~ (a) In this Article, unless the context otherwise requires:

~~((a))~~ (1) "Account" means any deposit or credit account with a bank ~~((and includes))~~, including a ~~((checking))~~ demand, time, ~~((interest of))~~ savings, passbook, share draft, or like account, other than an account evidenced by a certificate of deposit;

~~((b))~~ (2) "Afternoon" means the period of a day between noon and midnight;

~~((c))~~ (3) "Banking day" means ~~((that))~~ the part of ~~((any))~~ a day on which a bank is open to the public for carrying on substantially all of its banking functions, except that it shall not include a Saturday, Sunday, or legal holiday;

~~((d))~~ (4) "Clearing house" means ~~((any))~~ an association of banks or other payors regularly clearing items;

~~((e))~~ (5) "Customer" means ~~((any))~~ a person having an account with a bank or for whom a bank has agreed to collect items ~~((and includes))~~, including a bank ~~((carrying))~~ that maintains an account ~~((with))~~ at another bank;

~~((f))~~ (6) "Documentary draft" means ~~((any negotiable or non-negotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft))~~ a draft to be presented for acceptance or payment if specified documents, certificated securities (RCW 62A.8-102) or instructions for uncertificated securities (RCW 62A.8-308), or other certificates, statements, or the like are to be received by the drawee or other payor before acceptance or payment of the draft;

(7) "Draft" means a draft as defined in RCW 62A.3-104 or an item, other than an instrument, that is an order;

(8) "Drawee" means a person ordered in a draft to make payment;

~~((g))~~ (9) "Item" means ~~((any))~~ an instrument ~~((for the))~~ or a promise or order to pay money handled by a bank for collection or payment ~~((of money even though it is not negotiable but does not include money))~~. The term does not include a payment order governed by Article 4A or a credit or debit card slip;

~~((h))~~ (10) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

~~((i))~~ "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;

~~((j))~~ (11) "Settle" means to pay in cash, by clearing-house settlement, in a charge or credit or by remittance, or otherwise as ~~((instructed))~~ agreed. A settlement may be either provisional or final;

~~((k))~~ (12) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

~~((2))~~ (b) Other definitions applying to this Article and the sections in which they appear are:

"Agreement for electronic presentment" section 86 of this act.

"Bank" RCW 62A.4-105.

"Collecting bank" RCW 62A.4-105.

"Depository bank" RCW 62A.4-105.

"Intermediary bank" RCW 62A.4-105.

"Payor bank" RCW 62A.4-105.

"Presenting bank" RCW 62A.4-105.

~~((Remitting bank" RCW 62A.4-105.))~~

"Presentment notice" section 86 of this act.

~~((3))~~ (c) The following definitions in other Articles apply to this Article:

"Acceptance" RCW ~~((62A.3-410))~~ 62A.3-409.

"Alteration" RCW 62A.3-407.

"Cashier's check" RCW 62A.3-104.

"Certificate of deposit" RCW 62A.3-104.

("Certification" RCW 62A.3-411.)
"Certified check" RCW 62A.3-409.
"Check" RCW 62A.3-104.
"Draft" RCW 62A.3-104.
"Good faith" RCW 62A.3-103.
"Holder in due course" RCW 62A.3-302.
"Instrument" RCW 62A.3-104.
"Notice of dishonor" RCW ((62A.3-508)) 62A.3-503.
"Order" RCW 62A.3-103.
"Ordinary care" RCW 62A.3-103.
"Person entitled to enforce" RCW 62A.3-301.
"Presentment" RCW ((62A.3-504)) 62A.3-501.
"Promise" RCW 62A.3-103.
("Protest" RCW 62A.3-509.)
"Prove" RCW 62A.3-103.
("Secondary party" RCW 62A.3-102.)
"Teller's check" RCW 62A.3-104.
"Unauthorized signature" RCW 62A.3-403.

~~((4))~~ (d) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 81. RCW 62A.4-105 and 1965 ex.s. c 157 s 4-105 are each amended to read as follows:

"BANK"; "DEPOSITARY BANK"; "PAYOR BANK"; "INTERMEDIARY BANK"; "COLLECTING BANK"; ((PAYOR BANK));
"PRESENTING BANK" (;"REMITTING BANK"). In this Article ~~((unless the context otherwise requires))~~:

~~((a))~~ (1) "Bank" means a person engaged in the business of banking, including a savings bank, savings and loan association, credit union, or trust company;

~~((2))~~ (2) "Depository bank" means the first bank to ((which)) take an item ((is transferred for collection)) even though it is also the payor bank, unless the item is presented for immediate payment over the counter;

~~((b))~~ (3) "Payor bank" means a bank ((by which an item)) that is ((payable as drawn or accepted)) the drawee of a draft;

~~((c))~~ (4) "Intermediary bank" means ((any)) a bank to which an item is transferred in course of collection except the depository or payor bank;

~~((d))~~ (5) "Collecting bank" means ((any)) a bank handling the item for collection except the payor bank;

~~((e))~~ (6) "Presenting bank" means ((any)) a bank presenting an item except a payor bank((;

~~((f))~~ "Remitting bank" means any payor or intermediary bank remitting for an item).

Sec. 82. RCW 62A.4-106 and 1965 ex.s. c 157 s 4-106 are each amended to read as follows:

~~((SEPARATE OFFICE OF A BANK. A branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders shall be given under this Article and under Article 3.))~~ PAYABLE THROUGH OR PAYABLE AT BANK; COLLECTING BANK. (a) If an item states that it is "payable through" a bank identified in the item, (i) the item designates the bank as a collecting bank and does not by itself authorize the bank to pay the item, and (ii) the item may be presented for payment only by or through the bank.

(b) If an item states that it is "payable at" a bank identified in the item, (i) the item designates the bank as a collecting bank and does not by itself authorize the bank to pay the item, and (ii) the item may be presented for payment only by or through the bank.

(c) If a draft names a nonbank drawee and it is unclear whether a bank named in the draft is a codrawee or a collecting bank, the bank is a collecting bank.

Sec. 83. RCW 62A.4-107 and 1965 ex.s. c 157 s 4-107 are each amended to read as follows:

~~((TIME OF RECEIPT OF ITEMS. (1) For the purpose of allowing time to process items, prove balances, and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P.M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.~~

~~((2) Any item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.))~~ SEPARATE OFFICE OF A BANK. A branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders must be given under this Article and under Article 3.

Sec. 84. RCW 62A.4-108 and 1965 ex.s. c 157 s 4-108 are each amended to read as follows:

~~((DELAYS. (1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by this Title for a period not in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.~~

~~((2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this Title or by instructions is excused if caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond the control of the bank provided it exercises such diligence as the circumstances require.))~~ TIME OF RECEIPT OF ITEMS. (a) For the purpose of allowing time to process items, prove balances, and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P.M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.

(b) An item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.

Sec. 85. RCW 62A.4-109 and 1965 ex.s. c 157 s 4-109 are each amended to read as follows:

~~((The "process of posting" means the usual procedure followed by a payor bank in determining to pay an item and in recording the payment including one or more of the following or other steps as determined by the bank:~~

~~((a) verification of any signature;~~

~~((b) ascertaining that sufficient funds are available;~~

(e) affixing a "paid" or other stamp;
(d) entering a charge or entry to a customer's account;
(e) correcting or reversing an entry or erroneous action with respect to the item.) DELAYS. (a) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment of a specific item drawn on a payor other than a bank, and with or without the approval of any person involved, may waive, modify, or extend time limits imposed or permitted by this Title for a period not exceeding two additional banking days without discharge of drawers or indorsers or liability to its transferor or a prior party.

(b) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this Title or by instructions is excused if (i) the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of the bank, and (ii) the bank exercises such diligence as the circumstances require.

NEW SECTION. Sec. 86. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-110, to read as follows:

ELECTRONIC PRESENTMENT. (a) "Agreement for electronic presentment" means an agreement, clearing-house rule, or Federal Reserve regulation or operating circular, providing that presentment of an item may be made by transmission of an image of an item or information describing the item ("presentment notice") rather than delivery of the item itself. The agreement may provide for procedures governing retention, presentment, payment, dishonor, and other matters concerning items subject to the agreement.

(b) Presentment of an item pursuant to an agreement for presentment is made when the presentment notice is received.

(c) If presentment is made by presentment notice, a reference to "item" or "check" in this Article means the presentment notice unless the context otherwise indicates.

NEW SECTION. Sec. 87. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-111, to read as follows:

STATUTE OF LIMITATIONS. An action to enforce an obligation, duty, or right arising under this Article must be commenced within three years after the cause of action accrues.

PART 2 COLLECTION OF ITEMS: DEPOSITORY AND COLLECTING BANKS

Sec. 88. RCW 62A.4-201 and 1965 ex.s. c 157 s 4-201 are each amended to read as follows:

~~((PRESUMPTION AND DURATION OF AGENCY))~~ STATUS OF COLLECTING BANK(S) AS AGENT AND PROVISIONAL STATUS OF CREDITS; APPLICABILITY OF ARTICLE; ITEM INDORSED "PAY ANY BANK". ~~((4))~~ (a) Unless a contrary intent clearly appears and ~~((prior to))~~ before the time that a settlement given by a collecting bank for an item is or becomes final ~~((subsection (3) of RCW 62A.4-211 and RCW 62A.4-212 and RCW 62A.4-213))~~, the bank, with respect to the item, is an agent or sub-agent of the owner of the item and any settlement given for the item is provisional. This provision applies regardless of the form of indorsement or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank such as those resulting from outstanding advances on the item and ~~((valid))~~ rights of recoupment or setoff. ~~((When))~~ If an item is handled by banks for purposes of presentment, payment ~~((and))~~, collection, or return, the relevant provisions of this Article apply even though action of the parties clearly establishes that a particular bank has purchased the item and is the owner of it.

~~((2))~~ (b) After an item has been indorsed with the words "pay any bank" or the like, only a bank may acquire the rights of a holder until the item has been:

~~((a) until the item has been))~~ (1) Returned to the customer initiating collection; or

~~((b) until the item has been))~~ (2) Specially indorsed by a bank to a person who is not a bank.

Sec. 89. RCW 62A.4-202 and 1965 ex.s. c 157 s 4-202 are each amended to read as follows:

RESPONSIBILITY FOR COLLECTION OR RETURN; WHEN ACTION ((SEASONABLE)) TIMELY. ~~((4))~~ (a) A collecting bank must ~~((use))~~ exercise ordinary care in:

~~((a))~~ (1) Presenting an item or sending it for presentment; ~~((and~~

~~((b))~~ (2) Sending notice of dishonor or non-payment or returning an item other than a documentary draft to the bank's transferor ~~((or directly to the depository bank under subsection (2) of RCW 62A.4-212))~~ after learning that the item has not been paid or accepted, as the case may be; ~~((and~~

~~((c))~~ (3) Settling for an item when the bank receives final settlement; and

~~((d) making or providing for any necessary protest; and~~

~~((e))~~ (4) Notifying its transferor of any loss or delay in transit within a reasonable time after discovery thereof.

~~((2))~~ A collecting bank taking proper action before its midnight deadline following receipt of an item, notice or payment acts seasonably; taking proper action within a reasonably longer time may be seasonable but the bank has the burden of so establishing.) (b) A collecting bank exercises ordinary care under subsection (a) by taking proper action before its midnight deadline following receipt of an item, notice, or settlement. Taking proper action within a reasonably longer time may constitute the exercise of ordinary care, but the bank has the burden of establishing timeliness.

~~((3))~~ (c) Subject to subsection ~~((4))~~ (a) (1), a bank is not liable for the insolvency, neglect, misconduct, mistake or default of another bank or person or for loss or destruction of an item in the possession of others or in transit ~~((or in the possession of others)).~~

Sec. 90. RCW 62A.4-203 and 1965 ex.s. c 157 s 4-203 are each amended to read as follows:

EFFECT OF INSTRUCTIONS. Subject to ~~((the provisions of))~~ Article 3 concerning conversion of instruments ~~((RCW 62A.3-419))~~ (RCW 62A.3-420 (section 60 of this act)) and ~~((the provisions of both Article 3 and this Article concerning))~~ restrictive indorsements (RCW 62A.3-206), only a collecting bank's transferor can give instructions ~~((which))~~ that affect the bank or constitute

notice to it, and a collecting bank is not liable to prior parties for any action taken pursuant to ~~((such))~~ the instructions or in accordance with any agreement with its transferor.

Sec. 91. RCW 62A.4-204 and 1965 ex.s. c 157 s 4-204 are each amended to read as follows:

METHODS OF SENDING AND PRESENTING; SENDING ~~((DIRECT))~~ DIRECTLY TO PAYOR BANK. ~~(((1)))~~ (a) A collecting bank ~~((must))~~ shall send items by a reasonably prompt method, taking into consideration ~~((any))~~ relevant instructions, the nature of the item, the number of ~~((such))~~ those items on hand, ~~((and))~~ the cost of collection involved, and the method generally used by it or others to present ~~((such))~~ those items.

~~(((2)))~~ (b) A collecting bank may send:

~~(((a) any))~~ (1) An item ~~((direct))~~ directly to the payor bank;

~~(((b) any))~~ (2) An item to ~~((any))~~ a non-bank payor if authorized by its transferor; and

~~(((c) any))~~ (3) An item other than documentary drafts to ~~((any))~~ a non-bank payor, if authorized by Federal Reserve regulation or operating ~~((letter))~~ circULAR, clearing-house rule, or the like.

~~(((3)))~~ (c) Presentment may be made by a presenting bank at a place where the payor bank or other payor has requested that presentment be made.

Sec. 92. RCW 62A.4-205 and 1965 ex.s. c 157 s 4-205 are each amended to read as follows:

~~((SUPPLYING MISSING INDORSEMENT; NO NOTICE FROM PRIOR INDORSEMENT.))~~ DEPOSITARY BANK HOLDER OF UNINDORSED ITEM.

If a customer delivers an item to a depositary bank for collection:

~~(((1))~~ A depositary bank which has taken an item for collection may supply any indorsement of the customer which is necessary to title unless the item contains the words "payee's indorsement required" or the like. In the absence of such a requirement a statement placed on the item by the depositary bank to the effect that the item was deposited by a customer or credited to his account is effective as the customer's indorsement.

(2) An intermediary bank, or payor bank which is not a depositary bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor. (a) The depositary bank becomes a holder of the item at the time it receives the item for collection if the customer at the time of delivery was a holder of the item, whether or not the customer indorses the item, and, if the bank satisfies the other requirements of RCW 62A.3-302, it is a holder in due course; and

(b) The depositary bank warrants to collecting banks, the payor bank or other payor, and the drawer that the amount of the item was paid to the customer or deposited to the customer's account.

Sec. 93. RCW 62A.4-206 and 1965 ex.s. c 157 s 4-206 are each amended to read as follows:

TRANSFER BETWEEN BANKS. Any agreed method ~~((which))~~ that identifies the transferor bank is sufficient for the item's further transfer to another bank.

Sec. 94. RCW 62A.4-207 and 1965 ex.s. c 157 s 4-207 are each amended to read as follows:

TRANSFER WARRANTIES ~~((OF CUSTOMER AND COLLECTING BANK ON TRANSFER OR PRESENTMENT OF ITEMS; TIME FOR CLAIMS.))~~ (1) Each customer or collecting bank who obtains payment or acceptance of an item and each prior customer and collecting bank warrants to the payor bank or other payor who in good faith pays or accepts the item that

(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title; and

(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith

(i) to a maker with respect to the maker's own signature; or

(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or

(iii) to an acceptor of an item if the holder in due course took the item after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and

(c) the item has not been materially altered, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith

(i) to the maker of a note; or

(ii) to the drawer of a draft whether or not the drawer is also the drawee; or

(iii) to the acceptor of an item with respect to an alteration made prior to the acceptance if the holder in due course took the item after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or

(iv) to the acceptor of an item with respect to an alteration made after the acceptance.

(2) Each customer and collecting bank who transfers an item and receives a settlement or other consideration for it warrants to his transferee and to any subsequent collecting bank who takes the item in good faith that

(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

(b) all signatures are genuine or authorized; and

(c) the item has not been materially altered; and

(d) no defense of any party is good against him; and

(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted item.

In addition each customer and collecting bank so transferring an item and receiving a settlement or other consideration engages that upon dishonor and any necessary notice of dishonor and protest he will take up the item.

(3) The warranties and the engagement to honor set forth in the two preceding subsections arise notwithstanding the absence of indorsement or words of guaranty or warranty in the transfer or presentment and a collecting bank remains liable for their breach despite remittance to its transferor. Damages for breach of such warranties or engagement to honor shall not exceed the consideration received by the customer or collecting bank responsible plus finance charges and expenses related to the item, if any.

(4) Unless a claim for breach of warranty under this section is made within a reasonable time after the person claiming learns of the breach, the person liable is discharged to the extent of any loss caused by the delay in making claim. (a) A customer or collecting bank that transfers an item and receives a settlement or other consideration warrants to the transferee and to any subsequent collecting bank that:

(1) The warrantor is a person entitled to enforce the item;
(2) All signatures on the item are authentic and authorized;
(3) The item has not been altered;
(4) The item is not subject to a defense or claim in recoupment (RCW 62A.3-305(a)) of any party that can be asserted against the warrantor; and
(5) The warrantor has no knowledge of any insolvency proceeding commenced with respect to the maker or acceptor or, in the case of an unaccepted draft, the drawer.

(b) If an item is dishonored, a customer or collecting bank transferring the item and receiving settlement or other consideration is obliged to pay the amount due on the item (i) according to the terms of the item at the time it was transferred, or (ii) if the transfer was of an incomplete item, according to its terms when completed as stated in RCW 62A.3-115 and 62A.3-407. The obligation of a transferor is owed to the transferee and to any subsequent collecting bank that takes the item in good faith. A transferor cannot disclaim its obligation under this subsection by an indorsement stating that it is made "without recourse" or otherwise disclaiming liability.

(c) A person to whom the warranties under subsection (a) are made and who took the item in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the item plus expenses and loss of interest incurred as a result of the breach.

(d) The warranties stated in subsection (a) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(e) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. 95. RCW 62A.4-208 and 1965 ex.s. c 157 s 4-208 are each amended to read as follows:

~~((SECURITY INTEREST OF COLLECTING BANK IN ITEMS, ACCOMPANYING DOCUMENTS AND PROCEEDS. (1) A bank has a security interest in an item and any accompanying documents or the proceeds of either~~

~~(a) in case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied;~~

~~(b) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon and whether or not there is a right of charge-back; or~~

~~(c) if it makes an advance on or against the item.~~

~~(2) When credit which has been given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.~~

~~(3) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents and proceeds. To the extent and so long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues and is subject to the provisions of Article 9 except that~~

~~(a) no security agreement is necessary to make the security interest enforceable (subsection (1)(b) of RCW 62A.9-203); and~~

~~(b) no filing is required to perfect the security interest; and~~

~~(c) the security interest has priority over conflicting perfected security interests in the item, accompanying documents or proceeds.)~~ **PRESENTMENT WARRANTIES.** (a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft, (i) the person obtaining payment or acceptance, at the time of presentment, and (ii) a previous transferor of the draft, at the time of transfer, warrant to the drawee that pays or accepts the draft in good faith that:

(1) The warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;

(2) The draft has not been altered; and

(3) The warrantor has no knowledge that the signature of the purported drawer of the draft is unauthorized.

(b) A drawee making payment may recover from a warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft (i) breach of warranty is a defense to the obligation of the acceptor, and (ii) if the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from a warrantor for breach of warranty the amounts stated in this subsection.

(c) If a drawee asserts a claim for breach of warranty under subsection (a) based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under RCW 62A.3-404 or 62A.3-405 or the drawer is precluded under RCW 62A.3-406 or 62A.4-406 from asserting against the drawee the unauthorized indorsement or alteration.

(d) If (i) a dishonored draft is presented for payment to the drawer or an indorser or (ii) any other item is presented for payment to a party obliged to pay the item, and the item is paid, the person obtaining payment and a prior transferor of the item warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the item, a person entitled to enforce the item or authorized to obtain payment on behalf of a person entitled to enforce the item. The person making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses and loss of interest resulting from the breach.

(e) The warranties stated in subsections (a) and (d) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(f) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. 96. RCW 62A.4-209 and 1965 ex.s. c 157 s 4-209 are each amended to read as follows:

~~((WHEN BANK GIVES VALUE FOR PURPOSES OF HOLDER IN DUE COURSE. For purposes of determining its status as a holder in due course, the bank has given value to the extent that it has a security interest in an item provided that the bank otherwise complies with the requirements of RCW 62A.3-302 on what constitutes a holder in due course.)) ENCODING AND RETENTION WARRANTIES. (a) A person who encodes information on or with respect to an item after issue warrants to any subsequent collecting bank and to the payor bank or other payor that the information is correctly encoded. If the customer of a depositary bank encodes, that bank also makes the warranty.~~

(b) A person who undertakes to retain an item pursuant to an agreement for electronic presentment warrants to any subsequent collecting bank and to the payor bank or other payor that retention and presentment of the item comply with the agreement. If a customer of a depositary bank undertakes to retain an item, that bank also makes this warranty.

(c) A person to whom warranties are made under this section and who took the item in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, plus expenses and loss of interest incurred as a result of the breach.

Sec. 97. RCW 62A.4-210 and 1965 ex.s. c 157 s 4-210 are each amended to read as follows:

~~((PRESENTMENT BY NOTICE OF ITEM NOT PAYABLE BY, THROUGH OR AT A BANK; LIABILITY OF SECONDARY PARTIES. (1) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under RCW 62A.3-505 by the close of the bank's next banking day after it knows of the requirement.~~

~~(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under RCW 62A.3-505 is received by the close of business on the day after maturity or in the case of demand items by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.)) SECURITY INTEREST OF COLLECTING BANK IN ITEMS, ACCOMPANYING DOCUMENTS AND PROCEEDS. (a) A collecting bank has a security interest in an item and any accompanying documents or the proceeds of either:~~

(1) In case of an item deposited in an account, to the extent to which credit given for the item has been withdrawn or applied;

(2) In case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon or there is a right of charge-back; or

(3) If it makes an advance on or against the item.

(b) If credit given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part, the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(c) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. So long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues to that extent and is subject to Article 9, but:

(1) No security agreement is necessary to make the security interest enforceable (subsection (1) of RCW 62A.9-203);

(2) No filing is required to perfect the security interest; and

(3) The security interest has priority over conflicting perfected security interests in the item, accompanying documents, or proceeds.

Sec. 98. RCW 62A.4-211 and 1965 ex.s. c 157 s 4-211 are each amended to read as follows:

~~((MEDIA OF REMITTANCE; PROVISIONAL AND FINAL SETTLEMENT IN REMITTANCE CASES. (1) A collecting bank may take in settlement of an item~~

~~(a) a check of the remitting bank or of another bank on any bank except the remitting bank; or~~

~~(b) a cashier's check or similar primary obligation of a remitting bank which is a member of or clears through a member of the same clearing house or group as the collecting bank; or~~

~~(c) appropriate authority to charge an account of the remitting bank or of another bank with the collecting bank; or~~

~~(d) if the item is drawn upon or payable by a person other than a bank, a cashier's check, certified check or other bank check or obligation.~~

~~(2) If before its midnight deadline the collecting bank properly dishonors a remittance check or authorization to charge on itself or presents or forwards for collection a remittance instrument of or on another bank which is of a kind approved by subsection (1) or has not been authorized by it, the collecting bank is not liable to prior parties in the event of the dishonor of such check, instrument or authorization.~~

~~(3) A settlement for an item by means of a remittance instrument or authorization to charge is or becomes a final settlement as to both the person making and the person receiving the settlement~~

~~(a) if the remittance instrument or authorization to charge is of a kind approved by subsection (1) or has not been authorized by the person receiving the settlement and in either case the person receiving the settlement acts seasonably before its midnight deadline in presenting, forwarding for collection or paying the instrument or authorization,--at the time the remittance instrument or authorization is finally paid by the payor by which it is payable;~~

~~(b) if the person receiving the settlement has authorized remittance by a non-bank check or obligation or by a cashier's check or similar primary obligation of or a check upon the payor or other remitting bank which is not of a kind approved by subsection (1)(b),--at the time of the receipt of such remittance check or obligation; or~~

~~(c) if in a case not covered by sub-paragraphs (a) or (b) the person receiving the settlement fails to seasonably present, forward for collection, pay or return a remittance instrument or authorization to it to charge before its midnight deadline,--at such midnight deadline.)) WHEN BANK GIVES VALUE FOR PURPOSES OF HOLDER IN DUE COURSE. For purposes of determining its status as a holder in due course, bank has given value to the extent it has a security interest in an item, if the bank otherwise complies with the requirements of RCW 62A.3-302 on what constitutes a holder in due course.~~

Sec. 99. RCW 62A.4-212 and 1965 ex.s. c 157 s 4-212 are each amended to read as follows:

~~((RIGHT OF CHARGE-BACK OR REFUND. (1) If a collecting bank has made provisional settlement with its customer for an item and itself fails by reason of dishonor, suspension of payments by a bank or otherwise to receive a settlement for the item~~

which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the items if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. These rights to revoke, charge-back and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final (subsection (3) of RCW 62A.4-211 and subsections (2) and (3) of RCW 62A.4-213).

(2) Within the time and manner prescribed by this section and RCW 62A.4-301, an intermediary or payor bank, as the case may be, may return an unpaid item directly to the depository bank and may send for collection a draft on the depository bank and obtain reimbursement. In such case, if the depository bank has received provisional settlement for the item, it must reimburse the bank drawing the draft and any provisional credits for the item between banks shall become and remain final.

(3) A depository bank which is also the payor may charge-back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (RCW 62A.4-301)

(4) The right to charge-back is not affected by

(a) prior use of the credit given for the item; or

(b) failure by any bank to exercise ordinary care with respect to the item but any bank so failing remains liable.

(5) A failure to charge-back or claim refund does not affect other rights of the bank against the customer or any other

party.

(6) If credit is given in dollars as the equivalent of the value of an item payable in a foreign currency the dollar amount of any charge-back or refund shall be calculated on the basis of the buying sight rate for the foreign currency prevailing on the day when the person entitled to the charge-back or refund learns that it will not receive payment in ordinary course.)) PRESENTMENT BY NOTICE OF ITEM NOT PAYABLE BY, THROUGH, OR AT A BANK; LIABILITY OF DRAWER OR INDORSER. (a) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under RCW 62A.3-501 by the close of the bank's next banking day after it knows of the requirement.

(b) If presentment is made by notice and payment, acceptance, or request for compliance with a requirement under RCW 62A.3-501 is not received by the close of business on the day after maturity or, in the case of demand items, by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any drawer or indorser by sending it notice of the facts.

Sec. 100. RCW 62A.4-213 and 1965 ex.s. c 157 s 4-213 are each amended to read as follows:

((FINAL PAYMENT OF ITEM BY PAYOR BANK; WHEN PROVISIONAL DEBITS AND CREDITS BECOME FINAL; WHEN CERTAIN CREDITS BECOME AVAILABLE FOR WITHDRAWAL. (1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

(a) paid the item in cash; or

(b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or

(c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or

(d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of RCW 62A.4-211, subsection (2) of RCW 62A.4-213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

(a) in any case where the bank has received a provisional settlement for the item,--when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;

(b) in any case where the bank is both a depository bank and a payor bank and the item is finally paid,--at the opening of the bank's second banking day following receipt of the item.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit.)) MEDIUM AND TIME OF SETTLEMENT BY BANK. (a) With respect to settlement by a bank, the medium and time of settlement may be prescribed by Federal Reserve regulations or circulars, clearing-house rules, and the like, or agreement. In the absence of such prescription:

(1) The medium of settlement is cash or credit to an account in a Federal Reserve bank or specified by the person to receive settlement; and

(2) The time of settlement, is:

(i) With respect to tender of settlement by cash, a cashier's check, or teller's check, when the cash or check is sent or delivered;

(ii) With respect to tender of settlement by credit in an account in a Federal Reserve bank, when the credit is made;

(iii) With respect to tender of settlement by a credit or debit to an account in a bank, when the credit or debit is made or, in the case of tender of settlement by authority to charge an account, when the authority is sent or delivered; or

(iv) With respect to tender of settlement by a funds transfer, when payment is made pursuant to RCW 62A.4A-406(1) to the person receiving settlement.

(b) If the tender of settlement is not by a medium authorized by subsection (a) or the time of settlement is not fixed by subsection (a), no settlement occurs until the tender of settlement is accepted by the person receiving settlement.

(c) If settlement for an item is made by cashier's check or teller's check and the person receiving settlement, before its midnight deadline:

(1) Presents or forwards the check for collection, settlement is final when the check is finally paid; or

(2) Fails to present or forward the check for collection, settlement is final at the midnight deadline of the person receiving settlement.

(d) If settlement for an item is made by giving authority to charge the account of the bank giving settlement in the bank receiving settlement, settlement is final when the charge is made by the bank receiving settlement if there are funds available in the account for the amount of the item.

Sec. 101. RCW 62A.4-214 and 1965 ex.s. c 157 s 4-214 are each amended to read as follows:

((INSOLVENCY AND PREFERENCE. (1) Any item in or coming into the possession of a payor or collecting bank which suspends payment and which item is not finally paid shall be returned by the receiver, trustee or agent in charge of the closed bank to the presenting bank or the closed bank's customer.

(2) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(3) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement becoming final if such finality occurs automatically upon the lapse of certain time or the happening of certain events (subsection (3) of RCW 62A.4-211, subsections (1)(d), (2) and (3) of RCW 62A.4-213).

(4) If a collecting bank receives from subsequent parties settlement for an item which settlement is or becomes final and suspends payments without making a settlement for the item with its customer which is or becomes final, the owner of the item has a preferred claim against such collecting bank.))

RIGHT OF CHARGE-BACK OR REFUND; LIABILITY OF COLLECTING BANK; RETURN OF ITEM. (a) If a collecting bank has made provisional settlement with its customer for an item and fails by reason of dishonor, suspension of payments by a bank, or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account, or obtain refund from its customer, whether or not it is able to return the items, if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. If the return or notice is delayed beyond the bank's midnight deadline or a longer reasonable time after it learns the facts, the bank may revoke the settlement, charge back the credit, or obtain refund from its customer, but it is liable for any loss resulting from the delay. These rights to revoke, charge-back, and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final.

(b) A collecting bank returns an item when it is sent or delivered to the bank's customer or transferor or pursuant to its instructions.

(c) A depository bank that is also the payor may charge-back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (RCW 62A.4-301).

(d) The right to charge-back is not affected by:

(1) Previous use of a credit given for the item; or

(2) Failure by any bank to exercise ordinary care with respect to the item, but a bank so failing remains liable.

(e) A failure to charge-back or claim refund does not affect other rights of the bank against the customer or any other party.

(f) If credit is given in dollars as the equivalent of the value of an item payable in a foreign money, the dollar amount of any charge-back or refund must be calculated on the basis of the bank-offered spot rate for the foreign money prevailing on the day when the person entitled to the charge-back or refund learns that it will not receive payment in ordinary course.

NEW SECTION. Sec. 102. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-215, to read as follows:

FINAL PAYMENT OF ITEM BY PAYOR BANK; WHEN PROVISIONAL DEBITS AND CREDITS BECOME FINAL; WHEN CERTAIN CREDITS BECOME AVAILABLE FOR WITHDRAWAL. (a) An item is finally paid by a payor bank when the bank has first done any of the following:

(1) Paid the item in cash;

(2) Settled for the item without having a right to revoke the settlement under statute, clearing-house rule, or agreement; or

(3) Made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing-house rule, or agreement.

(b) If provisional settlement for an item does not become final, the item is not finally paid.

(c) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(d) If a collecting bank receives a settlement for an item which is or becomes final, the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(e) Subject to (i) applicable law stating a time for availability of funds and (ii) any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in a customer's account becomes available for withdrawal as of right:

(1) If the bank has received a provisional settlement for the item, when the settlement becomes final and the bank has had a reasonable time to receive return of the item and the item has not been received within that time;

(2) If the bank is both the depository bank and the payor bank, and the item is finally paid, at the opening of the bank's second banking day following receipt of the item.

(f) Subject to applicable law stating a time for availability of funds and any right of a bank to apply a deposit to an obligation of the depositor, a deposit of money becomes available for withdrawal as of right at the opening of the bank's next banking day after receipt of the deposit.

NEW SECTION. Sec. 103. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-216, to read as follows:

INSOLVENCY AND PREFERENCE. (a) If an item is in or comes into the possession of a payor or collecting bank that suspends payment and the item has not been finally paid, the item must be returned by the receiver, trustee, or agent in charge of the closed bank to the presenting bank or the closed bank's customer.

(b) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(c) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement's becoming final if the finality occurs automatically upon the lapse of certain time or the happening of certain events.

(d) If a collecting bank receives from subsequent parties settlement for an item, which settlement is or becomes final and the bank suspends payments without making a settlement for the item with its customer which settlement is or becomes final, the owner of the item has a preferred claim against the collecting bank.

PART 3 COLLECTION OF ITEMS: PAYOR BANKS

Sec. 104. RCW 62A.4-301 and 1965 ex.s. c 157 s 4-301 are each amended to read as follows:

DEFERRED POSTING; RECOVERY OF PAYMENT BY RETURN OF ITEMS; TIME OF DISHONOR; RETURN OF ITEMS BY PAYOR BANK. ~~((1) Where an authorized settlement)~~ (a) If a payor bank settles for a demand item (other than a documentary draft) ~~((received by a payor bank))~~ presented otherwise than for immediate payment over the counter ~~((has been made))~~ before midnight of the banking day of receipt, the payor bank may revoke the settlement and recover ~~((any payment))~~ the settlement if, before it has made final payment ~~((subsection (1) of RCW 62A.4-213))~~ and before its midnight deadline, it:

~~((a))~~ (1) Returns the item; or

~~((b))~~ (2) Sends written notice of dishonor or nonpayment if the item is ~~((held for protest or is otherwise))~~ unavailable for return.

~~((2))~~ (b) If a demand item is received by a payor bank for credit on its books, it may return ~~((such))~~ the item or send notice of dishonor and may revoke any credit given or recover the amount thereof withdrawn by its customer, if it acts within the time limit and in the manner specified in ~~((the preceding))~~ subsection (a).

~~((3))~~ (c) Unless previous notice of dishonor has been sent, an item is dishonored at the time when for purposes of dishonor it is returned or notice sent in accordance with this section.

~~((4))~~ (d) An item is returned:

~~((a))~~ (1) As to an item ~~((received))~~ presented through a clearing house, when it is delivered to the presenting or last collecting bank or to the clearing house or is sent or delivered in accordance with ~~((its))~~ clearing-house rules; or

~~((b))~~ (2) In all other cases, when it is sent or delivered to the bank's customer or transferor or pursuant to ~~((his))~~ instructions.

Sec. 105. RCW 62A.4-302 and 1965 ex.s. c 157 s 4-302 are each amended to read as follows:

PAYOR BANK'S RESPONSIBILITY FOR LATE RETURN OF ITEM. ~~((In the absence of a valid defense such as breach of a presentment warranty (subsection (1) of RCW 62A.4-207), settlement effected or the like,))~~ (a) If an item is presented ~~((or))~~ to and received by a payor bank, the bank is accountable for the amount of:

~~((a))~~ (1) A demand item, other than a documentary draft, whether properly payable or not, if the bank, in any case ~~((where))~~ in which it is not also the depository bank, retains the item beyond midnight of the banking day of receipt without settling for it or, ~~((regardless of))~~ whether or not it is also the depository bank, does not pay or return the item or send notice of dishonor until after its midnight deadline; or

~~((b))~~ (2) any other properly payable item unless, within the time allowed for acceptance or payment of that item, the bank either accepts or pays the item or returns it and accompanying documents.

(b) The liability of a payor bank to pay an item pursuant to subsection (a) is subject to defenses based on breach of a presentment warranty (RCW 62A.4-208) or proof that the person seeking enforcement of the liability presented or transferred the item for the purpose of defrauding the payor bank.

Sec. 106. RCW 62A.4-303 and 1965 ex.s. c 157 s 4-303 are each amended to read as follows:

WHEN ITEMS SUBJECT TO NOTICE, ((STOP-ORDER)) STOP-PAYMENT ORDER, LEGAL PROCESS, OR SETOFF; ORDER IN WHICH ITEMS MAY BE CHARGED OR CERTIFIED. ~~((1))~~ (a) Any knowledge, notice, or ~~((stop-order))~~ stop-payment order received by, legal process served upon, or setoff exercised by a payor bank ~~((, whether or not effective under other rules of law))~~ comes too late to terminate, suspend, or modify the bank's right or duty to pay an item or to charge its customer's account for the item ~~((, comes too late to so terminate, suspend or modify such right or duty))~~ if the knowledge, notice, stop-payment order, or legal process is received or served and a reasonable time for the bank to act thereon expires or the setoff is exercised after the ~~((bank has done any))~~ earliest of the following:

~~((a) accepted or certified))~~ (1) The bank accepts or certifies the item;

~~((b) paid))~~ (2) The bank pays the item in cash;

~~((c) settled))~~ (3) The bank settles for the item without ~~((reserving))~~ having a right to revoke the settlement ~~((and without having such right))~~ under statute, clearing-house rule, or agreement;

~~((d) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith or otherwise has evidenced by examination of such indicated account and by action its decision to pay the item; or~~

~~((e))~~ (4) The bank becomes accountable for the amount of the item under ~~((subsection (1)(d) of RCW 62A.4-213 and))~~ RCW 62A.4-302 dealing with the payor bank's responsibility for late return of items ~~((,))~~ or

(5) With respect to checks, a cutoff hour no earlier than one hour after the opening of the next banking day after the banking day on which the bank received the check and no later than the close of that next banking day or, if no cutoff hour is fixed, the close of the next banking day after the banking day on which the bank received the check.

~~((2))~~ (b) Subject to ~~((the provisions of))~~ subsection ~~((1))~~ (a) items may be accepted, paid, certified, or charged to the indicated account of its customer in any order ~~((convenient to the bank)).~~

PART 4
RELATIONSHIP BETWEEN PAYOR BANK AND ITS CUSTOMER

Sec. 107. RCW 62A.4-401 and 1965 ex.s. c 157 s 4-401 are each amended to read as follows:

WHEN BANK MAY CHARGE CUSTOMER'S ACCOUNT. ~~((1) As against its customer,)~~ (a) A bank may charge against ((his)) the account ((any)) of a customer an item ((which)) that is ((otherwise)) properly payable from that account even though the charge creates an overdraft. An item is properly payable if it is authorized by the customer and is in accordance with any agreement between the customer and bank.

~~((2))~~ (b) A customer is not liable for the amount of an overdraft if the customer neither signed the item nor benefited from the proceeds of the item.

(c) A bank may charge against the account of a customer a check that is otherwise properly payable from the account, even though payment was made before the date of the check, unless the customer has given notice to the bank of the postdating describing the check with reasonable certainty. The notice is effective for the period stated in RCW 62A.4-403(b) for stop-payment orders, and must be received at such time and in such manner as to afford the bank a reasonable opportunity to act on it before the bank takes any action with respect to the check described in RCW 62A.4-303. A bank may not collect a fee from a customer based on the customer's giving notice to the bank of a postdating. If a bank charges against the account of a customer a check before the date stated in the notice of postdating, the bank is liable for damages for the loss resulting from its act. The loss may include damages for dishonor of subsequent items under RCW 62A.4-402.

(d) A bank ((which)) that in good faith makes payment to a holder may charge the indicated account of its customer according to:

~~((a))~~ (1) The original ((tenor)) terms of ((his)) the altered item; or

~~((b))~~ (2) The ((tenor)) terms of ((his)) the altered item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

Sec. 108. RCW 62A.4-402 and 1965 ex.s. c 157 s 4-402 are each amended to read as follows:

BANK'S LIABILITY TO CUSTOMER FOR WRONGFUL DISHONOR; TIME OF DETERMINING INSUFFICIENCY OF ACCOUNT. (a) Except as otherwise provided in this Article, a payor bank wrongfully dishonors an item if it dishonors an item that is properly payable, but a bank may dishonor an item that would create an overdraft unless it has agreed to pay the overdraft.

(b) A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. ((When the dishonor occurs through mistake)) Liability is limited to actual damages proved((-- If so proximately caused)) and ((proved damages)) may include damages for an arrest or prosecution of the customer or other consequential damages. Whether any consequential damages are proximately caused by the wrongful dishonor is a question of fact to be determined in each case.

(c) A payor bank's determination of the customer's account balance on which a decision to dishonor for insufficiency of available funds is based may be made at any time between the time the item is received by the payor bank and the time that the payor bank returns the item or gives notice in lieu of return, and no more than one determination need be made. If, at the election of the payor bank, a subsequent balance determination is made for the purpose of reevaluating the bank's decision to dishonor the item, the account balance at that time is determinative of whether a dishonor for insufficiency of available funds is wrongful.

Sec. 109. RCW 62A.4-403 and 1965 ex.s. c 157 s 4-403 are each amended to read as follows:

CUSTOMER'S RIGHT TO STOP PAYMENT; BURDEN OF PROOF OF LOSS. ~~((1))~~ (a) A customer or any other person authorized to draw on the account if there is more than one person may ((by order to his bank)) stop payment of any item ((payable for his)) drawn on the customer's account ((but)) or close the account by an order ((must be)) to the bank describing the item or account with reasonable certainty received at ((such)) a time and in ((such)) a manner ((as to)) that affords the bank a reasonable opportunity to act on it ((prior to)) before any action by the bank with respect to the item described in RCW 62A.4-303. If the signature of more than one person is required to draw on an account, any of these persons may stop payment or close the account.

~~((2) An oral order is binding upon the bank only for fourteen calendar days unless confirmed in writing within that period. A written order is effective for only six months unless renewed in writing))~~ (b) A stop-payment order is effective for six months, but it lapses after fourteen calendar days if the original order was oral and was not confirmed in writing within that period. A stop-payment order may be renewed for additional six-month periods by a writing given to the bank within a period during which the stop-payment order is effective.

~~((3))~~ (c) The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop-payment order or order to close the account is on the customer. The loss from payment of an item contrary to a stop-payment order may include damages for dishonor of subsequent items under RCW 62A.4-402.

Sec. 110. RCW 62A.4-405 and 1965 ex.s. c 157 s 4-405 are each amended to read as follows:

DEATH OR INCOMPETENCE OF CUSTOMER. ~~((1))~~ (a) A payor or collecting bank's authority to accept, pay, or collect an item or to account for proceeds of its collection, if otherwise effective, is not rendered ineffective by incompetence of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of incompetence. Neither death nor incompetence of a customer revokes ((such)) the authority to accept, pay, collect, or account until the bank knows of the fact of death or of an adjudication of incompetence and has reasonable opportunity to act on it.

~~((2))~~ (b) Even with knowledge, a bank may for ten days after the date of death pay or certify checks drawn on or ((prior to)) before that date unless ordered to stop payment by a person claiming an interest in the account.

Sec. 111. RCW 62A.4-406 and 1991 sp.s. c 19 s 1 are each amended to read as follows:

~~((1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his or her unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.~~

(2)) (a) A bank that sends or makes available to a customer a statement of account showing payment of items for the account shall either return or make available to the customer the items paid, copies of the items paid, or provide information in the statement of account sufficient to allow the customer reasonably to identify the items paid. Until January 1, 1998, the statement of account provides sufficient information if the item is described by item number, amount, and date of payment. If the bank does not

return the items paid or copies of the items paid, it shall provide in the statement of account the telephone number that the customer may call to request an item or copy of an item pursuant to subsection (b) of this section.

(b) If the items are not returned to the customer, the person retaining the items shall either retain the items or, if the items are destroyed, maintain the capacity to furnish legible copies of the items until the expiration of seven years after receipt of the items. A customer may request an item from the bank that paid the item, and that bank must provide in a reasonable time either the item or, if the item has been destroyed or is not otherwise obtainable, a legible copy of the item. A bank shall provide, upon request and without charge to the customer, at least five items or copies of items with respect to each statement of account sent to the customer. A bank may charge fees for additional items or copies of items in accordance with section 118 of this act. Requests for ten items or less shall be processed and completed within ten business days.

(c) If a bank sends or makes available a statement of account or items pursuant to subsection (a), the customer must exercise reasonable promptness in examining the statement or the items to determine whether any payment was not authorized because of an alteration of an item or because a purported signature by or on behalf of the customer was not authorized. If, based on the statement or items provided, the customer should reasonably have discovered the unauthorized payment, the customer must promptly notify the bank of the relevant facts.

(d) If the bank ((establishes)) proves that the customer₁ failed with respect to an item₁ to comply with the duties imposed on the customer by subsection ((1) of this section) (c) the customer is precluded from asserting against the bank:

((a) His or her) (1) The customer's unauthorized signature or any alteration on the item₁ if the bank also ((establishes)) proves that it suffered a loss by reason of ((such)) the failure; and

((b) An) (2) The customer's unauthorized signature or alteration by the same wrong-doer on any other item paid in good faith by the bank ((after the first item and statement was available to the customer for a reasonable period and before the bank receives notification from the customer of any such unauthorized signature or alteration)) if the payment was made before the bank received notice from the customer of the unauthorized signature or alteration and after the customer had been afforded a reasonable period of time, not exceeding thirty days, in which to examine the item or statement of account and notify the bank.

((3) The preclusion under subsection (2) of this section does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

(4)) (e) If subsection (d) applies and the customer proves that the bank failed to exercise ordinary care in paying the item and that the failure substantially contributed to loss, the loss is allocated between the customer precluded and the bank asserting the preclusion according to the extent to which the failure of the customer to comply with subsection (c) and the failure of the bank to exercise ordinary care contributed to the loss. If the customer proves that the bank did not pay the item in good faith, the preclusion under subsection (d) does not apply.

(f) Without regard to care or lack of care of either the customer or the bank, a natural person whose account is primarily for personal, family, or household purposes who does not within one year₁ and any other customer who does not within sixty days₁ from the time the statement and items are made available to the customer (subsection ((1) of this section) (a)) discover and report ((his or her)) the customer's unauthorized signature or any alteration on the face or back of the item or does not within ((three years)) one year from that time discover and report any unauthorized indorsement is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration(-).

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim)). If there is a preclusion under this subsection, the payor bank may not recover for breach of warranty under RCW 62A.4-208 with respect to the unauthorized signature or alteration to which the preclusion applies.

Sec. 112. RCW 62A.4-407 and 1965 ex.s. c 157 s 4-407 are each amended to read as follows:

PAYOR BANK'S RIGHT TO SUBROGATION ON IMPROPER PAYMENT. If a payor bank has paid an item over the ((stop payment)) order of the drawer or maker to stop payment, or after an account has been closed, or otherwise under circumstances giving a basis for objection by the drawer or maker, to prevent unjust enrichment and only to the extent necessary to prevent loss to the bank by reason of its payment of the item, the payor bank ((shall be)) is subrogated to the rights:

((a)) (1) Of any holder in due course on the item against the drawer or maker; ((and))

((b)) (2) Of the payee or any other holder of the item against the drawer or maker either on the item or under the transaction out of which the item arose; and

((c)) (3) Of the drawer or maker against the payee or any other holder of the item with respect to the transaction out of which the item arose.

PART 5

COLLECTION OF DOCUMENTARY DRAFTS

Sec. 113. RCW 62A.4-501 and 1965 ex.s. c 157 s 4-501 are each amended to read as follows:

HANDLING OF DOCUMENTARY DRAFTS; DUTY TO SEND FOR PRESENTMENT AND TO NOTIFY CUSTOMER OF DISHONOR. A bank ((which)) that takes a documentary draft for collection ((must)) shall present or send the draft and accompanying documents for presentment and, upon learning that the draft has not been paid or accepted in due course ((must)), shall seasonably notify its customer of ((such)) the fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

Sec. 114. RCW 62A.4-502 and 1965 ex.s. c 157 s 4-502 are each amended to read as follows:

PRESENTMENT OF "ON ARRIVAL" DRAFTS. ((When)) If a draft or the relevant instructions require presentment "on arrival", "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of ((such)) the refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

Sec. 115. RCW 62A.4-503 and 1965 ex.s. c 157 s 4-503 are each amended to read as follows:

RESPONSIBILITY OF PRESENTING BANK FOR DOCUMENTS AND GOODS; REPORT OF REASONS FOR DISHONOR; REFEREE IN CASE OF NEED. Unless otherwise instructed and except as provided in Article 5, a bank presenting a documentary draft:

~~((a))~~ (1) Must deliver the documents to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment; and

~~((b))~~ (2) Upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instructions from any referee in case of need designated in the draft or, if the presenting bank does not choose to utilize ~~((his))~~ the referee's services, it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor, and must request instructions. ~~((But))~~ However, the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in following instructions and to prepayment of or indemnity for ~~((such))~~ those expenses.

Sec. 116. RCW 62A.4-504 and 1965 ex.s. c 157 s 4-504 are each amended to read as follows:

PRIVILEGE OF PRESENTING BANK TO DEAL WITH GOODS; SECURITY INTEREST FOR EXPENSES. ~~((+))~~ (a) A presenting bank ~~((which))~~ that, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell, or otherwise deal with the goods in any reasonable manner.

~~((2))~~ (b) For its reasonable expenses incurred by action under subsection ~~((+))~~ (a) the presenting bank has a lien upon the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

NEW SECTION. Sec. 117. For the purposes of maintaining the uniformity of the Uniform Commercial Code (Title 62A RCW), the code reviser may reuse the codification numbers of those sections repealed in section 76 of this act.

NEW SECTION. Sec. 118. A new section is added to chapter 30.22 RCW to read as follows:

A financial institution may charge a customer for furnishing items or copies of items as defined in RCW 62A.4-104, in excess of the number of free items or copies of items provided for in 62A.4-406(b), fifty cents per copy furnished plus fees for retrieval at a rate not to exceed the rate assessed when complying with summons issued by the Internal Revenue Service.

NEW SECTION. Sec. 119. No provision in this act changes or modifies existing common law or other law of Washington state concerning the recovery of attorneys' fees.

NEW SECTION. Sec. 120. This act shall take effect July 1, 1994."

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "code;" strike the remainder of the title and insert "amending RCW 62A.1-201, 62A.1-207, 62A.3-101, 62A.3-102, 62A.3-103, 62A.3-104, 62A.3-105, 62A.3-106, 62A.3-107, 62A.3-108, 62A.3-109, 62A.3-110, 62A.3-111, 62A.3-112, 62A.3-113, 62A.3-114, 62A.3-115, 62A.3-116, 62A.3-117, 62A.3-118, 62A.3-119, 62A.3-201, 62A.3-202, 62A.3-203, 62A.3-204, 62A.3-205, 62A.3-206, 62A.3-207, 62A.3-301, 62A.3-302, 62A.3-303, 62A.3-304, 62A.3-305, 62A.3-306, 62A.3-307, 62A.3-401, 62A.3-402, 62A.3-403, 62A.3-404, 62A.3-405, 62A.3-406, 62A.3-407, 62A.3-408, 62A.3-409, 62A.3-410, 62A.3-411, 62A.3-412, 62A.3-413, 62A.3-414, 62A.3-415, 62A.3-416, 62A.3-417, 62A.3-418, 62A.3-419, 62A.3-501, 62A.3-502, 62A.3-503, 62A.3-504, 62A.3-505, 62A.3-512, 62A.3-515, 62A.3-520, 62A.3-522, 62A.3-525, 62A.3-601, 62A.3-602, 62A.3-603, 62A.3-604, 62A.3-605, 62A.4-101, 62A.4-102, 62A.4-103, 62A.4-104, 62A.4-105, 62A.4-106, 62A.4-107, 62A.4-108, 62A.4-109, 62A.4-201, 62A.4-202, 62A.4-203, 62A.4-204, 62A.4-205, 62A.4-206, 62A.4-207, 62A.4-208, 62A.4-209, 62A.4-210, 62A.4-211, 62A.4-212, 62A.4-213, 62A.4-214, 62A.4-301, 62A.4-302, 62A.4-303, 62A.4-401, 62A.4-402, 62A.4-403, 62A.4-405, 62A.4-406, 62A.4-407, 62A.4-501, 62A.4-502, 62A.4-503, and 62A.4-504; adding a new section to chapter 30.22 RCW; adding new sections to Title 62A RCW; creating new sections; repealing RCW 62A.3-120, 62A.3-121, 62A.3-122, 62A.3-208, 62A.3-506, 62A.3-507, 62A.3-508, 62A.3-509, 62A.3-510, 62A.3-511, 62A.3-606, 62A.3-701, 62A.3-801, 62A.3-802, 62A.3-803, 62A.3-804, and 62A.3-805; and providing an effective date."

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1014, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1014, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1014, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yeas: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senator Newhouse - 1.

Excused: Senators Hochstatter, Moyer, Niemi, Owen, Sellar and Talmadge - 6.

SUBSTITUTE HOUSE BILL NO. 1014, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Newhouse was excused.

SECOND READING

HOUSE BILL NO. 1351, by Representatives Veloria, Heavey, King and Lisk (by request of Department of Labor and Industries)

Defining hospital in regard to self-insurers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1351.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1351 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Hochstatter, Moyer, Newhouse, Niemi, Owen, Sellar and Talmadge - 7.

HOUSE BILL NO. 1351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1582, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, R. Meyers, Dellwo, Campbell, Dorn, Dyer and Basich)

Permitting certain transactions by insurance agent-brokers.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1582.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1582 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senator Hargrove - 1.

Excused: Senators Hochstatter, Moyer, Niemi, Owen, Sellar and Talmadge - 6.

SUBSTITUTE HOUSE BILL NO. 1582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1662, as amended by the Senate, deferred on third reading April 7, 1993.

MOTIONS

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1662, as amended by the Senate, was returned to second reading and read the second time.

Senator Skratek moved that the Senate reconsider the vote by which the Committee on Trade, Technology and Economic Development striking amendment was adopted.

The President declared the question before the Senate to be the motion by Senator Skratek to reconsider the vote by which the Committee on Trade, Technology and Economic Development striking amendment to Engrossed Substitute House Bill No. 1662 was adopted.

The motion for reconsideration of the Committee on Trade, Technology and Economic Development striking amendment to Engrossed Substitute House Bill No. 1662 carried.

MOTION

Senator Vognild moved that the following amendments by Senators Vognild and Nelson to the Committee on Trade, Technology and Economic Development amendment be considered simultaneously and be adopted:

On page 4, line 16 of the amendment, after "state" strike "and federally recognized Indian tribes"

On page 4, line 24 of the amendment, after "subdivision" strike "or tribe"

On page 5, line 27 of the amendment, after "subdivision" strike "or tribe"

On page 5, line 31 of the amendment, after "subdivision" strike "or tribe"

On page 5, beginning on line 37 of the amendment, after "subdivision" strike "or federally recognized Indian tribe"

On page 6, line 6 of the amendment, after "subdivision" strike "or federally recognized Indian tribe"

On page 7, beginning on line 4 of the amendment, after "subdivision" strike "or federally recognized Indian tribe"

On page 8, line 10 of the amendment, after "subdivisions" strike "and federally recognized Indian tribes"

On page 8, line 36 of the amendment, after "subdivision" strike "or tribe"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Vognild and Nelson on page 4, lines 16 and 24; page 5, lines 27, 31, and beginning line 37; page 6, line 6; page 7, beginning on line 4; and page 8, lines 10 and 36, to the Committee on Trade, Technology and Economic Development striking amendment, on reconsideration, to Engrossed Substitute House Bill No. 1662.

The motion by Senator Vognild carried and the amendments to the Committee on Trade, Technology and Economic Development striking amendment, on reconsideration, were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development striking amendment, as amended on reconsideration, to Engrossed Substitute House Bill No. 1662.

The Committee on Trade, Technology and Economic Development striking amendment, as amended on reconsideration, to Engrossed Substitute House Bill No. 1662 was adopted.

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1662, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1662, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1662, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Hochstatter, Moyer, Niemi, Owen and Talmadge - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8617

By Senators Bauer, Cantu, Prince, Jesernig, West and Sutherland

WHEREAS, The Washington State Legislature in 1981 established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students, but as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington scholars from each of the forty-nine legislative districts.

Senators Bauer and Prince spoke to Senate Resolution 1993-8617.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and congratulated the Washington Scholars and their parents who were seated in the gallery.

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

SECOND READING

HOUSE BILL NO. 1395, by Representatives Scott, Long, G. Cole, Riley, Johanson, Leonard, Ogden, King and Locke

Allowing counties to impose additional marriage license fees for funding family services.

The bill was read the second time.

MOTION

Senator Nelson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.18.010 and 1991 c 26 s 2 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by fourteen inches or less), five dollars; for each additional legal size page, one dollar; the fee for recording multiple transactions contained in one instrument will be calculated individually for each transaction requiring separate indexing as required under RCW 65.04.050;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, ~~((eight))~~ fifteen dollars, ~~(eight dollars of this fee ((includes))~~ is for the purpose of taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics; the remainder is for the funding of family service centers) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, 1995, plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170."

Debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of House Bill No. 1395 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wineberry, Forner, Shin, Sheldon, Leonard, Basich, Locke, J. Kohl, Morris and Anderson)

Assisting minority and women-owned businesses.

The bill was read the second time.

MOTIONS

Senator Skratek moved that the following Committee on Trade, Technology and Economic Development amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. It is the intent of the legislature to combat discrimination in the economy.

(1) The legislature finds that discrimination is in part responsible for:

(a) The disproportionately small percentage of the state's businesses that are owned by minorities and women;

(b) The limited and unequal opportunity minority and women entrepreneurs and business owners have to procure small business financing; and

(c) The difficulty many minority and women-owned contracting businesses have in securing bonds and contract work.

(2) The legislature further finds that:

(a) Many minority and women entrepreneurs and business owners lack training in how to establish and operate a business. This lack of training inhibits their competitiveness when they apply for business loans, bonds, and contracts;

(b) Minorities and women are an increasingly expanding portion of the population and work force. In order for these individuals to fully contribute to the society and economy it is necessary to ensure that minority and women entrepreneurs and business owners are provided an equal opportunity to procure small business financing, bonds, and contracts; and

(c) The growth of small businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the marketplace, and expanding tax revenues. Access to financial markets, bonds, and contracts by entrepreneurs and small business owners is vital to this process. Without reasonable access to financing, bonds, and contracts, talented and aggressive entrepreneurs and small business owners are cut out of the economic system and the state's economy suffers.

(3) Therefore, the legislature declares there to be a substantial public purpose in providing technical assistance in the areas of marketing, finance, and management, and access to capital resources, bonds, and contracts, to help start or expand a minority or women-owned business, and specifically to encourage and make possible greater participation by minorities and women in international trade, public works and construction, and public facility concessions. To accomplish these purposes, it is the intent of the legislature to:

(a) Develop or contract for training courses in financing, marketing, managing, accounting, and recordkeeping for a small business and to make these programs available to minority and women entrepreneurs and small business owners;

(b) Make public works and construction projects, public facility concessions, and purchase of goods and services accessible to a greater number of minority and women-owned businesses;

(c) Provide for the lending of nonstate funds to qualified minority and women entrepreneurs and business owners in order to provide the maximum practicable opportunity for innovative minority and women entrepreneurs and business owners to compete for small business financing; and

(d) Provide professional services assistance grants and bond guarantees on behalf of qualified contractors in order to provide the maximum practicable opportunity for minority and women-owned contracting businesses to participate in the Washington state economy by bidding and completing various public and private contracting jobs.

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

(1) "Minority" means persons of color, including African-Americans, Hispanic/Latino Americans, Native Americans, and Asian/Pacific Islanders Americans;

(2) "Minority and women-owned business" means any resident minority business enterprise or women's business enterprise, certified as such by the office of minority and women's business enterprises under chapter 39.19 RCW and consistent with subsection (1) of this section.

I. EDUCATION AND TECHNICAL ASSISTANCE

Sec. 3. RCW 43.31.085 and 1989 c 430 s 2 are each amended to read as follows:

MARKETING, FINANCE, AND MANAGEMENT ASSISTANCE. The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) ~~((The business assistance center shall))~~ Work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) Provide or contract for technical assistance to minority and women-owned business enterprises in a variety of areas, including, but not limited to, marketing, finance, bidding and estimating assistance, public contracting assistance, and management.

(9) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) the department of community development, (d) the employment security department, (e) the department of trade and economic development, (f) the small business development center, and (g) the department of social and health services.

~~((9))~~ (10) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

~~((10))~~ (11) Actively seek public and private money to support the child care facility fund described in RCW 43.31.502, staff and assist the child care facility fund committee as described in RCW 43.31.504, and work to promote applications to the committee for loan guarantees, loans, and grants.

Sec. 4. RCW 43.31.055 and 1985 c 466 s 6 are each amended to read as follows:

EXPORT ASSISTANCE. The department shall assist in expanding the state's role as a major international gateway for landing and transshipping goods bound for domestic and foreign markets. The department shall identify and work with Washington businesses, especially minority and women-owned businesses and ethnic community-based organizations, which can utilize state assistance to increase domestic and foreign exports and are capable of increasing production of goods and services, including but not limited to manufactured goods, raw materials, services, and retail trade. The department shall participate in trade and industry exhibitions both foreign and domestic to promote and market state products and services. The department's activities shall include, but not be limited to:

(1) Operating an active and vigorous effort to market the state's products and services internationally, coordinated with private and public international trade efforts throughout the state.

(2) Coordinating with the domestic and foreign export market development activities of the state department of agriculture.

(3) Sending delegations to foreign countries and other states to promote trade with Washington.

(4) Acting as a centralized location for the assimilation and distribution of trade information.

(5) Identifying domestic and international markets in which minority and women-owned businesses may have an advantage and providing technical assistance to develop capacity for minority and women-owned businesses to participate in international trade.

NEW SECTION. Sec. 5. A new section is added to chapter 43.210 RCW to read as follows:

The small business export finance assistance center shall develop a minority business export outreach program. The program shall provide outreach services to minority-owned businesses in Washington to inform them of the importance of and opportunities in international trade, and to inform them of the export assistance programs available to assist these businesses to become exporters.

NEW SECTION. Sec. 6. A new section is added to chapter 43.31 RCW to read as follows:

ENTREPRENEURIAL TRAINING COURSES. The department of trade and economic development shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned small businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. The business assistance center may recommend professional instructors, with practical knowledge and experience on how to start and operate a business, to teach the courses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for minority and women small business owners and entrepreneurs.

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 5 and 6 of this act, referencing sections 5 and 6 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 5 and 6 of this act are null and void.

II. FAIRNESS IN CONTRACTING AND CONCESSIONS

Sec. 8. RCW 39.19.060 and 1983 c 120 s 6 are each amended to read as follows:

Each state agency and educational institution shall comply with the annual goals established for that agency or institution under this chapter for public works and procuring goods or services. This chapter applies to all public works and procurement by state agencies and educational institutions, including all contracts and other procurement under chapters 28B.10, 39.04, 39.29, 43.19, and 47.28 RCW. Each state agency shall adopt a plan, developed in consultation with the director and the advisory committee, to insure that minority and women-owned businesses are afforded the maximum practicable opportunity to directly and meaningfully participate in the execution of public contracts for public works and goods and services. The plan shall include specific measures the agency will undertake to increase the participation of certified minority and women-owned businesses. The office shall annually notify the governor, the state auditor, and the legislative budget committee of all agencies and educational institutions not in compliance with this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 39.19 RCW to read as follows:

(1) State agencies shall not require a performance bond for any public works project that does not exceed twenty-five thousand dollars awarded to a prequalified and certified minority or woman-owned business that has been prequalified as provided under subsection (2) of this section.

(2) A limited prequalification questionnaire shall be required assuring:

(a) That the bidder has adequate financial resources or the ability to secure such resources;

(b) That the bidder can meet the performance schedule;

(c) That the bidder is experienced in the type of work to be performed; and

(d) That all equipment to be used is adequate and functioning and that all equipment operators are qualified to operate such equipment.

III. LOAN FUND AND GUARANTEES

Sec. 10. RCW 43.168.030 and 1985 c 164 s 3 are each amended to read as follows:

(1) The Washington state development loan fund committee is established as an entity within the department of community development. The committee shall have ~~((seven))~~ eight members. The director shall appoint the members, subject to the following requirements: (a) Three members shall be experienced in investment finance and have skills in providing capital to new and innovative businesses, in starting and operating businesses and providing professional services to small or expanding businesses; (b) two members shall be residents of distressed areas; (c) one member shall represent organized labor; ~~((and))~~ (d) one member shall represent a minority business; and (e) one member shall represent a women-owned business. Careful consideration in making these appointments shall be taken to ensure that the various geographic regions of the state are represented, that members will be available for meetings on a regular basis, and will have a commitment to working with local governments and local development organizations.

(2) Each member appointed by the director shall serve a term of three years, except that of the members first appointed, two shall serve two-year terms and two shall serve one-year terms. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the director only for cause.

(3) The director shall designate a member of the board as its chairperson. The committee may elect such other officers as it deems appropriate. ~~((Four))~~ Five members of the committee constitute a quorum and ~~((four))~~ five affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members of the committee shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for wilful dishonesty or intentional violations of law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 11. RCW 43.168.050 and 1990 1st ex.s. c 17 s 74 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities ~~((or))~~, the maintenance of threatened employment, or development or expansion of business ownership by minorities and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, ~~((and))~~ the employment of disadvantaged workers, and development or expansion of business ownership by minorities and women, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5)(a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) For loans not made to minority and women-owned businesses, the committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. For loans not made to minority and women-owned businesses, the committee shall

not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

(12) For loans to minority and women-owned businesses who do not meet the credit criteria, the committee may consider nontraditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses in the economy. For applicants with high potential who do not meet the credit criteria, the committee shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the committee shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, priority shall be given to members of eligible groups which previously have been least served by this fund.

NEW SECTION. Sec. 12. A new section is added to chapter 43.168 RCW to read as follows:

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the committee under this chapter shall conform to applicable federal requirements. The committee shall prioritize available funds for loan guarantees rather than loans when possible. The committee may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the committee may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the committee from making individual loan guarantees.

To the maximum extent practicable, the funds available under this section shall be made available on an equal basis to minority and women-owned businesses. The committee shall submit to the appropriate committees of the senate and house of representatives quarterly reports that detail the number of loans approved and the characteristics of the recipients by ethnic and gender groups.

Sec. 13. RCW 43.168.070 and 1987 c 461 s 5 are each amended to read as follows:

The committee may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The committee shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

Sec. 14. RCW 43.168.100 and 1986 c 204 s 1 are each amended to read as follows:

The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements; and (3) spend ~~((double the))~~ at least the same amount of the grant for loans to businesses from the federal funds received by the entitlement community.

IV. BONDING ASSISTANCE

NEW SECTION. Sec. 15. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 16 through 25 of this act.

(1) "Approved surety company" means a surety company approved by the department for participation in providing direct bonding assistance to qualified contractors.

(2) "Bond" means any bond or security required for bid, payment, or performance of contracts.

(3) "Department" means the department of trade and economic development.

(4) "Program" means the Washington state small business bonding assistance program provided for in this chapter.

(5) "Qualified contractor" means any resident minority business enterprise or women's business enterprise, as determined by the department to be consistent with the requirements of chapter 39.19 RCW and engaged in the contracting business, which has obtained a certificate of accreditation from the Washington state small business bonding assistance program.

NEW SECTION. Sec. 16. PROGRAM ESTABLISHED. There is established within the department of trade and economic development the Washington state small business bonding assistance program to assist resident minority and women-owned small contracting businesses to acquire the managerial and financial skills, standards, and assistance necessary to enable them to obtain bid, payment, and performance bonds from surety companies for either advertised or designated contracts. The department shall implement the program by establishing a course of instruction as set forth in section 18 of this act. The department shall encourage surety companies and other private interests to help implement this course of instruction to assist minority and women-owned small contracting businesses. The department shall adopt rules to ensure the proper implementation of the program set forth in this chapter.

NEW SECTION. Sec. 17. ASSISTANCE. The department shall seek information, advice, and assistance from regional minority contractor organizations, and the United States small business administration and any other appropriate organization or agency.

The following departments, offices, and agencies shall, at the request of the department, provide information, advice, and assistance to the department:

(1) The department of general administration;

(2) The Washington state business assistance center;

(3) The office of the insurance commissioner;

(4) The Washington state economic development finance authority; and

(5) The office of minority and women's business enterprises.

NEW SECTION. Sec. 18. SPECIALIZED INSTRUCTION FOR SMALL CONTRACTING BUSINESSES. The business assistance center shall modify the entrepreneurial training course established in section 6 of this act in order to provide instruction which is appropriate to the specific needs of contracting businesses. This course of instruction shall be available to resident minority and women-owned small business contractors. The instruction shall be intensive, practical training courses in financing, bidding for contracts, managing, accounting, and recordkeeping for a contracting business, with an emphasis on federal, state, local, or private programs available to assist small contractors. The business assistance center shall appoint professional instructors, with practical knowledge and experience in the field of small business contracting, to teach those courses developed to meet the specific needs of contracting businesses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for people in the contracting business.

NEW SECTION. Sec. 19. ACCREDITATION OF SMALL CONTRACTING BUSINESSES. Any resident minority or women-owned small business contractor may select a key management employee or employees to attend any course of instruction established under section 6 of this act. When the records, maintained by the business assistance center, indicate that a key management employee of a small contracting business has attended all the courses offered, and has successfully completed any tests required, the department shall award the small contracting business a certificate of accreditation which acknowledges successful completion of the courses. The department may also award a certificate of accreditation if a review of the key management employee's education, experience, and business history indicates that the business already possesses the knowledge and skills offered through the course of instruction, or if the key management employee successfully completes all tests required of those who attend the entrepreneurial training course.

NEW SECTION. Sec. 20. PROFESSIONAL SERVICES ASSISTANCE--GRANTS. Any qualified contractor seeking a grant for professional services assistance may apply to the department. If approved, the department may enter into an agreement to provide a grant of up to two thousand five hundred dollars on behalf of a qualified contractor for the acquisition of the professional services of certified public accountants, construction management companies, or any other technical, surety, financial, or managerial professionals. This assistance is only available to a qualified contractor on a one-time basis.

NEW SECTION. Sec. 21. GRANT MONITORING. The department shall administer all grants issued to assist qualified contractors and shall monitor the performance of all grant recipients in order to provide such further assistance as is necessary to ensure that all program requirements are met and that the program's purpose is fulfilled. However, nothing in this chapter should be construed to restrict the rendering of program services to any qualified contractor over and above the services provided by the grant.

NEW SECTION. Sec. 22. BOND GUARANTEE APPLICATIONS. If a qualified contractor makes a bond application to an approved surety company for a public or private contracting job, but fails to obtain the bond because the contractor is unable to meet the requirements of the surety company on such bonding contracts, for reasons other than nonperformance, and if the approved surety company applies to the department to have the bond guaranteed by the program, then the department may provide a bond guarantee of up to seventy-five thousand dollars on behalf of the qualified contractor.

NEW SECTION. Sec. 23. BOND GUARANTEE APPROVAL. Upon receipt of an approved surety company's application for a bond guarantee, the program supervisor shall review the application in order to verify that:

- (1) The bond being sought by the qualified contractor is needed;
- (2) The contracting job is within the qualified contractor's capability to perform; and
- (3) The qualified contractor has not been denied a bond due to nonperformance.

Based upon subsections (1) through (3) of this section, the department shall either approve or disapprove the application. If the application is approved, the department has the authority to enter into a contract with the approved surety company. Under the terms of this contract the approved surety company shall enter into a contract with, and issue the required bond to, the qualified contractor at the standard fees and charges usually made by the company for the type and amount of the bond issued. The bond issued by the approved surety company shall be guaranteed by money in the program fund. The approved surety company shall also agree to make a reasonable, good faith effort to pursue and collect any claims it may have against a qualified contractor who defaults on a bond guaranteed by the program, including, but not limited to, the institution of legal proceedings against the defaulting contractor, prior to collecting on the guarantee.

NEW SECTION. Sec. 24. PROGRAM FUND ESTABLISHED. The Washington state small business bonding assistance program fund is created in the state treasury. Any amounts appropriated, donated, or granted to the program shall be deposited and credited to the program fund. Moneys in the program fund may be spent only after appropriation. Expenditures from the program fund shall only be used as follows:

- (1) To pay the implementation costs of the program provided for in this chapter;
- (2) To be disbursed by the department to enable qualified contractors to obtain services provided for in this chapter; and
- (3) To guarantee bonds issued pursuant to sections 22 and 23 of this act and to pay such bonds in the event of default by a qualified contractor.

However, the full faith and credit of the state of Washington shall not be used to secure the bonds and the state's liability shall be limited to the money appropriated by the legislature.

NEW SECTION. Sec. 25. FUND SUPPORT. The department shall solicit funds and support from surety companies and other public and private entities with an interest in assisting Washington's small business contractors and may enter into agreements with such companies and interests by which they provide funds to the program fund to be matched with funds from nonstate sources.

NEW SECTION. Sec. 26. The department may receive gifts, grants, and endowments from public or private sources that may be made from time to time, in trust or otherwise, for the use and benefit of the Washington state small business bonding assistance program and spend gifts, grants, endowments or any income from the public or private sources according to their terms.

NEW SECTION. Sec. 27. If specific funding for the purposes of sections 15 through 26 of this act, referencing sections 15 through 26 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 15 through 26 of this act are null and void.

V. LINKED DEPOSITS

Sec. 28. RCW 39.19.030 and 1989 c 175 s 85 are each amended to read as follows:

There is hereby created the office of minority and women's business enterprises. The governor shall appoint a director for the office, subject to confirmation by the senate. The director may employ a deputy director and a confidential secretary, both of which shall be exempt under chapter 41.06 RCW, and such staff as are necessary to carry out the purposes of this chapter.

The office shall consult with the minority and women's business enterprises advisory committee to:

(1) Develop, plan, and implement programs to provide an opportunity for participation by qualified minority and women-owned and controlled businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector;

(2) Develop a comprehensive plan insuring that qualified minority and women-owned and controlled businesses are provided an opportunity to participate in public contracts for public works and goods and services;

(3) Identify barriers to equal participation by qualified minority and women-owned and controlled businesses in all state agency and educational institution contracts;

(4) Establish annual overall goals for participation by qualified minority and women-owned and controlled businesses for each state agency and educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis;

(5) Develop and maintain a central minority and women's business enterprise certification list for all state agencies and educational institutions. No business is entitled to certification under this chapter unless it meets the definition of small business concern as established by the office. All applications for certification under this chapter shall be sworn under oath;

(6) Develop, implement, and operate a system of monitoring compliance with this chapter;

(7) Adopt rules under chapter 34.05 RCW, the Administrative Procedure Act, governing: (a) Establishment of agency goals; (b) development and maintenance of a central minority and women's business enterprise certification program, including a definition of "small business concern" which shall be consistent with the small business requirements defined under section 3 of the Small Business Act, 15 U.S.C. Sec. 632, and its implementing regulations as guidance; (c) procedures for monitoring and enforcing compliance with goals, regulations, contract provisions, and this chapter; and (d) utilization of standard clauses by state agencies and educational institutions, as specified in RCW 39.19.050;

(8) Develop and implement, in consultation with the supervisor of the division of banking, a system of monitoring minority and women's business enterprises' access to capital and rating as satisfactory or unsatisfactory the performance of each of the state's public depositories in lending money for minority and women's business enterprises;

(9) Submit an annual report to the governor and the legislature outlining the progress in implementing this chapter;

~~((9))~~ (10) Investigate complaints of violations of this chapter with the assistance of the involved agency or educational institution; and

~~((10))~~ (11) Cooperate and act jointly or by division of labor with the United States or other states, and with political subdivisions of the state of Washington and their respective minority, socially and economically disadvantaged and women business enterprise programs to carry out the purposes of this chapter. However, the power which may be exercised by the office under this subsection permits investigation and imposition of sanctions only if the investigation relates to a possible violation of chapter 39.19 RCW, and not to violation of local ordinances, rules, regulations, however denominated, adopted by political subdivisions of the state.

Sec. 29. RCW 43.85.230 and 1984 c 177 s 20 are each amended to read as follows:

The state treasurer may deposit moneys not required to meet current demands upon a term deposit basis not to exceed ~~((one year))~~ five years at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state treasurer and any qualified public depository.

Sec. 30. RCW 43.86A.030 and 1982 c 74 s 1 are each amended to read as follows:

Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer. Effective July 1, 1994, deposits shall be made only in those otherwise qualified public depositories which have received a satisfactory rating from the office of minority and women's business enterprises under RCW 39.19.030(8). The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors: PROVIDED, That, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

VI. MISCELLANEOUS

NEW SECTION. **Sec. 31.** This act may be known and cited as the omnibus minority and women-owned businesses assistance act.

NEW SECTION. **Sec. 32.** Sections 1, 2, and 15 through 26 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 33.** CAPTIONS NOT LAW. Part headings and section captions as used in this act do not constitute part of the law.

NEW SECTION. **Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 35.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTIONS

On motion of Senator Skratek, the following Committee on Ways and Means amendment to the Committee on Trade, Technology and Economic Development striking amendment was adopted:

On page 15, after line 23 of the amendment, strike all material through "accordingly." on page 18, line 13, and insert the following:

"V. WASHINGTON STATE LINKED DEPOSIT PROGRAM

NEW SECTION. Sec. 28. The legislature finds that minority and women's business enterprises have been historically excluded from access to capital in the marketplace. The lack of capital has been a major barrier to the development and expansion of business by various minority groups and women. There has been a significant amount of attention on the capital needs of minority and women's business enterprises. It is the intent of the legislature to remedy the problem of a lack of access to capital by minority and women's business enterprises, and other small businesses by authorizing the state treasurer to operate a program that links state deposits to business loans by financial institutions to minority and women's business enterprises.

NEW SECTION. Sec. 29. A new section is added to chapter 43.86A RCW to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. Each time certificate of deposit purchased by the state treasurer shall be equal to the amount of the qualifying loan made by the qualified public depository. The state treasurer is authorized to set interest rates on certificates and on qualifying loans consistent with the intent of sections 28 through 32, chapter . . . , Laws of 1993 (sections 28 through 32 of this act) and sound financial practices.

(2) Qualifying loans made under this section are those that:

(a) Are loans that have terms that do not exceed five years;

(b) Are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(c) Are made to minority or women's business enterprises that are considered a small business as defined in RCW 43.31.025;

(d) Are made where the interest rate on the loan to the minority or women's business enterprise does not exceed the interest rate on the corresponding time certificate of deposit by two hundred fifty basis points;

(e) Are made where the points or fees charged at loan closing do not exceed one percent of the loan amount; and

(f) Are consistent with other criteria set by the state treasurer.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository.

NEW SECTION. Sec. 30. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall provide technical assistance and loan packaging services that enable minority and women-owned business enterprises to obtain financing under the linked deposit program created under section 29 of this act.

(2) The department shall, in consultation with the state treasurer, monitor the performance of loans made to minority and women-owned business enterprises under section 29 of this act.

Sec. 31. RCW 43.85.230 and 1984 c 177 s 20 are each amended to read as follows:

The state treasurer may deposit moneys not required to meet current demands upon a term deposit basis not to exceed ~~((one-year))~~ five years at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state treasurer and any qualified public depository.

Sec. 32. RCW 43.86A.030 and 1982 c 74 s 1 are each amended to read as follows:

(1) Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2) The state treasurer may use up to fifty million dollars per year of all funds available under this section for the purposes of section 29 of this act. The amounts made available to these public depositories shall be equal to the amounts of outstanding loans made under section 29 of this act.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors~~((:-PROVIDED, That))~~. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

NEW SECTION. Sec. 33. A new section is added to chapter 43.86A RCW to read as follows:

The state and those acting as its agents are not liable in any manner for payment of the principal or interest on qualifying loans made under section 29 of this act. Any delay in payments or defaults on the part of the borrower does not in any manner affect the deposit agreement between the qualified public depository and the state treasurer.

NEW SECTION. Sec. 34. A new section is added to chapter 43.131 RCW to read as follows:

The linked deposit program shall be terminated on June 30, 1996, as provided in section 35 of this act.

NEW SECTION. Sec. 35. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

(1) Section 29 of this act;

(2) Section 30 of this act; and

(3) Section 33 of this act.

NEW SECTION. Sec. 36. If specific funding for the purposes of sections 28 through 35 of this act, referencing sections 28 through 35 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 28 through 35 of this act are null and void."

Renumber the remaining part headings and sections consecutively and correct internal references accordingly.

On motion of Senator Pelz, the following amendment by Senator Pelz to the Committee on Trade, Technology and Economic Development striking amendment was adopted:

On page 5, after line 23 of the amendment, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 43.31 RCW to read as follows:

BUSINESS ASSISTANCE CENTER MINORITY AND WOMEN BUSINESS DEVELOPMENT OFFICE. There is established within the department's business assistance center the minority and women business development office. This office shall provide business-related assistance to minorities and women as well as serve as an outreach program to increase minority and women-owned businesses' awareness and use of existing business assistance services."

Renumber the remaining sections consecutively and correct internal references accordingly.

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development striking amendment, as amended, to Engrossed Substitute House Bill No. 1493.

The Committee on Trade, Technology and Economic Development striking amendment, as amended, to Engrossed Substitute House Bill No. 1493 was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 43.31.085, 43.31.055, 39.19.060, 43.168.030, 43.168.050, 43.168.070, 43.168.100, 39.19.030, 43.85.230, and 43.63A.030; adding a new section to chapter 43.210 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.168 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency."

On page 19, beginning on line 6 of the title amendment, after "43.168.100," strike the remainder of the title amendment and insert "43.85.230, and 43.86A.030; adding a new section to chapter 43.210 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.168 RCW; adding new sections to chapter 43.86A RCW; adding a new section to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency."

On page 19, at the beginning of line 8 of the title amendment, strike "adding a new section" and insert "adding new sections"

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1493, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1493, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1493, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Hochstatter, Moyer, Niemi, Owen and Talmadge - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Locke, Eide, Silver, Dunshee, L. Johnson, Pruitt, Brough, Sheldon, Jones, Long, Franklin, Talcott, J. Kohl, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Rayburn and King)

Reauthorizing and modifying the Washington service corps.

The bill was read the second time.

MOTION

Senator Sheldon moved that the following Committee on Trade, Technology and Economic Development amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 50.65.030 and 1987 c 167 s 3 are each amended to read as follows:

The Washington service corps is established within the employment security department. The commissioner shall:

- (1) Appoint a director (~~(for the exchange)~~) and other personnel as necessary to carry out the purposes of this chapter;
- (2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies or departments providing youth services to ensure that funds appropriated for the purposes of this chapter will not be expended to duplicate existing services, but will increase the services of youth to the state;
- (3) The employment security department is authorized to place subgrants with other federal, state, and local governmental agencies and private agencies to provide youth employment projects and to increase the numbers of youth employed;
- (4) Determine appropriate financial support levels by private business, community groups, foundations, public agencies, and individuals which will provide matching funds for enrollees in service projects under work agreements. The matching funds requirement may be waived for public agencies or reduced for private agencies;
- (5) Recruit enrollees who are residents of the state unemployed at the time of application and are at least eighteen years of age but have not reached their twenty-sixth birthday;
- (6) Recruit supervising agencies to host the enrollees in full-time service activities (~~(which shall not exceed six)~~) of eleven months' duration(~~(, which may be extended for an additional six months by mutual consent)~~);
- (7) Assist supervising agencies in the development of scholarships and matching funds from private and public agencies, individuals, and foundations in order to support a portion of the enrollee's stipend and benefits;
- (8) Develop general employment guidelines for placement of enrollees in supervising agencies to establish appropriate authority for hiring, firing, grievance procedures, and employment standards which are consistent with state and federal law;
- (9) Match enrollees with appropriate public agencies and available service projects;
- (10) Monitor enrollee activities for compliance with this chapter and compliance with work agreements;
- (11) Assist enrollees in transition to employment upon termination from the programs, including such activities as orientation to the labor market, on-the-job training, and placement in the private sector;
- (12) Establish a program for providing incentives to encourage successful completion of terms of enrollment in the service corps and the continuation of educational pursuits. Such incentives shall be in the form of educational assistance equivalent to two years of community or technical college tuition for eleven months of service. Educational assistance funding shall only be used for tuition, fees, and course-related books and supplies. Enrollees who receive educational assistance funding shall start using it within one year of their service completion and shall finish using it within four years of their service completion;
- (13) Enter into agreements with the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those participants who may benefit by participation in such classes. Participation is not mandatory but shall be strongly encouraged.

Sec. 2. RCW 50.65.040 and 1987 c 167 s 4 are each amended to read as follows:

The commissioner may select and enroll in the Washington service corps program any person who is at least eighteen years of age but has not reached their twenty-sixth birthday, is a resident of the state, and who is not for medical, legal, or psychological reasons incapable of service. (~~(In the selection of enrollees of the service corps, preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment above the state average.)~~) Efforts shall be made to enroll youths who are economically, socially, physically, or educationally disadvantaged. The commissioner may prescribe such additional standards and procedures in consultation with supervising agencies as may be necessary in conformance with this chapter. In addition, the commissioner may select and enroll youth fourteen to seventeen years of age on special projects during the summer and at other times during the school year that may complement and support their school curriculum or that link and support service with learning.

Sec. 3. RCW 50.65.060 and 1987 c 167 s 6 are each amended to read as follows:

Placements in the Washington service corps shall be made in supervising agencies under work agreements as provided under this chapter and shall include those assignments which provide for addressing community needs and conservation problems and will assist the community in economic development efforts. Each work agreement shall:

- (1) Demonstrate that the service project is appropriate for the enrollee's interests, skills, and abilities and that the project is designed to meet unmet community needs;
- (2) Include a requirement of regular performance evaluation. This shall include clear work performance standards set by the supervising agency and procedures for identifying strengths, recommended improvement areas and conditions for probation or dismissal of the enrollee; and
- (3) Include a commitment for partial financial support for the enrollee (~~(for a)~~) from private industry, public (~~(agency)~~) agencies, community groups, or foundations. The commissioner may establish additional standards for the development of placements for enrollees with supervising agencies and assure that the work agreements comply with those standards. This section shall not apply to conservation corps programs established by chapter 43.220 RCW.

Agencies of the state may use the (~~youth employment exchange~~) Washington service corps for the purpose of employing youth qualifying under this chapter.

NEW SECTION. Sec. 4. For each enrollee, the work agreements, or combination of work agreements, developed under RCW 50.65.060 shall:

- (1) Include a variety of experiences consisting of: Indoor activities; outdoor activities; and volunteer activities;
- (2) Provide time for participation in a core training program common to all participants.

NEW SECTION. Sec. 5. The Washington service corps scholarship account is created in the custody of the state treasurer. The account shall consist of a portion of Washington service corps funding, deposited by the commissioner, in an amount sufficient to provide for the future awarding of educational assistance grants described in RCW 50.65.030. Expenditures from the account may be used only for educational assistance grants described in RCW 50.65.030. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. All earnings of investments of surplus balances in the account shall be deposited to the treasury income account created in RCW 43.84.092.

Sec. 6. RCW 50.65.080 and 1983 1st ex.s. c 50 s 8 are each amended to read as follows:

The commissioner shall seek and may accept, on behalf of the (~~youth employment exchange~~) Washington service corps, charitable donations of cash and other assistance including, but not limited to, equipment and materials if the donations are available for appropriate use for the purposes set forth in this chapter.

NEW SECTION. Sec. 7. RCW 50.65.900 and 1987 c 167 s 9 & 1983 1st ex.s. c 50 s 14 are each repealed.

NEW SECTION. Sec. 8. Sections 4 and 5 of this act are each added to chapter 50.65 RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 10. A new section is added to chapter 50.65 RCW to read as follows:

No individual may participate in the Washington service program created by chapter . . . (Substitute House Bill No. 1969), Laws of 1993, if the person has previously participated for six months or longer in the Washington service corps within the last three years."

MOTION

On motion of Senator Sheldon, the following Committee on Ways and Means amendment to the Committee on Trade, Technology and Economic Development amendment was adopted:

On page 1, at the beginning of the amendment, strike the entire amendment and title amendment, and insert the following:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 50.65.030 and 1987 c 167 s 3 are each amended to read as follows:

The Washington service corps is established within the employment security department. The commissioner shall:

- (1) Appoint a director (~~for the exchange~~) and other personnel as necessary to carry out the purposes of this chapter;
- (2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies or departments providing youth services to ensure that funds appropriated for the purposes of this chapter will not be expended to duplicate existing services, but will increase the services of youth to the state;
- (3) The employment security department is authorized to place subgrants with other federal, state, and local governmental agencies and private agencies to provide youth employment projects and to increase the numbers of youth employed;
- (4) Determine appropriate financial support levels by private business, community groups, foundations, public agencies, and individuals which will provide matching funds for enrollees in service projects under work agreements. The matching funds requirement may be waived for public agencies or reduced for private agencies;
- (5) Recruit enrollees who are residents of the state unemployed at the time of application and are at least eighteen years of age but have not reached their twenty-sixth birthday;
- (6) Recruit supervising agencies to host the enrollees in full-time service activities which shall not exceed six months' duration, which may be extended for an additional six months by mutual consent;
- (7) Assist supervising agencies in the development of scholarships and matching funds from private and public agencies, individuals, and foundations in order to support a portion of the enrollee's stipend and benefits;
- (8) Develop general employment guidelines for placement of enrollees in supervising agencies to establish appropriate authority for hiring, firing, grievance procedures, and employment standards which are consistent with state and federal law;
- (9) Match enrollees with appropriate public agencies and available service projects;
- (10) Monitor enrollee activities for compliance with this chapter and compliance with work agreements;
- (11) Assist enrollees in transition to employment upon termination from the programs, including such activities as orientation to the labor market, on-the-job training, and placement in the private sector;
- (12) Establish a program for providing incentives to encourage successful completion of terms of enrollment in the service corps and the continuation of educational pursuits. Such incentives shall be in the form of educational assistance;
- (13) Enter into agreements with the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those participants who may benefit by participation in such classes. Participation is not mandatory but shall be strongly encouraged.

Sec. 2. RCW 50.65.060 and 1987 c 167 s 6 are each amended to read as follows:

Placements in the Washington service corps shall be made in supervising agencies under work agreements as provided under this chapter and shall include those assignments which provide for addressing community needs and conservation problems and will assist the community in economic development efforts. Each work agreement shall:

- (1) Demonstrate that the service project is appropriate for the enrollee's interests, skills, and abilities and that the project is designed to meet unmet community needs;
- (2) Include a requirement of regular performance evaluation. This shall include clear work performance standards set by the supervising agency and procedures for identifying strengths, recommended improvement areas and conditions for probation or dismissal of the enrollee; and
- (3) Include a commitment for partial financial support for the enrollee (~~for a~~) from private industry, public (~~agency~~) agencies, community groups, or foundations. The commissioner may establish additional standards for the development of placements for enrollees with supervising agencies and assure that the work agreements comply with those standards. This section shall not apply to conservation corps programs established by chapter 43.220 RCW.

Agencies of the state may use the (~~youth employment exchange~~) Washington service corps for the purpose of employing youth qualifying under this chapter.

Sec. 3. RCW 50.65.080 and 1983 1st ex.s. c 50 s 8 are each amended to read as follows:

The commissioner shall seek and may accept, on behalf of the (~~youth employment exchange~~) Washington service corps, charitable donations of cash and other assistance including, but not limited to, equipment and materials if the donations are available for appropriate use for the purposes set forth in this chapter.

NEW SECTION. Sec. 4. RCW 50.65.900 and 1987 c 167 s 9 & 1983 1st ex.s. c 50 s 14 are each repealed.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development striking amendment, as amended by the Committee on Ways and Means amendment, to Engrossed Substitute House Bill No. 1307.

The Committee on Trade, Technology and Economic Development striking amendment, as amended by the Committee on Ways amendment, to Engrossed Substitute House Bill No. 1307 was adopted.

MOTIONS

On motion of Senator Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "corps;" strike the remainder of the title and insert "amending RCW 50.65.030, 50.65.060, and 50.65.080; repealing RCW 50.65.900; providing an effective date; and declaring an emergency."

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1307, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Sheldon, can you explain to the body how this is going to be funded?"

Senator Sheldon: "We'll get that information for you very soon, Senator. We are just going to check with the staff. Thank you."

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1307, as amended by the Senate, was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1912, by House Committee on Corrections (originally sponsored by Representatives Morris and Long)

Establishing guidelines for allowing witnesses at an execution.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:

On page 2, line 28, after "order of the" strike "Walla Walla"

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1912, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1912, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1912, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Hochstatter, McCaslin, Moyer, Niemi, Owen and Talmadge - 6.

SUBSTITUTE HOUSE BILL NO. 1912, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:11 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:15 a.m., by President Pritchard.

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

MESSAGES FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5134,
SENATE BILL NO. 5541,
SENATE BILL NO. 5649, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 15, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5068, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5068,
SUBSTITUTE SENATE BILL NO. 5134,
SENATE BILL NO. 5541,
SENATE BILL NO. 5649.

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

STATEMENT FOR JOURNAL

I missed the vote on Senate Bill No. 5343 due to a conference with other legislators on another pending piece of legislation. I would have voted 'yes' on the measure.

SENATOR DEAN SUTHERLAND, 17th District

SECOND READING

SENATE BILL NO. 5343, by Senators Vognild, Nelson, Skratek and von Reichbauer (by request of Department of Transportation)

Authorizing state highway bonds.

MOTION

On motion of Senator Vognild, Substitute Senate Bill No. 5343 was not substituted for Senate Bill No. 5343.

Senate Bill No. 5343 was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5343.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senators McDonald, Oke and Sutherland - 3.

Excused: Senators Hochstatter and Owen - 2.

SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5371, by Senators Vognild and Talmadge

Authorizing highway bonds.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5371.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Hochstatter and Owen - 2.

SENATE BILL NO. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, by House Committee on Human Services (originally sponsored by Representatives Leonard, Cooke, Riley, Flemming, Valle, Brown, G. Cole, Mielke, Veloria, Wineberry, Dorn, Anderson, J. Kohl, Karahalios, H. Myers, Vance, Ogden, King, Jones, Eide, Johanson, R. Meyers, Cothorn, Roland, Holm, Wolfe, Franklin, Thibaudeau, Springer, Basich, Kremen, Foreman, Kessler, Campbell, Dunshee, Lemmon, Linville and Pruitt)

Allowing families to retain a greater percentage of income before public benefits are reduced or terminated.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Public assistance is intended to be a temporary financial relief program, recognizing that families can be confronted with a financial crisis at any time in life. Successful public assistance programs depend on the availability of adequate resources to assist individuals deemed eligible for the benefits of such a program. In this way, eligible families are given sufficient assistance to reenter productive employment in a minimal time period.

(2) The current public assistance system requires a reduction in grant standards when income is received. In most cases, family income is limited to levels substantially below the standard of need. This is a strong disincentive to work. To remove this disincentive, the legislature intends to allow families to retain a greater percentage of income before it results in the reduction or termination of benefits;

(3) Employment, training, and education services provided to employable recipients of public assistance are effective tools in achieving economic self-sufficiency. Support services that are targeted to the specific needs of the individual offer the best hope of achieving economic self-sufficiency in a cost-effective manner;

(4) State welfare-to-work programs, which move individuals from dependence to economic independence, must be operated cooperatively and collaboratively between state agencies and programs. They also must include public assistance recipients as active partners in self-sufficiency planning activities. Participants in economic independence programs and services will benefit from the concepts of personal empowerment, self-motivation, and self-esteem; and

(5) Many barriers to economic independence are found in federal statutes and rules, and provide states with limited options for restructuring existing programs in order to create incentives for employment over continued dependence.

NEW SECTION. Sec. 2. For purposes of determining the amount of grant payments to recipients of aid to families with dependent children, all countable nonexempt earned income shall be subtracted from an amount equal to one hundred percent of the need standard. The department shall adopt rules necessary to implement the intent of this section.

NEW SECTION. Sec. 3. The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable. The department shall seek federal approval for the amendment to the state plan and report on federal action to the appropriate standing committees of the legislature by December 1, 1993.

NEW SECTION. Sec. 4. The department shall initiate a pilot project using electronic benefit transfer technology for the food stamp, aid to families with dependent children, and women, infant, and children programs. The department shall report to the appropriate standing committees of the legislature on the project implementation status by December 1, 1994.

Sec. 5. RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; ((or))

(B) Under twenty years of age and ineligible for aid to families with dependent children solely due to federal age requirements, and are full-time students reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the person reaches age twenty. Reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training means maintaining a grade point average equal to or greater than a 2.5. For purposes of determining payment amount, the student is considered a member of the aid to families with dependent children household of which the student would be a member but for the federal age requirement. In determining eligibility, earnings of a full-time student shall be disregarded, in accordance with department standards, notwithstanding the earnings limitation imposed by RCW 74.04.266.

(C) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department((-)); or

((or)) (D) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance.

Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)((B))(C) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) ~~(To the extent authorized by the legislature in the biennial appropriations act, to)~~ Recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received. Payment shall be made within fifteen days of the request.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the aid to families with dependent children program rules adopted by the department.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived

from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 6. RCW 74.25.020 and 1992 c 165 s 3 are each amended to read as follows:

(1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services.

(2) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall give first priority of service to individuals volunteering for program participation (~~PROVIDED, That the department shall require nonexempt parents under age twenty-four to actively participate in orientation, assessment, and either education, vocational training, or employment programs. At least one nonexempt parent in the aid to families with dependent children employable program shall actively participate in orientation, assessment, and either job search, education, training, or employment. Social services shall be offered to participants in accordance with federal law. The department shall adopt appropriate sanctions to ensure compliance with the requirements and policies of this chapter.~~).

(3) The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age six years, and the employment would require the individual to work more than twenty hours per week; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

(4) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

NEW SECTION. Sec. 7. The department may provide grants to community action agencies or other local nonprofit organizations to provide job opportunities and basic skills training program participants with transitional support services, one-to-one assistance, and job retention services.

NEW SECTION. Sec. 8. A new section is added to chapter 74.04 RCW to read as follows:

Minors who are head of a household receiving aid to families with dependent children benefits as the head of a household may have a protective payee designated to receive their welfare funds. Whenever possible, protective payees shall be a responsible, immediate adult family member. Protective payees shall have a duty to make sure housing and utility costs are paid in a timely manner. Where an adequate protective payee cannot be found, the department shall assume the protective payee function.

NEW SECTION. Sec. 9. A new section is added to chapter 74.04 RCW to read as follows:

In determining food stamp eligibility, the department shall exclude as income the child support exempted by 42 U.S.C. Sec. 602(a)(8)(vi) or 657 (b).

NEW SECTION. Sec. 10. By October 1, 1993, the department shall request the governor to seek congressional and federal agency action on any federal legislation or federal regulation that may be necessary to implement chapter 74.-- RCW (sections 2 through 4, 7, and 10 of this act), and any other section of chapter . . . , Laws of 1993 (this act) that may require a federal waiver.

NEW SECTION. Sec. 11. Sections 2 through 4, 7, and 10 of this act shall constitute a new chapter in Title 74 RCW."

MOTION

Senator Talmadge moved that the following Committee on Ways and Means amendment to the Committee on Health and Human Services striking amendment be adopted:

On page 1, at the beginning of the amendment, strike the entire amendment and title amendment and insert the following:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Public assistance is intended to be a temporary financial relief program, recognizing that families can be confronted with a financial crisis at any time in life. Successful public assistance programs depend on the availability of adequate resources to

assist individuals deemed eligible for the benefits of such a program. In this way, eligible families are given sufficient assistance to reenter productive employment in a minimal time period.

(2) The current public assistance system requires a reduction in grant standards when income is received. In most cases, family income is limited to levels substantially below the standard of need. This is a strong disincentive to work. To remove this disincentive, the legislature intends to allow families to retain a greater percentage of income before it results in the reduction or termination of benefits;

(3) Employment, training, and education services provided to employable recipients of public assistance are effective tools in achieving economic self-sufficiency. Support services that are targeted to the specific needs of the individual offer the best hope of achieving economic self-sufficiency in a cost-effective manner;

(4) State welfare-to-work programs, which move individuals from dependence to economic independence, must be operated cooperatively and collaboratively between state agencies and programs. They also must include public assistance recipients as active partners in self-sufficiency planning activities. Participants in economic independence programs and services will benefit from the concepts of personal empowerment, self-motivation, and self-esteem;

(5) Many barriers to economic independence are found in federal statutes and rules, and provide states with limited options for restructuring existing programs in order to create incentives for employment over continued dependence;

(6) The legislature finds that the personal and societal costs of teenage childbearing are substantial. Teen parents are less likely to finish high school and more likely to depend upon public assistance than women who delay childbearing until adulthood; and

(7) The legislature intends that an effort be made to ensure that each teenage parent who is a public assistance recipient live in a setting that increases the likelihood that the teen parent will complete high school and achieve economic independence.

NEW SECTION. Sec. 2. For purposes of determining the amount of grant payments to recipients of aid to families with dependent children, all countable nonexempt earned income shall be subtracted from an amount equal to fifty-five percent of the need standard. The department shall adopt rules necessary to implement the intent of this section.

NEW SECTION. Sec. 3. The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable. The department shall seek federal approval for the amendment to the state plan and report on federal action to the appropriate standing committees of the legislature by December 1, 1993.

NEW SECTION. Sec. 4. The department shall initiate a pilot project using electronic benefit transfer technology for the food stamp, aid to families with dependent children, and women, infant, and children programs. The department shall report to the appropriate standing committees of the legislature on the project implementation status by December 1, 1994.

Sec. 5. RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; ((or))

(B) Under twenty years of age and ineligible for aid to families with dependent children solely due to federal age requirements, and are full-time students reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the person reaches age twenty. Reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training means maintaining a grade point average equal to or greater than a 2.5. For purposes of determining payment amount, the student is considered a member of the

aid to families with dependent children household of which the student would be a member but for the federal age requirement. In determining eligibility, earnings of a full-time student shall be disregarded, in accordance with department standards, notwithstanding the earnings limitation imposed by RCW 74.04.266.

~~(C)~~ Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department~~((-))~~; or

~~((C))~~ (D) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)~~((B))~~(C) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) ~~((To the extent authorized by the legislature in the biennial appropriations act, to))~~ Recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received. Payment shall be made within fifteen days of the request.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(h) Students with earnings shall not be eligible for the essential persons program unless the earnings are disregarded.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the aid to families with dependent children program rules adopted by the department.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 6. A new section is added to chapter 74.04 RCW to read as follows:

The department shall amend the state plan to include an aid to families with dependent children essential persons program that would, to the extent permitted under federal law, allow eighteen to twenty year old students to be eligible for federal aid to families with dependent children matching grants.

Sec. 7. RCW 74.25.020 and 1992 c 165 s 3 are each amended to read as follows:

(1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services.

(2) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall give first priority of service to individuals volunteering for program participation(~~(: PROVIDED, That the department shall require nonexempt parents under age twenty-four to actively participate in orientation, assessment, and either education, vocational training, or employment programs. At least one nonexempt parent in the aid to families with dependent children employable program shall actively participate in orientation, assessment, and either job search, education, training, or employment. Social services shall be offered to participants in accordance with federal law. The department shall adopt appropriate sanctions to ensure compliance with the requirements and policies of this chapter)~~)).

(3) The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age six years, and the employment would require the individual to work more than twenty hours per week; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

(4) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

NEW SECTION. Sec. 8. The department may provide grants to community action agencies or other local nonprofit organizations to provide job opportunities and basic skills training program participants with transitional support services, one-to-one assistance, and job retention services.

NEW SECTION. Sec. 9. The department of social and health services shall design a program for implementation involving recipients of aid to families with dependent children. A goal of this program is to develop a system that segments the aid to families with dependent children recipient population and identifies subgroups, matches services to the needs of the subgroup, and prioritizes available services. The department shall specify the services to be offered in each population segment. The general focus of the services offered shall be on job training, work force preparedness, and job retention.

The program shall be designed for state-wide implementation on July 1, 1994. A proposal for implementation may include phasing certain components over time or geographic area. The department shall submit this program to the appropriate committees of the senate and house of representatives by December 1, 1993.

NEW SECTION. Sec. 10. A new section is added to chapter 74.12 RCW to read as follows:

(1) As part of the orientation and assessment conducted pursuant to RCW 74.25.020, the department shall assist the family of the recipient in determining, in the following order of priority, the most appropriate living situation that will best ensure the safety and well-being for each recipient of aid to families with dependent children who is receiving those benefits as a head of household and is under age eighteen. Appropriate living situations may include, but are not limited to:

- (a) The parent's home;
- (b) The home of a relative;
- (c) A group living situation with adult supervision and guidance;
- (d) Living independently; and
- (e) Payment of the recipient's grant to another as provided in RCW 74.12.250.

(2) In conducting the assessment, the department shall consider all relevant factors, including but not limited to:

- (a) Whether the recipient is enrolled in and attending school;
- (b) Whether the recipient is employed;
- (c) The situation in the home of the recipient's parents, including but not limited to, whether there is substance abuse or domestic violence in the home and the adequacy of the dwelling; and
- (d) Whether there is a history of physical, emotional, or sexual abuse of the recipient by a person living in or frequenting the recipient's parents' home.

(3) If, as a result of the assessment, the department becomes aware of a recipient's need for other services that will help the recipient complete high school or achieve economic independence, and be an effective parent, the department shall make every effort to link the recipient with the services, including parenting classes.

NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

In determining food stamp eligibility, the department shall exclude as income the child support exempted by 42 U.S.C. Sec. 602(a)(8)(vi) or 657 (b).

NEW SECTION. Sec. 12. By October 1, 1993, the department shall request the governor to seek congressional and federal agency action on any federal legislation or federal regulation that may be necessary to implement chapter 74.-- RCW (sections 2 through 4, 8, and 12 of this act), and any other section of chapter . . . , Laws of 1993 (this act) that may require a federal waiver.

NEW SECTION. Sec. 13. Sections 2 through 4, 8, and 12 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 14. Section 2 of this act shall take effect July 1, 1994, if specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is provided by July 1, 1994, in the omnibus appropriations act. If specific funding is not so provided, section 2 of this act shall be null and void.

NEW SECTION. Sec. 15. Section 3 of this act shall take effect July 1, 1993, if specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill and section number, is provided by July 1, 1993, in the omnibus appropriations act. If specific funding is not so provided, section 3 of this act shall be null and void.

NEW SECTION. Sec. 16. Section 4 of this act shall take effect July 1, 1993, if specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is provided by July 1, 1993, in the omnibus appropriations act. If specific funding is not so provided, section 4 of this act shall be null and void.

NEW SECTION. Sec. 17. Section 5 of this act shall take effect July 1, 1993, if specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill and section number, is provided by July 1, 1993, in the omnibus appropriations act. If specific funding is not so provided, section 5 of this act shall be null and void.

NEW SECTION. Sec. 18. Section 11 of this act shall take effect July 1, 1994, if specific funding for the purposes of section 11 of this act, referencing section 11 of this act by bill and section number, is provided by July 1, 1994, in the omnibus appropriations act. If specific funding is not so provided, section 11 of this act shall be null and void.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment to the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 1197.

The Committee on Ways and Means amendment to the Committee on Health and Human Services striking amendment to Engrossed Substitute House Bill No. 1197 was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services striking amendment, as amended by the Committee on Ways and Means amendment, to Engrossed Substitute House Bill No. 1197.

The Committee on Health and Human Services striking amendment, as amended by the Committee on Ways and Means amendment, to Engrossed Substitute House Bill No. 1197 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 74.25.020; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.04 RCW; adding a new section to chapter 74.12 RCW; adding a new chapter to Title 74 RCW; creating new sections; providing effective dates; and declaring an emergency."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1197, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Talmadge, as we were adopting the amendments, did we adopt the Health and Human Services amendment to the Ways and Means amendment?"

Senator Talmadge: "Vice versus, we adopted the Ways and Means Committee amendment to the Health and Human Services Committee amendment."

Senator Anderson: "There is still some confusion about the food stamp cash out in this. Could you point out what section in the Ways and Means amendment that language is, then?"

Senator Talmadge: "There is no food stamp cash out in this bill. If I could explain, the two places where food stamps crop up or where people might have that perception, there is a pilot project that is allowed for electronic benefits transfer in the bill. That is not cashing out food stamps. This is merely to avoid paper work. It is a pilot project to examine the question of whether elimination of paper work would be useful.

"The second piece is the bill that Senator Winsley actually brought to the committee. The fifty dollar child support pass-through for food stamps. Under existing law, we provide a fifty dollar incentive to people that work with us--a fifty dollar food stamp incentive--for people that work with us in making child support collections. The way the law is set up with this fifty dollar amount coming in, it might make them ineligible for certain aspects of public assistance. What we have told the Department of Social and Health Services to do is to coordinate the eligibility levels for food stamps and for public assistance for these people that are helping us gain monies to the state by collecting child support from people that should pay it. There is no food stamp cash out in this bill, as was true in the original House Bill."

Senator Anderson: "If I may, in the original House Bill, in the New Section 5, there was a reference--'The Department may replace food stamps with a cash equivalent for individuals eligible--on and on--for if Congress grants that.' That language has been removed?"

Senator Talmadge: "Yes, it is not in this bill."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1197, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1197, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Barr, Cantu, McCaslin, McDonald, Newhouse, Roach, Smith, L. and West - 9.

Excused: Senators Hochstatter and Owen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1307, as amended by the Senate, deferred on third reading earlier today.

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you, Mr. President, and I appreciate your patience. I would like to respond to a question by Senator Deccio on funding for the Washington Service Corp. The total cost of the program is slightly in excess of five million dollars. One point eight million dollars is in the existing administrative contingency fund, one point one will be from matching local funds, and this is consistent with what has been done in the past. Seven hundred thousand has been appropriated by the House Committee and that does leave some funding still unavailable currently, but the program will be cut back if that funding is not available."

Senator Deccio: "Thank you, I would like to thank Senator Sheldon. My concern was that if there was not sufficient funds, the program would be cut rather than figuring out some way to levy some additional taxes. I thank her for the information."

MOTION

On motion of Senator Sheldon, Senator Fraser was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1307, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1307, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Fraser, Hochstatter and Owen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1013, by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Riley)

Adopting the revised uniform commercial code on bulk sales.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendment was adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6-101 The following acts or parts of acts are repealed:

- (1) RCW 62A.6-101 and 1965 ex.s. c 157 s 6-101;
- (2) RCW 62A.6-102 and 1967 c 114 s 2 & 1965 ex.s. c 157 s 6-102;
- (3) RCW 62A.6-103 and 1965 ex.s. c 157 s 6-103;
- (4) RCW 62A.6-104 and 1975 1st ex.s. c 278 s 33 & 1965 ex.s. c 156 s 6-104;
- (5) RCW 62A.6-105 and 1971 c 23 s 1 & 1965 ex.s. c 157 s 6-105;
- (6) RCW 62A.6-106 and 1965 ex.s. c 157 s 6-106;
- (7) RCW 62A.6-107 and 1975 1st ex.s. c 278 s 34 & 1965 ex.s. c 157 s 6-107;
- (8) RCW 62A.6-108 and 1965 ex.s. c 157 s 6-108;
- (9) RCW 62A.6-109 and 1967 c 114 s 3 & 1965 ex.s. c 157 s 6-109;
- (10) RCW 62A.6-110 and 1965 ex.s. c 157 s 6-110;
- (11) RCW 62A.6-111 and 1965 ex.s. c 157 s 6-111; and
- (12) RCW 62A.9-111 and 1965 ex.s. c 157 s 9-111.

Sec. 6-102. RCW 62A.1-105 and 1981 c 41 s 1 are each amended to read as follows:

(1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this Title applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this Title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. RCW 62A.2-402.

Applicability of the Article on Bank Deposits and Collections. RCW 62A.4-102.

~~(Bulk transfers subject to the Article on Bulk Transfers. RCW 62A.6-102.)~~

Applicability of the Article on Investment Securities. RCW 62A.8-106.

Perfection provisions of the Article on Secured Transactions. RCW 62A.9-103.

Sec. 6-103. RCW 62A.2-403 and 1967 c 114 s 8 are each amended to read as follows:

(1) A purchaser of goods acquires all title which his or her transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

- (a) the transferor was deceived as to the identity of the purchaser, or
- (b) the delivery was in exchange for a check which is later dishonored, or
- (c) it was agreed that the transaction was to be a "cash sale".

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him or her power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the Articles on Secured Transactions (Article 9)~~(, Bulk Transfers (Article 6))~~ and Documents of Title (Article 7)."

On motion of Senator Adam Smith, the following title amendment was adopted:

On page 1, line 1 of the title, after "Sales;" strike the remainder of the title and insert "amending RCW 62A.1-105 and 62A.2-403; and repealing RCW 62A.6-101, 62A.6-102, 62A.6-103, 62A.6-104, 62A.6-105, 62A.6-106, 62A.6-107, 62A.6-108, 62A.6-109, 62A.6-110, 62A.6-111, and 62A.9-111."

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1013, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1013, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1013, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Bluechel, Fraser, Hochstatter and Owen - 4.

SUBSTITUTE HOUSE BILL NO. 1013, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1015, by Representatives Appelwick and Riley

Adopting the Uniform Commercial Code article on leases.

The bill was read the second time.

MOTIONS

On motion of Senator Adam Smith, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 25, line 14, after "lease" insert ", "

On page 25, line 15, after "whole" insert ", or the accession is leased under tariff No. 74 for residential conversion burners leased by a natural gas utility"

On page 25, line 16, after "(4)" strike "The" and insert "Unless the accession is leased under tariff No. 74 for residential conversion burners leased by a natural gas utility, the"

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1015, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1015, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1015, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Fraser, Hochstatter and Owen - 3.

HOUSE BILL NO. 1015, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1395 and the pending striking amendment by Senator Nelson, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Nelson to House Bill No. 1395.

The striking amendment by Senator Nelson to House Bill No. 1395 was not adopted on a rising vote.

MOTION

Senator Erwin moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.04.160 and 1985 c 82 s 2 are each amended to read as follows:

(1) Application for ~~((such))~~ a marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose, which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, birthplace, whether single, widowed or divorced, and whether under control of a guardian, residence during the past six months: PROVIDED, That each county may require such other and further information on said application as it shall deem necessary.

(2) The county legislative authority may impose an additional fee up to one dollar on a marriage license for the purpose of funding family services such as family support centers.

Sec. 2. RCW 36.18.020 and 1992 c 54 s 1 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of one hundred ten dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action. The county legislative authority may impose an additional fee up to twenty dollars on any petition for dissolution of marriage, legal separation, or a declaration concerning the validity of a marriage, for the purpose of funding family services such as family support centers.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of one hundred ten dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application there shall be a fee of four dollars.

(16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(17) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

(18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

Sec. 3. RCW 43.08.250 and 1992 c 54 s 3 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, family support centers, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services."

MOTION

On motion of Senator Erwin, and there being no objection, the striking amendment to House Bill No. 1395 was withdrawn.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1395.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1395 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, McDonald, Nelson, Newhouse, Oke, Roach, Sellar, von Reichbauer, West and Williams - 13.

Excused: Senators Hochstatter and Owen - 2.

HOUSE BILL NO. 1395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:17 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

MOTION

On motion of Senator Oke, Senators Cantu, McCaslin, Prince, von Reichbauer and Winsley were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1047, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Long, Springer, Brough, Forner, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl)

Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state.

The bill was read the second time.

MOTIONS

On motion of Senator Fraser, the following Committee on Ecology and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.95 RCW to read as follows:

The legislature finds that:

- (1) The state of Washington has responded to the increasing challenges of safe, affordable disposal of solid waste by an ambitious program of waste reduction, recycling and reuse, as well as strict standards to ensure the safe handling, transportation, and disposal of solid waste;
- (2) All communities in Washington participate in these programs through locally available recycling services, increased source separation and material recovery requirements, programs for waste reduction and product reuse, and performance standards that apply to all solid waste disposal facilities in the state;
- (3) New requirements for the siting and performance of disposal facilities have greatly decreased the number of such facilities in Washington, and the state has a significant interest in ensuring adequate disposal capacity within the state;
- (4) The landfilling, incineration, and other disposal of solid waste may adversely impact public health and environmental quality, and the state has a significant interest in decreasing volumes of the waste stream destined for disposal;
- (5) Because of the decreasing number of disposal facilities and other reasons, solid waste is being transported greater distances, often beyond the community where generated and is increasingly being transported between states;
- (6) Washington's waste management priorities and programs are a balanced approach of increased reuse, recycling and waste reduction, the strengthening of markets for recycled content products, and the safe disposal of the remaining waste stream, with the costs of these programs shared equitably by all persons generating waste in the state;
- (7) Those residing in other states who generate waste destined for disposal within Washington should also share the costs of waste diversion and management of Washington's disposal facilities, so that the risks of waste disposal and the costs of mitigating those risks are shared equitably by all waste generators, regardless of their location;
- (8) Because Washington state may not directly regulate waste handling, reduction, and recycling activities beyond its state boundaries, the only reasonable alternative to ensure this equitable treatment of waste being disposed within Washington is to implement a program of reviewing such activities as to waste originating outside of Washington, and to assign the additional costs, when necessary, to ensure that the waste meets standards substantially equivalent to those applicable to waste generated within the state, and, in some cases, to prohibit disposal of waste where its generation and management is not subject to standards substantially equivalent to those applicable to waste generated within the state.

NEW SECTION. Sec. 2. A new section is added to chapter 70.95 RCW to read as follows:

- (1) At least sixty days prior to receiving solid waste generated from outside of the state, the operator of a solid waste disposal site facility shall report to the department the types and quantities of waste to be received from an out-of-state source. The department shall develop guidelines for reporting this information. The guidelines shall provide for less than sixty days notice for shipments of waste made on a short-term or emergency basis. The requirements of this subsection shall take effect upon completion of the guidelines.
- (2) Upon notice under subsection (1) of this section, the department shall identify all activities and costs necessary to ensure that solid waste generated out-of-state meets standards relating to solid waste reduction, recycling, and management substantially equivalent to those required of solid waste generated within the state. The department may assess a fee on the out-of-state waste sufficient to recover the actual costs incurred in ensuring that the out-of-state waste meets equivalent state standards. The department may delegate, to a local health department, authority to implement the activities identified by the department under this subsection. All money received from fees imposed under this subsection shall be deposited into the solid waste management account created by RCW 70.95.800, and shall be used solely for the activities required by this section.

(3) The department may prohibit in-state disposal of solid waste generated from outside of the state, unless the generators of the waste meet: (a) Waste reduction and recycling requirements substantially equivalent to those applicable in Washington state; and (b) solid waste handling standards substantially equivalent to those applicable in Washington state.

(4) The department may adopt rules to implement this section.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "state;" strike the remainder of the title and insert "adding new sections to chapter 70.95 RCW; and declaring an emergency."

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1047, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Fraser, this is a good bill. In the discussion, however, did you have a chance to look to see if this may jeopardize any type of reciprocity from other states? In other words, Washington is very dependent on, for example, sending things to Arlington, Oregon. Would this jeopardize if that state didn't have the same type of standards that we did--any reciprocity?"

Senator Fraser: "My understanding is that there is not a problem, especially with Oregon. They have similar legislation. Also, this has been--I'm not aware of reciprocity problems. Also, the bill does, to the best of my knowledge, meet the test of the commerce clause in that it doesn't discriminate against out-of-state waste. The fee that is involved is merely to cover the state's cost in management and processing of waste."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1047, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1047, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 4; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 38.

Absent: Senators Amondson, Deccio, McDonald and Vognild - 4.

Excused: Senators Cantu, Hochstatter, McCaslin, Owen, Prince, von Reichbauer and Winsley - 7.

SUBSTITUTE HOUSE BILL NO. 1047, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Franklin, Zellinsky, Campbell and Springer)

Correcting double amendments relating to regulation of mobile and manufactured homes.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1057.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1057 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, West, Williams and Wojahn - 39.

Absent: Senators Amondson, Deccio and Vognild - 3.

Excused: Senators Cantu, Hochstatter, McCaslin, Owen, Prince, von Reichbauer and Winsley - 7.

SUBSTITUTE HOUSE BILL NO. 1057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086, by House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Edmondson, Rust and Kremen)

Modifying littering penalties.

The bill was read the second time.

MOTIONS

Senator Fraser moved that the following Committee on Ecology and Parks amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.93.060 and 1983 c 277 s 1 are each amended to read as follows:

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

((1)) (a) When ((such)) the property is designated by the state or ((by any of)) its agencies or political subdivisions for the disposal of garbage and refuse, and ((such)) the person is authorized to use such property for ((such)) that purpose;

((2)) (b) Into a litter receptacle in ((such)) a manner that ((the litter)) will ((be prevented)) prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

((Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine for such violation shall not be less than fifty dollars for each offense. In addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained to pick up and remove litter from public property and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than sixteen hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities))

(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

Sec. 2. RCW 70.93.070 and 1983 c 277 s 2 are each amended to read as follows:

The director shall prescribe the procedures for the collection of ((fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines)) penalties, costs, and other charges allowed by chapter 7.80 RCW for violations of this chapter. Included in the procedures shall be provisions requiring ((the distribution of)) that one-half of the monetary amount

~~((of fines)) actually collected ((under the enforcement)) by the state or local government entity enforcing the provisions of this chapter ((by a local governmental agency to)) be distributed to that local governmental ((agency)) entity.~~

Sec. 3. RCW 70.95.240 and 1969 ex.s. c 134 s 24 are each amended to read as follows:

~~(1) After the adoption of regulations or ordinances by any county, city, or jurisdictional board of health providing for the issuance of permits as provided in RCW 70.95.160, it shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit(~~:- PROVIDED, That nothing herein~~). This section shall not prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate statutes or ordinances, or create a nuisance. ((Any person violating this section shall be guilty of a misdemeanor))~~

~~(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.~~

~~(b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property."~~

Senator Fraser moved that the following amendment to the Committee on Ecology and Parks striking amendment be adopted:

On page 3, after line 11 insert the following:

"NEW SECTION. Sec. 4. The legislature finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gasses poses a danger and nuisance to the environment, particularly to wildlife and marine animals. The legislature also finds that balloons released into the atmosphere are a significant source of litter and impair the fundamental need for a healthful, clean and beautiful environment.

NEW SECTION. Sec. 5. A new section is added to chapter 70.93 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful for any person to intentionally release, organize the release, or intentionally cause to be released within a twenty-four hour period twenty-five or more balloons inflated with a gas that is lighter than air.

(2) It is not a violation of this section for a person to release:

(a) Balloons on behalf of a government agency or pursuant to a governmental contract for scientific or meteorological purposes;

(b) Hot air balloons that are recovered after launching; or

(c) Balloons indoors.

(3) A violation of this section is a class 1 civil infraction under chapter 7.80 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 70.93 RCW to read as follows:

Any person may petition a district court to enjoin the release of twenty-five or more balloons in violation of section 2 of this act.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator West: "Mr. President, I would like to challenge the scope and object of this amendment. The bill creates penalties for littering and changes current penalties for the offense of littering. The amendment creates a new offense. The new offense is releasing of balloons. It is clearly beyond the scope; the scope of the bill is merely a penalty adjustment. This creates a new crime, so I would ask, Mr. President, that you rule that way."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Substitute House Bill No. 1086 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, by House Committee on State Government (originally sponsored by Representatives Pruitt, R. Fisher, Mielke, Sheldon, Dorn, Long, Veloria, Roland, Romero, Shin, R. Meyers, Finkbeiner, Jones, Dunshee, Jacobsen, Riley, Holm, Mastin, Kessler, Linville, Springer, Wolfe, Franklin, Kremen, Johanson, Karahalios, Flemming, Tate, L. Johnson, J. Kohl, Dellwo, G. Cole and Anderson) (by request of State Auditor)

Creating the government accountability task force.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many of the systems currently in place for assuring accountability in state government programs are not operated comprehensively, do not take advantage of modern management techniques, and do not contribute adequately to the optimum use of scarce resources. Critical variables that are not always taken into account include whether stated goals and objectives are being achieved, and whether desired results are being accomplished.

Agency executives need more accurate information for setting policy, determining whether new or existing programs are effective, and improving internal controls for agency management. These needs must be met at all levels of operation, and must be clearly communicated to the legislature and all interested parties.

Ensuring accountability in government involves a long-term commitment to policy planning, quality management, and results-oriented evaluation. It is the intent of this act to facilitate program evaluations and performance audits of selected state agencies and programs through the coordinated resources of the executive and legislative branches of state government.

Sec. 2. RCW 43.88.020 and 1991 c 358 s 6 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(27) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(28) "Performance audit" means an audit which determines the following: (a) Whether a government entity is acquiring, protecting, and using its resources economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; (c) whether the entity has complied with laws and regulations applicable to the program; (d) the extent to which the desired results or benefits established by the legislature are being achieved; and (e) the effectiveness of organizations, programs, activities, or functions.

(29) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.

(30) "Success measures" include, but are not limited to the following types of indicators: (a) Indicators of service efforts, stated in terms of human and material resource inputs expended on a service during a specific period; (b) indicators of service accomplishments or outputs, such as the amount of workload accomplished; and outcomes, such as numeric indicators of program results and service quality; and (c) indicators that relate service efforts to service accomplishments, such as indexes of productivity, efficiency, or effectiveness.

Sec. 3. RCW 43.88.090 and 1989 c 273 s 26 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times

as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

(2) ~~((Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results.))~~ For the purpose of assessing program performance, each state agency shall establish results-oriented goals and objectives, and develop success measures based on these goals and objectives, for each major program in its budget. Each agency shall express the success measures in an objective, quantifiable, and measurable form unless permitted by the office of financial management to adopt a different standard.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

(3) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 4. RCW 43.88.160 and 1992 c 118 s 8 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency which will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal controls following the standards of internal auditing of the institute of internal auditors:

~~(b)~~ (b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

~~((b))~~ (c) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

~~((c))~~ (d) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

~~((d))~~ (e) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

~~((e))~~ (f) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

~~((f) Promulgate regulations)~~ (g) Adopt rules to effectuate provisions contained in (a) through ~~((e))~~ (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include ~~((at least the following:))~~ determinations as to

whether agencies, in making expenditures, complied with the laws of this state (~~PROVIDED, That nothing in this section may be construed to grant~~). The state auditor ((the right)) is authorized to perform or participate in performance audits only as expressly authorized by the legislature in the

omnibus biennial appropriations acts. A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. ~~((The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.))~~ The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW, may report to the legislative budget committee or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit: PROVIDED, That the auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 5. A new section is added to chapter 44.28 RCW to read as follows:

(1) In conducting program evaluations as defined in RCW 43.88.020, the legislative budget committee shall establish a biennial work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plan are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree.

(2) The project description for each program evaluation shall include start and completion dates, the proposed research approach, and cost estimates.

(3) The overall plan may include proposals to employ contract evaluators. As conditions warrant, the program evaluation work plan may be amended from time to time. All biennial work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

Sec. 6. RCW 44.28.085 and 1975 1st ex.s. c 293 s 15 are each amended to read as follows:

The legislative budget committee shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in

which any public agency, officer, administrator, or employee has discharged the responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by ~~((subsection (3) of))~~ RCW 43.88.160 ~~((as now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor))~~.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate."

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.88.020, 43.88.090, 43.88.160, and 44.28.085; adding a new section to chapter 44.28 RCW; and creating a new section."

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1372, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1372, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1372, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams and Wojahn - 43.

Excused: Senators Hochstatter, McCaslin, Owen, Prince, von Reichbauer and Winsley - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

SECOND READING

HOUSE BILL NO. 1407, by Representatives Sommers, Silver, Chandler, Fuhrman, Locke, Ogden and Brough (by request of Legislative Budget Committee)

Changing duties of the legislative auditor and attorney general regarding the legislative budget committee.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 1407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1407.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1407 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Hochstatter, McCaslin, Moyer, Owen and von Reichbauer - 5.

HOUSE BILL NO. 1407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1086 and the pending amendment by Senator Fraser on page 3, after line 11, to the Committee on Ecology and Parks striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Engrossed Substitute House Bill No. 1086 is a measure which changes the penalties for littering; changes the penalty for collection procedures; and establishes new definitions of littering.

"The amendment by Senator Fraser to the Committee on Ecology and Parks amendment would define as littering the release of balloons under certain circumstances and impose a penalty.

"The President, therefore, finds that the proposed amendment to the committee amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Fraser on page 3, after line 11, to the Committee on Ecology and Parks striking amendment to Engrossed Substitute House Bill No. 1086 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 3, after line 11, to the Committee on Ecology and Parks striking amendment to Engrossed Substitute House Bill No. 1086.

Debate ensued.

The amendment by Senator Fraser on page 3, after line 11, to the Committee on Ecology and Parks striking amendment to Engrossed Substitute House Bill No. 1086 was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ecology and Parks striking amendment to Engrossed Substitute House Bill No. 1086.

The Committee on Ecology and Parks striking amendment to Engrossed Substitute House Bill No. 1086 was adopted.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "littering;" strike the remainder of the title and insert "amending RCW 70.93.060, 70.93.070, and 70.95.240; and prescribing penalties."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1086, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill 1086, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1086, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley,

Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Amondson, Cantu and von Reichbauer - 3.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461, by House Committee on Energy and Utilities (originally sponsored by Representatives Kremen, Miller, Jacobsen and Long)

Extending the prohibition on mandatory local measured service.

The bill was read the second time.

MOTION

On motion of Senator Sutherland, the rules were suspended, Engrossed Substitute House Bill No. 1461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1461.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1461 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1214, by House Committee on Health Care (originally sponsored by Representative Appelwick)

Concerning health care information disclosure.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was adopted:

On page 6, beginning on line 22, strike all material through "admitted" on line 25 and insert "(k) In the case of a hospital or health care provider to provide, in cases reported by fire, police, sheriff, or other public authority, name, residence, sex, age, occupation, condition, diagnosis, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted"

Senator Sutherland moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 14, after "program" insert "; or an organization under section 8 of this act"

On page 11, after line 27, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 48.01 RCW to read as follows:

This title does not apply to an organization that:

- (1) Operates as a nonprofit organization registered under chapter 19.09 RCW;
- (2) Produces a periodic publication that:
 - (a) Suggests amounts publication subscribers may voluntarily give to other subscribers, with no assumption of risk or promise to pay either among the subscribers or between the subscribers and the publication;
 - (b) Provides for the payment of subscriber financial or medical needs by payments directly from one subscriber to another; and
 - (c) Discloses plainly in bold ink on the first page of any pamphlet, advertisement, questionnaire, enrollment, or subscription form:

"WARNING: THIS IS NOT AN INSURANCE CONTRACT. IF YOU ARE NOT HELPED WITH ANY OF YOUR NEEDS, YOU HAVE NO LEGAL RECOURSE AGAINST ANY OTHER SUBSCRIBER OR THE ORGANIZATION. NO CONTRACT OF INSURANCE OR INDEMNIFICATION EXISTS EITHER IN FACT OR IMPLIED.";

(3) Acts as an organizational clearinghouse for information between subscribers who have financial, physical, or medical needs and subscribers who choose to assist with those needs, matching subscribers with the present ability to pay with subscribers having a present financial or medical need; and

(4) Receives subscription fees or other payments or charges of any kind annually from subscribers that do not exceed an amount equal to eight and thirty-four one-hundredths percent of the total suggested amounts to give published annually."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Wojahn: "A point of order, Mr. President. I believe that these expand the scope and object of the bill. This is the subject of a bill we passed through here that was a type of insurance project--they didn't call it insurance. They said because we don't call it insurance, it is not insurance. It has nothing to do with disclosure in this bill."

Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute House Bill No. 1214 was deferred.

SECOND READING

HOUSE BILL NO. 1292, by Representatives Anderson, G. Cole, Chandler, Heavey, Veloria, Wood, Franklin, Springer, King and J. Kohl

Defining "employment" for unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1292.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1292 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

HOUSE BILL NO. 1292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1214 and the pending amendments by Senator Sutherland on page 3, line 14, and page 11, after line 27, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Substitute House Bill No. 1214 is a measure which provides for the disclosure of medical information under certain circumstances.

"The amendments by Senator Sutherland on page 3, line 14, and page 11, after line 27, would allow nonprofit organizations to publicize the health needs of newsletter subscribers.

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

The amendments by Senator Sutherland on page 3, line 14 and page 11, after line 27, to Substitute House Bill No. 1214 were ruled out of order.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Deccio was adopted:

On page 4, line 17, after "authorizations" insert "given pursuant to an agreement with a treatment or monitoring program or disciplinary authority under chapters 18.72 or 18.130 RCW or"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1214, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1214, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1214, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

SUBSTITUTE HOUSE BILL NO. 1214, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1352, by House Committee on Commerce and Labor (originally sponsored by Representatives Veloria, G. Cole and Franklin) (by request of Department of Labor and Industries)

Revising provisions for fee schedules for industrial insurance medical aid.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDonald: "Senator Moore, I was just reading through this. How is this going to work in conjunction with the Health Care Bill? How does that all fit in with the basic notion of the Health Care Bill?"

Senator Moore: "Well, it is hoped that there will be some coordination between the various departments under this administration."

Senator McDonald: "But, when they set the basic rate and the basic policy, how does that fit in with the whole fee schedule?"

Senator Moore: "I'm not sure that I have an accurate answer to that. Perhaps somebody else can fill in the blanks."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "In response to Senator McDonald's question, this would be the policy that would exist in the interim between now and anytime that the Legislature might decide to fold the medical aid fund to the Department of Labor and Industries into the personal health arrangements under the Health Care Reform Act. In the Health Care Reform Act, as it has passed the House, they provide for L & I services under medical aid fund being done on an interim basis in some managed care pilot projects. In both versions of the bill, there is a study and recommendations about folding the two systems together, so this setting of fees will be on an interim basis until those changes in the larger bill happen."

Senator McDonald: "Is it anticipated that this will be immediate or is it going to be long-term?"

Senator Talmadge: "In terms of the two systems coming together?"

Senator McDonald: "Yes."

Senator Talmadge: "My desire is that they would come together fairly quickly--approximately at the same time the employment mandates start to come together."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1352.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1352 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

SUBSTITUTE HOUSE BILL NO. 1352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1518, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Valle, Dunshee, Pruitt, Rust, J. Kohl, Holm, Jacobsen, Linville and Eide)

Creating a water trail recreation program.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Talmadge, actually I think this is a pretty good idea, but is this how we are going to find our under-water parks, by going on these trails?"

Senator Talmadge: "Only if they stick the nose of that canoe too far into the water, Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Cantu: "Senator Fraser, I guess in looking at the report--I haven't read the bill--who pays the fees or what type of fees? Are these going to be fees for people that use the trail? Who has that responsibility to levy, to collect and you know, basically, who pays for it?"

Senator Fraser: "The fees would be set by the State Parks Department after consultation with the Water Trails Advisory Committee. They would be permit-use fees and voluntary contributions."

Senator Cantu: "OK, so the fees are basically for those that would use the trails and have access to them?"

Senator Fraser: "Right, it is designed to be a self-supporting program."

Senator Cantu: "I understand that. I was just curious as to whether it would be the people using it and I presume that that is what it is."

Senator Fraser: "That is the intent."

Senator Cantu: "Thank you."

POINT OF INQUIRY

Senator Anderson: "Senator Fraser, I had a call after this passed the Senate the first time. It was a question that I couldn't answer. In the first part of the bill, it references 'human or wind-powered,' and the call was regarding the wind surfing that is taking place like down on the Columbia River. Is this bill envisioned for only places where we have state parks now and where the parks are, the fees would be charged, or down on the Columbia River, where all the people put in at different places to wind surf? Would we now be charging those people also, for that activity? It was unclear to me, when I got that call, about how the fees would be charged."

Senator Fraser: "The subject of wind-surfing was not part of the testimony before the committee, so I can't give you a definitive answer on that. It is intended they would be charged as a general permit and fees at the site for the system."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "The water trail program is designed to be dealt with by the Parks Department. They would designate trails in water bodies on the rivers or on the ocean side, say on Puget Sound. Basically, what the fee gives people is the opportunity to pull in at night when they are done canoeing or doing the work. It really wouldn't affect wind-surfers. It essentially gives them a guaranteed slot to camp in; that is the idea of a trail. The people say that if they were canoeing on the Columbia River system, if they didn't run over a dam, they would have the opportunity to pull up at an appropriate state parks site and have a guaranteed reservation, so that they would have a place to rest--is what it comes down to. The trails would be designated by the Parks Department, so wind-surfing would not be covered by this bill."

Further debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Fraser, did this department explore thoroughly its ability to fund, through existing resources, a water parks and trails system?"

Senator Fraser: "This bill was brought to us by the advocates, by the users --people who use kayaks, canoes, etc. They are well aware that the State Parks Department has a very limited budget and probably couldn't do this without these voluntary contributions."

Senator Roach: "Thank you, to proceed, and Senator Fraser has yielded to a question. The question really was, has the Parks, the administration, pursued funding this program, which is a very worthy program, through existing forms of revenue and through the existing budget?"

"I think it is a very important point to notice that we do have a great parks system in this state, but we also have, as our needs expand, the requirement--as least I think--a moral requirement to the taxpayer in this state--to prioritize projects and that this is just one of many projects, but somehow it has been set aside and outside of the regular budget process and I am wondering if, in fact, this was taken as a project and prioritized out and then we are looking for a new source of funding or if we are deciding, in fact, that it is so different that it needs its own source. Did they, in fact, study this and cast it off as something that they couldn't include?"

MOTIONS

On motion of Senator Spanel, Senator Loveland was excused.

On motion of Senator Bluechel, Senator Amondson was excused.

POINT OF ORDER

Senator Roach: "A point of order, Mr. President. I never got the response, that is why I asked the question, I wanted to find out if, in fact, the Parks Department had explored prioritizing this project among all the others that there are in this state and was it purged or did they decide they would go after another funding source?"

RULING BY THE PRESIDENT

President Pritchard: "Well, it is not a point of order that they didn't respond to you."

Senator Roach: "Well, is it a point of order that you had recognized somebody before I had gotten my answer?"

President Pritchard: "I saw them standing. Is anybody else standing? For what reason do you rise, Senator Roach?"

Senator Roach: "Well, Senator Fraser had yielded to a question. I was just wondering if I could have the answer? I just didn't know."

Senator Pritchard: "Well, she obviously doesn't want to answer you and she doesn't have to."

Senator Roach: "OK, thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1518.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1518 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Anderson and Roach - 2.

Excused: Senators Amondson, Hochstatter, Loveland, McCaslin and Owen - 5.

SUBSTITUTE HOUSE BILL NO. 1518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1530, by Representatives Morris, Foreman, Springer, Ogden, Carlson, Riley, Silver, Leonard, Chappell, H. Myers, Rayburn, Mastin, Thibaudeau, Anderson, Holm, Campbell, Brough, King, Hansen, Jones, Basich, Quall, Conway, Van Luven, Cothorn, Long and Finkbeiner

Providing for continuation of property tax exemptions for senior citizens confined in hospitals and nursing homes.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1530.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1530 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senator Skratek - 1.

Excused: Senators Hochstatter, Loveland, McCaslin and Owen - 4.

HOUSE BILL NO. 1530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1808, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Shin, Mastin, Forner, Wineberry, Rayburn, Jones, Cothorn, J. Kohl, Wang, Van Luven, Chandler and Linville)

Creating the Washington council on international trade.

The bill was read the second time.

MOTION

On motion of Senator Skratek, the following Committee on Trade, Technology and Economic Development amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the expansion of international trade is vital to the economy of Washington state. International trade-related activities currently account for approximately twenty percent of employment in this state even though only a small percentage of businesses do extensive exporting. Washington's long-term economic prosperity depends on the creation and retention of jobs that international trade provides through providing an expanded marketplace for goods and services produced in this state. Increasing the number of businesses exporting and the foreign markets accessed helps diversify the state economy and make the state's businesses more competitive by providing experience in the international marketplace. There are many international markets that offer export potential for Washington businesses that are not currently being accessed, particularly several Pacific Rim countries. The legislature also finds that there presently exists several programs and initiatives by federal, state, and local governments that have to be coordinated effectively within and among economic development organizations, state agencies, academic institutions, and businesses so as to enhance the sale of goods and services in foreign markets.

Therefore, the legislature declares that an important public purpose can be accomplished through the development and implementation of a state policy on international trade.

NEW SECTION. Sec. 2. A new section is added to chapter 44.52 RCW to read as follows:

(1) The council on international trade is established as a subcommittee of the executive legislative committee on economic development created in chapter . . . (Senate Bill No. 5300), Laws of 1993. The council shall consist of at least three members of the full committee and may include advisory members. The advisory members may include a representative of trade organizations, a representative of ports, a representative of businesses active in exporting goods, an expert in foreign marketing, and an expert in export financing.

(2) Advisory members may receive reimbursement for travel from the governor's office under RCW 43.03.050 and 43.03.060.

(3) The council shall:

(a) Review past studies of state export assistance programs and current state export targeting efforts;

(b) Develop a strategic plan to enhance international trade for consideration by the full committee, governor, and legislature; and

(c) Recommend specific programmatic changes and legislative actions necessary to enhance and coordinate state export assistance efforts."

MOTIONS

Senator Skratek moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the expansion of international trade is vital to the economy of Washington state. International trade-related activities currently account for approximately twenty percent of employment in this state even though only a small percentage of businesses do extensive exporting. Washington's long-term economic prosperity depends on the creation and retention of jobs that international trade provides through providing an expanded marketplace for goods and services produced in this state. Increasing the number of businesses exporting and the foreign markets accessed helps diversify the state economy and make the state's businesses more competitive by providing experience in the international marketplace. There are many international markets that offer export potential for Washington businesses that are not currently being accessed, particularly several Pacific Rim countries. The legislature also finds that there presently exists several programs and initiatives by federal, state, and local governments that have to be coordinated effectively within and among economic development organizations, state agencies, academic institutions, and businesses so as to enhance the sale of goods and services in foreign markets.

The legislature further finds that a strategy to expand international trade must be integrated into a comprehensive long-term economic development plan, and that the expertise of the private sector can enhance the joint strategic planning efforts of the governor, executive agencies, and the legislature.

Therefore, the legislature declares that an important public purpose can be accomplished through an international trade council that, through coordination and advice, can facilitate increased exporting by Washington businesses.

NEW SECTION. Sec. 2. A new section is added to chapter 44.52 RCW to read as follows:

(1) The council on international trade is established. The council shall consist of fifteen members as follows:

(a) Two members of trade organizations, appointed by the governor;

(b) Two representatives of ports, appointed by the governor;

(c) Three representatives of businesses active in exporting goods, appointed by the governor;

(d) Three representatives from the executive-legislative committee on economic development created in chapter ..., (Senate Bill No. 5300), Laws of 1993;

(e) Two members with experience in foreign marketing, appointed by the governor;

(f) Two experts in financing export transactions, appointed by the governor; and

(g) The director of the department of trade and economic development.

(2) Nonlegislative members may receive reimbursement from the governor's office for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.

(3) The council shall:

(a) Advise the executive-legislative committee on economic development regarding policies, programs, and activities to enhance the exporting of Washington goods and services to international markets;

(b) Review current state export targeting efforts and advise the executive-legislative committee on economic development regarding markets with potential that currently are not being emphasized;

(c) Assist in the coordination of public export programs state-wide;

(d) Identify for the executive-legislative committee on economic development current and long-term international trade issues that need to be addressed by the state in its long-term economic development plan; and

(e) Recommend methods to increase the awareness of international trade, especially its opportunities and its importance, throughout the state.

NEW SECTION. Sec. 3. The council may accept gifts, grants, donations, devises, and bequests to facilitate the work of the council.

NEW SECTION. Sec. 4. The council shall make a preliminary report to the executive-legislative committee on economic development on its activities by June 1, 1994, and make a final report by December 1, 1994.

NEW SECTION. Sec. 5. This act shall expire on June 30, 1995."

On motion of Senator Rasmussen, the following amendments by Senators Rasmussen, Erwin and Skratek to the striking amendment by Senator Skratek were considered simultaneously and were adopted on a rising vote:

On page 2, line 33, delete "and"

On page 2, line 36, strike "state." and insert "state;

(f) Study the impact of the Uruguay round of the general agreement on tariffs and trade and the north american free trade agreement on the state's small manufacturing and export firms, focusing on the competitive threats and opportunities presented by the trade agreements to the state's six most significant traded sectors as measured by the number of employees in the sector and the aggregate dollar volume of goods and services traded in the sector. The counsel shall identify and utilize existing analyses, studies, and data from the federal government, national and state business and labor organizations, and educational and policy institutes."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Skratek, as amended, to Substitute House Bill No. 1808.

The striking amendment by Senator Skratek, as amended, to Substitute House Bill No. 1808 was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 1 of the title, after "trade;" strike the remainder of the title and insert "adding a new section to chapter 44.52 RCW; creating new sections; and providing an expiration date."

On motion of Senator Skratek, the rules were suspended, Substitute House Bill No. 1808, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1808, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1808, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Newhouse, Niemi, Oke and Smith, L. - 5.

Absent: Senator Rinehart - 1.

Excused: Senators Hochstatter, Loveland, McCaslin and Owen - 4.

SUBSTITUTE HOUSE BILL NO. 1808, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1855, deferred April 14, 1993, after the Committee on Labor and Commerce striking amendment, as amended, was not adopted.

MOTIONS

On motion of Senator Moore, the following amendment was adopted:
On page 17, line 25, after "to" strike "shareholder" and insert "shareholders or"

Senator Spanel moved that the following amendment by Senator Rinehart be adopted:
On page 114, after line 2, insert the following:

"NEW SECTION. Sec. 111 A new section is added to chapter 48.01 RCW to read as follows:

The activities and operations of mental health regional support networks, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title."

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 114, after line 2, to Substitute House Bill No. 1855.

The amendment by Senator Rinehart on page 114, after line 2, to Substitute House Bill No. 1855 was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1855, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1855, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1855, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Vognild - 1.

Excused: Senators Hochstatter, Loveland, McCaslin and Owen - 4.

SUBSTITUTE HOUSE BILL NO. 1855, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1535, by Representatives Johanson, Padden, Horn, Wood, Cothorn, Finkbeiner, R. Meyers, H. Myers, J. Kohl, Brown, Shin, Eide, Zellinsky, Thibaudeau, Leonard, Long, Rayburn, Basich and L. Johnson

Authorizing counties to charge a fee for juvenile court diversion services.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, House Bill No. 1535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1535.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1535 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Deccio, Prince, Smith, L. and West - 4.

Absent: Senator Vogtild - 1.

Excused: Senators Hochstatter, Loveland, McCaslin and Owen - 4.

HOUSE BILL NO. 1535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1602, by House Committee on Education (originally sponsored by Representatives Chappell, Cothorn and Thomas) (by request of Superintendent of Public Instruction)

Changing election provisions for regional committee members.

The bill was read the second time.

MOTIONS

On motion of Senator Pelz, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.315.030 and 1990 c 33 s 294 are each amended to read as follows:

~~Notwithstanding any other provision of this chapter to the contrary, ((those persons who were county committee members and registered to vote as of July 28, 1985, shall constitute the regional committee of the educational service district within which they are registered to vote until the election of the initial regional committee pursuant to this section. The initial election of members of each regional committee shall be by those persons who were county committee members registered to vote within the educational service district as of July 28, 1985. Only persons who were county committee members and so registered to vote as of July 28, 1985, shall be eligible for membership on an initial regional committee, and only those persons who are eligible for such membership and are in attendance at a meeting held for the purpose of the election shall be entitled to cast a vote. The meeting shall be held at a time and place designated and announced by the educational service district superintendent, but no later than the thirtieth day after July 28, 1985. The educational service district superintendent shall preside over the meeting. Nominations shall be from the floor and shall be for position numbers assigned by the educational service district superintendent for the purpose of the initial election and all subsequent elections held pursuant to RCW 28A.315.060.)) the term of office of each regional committee member and position shall expire as of the second Monday of January 1995. Each regional committee member position shall therefore be open for election purposes in 1994. Members of each ((initial)) regional committee shall be elected by majority vote and shall serve for the staggered terms of office set forth in RCW ((28A.315.060)) 28A.315.080 and until their successors are certified as elected pursuant to RCW 28A.315.060. Regional committee member position numbers shall be assigned by the educational service district superintendent for purposes of all elections held pursuant to RCW 28A.315.060.~~

Sec. 2. RCW 28A.315.060 and 1990 c 33 s 295 are each amended to read as follows:

The members of each regional committee shall be elected in the following manner:

(1) On or before the 25th day of September, ((1986)) 1994, and not later than the 25th day of September of every subsequent even-numbered year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the educational service district. Such notice shall include instructions, and the rules and regulations established by the state board of education for the conduct of the election. The state board of education is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish standards and procedures which the state board deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October of each even-numbered year. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October of each even-numbered year.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November of each even-numbered year. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday of each even-numbered year. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW a new regional committee shall be elected for each affected educational service district at the next ~~((annual))~~ election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

Sec. 3. RCW 28A.315.080 and 1990 c 33 s 296 are each amended to read as follows:

The terms of members of the regional committees shall be for ~~((five))~~ four years and until their successors are certified as elected. ~~((As nearly as possible one-fifth of the members shall be elected annually.))~~ For the ~~((initial))~~ 1994 election conducted pursuant to RCW 28A.315.030 and the election of a new regional committee following a change in the number of educational service districts or board members, regional committee member positions one ~~((and six)),~~ three, five, seven, and nine shall be for a term of ~~((five))~~ two years, positions two ~~((and seven)),~~ four, six, and eight shall be for a term of four years ~~((, positions three and eight shall be for a term of three years, positions four and nine shall be for a term of two years, and position five shall be for a term of one year))~~.

NEW SECTION. Sec. 4. This act shall take effect September 1, 1994."

On motion of Senator Pelz, the following title amendment was adopted:

On page 1, line 1 of the title, after "members;" strike the remainder of the title and insert "amending RCW 28A.315.030, 28A.315.060, and 28A.315.080; and providing an effective date."

MOTION

On motion of Senator Pelz, the rules were suspended, Substitute House Bill No. 1602, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1602, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1602, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

SUBSTITUTE HOUSE BILL NO. 1602, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1646, by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, King, Miller, Springer, Forner, Wineberry and J. Kohl

Expanding eligibility for ongoing absentee voter status.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 1, line 9, after "and)) strike "qualified applicant" and insert "registered voter"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 1, line 9, to House Bill No. 1646.

The motion by Senator McDonald failed and the amendment was not adopted.

MOTION

Senator Roach moved that the following amendments by Senators Roach and Adam Smith be considered simultaneously and be adopted:

On page 1, line 19, after "undeliverable" strike all material through and including "year)." on page 2, line 1, and insert "; or (5) (~~January 1st of each odd numbered year~~) Upon conviction of a felony"

On page 2, after line 1, strike all material through and including "repealed."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Roach and Adam Smith on page 1, line 19, and page 2, after line 1, to House Bill No. 1646.

The motion by Senator Roach failed and the amendments were not adopted.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 1, line 19, after "undeliverable" strike all material through and including "year)." on page 2, line 1, and insert "; or (5) (~~January 1st of each odd numbered year~~) Fails to vote at (a) any election, general or special, or at any primary within the past twenty-four months, or (b) the most recent presidential election."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 19, to House Bill No. 1646.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 1, line 9, after "qualified applicant" insert "or registered voter"

Debate ensued.

Senator Roach requested that Senator Haugen yield to a question, but Senator Haugen would not yield.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 9, to House Bill No. 1646.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1646.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1646 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Cantu, Deccio, McDonald, Nelson, Newhouse, Roach and Smith, L. - 7.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

HOUSE BILL NO. 1646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1648, by Representatives Wineberry, Anderson, Veloria, Pruitt, King, Springer, Leonard and J. Kohl

Extending the voter registration period.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 1, line 9, after "on the" strike "fifteenth" and insert "twentieth"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 9, to House Bill No. 1648.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

Senator Roach moved that the following amendment by Senators Roach, Adam Smith, Oke and Haugen be adopted:

On page 2, after line 21, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 10.64 RCW to read as follows:

Within fourteen days of the entry of a judgment of conviction of an individual for an infamous crime, the clerk of the court shall send a notice of the conviction including the full name of the defendant and his or her residential address to the county auditor or custodian of voting records in the county of the defendant's residence.

NEW SECTION. Sec. 4. A new section is added to chapter 29.10 RCW to read as follows:

Upon receiving notice under section 3 of this act, if the convicted person is a registered voter in the county, the county auditor or custodian of voting records shall strike the name of the defendant from the roll of registered voters."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Roach, Adam Smith, Oke and Haugen on page 2, after line 21, to House Bill No. 1648.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Prince, Rasmussen, M., Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 21.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Niemi, Pelz, Prentice, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 25.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 2, after line 21, insert a new section as follows:

"NEW SECTION. Sec. 3. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the State Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 2, after line 21, to House Bill No. 1648.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 27; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 18.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Absent: Senator Bluechel - 1.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

MOTION

Senator Barr moved that the following amendment be adopted:

On page 2, after line 21, insert the following:

"Sec. 3. RCW 29.13.047 and 1985 c 45 s 2 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year under RCW 29.13.010, the state of Washington shall assume a prorated share of the costs of that state primary or general election.

(2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29.68 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

(3) Whenever a presidential preference primary election is held under chapter 29.19 RCW, the state of Washington shall assume all costs of holding the election if it is held alone. If any other election or elections are held at the same time, the state is liable only for its prorated share.

(4) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29.13.045 and shall file such expense claims with the secretary of state.

~~((4))~~ (5) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

Sec. 4. RCW 29.19.050 and 1989 c 4 s 5 are each amended to read as follows:

Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state partisan primary, including the certification of the election

returns by the secretary of state. The requirement of rotation of names on the ballot does not apply to the candidates listed on the presidential preference primary ballot. County auditors may combine and consolidate two or more precincts for the purpose of conducting the presidential preference primary only if precinct vote totals for the primary can still be made available and the consolidation does not require a voter to go to a location different from that of the last regular election.

Each person desiring to vote in the presidential preference primary shall ~~((receive a ballot request form on which the voter shall sign his or her name and address and declare))~~ orally request the ballot for the party primary in which he or she wishes to participate. No record may be made of which party's ballot a voter receives and no voter may receive more than one ballot.

~~((The secretary shall prescribe rules for providing each party central committee a list of the voters who participated in the presidential primary of that party.~~

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

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Barr on page 2, after line 21, to House Bill No. 1648.

The motion by Senator Barr carried and the amendment on page 2, after line 21, to House Bill No. 1648 was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "29.07.160" insert ", 29.13.047, and 29.19.050"

On motion of Senator Haugen, the rules were suspended, House Bill No. 1648, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1648, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1648, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, Winsley and Wojahn - 34.

Voting nay: Senators Cantu, McDonald, Moyer, Nelson, Newhouse, Prince, Roach, Sellar, Smith, L., West and Williams - 11.

Absent: Senator Anderson - 1.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

HOUSE BILL NO. 1648, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 1993

MR. PRESIDENT:

The House has passed HOUSE CONCURRENT RESOLUTION NO. 4419, and the same is herewith transmitted.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4419 by Representative Peery

Extending the cutoff dates for the 1993 regular session.

MOTION

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

HOUSE BILL NO. 1809, by Representatives Locke and Wang

Permitting the pooling of department of natural resources trust management accounts.

The bill was read the second time.

MOTIONS

On motion of Senator Hargrove, the following Committee on Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.64.020 and 1985 c 57 s 80 are each amended to read as follows:

A resource management cost account in the state treasury is hereby created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering public lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way as authorized under the provisions of this title. Appropriations from the account to the department shall be expended for no other purposes. Funds in the account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived.

Sec. 2. RCW 79.64.030 and 1988 c 70 s 4 are each amended to read as follows:

Funds in the account derived from the gross proceeds of leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, agricultural college lands, scientific school lands, normal school lands, capitol building lands, or institutional lands shall be pooled and expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering ~~((public lands of the same trust- PROVIDED, That))~~ all of the trust lands enumerated in this section. Such funds may be used for similar costs and expenses in managing and administering other lands managed by the department ~~((: PROVIDED FURTHER,))~~ provided that such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at a rate determined by the board of natural resources.

An accounting shall be made annually of the accrued expenditures ~~((as regards each))~~ from the pooled trust funds in the account. In the event the accounting determines that expenditures have been made from moneys derived from ~~((one category of))~~ trust lands for the benefit of ~~((another trust or))~~ other lands, such expenditure shall be considered a debt ~~((against the trust benefited))~~ and ~~((shall be considered))~~ an encumbrance against the property ~~((of the trust or trust funds))~~ benefited, including property held under chapter 76.12 RCW. The results of the accounting shall be reported to the legislature at the next regular session. The state treasurer is authorized, upon request of the department, to transfer funds between the forest development account and the resource management cost account solely for purpose of repaying loans pursuant to this section.

NEW SECTION. **Sec. 3.** This act shall take effect July 1, 1994."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 79.64.020 and 79.64.030; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1809, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1809, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1809, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Anderson - 1.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

HOUSE BILL NO. 1809, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Anderson was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1824, by Representatives Wolfe, Wineberry, Forner, Peery, Reams, Valle, Pruitt, Flemming, Leonard, Talcott, Anderson, J. Kohl, Thibaudeau, Jones, King, Quall, H. Myers, Cooke and Finkbeiner

Authorizing conversion of surplus public property to use for affordable housing.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1824.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1824 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 15; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Moyer, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Haugen, McDonald, Nelson, Newhouse, Niemi, Oke, Prince, Sellar, Smith, L., von Reichbauer and West - 15.

Excused: Senators Anderson, Hochstatter, McCaslin and Owen - 4.

ENGROSSED HOUSE BILL NO. 1824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4419, by Representative Peery

Extending the cutoff dates for the 1993 regular session.

The concurrent resolution was read the second time.

MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

by Senator West

On page 1, line 5, after "day" insert "and on page 2, line 8 after "except" insert "bills relating to regulatory reform and"

On page 1 line 5 after "day" insert "and on page 2, line 8 after "except" insert "bills relating to welfare reform and"

by Senator McDonald

On page 1, line 5, after "day" insert "and on page 2, line 8 after "except" insert "bills relating to protection of private property rights and"

On page 1, line 5, after "day" insert "and on page 2, line 8 after "except" insert "bills relating to the rights of teenagers to be employed and"

by Senator West

On page 1, line 5, after "day" insert "and on page 2, line 8 after "except" insert "bills relating to student members on higher education governing boards and"

by Senator Linda Smith

On page 1, line 5, after "day" insert "and on page 2, line 8 after "except" insert "bills relating to greater governmental fiscal responsibility through limitations on expenditures and taxation spending reform and"

by Senator von Reichbauer

On page 1, line 5, after "day" insert "and on page 2, line 8 after "except" insert "bills relating to chiropractic care and"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the three amendments by Senator West on page 1, line 5; the two amendments by Senator McDonald on page 1, line 5; the amendment by Senator Linda Smith on page 1, line 5; and the amendment by Senator von Reichbauer on page 1, line 5; to House Concurrent Resolution No. 4419.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

MOTION

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

House Concurrent Resolution No. 4419 was adopted by voice vote.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393, by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole, Heavey, King, Franklin, Jones, Dunshee, Romero, Quall, Thibaudeau, Veloria, Appelwick, R. Johnson, Wolfe, Wood, Rust, Pruitt, Leonard, Basich, Wineberry, Ogden, R. Meyers, Wang, Scott, Cothorn, Kessler, Flemming, Johanson, Conway, J. Kohl and Anderson)

Providing for periodic adjustments of the state minimum wage.

The bill was read the second time.

MOTIONS

Senator Moore moved that the following Committee on Labor and Commerce amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.46.020 and 1989 c 1 s 2 are each amended to read as follows:

(1) Every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than ((three dollars and eighty-five cents per hour except as may be otherwise provided under this section. Beginning January 1, 1990, the state minimum wage shall be)) four dollars and ((twenty-five)) ninety cents per hour, except as otherwise provided in this section.

(2) On July 1, 1994, and on each July 1 thereafter, the department of labor and industries shall calculate an adjusted minimum wage to take effect the following January 1. The adjusted minimum wage shall reflect the change in the consumer price index, and be calculated as follows: The index for the calendar year preceding the year in which the calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the minimum wage in effect during the year in which the calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(3) The director shall by regulation establish the minimum wage for employees under the age of eighteen years.

NEW SECTION. Sec. 2. This act shall take effect January 1, 1994."

On motion of Senator Moore, the following amendment by Senator Pelz to the Committee on Labor and Commerce striking amendment was adopted:

On page 1, beginning on line 14 of the amendment, after "hour" strike all material through "(3)" on line 26, and insert "

(2)"

MOTION

Senator Moore moved that the following amendment by Senators Moore, Sellar and Erwin to the Committee on Labor and Commerce striking amendment be adopted:

On page 1, after line 27 of the amendment, insert the following:

"(4) For purposes of meeting the minimum wage requirements of this section, tips received by an employee may be considered wages, subject to the following conditions:

(a) For each employee, only tips received per shift that average in excess of three dollars per hour may be considered wages;

(b) For each employee, the amount of tips considered wages may be no greater than one dollar per hour;

(c) For each employee, the employer contributes at least half the total cost of enrolling the employee in a health care plan, the benefits of which are equal to or exceed the state basic health plan; and

(d) Where the terms of this subsection conflict with any collective bargaining agreement, the collective bargaining agreement shall prevail."

Debate ensued.

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

Further debate ensued.

POINT OF INQUIRY

Senator Amondson: "Senator Sutherland, just curious if you received a tip from the other side of the bar?"

Senator Sutherland: "Pardon me?"

Senator Amondson: "Just curious if you received a tip from the other side of the bar?"

Senator Sutherland: "Well, the only tips that they have given me is wise counsel over the years, Senator Amondson."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Moore, Sellar and Erwin on page 1, after line 27, to the Committee on Labor and Commerce striking amendment to Engrossed Substitute House Bill No. 1393.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Haugen, McDonald, Moore, Moyer, Nelson, Oke, Prince, Quigley, Sellar, Sheldon, Vognild, von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Newhouse, Niemi, Pelz, Prentice, Rasmussen, M., Rinehart, Roach, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 25.

Absent: Senator Smith, L. - 1.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

The President declared the question before the Senate to be the adoption of the Committee on Labor and Commerce striking amendment, as amended, to Engrossed Substitute House Bill No. 1393.

The Committee on Labor and Commerce striking amendment, as amended, to Engrossed Substitute House Bill No. 1393 was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "wage;" strike the remainder of the title and insert "amending RCW 49.46.020; and providing an effective date."

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1393, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

Senator West moved that the comments on Engrossed Substitute House Bill No. 1393, as amended by the Senate, on third reading, be spread upon the Journal.

The President declared the question before the Senate to be the motion by Senator West that the comments on Engrossed Substitute House Bill No. 1393, as amended by the Senate, on third reading, be spread upon the Journal.

The motion by Senator West failed.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1393, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1393, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Hargrove, Haugen, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 19.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Zellinsky, Dellwo, R. Johnson, Scott, Riley, Kessler, Dunshee, Dorn, Foreman, Grant, Kremen and Johanson)

Regulating the mandatory offering of personal injury protection insurance.

The bill was read the second time.

MOTION

On motion of Senator Moore, the following Committee on Labor and Commerce amendment was not adopted:

Strike everything after the enacting clause and insert the following:

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

(1) "Automobile" means a passenger car as defined in RCW 46.04.382 registered or principally garaged in this state other than:

- (a) A farm-type tractor or other self-propelled equipment designed for use principally off public roads;
- (b) A vehicle operated on rails or crawler-treads;
- (c) A vehicle located for use as a residence;
- (d) A motor home as defined in RCW 46.04.305; or
- (e) A moped as defined in RCW 46.04.304.

(2) "Bodily injury" means bodily injury, sickness, or disease, including death at any time resulting from the injury, sickness, or disease.

(3) "Income continuation benefits" means payments of at least eighty-five percent of the insured's loss of income from work, less credit for earned income received, because of bodily injury sustained by him or her in the accident, less income earned during the benefit payment period. The benefit payment period begins fourteen days after the date of the accident and ends at the earliest of the following:

- (a) The date on which the insured is reasonably able to perform the duties of his or her usual occupation;
- (b) The expiration of not more than fifty-two weeks from the fourteenth day; or
- (c) The date of the insured's death.

(4) "Insured automobile" means an automobile of which the named insured is the registered owner, to which the automobile liability insurance policy applies.

(5) "Insured" means:

(a) The named insured or a person who is a resident of the named insured's household and is either related to the named insured by blood, marriage, or adoption, or is the named insured's ward, foster child, or stepchild; or

(b) A person who sustains bodily injury caused by accident while: (i) Occupying or using the insured automobile with the permission of the named insured; or (ii) a pedestrian accidentally struck by the insured automobile.

(6) "Loss of services benefits" means reimbursement for payment to others, not members of the insured's household, for expenses reasonably incurred for services in lieu of those the insured would usually have performed for his or her household without compensation, provided the services are actually rendered, and ending the earliest of the following:

- (a) The date on which the insured person is reasonably able to perform those services;
- (b) The expiration of fifty-two weeks; or
- (c) The date of the insured's death.

(7) "Medical and hospital benefits" means payments for all reasonable and necessary expenses incurred by or on behalf of the insured for injuries sustained as a result of an automobile accident for health care services provided by persons licensed

under Title 18 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and necessary ambulance, hospital, and professional nursing service.

(8) "Automobile liability insurance policy" means a policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage suffered by any person and arising out of the ownership, maintenance, or use of an insured automobile.

(9) "Named insured" means the individual named in the declarations of the policy and includes his or her spouse if a resident of the same household.

(10) "Occupying" means in or upon or entering into or alighting from.

(11) "Pedestrian" means a natural person not occupying a motor vehicle as defined in RCW 46.04.320.

(12) "Personal injury protection" means the benefits described in sections 1 through 5 of this act.

NEW SECTION. Sec. 2. (1) No new automobile liability insurance policy or renewal of such an existing policy may be issued unless personal injury protection coverage benefits at limits established in this chapter for medical and hospital expenses, funeral expenses, income continuation, and loss of services sustained by an insured because of bodily injury caused by an automobile accident are offered as an optional coverage.

(2) A named insured may reject, in writing, personal injury protection coverage and the requirements of subsection (1) of this section shall not apply. If a named insured has rejected personal injury protection coverage, that rejection shall be valid and binding as to all levels of coverage and on all persons who might have otherwise been insured under such coverage. If a named insured has rejected personal injury protection coverage, such coverage shall not be included in any supplemental, renewal, or replacement policy unless a named insured subsequently requests such coverage in writing.

NEW SECTION. Sec. 3. (1) Personal injury protection coverage need not be provided for vendor's single interest policies, general liability policies, or other policies, commonly known as umbrella policies, that apply only as excess to the automobile liability policy directly applicable to the insured motor vehicle.

(2) Personal injury protection coverage need not be provided to or on behalf of:

(a) A person who intentionally causes injury to himself or herself;

(b) A person who is injured while participating in a prearranged or organized racing or speed contest or in practice or preparation for such a contest;

(c) A person whose bodily injury is due to war, whether or not declared, or to an act or condition incident to such circumstances;

(d) A person whose bodily injury results from the radioactive, toxic, explosive, or other hazardous properties of nuclear material;

(e) The named insured or a relative while occupying a motor vehicle owned by the named insured or furnished for the named insured's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made;

(f) A relative while occupying a motor vehicle owned by the relative or furnished for the relative's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made; or

(g) An insured whose bodily injury results or arises from the insured's use of an automobile in the commission of a felony.

NEW SECTION. Sec. 4. At a minimum, personal injury protection coverage must provide each insured:

(1) Up to ten thousand dollars for medical and hospital benefits for expenses incurred within three years of the automobile accident;

(2) Benefits for funeral expenses in an amount up to two thousand dollars;

(3) Income continuation benefits covering income losses incurred within one year after the date of the insured's injury in an amount up to ten thousand dollars, subject to a limit of the lesser of two hundred dollars per week or eighty-five percent of the weekly income. The combined weekly payment receivable by the insured under any workers' compensation or other disability insurance benefits or other income continuation benefit and this insurance may not exceed eighty-five percent of the insured's weekly income; and

(4) Loss of services benefits in an amount of up to five thousand dollars, subject to a limit of forty dollars per day not to exceed two hundred dollars per week.

NEW SECTION. Sec. 5. Insurers providing automobile liability insurance policies shall offer and provide, upon request, personal injury protection coverage limits for each insured of:

(1) Up to thirty-five thousand dollars for medical and hospital benefits incurred within three years of the automobile accident;

(2) Up to thirty-five thousand dollars for one year's income continuation benefits, subject to a limit of the lesser of seven hundred dollars per week or eighty-five percent of the weekly income; and

(3) Up to forty dollars per day for loss of services benefits, for up to one year from the date of the automobile accident.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each added to chapter 48.22 RCW.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act shall take effect July 1, 1994.

NEW SECTION. **Sec. 9.** The commissioner may adopt such rules as are necessary to implement sections 1 through 5 of this act by July 1, 1994."

MOTIONS

On motion of Senator Moore, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

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

(1) "Automobile" means a passenger car as defined in RCW 46.04.382 registered or principally garaged in this state other than:

- (a) A farm-type tractor or other self-propelled equipment designed for use principally off public roads;
- (b) A vehicle operated on rails or crawler-treads;
- (c) A vehicle located for use as a residence;
- (d) A motor home as defined in RCW 46.04.305; or
- (e) A moped as defined in RCW 46.04.304.

(2) "Bodily injury" means bodily injury, sickness, or disease, including death at any time resulting from the injury, sickness, or disease.

(3) "Income continuation benefits" means payments of at least eighty-five percent of the insured's loss of income from work, because of bodily injury sustained by him or her in the accident, less income earned during the benefit payment period. The benefit payment period begins fourteen days after the date of the accident and ends at the earliest of the following:

- (a) The date on which the insured is reasonably able to perform the duties of his or her usual occupation;
- (b) The expiration of not more than fifty-two weeks from the fourteenth day; or
- (c) The date of the insured's death.

(4) "Insured automobile" means an automobile described on the declarations page of the policy.

(5) "Insured" means:

(a) The named insured or a person who is a resident of the named insured's household and is either related to the named insured by blood, marriage, or adoption, or is the named insured's ward, foster child, or stepchild; or

(b) A person who sustains bodily injury caused by accident while: (i) Occupying or using the insured automobile with the permission of the named insured; or (ii) a pedestrian accidentally struck by the insured automobile.

(6) "Loss of services benefits" means reimbursement for payment to others, not members of the insured's household, for expenses reasonably incurred for services in lieu of those the insured would usually have performed for his or her household without compensation, provided the services are actually rendered, and ending the earliest of the following:

- (a) The date on which the insured person is reasonably able to perform those services;
- (b) The expiration of fifty-two weeks; or
- (c) The date of the insured's death.

(7) "Medical and hospital benefits" means payments for all reasonable and necessary expenses incurred by or on behalf of the insured for injuries sustained as a result of an automobile accident for health care services provided by persons licensed under Title 18 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and necessary ambulance, hospital, and professional nursing service.

(8) "Automobile liability insurance policy" means a policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage suffered by any person and arising out of the ownership, maintenance, or use of an insured automobile.

(9) "Named insured" means the individual named in the declarations of the policy and includes his or her spouse if a resident of the same household.

(10) "Occupying" means in or upon or entering into or alighting from.

(11) "Pedestrian" means a natural person not occupying a motor vehicle as defined in RCW 46.04.320.

(12) "Personal injury protection" means the benefits described in sections 1 through 5 of this act.

NEW SECTION. **Sec. 2.** (1) No new automobile liability insurance policy or renewal of such an existing policy may be issued unless personal injury protection coverage benefits at limits established in this chapter for medical and hospital expenses,

funeral expenses, income continuation, and loss of services sustained by an insured because of bodily injury caused by an automobile accident are offered as an optional coverage.

(2) A named insured may reject, in writing, personal injury protection coverage and the requirements of subsection (1) of this section shall not apply. If a named insured has rejected personal injury protection coverage, that rejection shall be valid and binding as to all levels of coverage and on all persons who might have otherwise been insured under such coverage. If a named insured has rejected personal injury protection coverage, such coverage shall not be included in any supplemental, renewal, or replacement policy unless a named insured subsequently requests such coverage in writing.

NEW SECTION. Sec. 3. (1) Personal injury protection coverage need not be provided for vendor's single interest policies, general liability policies, or other policies, commonly known as umbrella policies, that apply only as excess to the automobile liability policy directly applicable to the insured motor vehicle.

(2) Personal injury protection coverage need not be provided to or on behalf of:

(a) A person who intentionally causes injury to himself or herself;

(b) A person who is injured while participating in a prearranged or organized racing or speed contest or in practice or preparation for such a contest;

(c) A person whose bodily injury is due to war, whether or not declared, or to an act or condition incident to such circumstances;

(d) A person whose bodily injury results from the radioactive, toxic, explosive, or other hazardous properties of nuclear material;

(e) The named insured or a relative while occupying a motor vehicle owned by the named insured or furnished for the named insured's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made;

(f) A relative while occupying a motor vehicle owned by the relative or furnished for the relative's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made; or

(g) An insured whose bodily injury results or arises from the insured's use of an automobile in the commission of a felony.

NEW SECTION. Sec. 4. Insurers providing automobile insurance policies must offer minimum personal injury protection coverage for each insured with maximum benefit limits as follows:

(1) Medical and hospital benefits of ten thousand dollars for expenses incurred within three years of the automobile accident;

(2) Benefits for funeral expenses in an amount of two thousand dollars;

(3) Income continuation benefits covering income losses incurred within one year after the date of the insured's injury in an amount of ten thousand dollars, subject to a limit of the lesser of two hundred dollars per week or eighty-five percent of the weekly income. The combined weekly payment receivable by the insured under any workers' compensation or other disability insurance benefits or other income continuation benefit and this insurance may not exceed eighty-five percent of the insured's weekly income;

(4) Loss of services benefits in an amount of five thousand dollars, subject to a limit of forty dollars per day not to exceed two hundred dollars per week; and

(5) Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

NEW SECTION. Sec. 5. In lieu of minimum coverage required under section 4 of this act, an insurer providing automobile liability insurance policies shall offer and provide, upon request, personal injury protection coverage with benefit limits for each insured of:

(1) Up to thirty-five thousand dollars for medical and hospital benefits incurred within three years of the automobile accident;

(2) Up to two thousand dollars for funeral expenses incurred;

(3) Up to thirty-five thousand dollars for one year's income continuation benefits, subject to a limit of the lesser of seven hundred dollars per week or eighty-five percent of the weekly income; and

(4) Up to forty dollars per day for loss of services benefits, for up to one year from the date of the automobile accident.

Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 48.22 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 9. The commissioner may adopt such rules as are necessary to implement sections 1 through 5 of this act."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.22 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1233, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1233, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1233, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Erwin, McDonald, Nelson, Newhouse, Oke and Smith, L. - 10.

Absent: Senator Bauer - 1.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Human Services (originally sponsored by Representatives Brough, Leonard, Chappell, Romero, Voloria, Riley, Karahalios, Horn, Wolfe, Ballasiotes, Talcott, G. Cole, Flemming and J. Kohl)

Changing provisions relating to dependent children.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Hargrove, Fraser and Roach was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.145 and 1989 1st ex.s. c 17 s 18 are each amended to read as follows:

(1) In all cases where a child has been placed in substitute care for at least fifteen months, the agency having custody of the child shall prepare a permanency ((planning)) plan and present it in a hearing ((shall be)) held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(((4)))(5). In addition the court shall: (a) Approve a ((permanent plan of care)) permanency plan which ((can)) shall include one of the following: Adoption, guardianship, ((or)) placement of the child in the home of the child's parent, relative placement with written permanency plan, or family foster care with written permanency agreement; (b) require filing of a petition for termination of parental rights; or (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond eighteen months, based on ((a permanent plan of care)) the permanency plan.

Extensions may only be granted in increments of twelve months or less.

Sec. 2. RCW 13.34.180 and 1990 c 246 s 7 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(7), and shall allege:

- (1) That the child has been found to be a dependent child under RCW 13.34.030(2); and
- (2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and
- (3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and
- (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(a) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(b) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(c) Severe abuse of a child under age thirteen inflicted by a parent, or by any person known by the parent, if the parent: (i) Knew or should have known that the person was abusing the child; (ii) did not intervene to protect the child; and (iii) was able to protect the child. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; and

(6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the state ensures that family reconciliation and other necessary services have been provided to the parent.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.
2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).
3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 3. RCW 13.34.190 and 1992 c 145 s 15 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), (5), and (6) are established beyond a reasonable doubt; or

(3) The allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider whether one or more of the ((following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim)) aggravated circumstances listed in RCW 13.34.130(2) exist; and

(4) Such an order is in the best interests of the child.

Sec. 4. RCW 13.34.232 and 1981 c 195 s 3 are each amended to read as follows:

If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a guardianship for the child.

The order shall:

(1) Appoint a person or agency to serve as guardian;

(2) Specify the guardian's rights and responsibilities concerning the care, custody, and control of the child. A guardian shall not have the authority to consent to the child's adoption;

(3) Specify an appropriate frequency of visitation between the parent and the child; and

(4) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

The order shall not affect the child's status as a dependent child, and the child shall remain dependent for the duration of the guardianship.

Sec. 5. RCW 26.09.191 and 1989 c 375 s 11 and 1989 c 326 s 1 are each reenacted and amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) If there is a conviction in a criminal action, or if a court in an action under this chapter finds by clear and convincing evidence, that a parent requesting residential time has sexually abused a child living in the parent's household at any time during the parent's life or any other child within the previous ten years, then there is a rebuttable presumption that the court shall not allow residential time to a parent and shall enter a permanent restraining order prohibiting the parent from contacting the child directly or indirectly.

(b) The presumption may be rebutted only after a finding that:

(i) The offending parent has successfully engaged in court-approved treatment for sexual offenders or is engaged in and making progress in such treatment and the treatment provider believes such contact is appropriate and poses minimal risk to the child;

(ii) If the child was sexually abused by the parent requesting residential time and if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest; and

(iii) An adequate plan for supervision of such residential time in accordance with the provisions of this chapter has been approved by the court.

(c) If the court finds that the presumption has been rebutted, the court may allow a parent who has been found to have sexually abused a child to have residential time with the child supervised by a neutral and independent adult. Unless the nonoffending parent approves the supervisor, the court shall make a finding that the proposed supervisor is neutral, independent, willing to supervise, and capable of intervening between the child and the parent if necessary. The court shall enter findings of fact

regarding the qualifications of the appointed supervisor and shall notify the supervisor of the court's requirements regarding supervision. The court may immediately remove the supervisor from the supervisory role upon evidence being presented that the supervisor failed to supervise the residential time adequately.

(d) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

~~((b))~~ (e) The limitations imposed by the court shall be reasonably calculated to protect the child from physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds limitation on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child. If the parent requesting residential time is currently residing with another person who has a history of physical or sexual abuse of a child, whether that person is an adult or a juvenile, the court shall order that all residential time take place outside the presence of that person.

~~((e))~~ (f) Except as provided in (a), (b), and (c) of this subsection, if the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

- (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 6. RCW 26.10.160 and 1989 c 326 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) If there is a conviction in a criminal action, or if a court in an action under this chapter finds by clear and convincing evidence, that a parent requesting visitation has sexually abused a child living in the parent's household at any time during the parent's life or any other child within the previous ten years, then there is a rebuttable presumption that the court shall not allow visitation to a parent and shall enter a permanent restraining order prohibiting the parent from contacting the child directly or indirectly.

(b) The presumption may be rebutted only after a finding that:

(i) The offending parent has successfully engaged in court-approved treatment for sexual offenders or is engaged in and making progress in such treatment and the treatment provider believes such contact is appropriate and poses minimal risk to the child;

(ii) If the child was sexually abused by the parent requesting visitation and if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest; and

(iii) An adequate plan for supervision of such visitation in accordance with the provisions of this chapter has been approved by the court.

(c) If the court finds that the presumption has been rebutted, the court may allow a parent who has been found to have sexually abused a child to have visitation with the child supervised by a neutral and independent adult. Unless the nonoffending parent approves the supervisor, the court must make a finding that the proposed supervisor is neutral, independent, willing to supervise, and capable of intervening between the child and the parent if necessary. The court shall enter findings of fact regarding the qualifications of the appointed supervisor and shall notify the supervisor of the court's requirements regarding supervision. The court may immediately remove the supervisor from the supervisory role upon evidence being presented that the supervisor failed to supervise the residential time adequately.

(d) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

~~((b))~~ (e) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child. If the parent requesting visitation is currently residing with another person who has a history of physical or sexual abuse of a child, whether that person is an adult or a juvenile, the court shall order that all visitation take place outside the presence of that person.

~~((e))~~ (f) Except as provided in (a), (b), and (c) of this subsection, if the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

NEW SECTION. Sec. 7. A new section is added to chapter 13.34 RCW to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate plan of treatment. The plan of treatment must be signed by treatment provider and the affected person. The initial written report based on the treatment plan and response to treatment shall be sent to appropriate persons six weeks after initiation of treatment, and after three months, after six months, after twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

The report with the treatment plan shall be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for alcoholism shall meet the program requirements contained in RCW 10.05.150.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding: (a) The person's cooperation with the treatment plan proposed; and (b) the person's progress in treatment.

(4) In addition, if the party fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse treatment program.

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

(1) The court or the department, upon receiving a report under section 7(4) of this act, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 9. RCW 13.34.110 and 1991 c 340 s 3 are each amended to read as follows:

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

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

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

Sec. 10. RCW 13.34.120 and 1987 c 524 s 5 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file ~~((and))~~, social study, guardian ad litem report, the court-appointed special advocates report and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

- (d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;
- (e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and
- (f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 11. RCW 13.34.150 and 1990 c 246 s 6 are each amended to read as follows:

Any order made by the court in the case of a dependent child may be changed, modified, or set aside, only upon a showing of a change in circumstance or as provided in section 8 of this act.

Sec. 12. RCW 13.34.162 and 1988 c 275 s 15 are each amended to read as follows:

A determination of child support shall be based upon the child support schedule and standards ~~((adopted))~~ provided under chapter 26.19 RCW ~~((26.19.040)).~~

NEW SECTION. Sec. 13. A new section is added to chapter 26.44 RCW to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(4) A person reporting injury, abuse, or neglect to an adult dependent person shall not suffer negative consequences if the person reporting believes in good faith that the adult dependent person has been found legally incompetent or disabled.

Sec. 14. RCW 26.44.020 and 1988 c 142 s 1 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ~~((podiatry))~~ podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) ~~((Child))~~ Abuse or neglect shall mean the injury, sexual abuse, sexual exploitation, ~~((or))~~ negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed ~~((thereby))~~. An abused child is a child who has been subjected to child abuse or neglect as defined herein ~~((: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap))~~.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons ~~((not able to provide for their own protection through the criminal justice system))~~" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to

chapter 11.88 RCW ((or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW)).

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child ((for commercial purposes as those acts are defined by state law)) by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW ((71.20.046)) 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

Sec. 15. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered abuse or neglect. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department (~~(of social and health services)~~) shall (~~(, within funds appropriated for this purpose,)~~) use a risk assessment (~~(tool)~~) process when investigating child abuse and neglect referrals. (~~(The tool shall be used, on a pilot basis, in three local office service areas.)~~) The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the (~~(ways and means)~~) appropriate committees of the senate and house of representatives on the (~~(use)~~) effectiveness of the (~~(tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool)~~) risk assessment process.

(14) Upon receipt of (~~(such)~~) a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

Sec. 16. RCW 26.44.040 and 1987 c 206 s 4 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child or adult dependent or developmentally disabled person;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult dependent or developmentally disabled person;
- (3) The nature and extent of the injury or injuries;
- (4) The nature and extent of the neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's or adult dependent or developmentally disabled person's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

Sec. 17. RCW 26.44.063 and 1988 c 190 s 3 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

- (a) Molesting or disturbing the peace of the alleged victim;
- (b) Entering the family home of the alleged victim except as specifically authorized by the court; or
- (c) Having any contact with the alleged victim, except as specifically authorized by the court.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

Sec. 18. RCW 26.44.067 and 1989 c 373 s 23 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order (~~when requested by any peace officer of the state~~) shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section shall bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 19. RCW 26.44.100 and 1985 c 183 s 1 are each amended to read as follows:

The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this (~~act~~) chapter, provided that nothing contained in this (~~act~~) chapter shall cause any delay in protective custody action.

NEW SECTION. Sec. 20. A new section is added to chapter 26.44 RCW to read as follows:

(1) If a person who has unsupervised visitation rights with a minor child pursuant to a court order is accused of sexually or physically abusing a child and the alleged abuse has been reported to the proper authorities for investigation, the law enforcement officer conducting the investigation may file a motion with the court for a temporary restraining order to restrain the alleged abuser's visitation rights during the investigation. The investigating law enforcement officer shall submit an affidavit stating that the person is currently under investigation for sexual or physical abuse of a child, that there is a risk of harm to the child if a temporary restraining order is not entered, and that the prosecuting attorney has informed the officer that the attorney does not have enough information at the time to determine whether prosecution is warranted. The restraining order shall be issued for up to ninety days or until the investigation has been concluded in favor of the alleged abuser, whichever is shorter.

(2) Willful violation of a court order entered under this section is a misdemeanor. The court order shall state: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject the violator to arrest."

NEW SECTION. Sec. 21. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

- (i) Placement within the foster care system for two years or more;
- (ii) Multiple foster care placements;
- (iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;
- (iv) Chronic behavioral or educational problems;
- (v) Repetitive criminal acts or offenses;
- (vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;

(4) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(5) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth.

(6) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

(7) Study and develop a statutory proposal for the emancipation of minors and report its findings and recommendations to the legislature by January 1, 1994.

NEW SECTION. Sec. 22. Sections 5 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.145, 13.34.180, 13.34.190, 13.34.232, 26.10.160, 13.34.110, 13.34.120, 13.34.150, 13.34.162, 26.44.020, 26.44.030, 26.44.040, 26.44.063, 26.44.067, and 26.44.100; reenacting and amending RCW 26.09.191; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.44 RCW; adding a new section to chapter 74.14A RCW; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1512, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1512, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1512, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senators Moyer and Quigley - 2.

Excused: Senators Hochstatter, McCaslin and Owen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:25 p.m., on motion of Senator Jesernig, the Senate was declared to be as ease.

MOTION

At 5:40 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Saturday, April 17, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SIXTH DAY, APRIL 16, 1993

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

NINETY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 17, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Erwin, McCaslin, McDonald, Moyer, Niemi, Owen, Rinehart, Skratek and Talmadge. On motion of Senator Oke, Senators Anderson, Erwin, McCaslin, McDonald and Moyer were excused. On motion of Senator Spanel, Senators Niemi, Rinehart, Skratek and Talmadge were excused. On motion of Senator Snyder, Senator Owen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie del Plain and Colleen Altstock, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 27, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

D. E. Chillberg, appointed January 27, 1993, for a term ending June 30, 1995, as Chair of the Housing Finance Committee.

Sincerely,
MIKE LOWERY, Governor

Referred to Committee on Labor and Commerce.

STATEMENT FOR THE JOURNAL

Due to work in the conference committee on health care reform, I missed the votes on the following bills: Engrossed Substitute House Bill No. 1505, as amended by the Senate; Amendment by Senator West to Engrossed Substitute House No. 1562; Engrossed House Bill No. 1617, as amended by the Senate; Engrossed House Bill No. 1007, as amended by the Senate; and Engrossed Substitute House Bill No. 1562, as amended by the Senate.

I would have voted 'yes' on all the measures, but 'no' on the West amendment to Engrossed Substitute House Bill No. 1562.

SENATOR PHIL TALMADGE, 34th District

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1505, deferred on second reading after the amendments by Senator Sutherland on page 1, lines 6 and 11, and page 7, after line 16, were ruled out of order, April 14, 1993.

MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Moore was adopted:

On page 7, after line 16, insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 18.27 RCW to read as follows:

(1) By July 1, 1994, the department shall develop and implement a voluntary certificate of competency program for general and specialty contractors registered under this chapter.

(2) The department shall prepare appropriate examinations for general and specialty contractors' certificates of competency to be administered to eligible applicants. The examination must be constructed to determine:

(a) Whether the applicant possesses varied general knowledge of the technical information and practical procedures identified with the construction trade; and

(b) Whether the applicant is familiar with the applicable building codes, statutory requirements, and administrative rules pertaining to the construction trade.

(3)(a) An applicant for a contractor certificate of competency shall submit the required fee and, except as otherwise provided in subsection (4) of this section, an application to take the competency examination on the form and in the manner prescribed by the department. The applicant must be a registered contractor, and, except as otherwise provided in subsection (4) of this section, must provide written evidence that he or she has completed a course of study in the construction trade for general or specialty contractors, as appropriate, at a school or training program approved by the department. If the director determines that the applicant is eligible to take the examination, the director shall notify the applicant of the time and place of the examination. The director shall establish reasonable rules for the conduct of examinations.

(b) The department shall certify the results of the examination and shall notify the applicant in writing whether he or she has passed or failed. An applicant who has failed the examination may retake the examination, on the terms and after a period of time determined by the department by rule. The number of times that an applicant may take the examination may not be limited.

(4) The department shall issue a certificate of competency to an applicant who has passed the examination and has paid all appropriate fees, or to a registered contractor engaged in a bona fide contracting business with at least two years of experience, who has paid all appropriate fees. The certificate must bear the date of issuance, and must expire on the birthdate of the holder immediately following the date of issuance. The certificate is renewable every other year, upon application and payment of a fee, on or before the holder's birthdate. A doubled fee shall be charged for failure to renew the certificate by the renewal date. A holder shall retake the examination and pay the examination fee if he or she does not renew the certificate within ninety days of the renewal date in order to renew the certificate.

(5) The department shall establish certification fees that cover the full cost of processing applications for certification, developing and administering the examination, and issuing and renewing certification.

(6) The holder of a certificate of competency may verbally represent that he or she holds a certificate of competency and may include the information that he or she holds the certificate in documents, including but not limited to advertising, contracts, business cards, and signs. A making of a claim by a contractor that he or she holds a certificate of competency when such a certificate has not been lawfully issued to the contractor or is not in force under this chapter is an infraction and the contractor is subject to having his or her registration suspended for up to two years.

NEW SECTION. Sec. 13. A new section is added to chapter 18.27 RCW to read as follows:

(1) There is created a state advisory committee of construction contractors, comprised of seven members appointed by the director. One member shall be from each of the following construction classifications: (a) Commercial/retail construction; (b) highway/industrial construction; (c) municipal/utility construction; (d) marine construction; (e) residential single-family construction; and (f) residential multifamily construction. The seventh member shall be a representative of the general public who is familiar with the business and trade of construction.

(2) The initial terms of the members of the advisory committee shall be as follows: For the members representing commercial/retail and marine construction, one year; for the members representing highway/industrial, residential single-family construction, and the general public, two years; and for the members representing municipal/utility and residential multifamily construction, three years. The regular term of the members of the advisory committee shall be three years. The director shall appoint or reappoint committee members to fill vacancies created by the completion of terms. In the case of a vacancy on the committee for any other reason, the director shall appoint a successor from the same construction classification to serve out the term of the person whose position has become vacant.

(3) It shall be the purpose and function of the committee to advise the department on all matters pertaining to the development, implementation, and enforcement of the voluntary certificate of competency program for general and specialty contractors registered under this chapter.

(4) Each member of the committee shall be reimbursed for travel expenses and paid special per diem rates in accordance with RCW 43.03.050 and 43.03.060 for each day such member is engaged in bona fide business of the advisory committee.

NEW SECTION. Sec. 14. Sections 12 and 13 of this act shall take effect January 1, 1994.

NEW SECTION. Sec. 15. The director of the department of labor and industries may take such steps as are necessary to ensure that sections 12 and 13 of this act are implemented on their effective date."

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 3 of the title, after "18.27.320;" strike "creating a new section; and prescribing penalties" and insert "adding new sections to chapter 18.27 RCW; creating new sections; prescribing penalties; and providing an effective date"

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1505, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1505, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1505, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 9; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West and Winsley - 30.

Voting nay: Senators Barr, Bluechel, Hochstatter, Nelson, Newhouse, Oke, Sellar, Williams and Wojahn - 9.

Excused: Senators Anderson, Erwin, McCaslin, McDonald, Moyer, Niemi, Owen, Rinehart, Skratek and Talmadge - 10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, by House Committee on Local Government (originally sponsored by Representatives Brown, Dellwo, H. Myers, Orr, Mastin and J. Kohl)

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.

The bill was read the second time.

MOTION

Senator West moved that the following amendment be adopted:

On page 2, line 12, after "to do so by" strike "a majority" and insert "three-fifths of the persons"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator West on page 2, line 12, to Engrossed Substitute House Bill No. 1562.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 22; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, Moore, Pelz, Prentice, Quigley, Rasmussen, M., Sheldon, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 22.

Absent: Senator Bluechel - 1.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Skratek and Talmadge - 7.

MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 18, after "county." insert "If any levy imposed under this section, when added to any levies imposed under RCW 84.52.069 and 84.34.230 together exceed fifty cents per thousand dollars of assessed valuation, the levy imposed under this section shall be reduced or eliminated so that the combined levies shall not exceed fifty cents per thousand dollars of assessed valuation on any property."

On page 4, strike all of section 4.

Renumber the remaining section(s) accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator West on page 2, line 18, and on page 4, strike all of section 4, to Engrossed Substitute House Bill No. 1562.

The motion by Senator West carried and the amendments were adopted.

MOTION

On motion of Senator West, the following amendment was adopted:

On page 2, after line 7, strike all the material through and including "located." on page 3, line 2, and insert the following:

"(1) A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of at least three-fifths of the registered voters thereof approving a

proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 84.52.054.

(2) The additional property tax levies may not be imposed until:

(a) The governing body of the county, city, or town declares the existence of an emergency with respect to the availability of housing that is affordable to very low-income households in the taxing district; and

(b) The governing body of the county, city, or town adopts an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy authorized under this section, and the governing body determines that the affordable housing financing plan is consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy, required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended.

(3) For purposes of this section, the term "very low-income household" means a single person, or family whose income is at or below fifty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located."

MOTION

On motion of Senator Moore, further consideration of Engrossed Substitute House Bill No. 1562 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 1617, by Representatives R. Fisher, Chandler, Schmidt, Eide, Johanson, J. Kohl, Kremen, Cothorn, Jacobsen, Brough, Pruitt, Thomas, R. Meyers, Miller, Shin, Karahalios, Locke, Finkbeiner, Ogden, Quall, Orr, Wineberry, Veloria, Wood, H. Myers, L. Johnson and Anderson

Planning high-speed ground transportation.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that major intercity transportation corridors in this state are becoming increasingly congested. In these corridors, population is expected to grow by nearly forty percent over the next twenty years, while employment will grow by nearly fifty percent. The estimated seventy-five percent increase in intercity travel demand must be accommodated to ensure state economic vitality and protect the state's quality of life.

The legislature finds that high-speed ground transportation offers a safer, more efficient, and environmentally responsible alternative to increasing highway capacity. High-speed ground transportation can complement and enhance existing air transportation systems. High-speed ground transportation can be compatible with growth management plans in counties and cities served by such a system. Further, high-speed ground transportation offers a reliable, all-weather service capable of significant energy savings over other intercity modes.

NEW SECTION. Sec. 2. The legislature finds that there is substantial public benefit to establishing a high-speed ground transportation program in this state. The program shall implement the recommendations of the high-speed ground transportation steering committee report dated October 15, 1992. The program shall be administered by the department of transportation in close cooperation with the utilities and transportation commission and affected cities and counties.

The high-speed ground transportation program shall have the following goals:

(1) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Portland, Oregon by 2020. This would be accomplished by meeting the intermediate objectives of a maximum travel time between

downtown Portland and downtown Seattle of two hours and thirty minutes by the year 2000 and maximum travel time of two hours by the year 2010;

(2) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Vancouver, B.C. by 2025;

(3) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Seattle and Spokane by 2030.

The department of transportation shall, subject to legislative appropriation, implement such projects as necessary to achieve these goals in accordance with the implementation plans identified in sections 3 and 4 of this act.

NEW SECTION. Sec. 3. The legislature finds it important to develop public support and awareness of the benefits of high-speed ground transportation by developing high-quality intercity passenger rail service as a first step. This high-quality intercity passenger rail service shall be developed through incremental upgrading of the existing service. The department of transportation shall, subject to legislative appropriation, develop a prioritized list of projects to improve existing passenger rail service and begin new passenger rail service, to include but not be limited to:

- (1) Improvement of depots;
- (2) Improved grade crossing protection or grade crossing elimination;
- (3) Enhanced train signals to improve rail corridor capacity and increase train speeds;
- (4) Revised track geometry or additional trackage to improve ride quality and increase train speeds; and
- (5) Contract for new or improved service in accordance with federal requirements to improve service frequency.

Service enhancements and station improvements must be based on the extent to which local comprehensive plans contribute to the viability of intercity passenger rail service, including providing efficient connections with other transportation modes such as transit, intercity bus, and roadway networks. Before spending state moneys on these projects, the department of transportation shall seek federal, local, and private funding participation to the greatest extent possible. Funding priorities for station improvements must also be based on the level of local and private in-kind and cash contributions.

NEW SECTION. Sec. 4. The legislature recognizes the need to plan for the high-speed ground transportation service and the high-quality intercity rail passenger service set forth in sections 2 and 3 of this act. The department of transportation shall, subject to legislative appropriation, develop a rail passenger plan through the conduct of studies addressing, but not limited to, the following areas:

- (1) Refined ridership estimates;
- (2) Preliminary location and environmental analysis on new corridors;
- (3) Detailed station location assessments in concert with affected local jurisdictions;
- (4) Coordination with the air transportation commission on state-wide air transportation policy and its effects on high-speed ground transportation service; and
- (5) Coordination with the governments of Oregon and British Columbia, when appropriate, on alignment, station location, and environmental analysis.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Vognild, the following title amendment was adopted:

On line 1 of the title, after "transportation;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1617, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1617, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1617, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Cantu and Smith, L. - 2.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Skratek and Talmadge - 7.

ENGROSSED HOUSE BILL NO. 1617, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1007, by Representatives R. Fisher, Zellinsky, Brumsickle, R. Meyers, Miller, G. Cole, Scott, Basich, Dunshee, Wood, Schmidt, Forner, Jacobsen, Franklin, Eide, Flemming, Horn and J. Kohl

Enhancing state-wide transportation planning.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 6, line 26, after "services" insert "and modes"

On page 6, at the beginning of line 29, strike "allocating funds to public transportation agencies" and insert "existing federal authorizations administered by the department to transit agencies"

On page 6, line 34, after "services," insert "non-motorized interests,"

On page 6, line 38, after "instruction," insert "the office of the governor,"

On page 6, after line 38, insert "The department shall submit an initial report to the legislative transportation committee by December 1, 1993, and shall provide annual reports summarizing the plan's progress each year thereafter."

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1007, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1007, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1007, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Skratek and Talmadge - 7.

ENGROSSED HOUSE BILL NO. 1007, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1562, deferred on second reading earlier today after amendments by Senator West on page 2, line 18; page 4, strike all of section 4; and page 2, after line 7; were adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 4 of the title, strike "84.52.010,"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1562, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1562, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1562, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 6; Absent, 2; Excused, 7.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Cantu, Hochstatter, Newhouse and Roach - 6.

Absent: Senators Barr and Hargrove - 2.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Skratek and Talmadge - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:53 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 12:07 p.m. by President Pritchard.

MOTION

At 12:07 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

April 16, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5759, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 17, 1993

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1076,

HOUSE BILL NO. 1218,

SUBSTITUTE HOUSE BILL NO. 1343,

SUBSTITUTE HOUSE BILL NO. 1454,

SUBSTITUTE HOUSE BILL NO. 1543,

SUBSTITUTE HOUSE BILL NO. 1587,

SUBSTITUTE HOUSE BILL NO. 1595,

HOUSE BILL NO. 1618,

HOUSE BILL NO. 1637,

SUBSTITUTE HOUSE BILL NO. 1678,

HOUSE BILL NO. 1832,

HOUSE BILL NO. 1865,

SUBSTITUTE HOUSE BILL NO. 1893,
HOUSE BILL NO. 2001, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5759.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1076,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1454,
SUBSTITUTE HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1587,
SUBSTITUTE HOUSE BILL NO. 1595,
HOUSE BILL NO. 1618,
HOUSE BILL NO. 1637,
SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1832,
HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1893,
HOUSE BILL NO. 2001.

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

SECOND READING

HOUSE BILL NO. 1858, by Representatives Brown, Romero, Foreman, Leonard, Lemmon, Mielke, Karahalios, Brough, Long, Kessler, Patterson and Mastin

Providing for periodic case review for children in substitute care.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Health and Human Services amendment was not adopted:
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.70.005 and 1991 c 363 s 14 and 1991 c 127 s 2 are each reenacted and amended to read as follows:

Periodic case review of all children in substitute care ~~((shall))~~ may be provided in counties designated by the office of the administrator for the courts, in accordance with this chapter ~~((and within funding provided by the legislature)).~~

The administrator for the courts shall coordinate and assist, within available funds, in the administration of ~~((the))~~ local citizen review boards ~~((pilot program))~~ created by this chapter.

Sec. 2. RCW 13.70.110 and 1991 c 127 s 5 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The ~~((next))~~ final board review shall occur within one year after commencement of the placement episode. ~~((Within eighteen months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, the court shall assign the child's case for a board review or a court review hearing pursuant to RCW 13.34.130(5). A board review or a court review hearing shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in RCW 13.34.130. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.))~~

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board; or

(b) Submit to the court the board's findings and recommendations and the department's implementation reports, if any. If the board's recommendations are different from the existing court-ordered case plan, the board shall also file with the court a motion for a review hearing.

(8) Within ten days of receipt of the board's written findings and recommendations and the department's implementation report, if any, the court shall review the findings and recommendations and implementation reports, if any. The court may on its own motion schedule a review hearing.

(9) Unless modified by subsequent court order, the court-ordered case plan and court orders that are in effect at the time that a board reviews a case shall remain in full force and effect. Board findings and recommendations are advisory only and do not in any way modify existing court orders or court-ordered case plans.

(10) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court social file pertaining to the child.

(11) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

Sec. 3. RCW 13.70.140 and 1989 1st ex.s. c 17 s 16 are each amended to read as follows:

~~((For cases which are subject to the foster care citizen review board pilot project under RCW 13.70.005, a court review hearing shall occur no later than eighteen months following commencement of the child's placement episode.))~~ A permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, court review hearings shall occur at least once every ~~((year))~~ six months, under RCW 13.34.130(5), until the child is no longer within the jurisdiction of the court or the

child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding ~~((or the citizen review board assigned to the child's case)).~~

NEW SECTION. Sec. 4. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1994;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;

(4) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(5) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth.

(6) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

(7) Study and develop a statutory proposal for the emancipation of minors and report its findings and recommendations to the legislature by January 1, 1994."

MOTION

On motion of Senator Talmadge, the following amendment by Senators Deccio and Talmadge was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.70.005 and 1991 c 363 s 14 and 1991 c 127 s 2 are each reenacted and amended to read as follows:

Periodic case review of all children in substitute care ~~((shall))~~ may be provided in counties designated by the office of the administrator for the courts, in accordance with this chapter ~~((and within funding provided by the legislature)).~~

The administrator for the courts shall coordinate and assist, within available funds, in the administration of ~~((the))~~ local citizen review boards ~~((pilot program))~~ created by this chapter.

Sec. 2. RCW 13.70.100 and 1989 1st ex.s. c 17 s 12 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to written parental consent and a dependency petition has not been filed under chapter 13.34 RCW. If a dependency petition is subsequently filed and the child's placement in substitute care continues pursuant to a court order entered in a proceeding under chapter 13.34 RCW, the provisions set forth in RCW 13.70.110 shall apply.

(2) Within thirty days following commencement of the placement episode, the department shall send a copy of the written parental consent to the juvenile court with jurisdiction over the geographical area in which the child resides.

(3) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the written parental consent to placement.

(4) The board shall review the case plan for each child in substitute care whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following

commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The ~~((next))~~ final board review shall occur ~~((within one year following commencement of the placement episode))~~ no later than six months following the second review unless the child is no longer in substitute care or unless a guardianship order or adoption decree is entered.

(5) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(6) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the child's parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, and the department and other child placement agencies directly responsible for supervising the child's placement. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(7) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(8) The court shall not review the findings and recommendations of the board in cases where the child has been placed in substitute care with signed parental consent unless a dependency petition has been filed and the child has been taken into custody under RCW 13.34.050.

Sec. 3. RCW 13.70.110 and 1991 c 127 s 5 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur ~~((within ninety days following commencement of the placement episode))~~ no later than six months following the second review unless the child is no longer within the jurisdiction of the court, no longer in substitute care, or a guardianship order or adoption decree is entered. The second review shall occur within six months following commencement of the placement episode. The ~~((next))~~ final board review shall occur within one year after commencement of the placement episode. ~~((Within eighteen months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, the court shall assign the child's case for a board review or a court review hearing pursuant to RCW 13.34.130(5). A board review or a court review hearing shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in RCW 13.34.130. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.))~~

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

- (d) Whether there is a continuing need for placement and whether the placement is appropriate;
- (e) Whether there has been compliance with the case plan;
- (f) Whether progress has been made toward alleviating the need for placement;
- (g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and
- (h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

- (a) Schedule the case for further review by the board; or
- (b) Submit to the court the board's findings and recommendations and the department's implementation reports, if any. If the board's recommendations are different from the existing court-ordered case plan, the board shall also file with the court a motion for a review hearing.

(8) Within ten days of receipt of the board's written findings and recommendations and the department's implementation report, if any, the court shall review the findings and recommendations and implementation reports, if any. The court may on its own motion schedule a review hearing.

(9) Unless modified by subsequent court order, the court-ordered case plan and court orders that are in effect at the time that a board reviews a case shall remain in full force and effect. Board findings and recommendations are advisory only and do not in any way modify existing court orders or court-ordered case plans.

(10) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court social file pertaining to the child.

(11) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

Sec. 4. RCW 13.70.140 and 1989 1st ex.s. c 17 s 16 are each amended to read as follows:

~~((For cases which are subject to the foster care citizen review board pilot project under RCW 13.70.005, a court review hearing shall occur no later than eighteen months following commencement of the child's placement episode.))~~ A permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, court review hearings shall occur at least once every ~~((year))~~ six months, under RCW 13.34.130(5), until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding ~~((or the citizen review board assigned to the child's case)).~~

NEW SECTION. Sec. 5. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

- (i) Placement within the foster care system for two years or more;
- (ii) Multiple foster care placements;
- (iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;
- (iv) Chronic behavioral or educational problems;
- (v) Repetitive criminal acts or offenses;
- (vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and
- (vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children

and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;

(4) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(5) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth.

(6) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

(7) Study and develop a statutory proposal for the emancipation of minors and report its findings and recommendations to the legislature by January 1, 1994."

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 13.70.100, 13.70.110, and 13.70.140; reenacting and amending RCW 13.70.005; and adding a new section to chapter 74.14A RCW."

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1858, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

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

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1858, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1858, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Skratek and Smith, L. - 6.

HOUSE BILL NO. 1858, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, by House Committee on Health Care (originally sponsored by Representatives Dellwo, Wolfe, R. Meyers, Pruitt, L. Johnson, J. Kohl, Conway and Karahalios) (by request of Insurance Commissioner)

Creating the Washington health care coverage determination board.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Because uneven practices have developed in this state that are adverse to the public interest, it is the purpose and intent of the legislature to provide an impartial and expeditious mechanism to assist the insurance commissioner in determining whether coverage for particular health care procedures, treatments, or drugs may be denied by issuers of health care coverage under their contracts on the basis that the procedures, treatments, or drugs are experimental or investigational.

NEW SECTION. Sec. 2. Unless the contest clearly requires otherwise, the following definitions apply throughout this chapter:

(1) "Committee" means the medical health coverage benefit determination committee created in section 3 of this act.

(2) "Health coverage issuer" or "issuer" means:

(a) Every insurer, as defined in RCW 48.01.050, having a certificate of authority to transact disability insurance, as defined in RCW 48.11.030, in this state;

(b) Every health care service contractor, as defined in RCW 48.44.010(3), registered to transact business in this state;

(c) Every health maintenance organization, as defined in RCW 48.46.020(1), registered to transact business in this state;

(d) The Washington basic health plan, as defined in RCW 70.47.020(1);

(e) The Washington state health care authority, as defined in chapter 41.05 RCW;

(f) Every local government self-insured health and welfare benefit plan or program regulated under chapter 48.62 RCW; or

(g) The Washington state health insurance pool as defined in chapter 48.41 RCW.

NEW SECTION. Sec. 3. (1)(a) There is hereby created in the office of the insurance commissioner, the medical health coverage benefit determination committee consisting of nine members appointed by the commissioner on the basis of their knowledge and experience in health care services. In appointing the members the commissioner shall seek to appoint persons exhibiting a balance of and having a wide breadth of experience and knowledge in the treatment, research, and public or private funding of health care services.

(b) Seven members of the committee shall be medical or health professionals, one member shall represent consumers, and one member shall represent issuers of health insurance coverage.

(c) The commissioner shall designate one member of the committee to serve as chair of the committee.

(2) Members of the committee shall be appointed for a term of four years and shall serve until their successors are appointed by the insurance commissioner. The terms of the original members of the committee shall be staggered so that two members shall be appointed to serve until June 1, 1994, two members until June 1, 1995, two members until June 1, 1996, and three members until June 1, 1997.

(3) The commissioner may remove a member of the committee only for inefficiency, malfeasance, or misfeasance.

(4) The committee shall meet at the request of the commissioner to:

(a) Consider, develop, and recommend criteria to guide future actions of issuers of health care coverage in determining whether a procedure, treatment, drug, or other health care service is no longer experimental or investigational for purposes of extending coverage;

(b) Consider and decide whether a procedure, treatment, drug, or other health care service is no longer experimental or investigational; and

(c) Consider actual specific denials of health coverage because the proposed medical procedure is considered by the issuer to be experimental or investigative and decide whether the denial was appropriate.

(5) Members of the committee shall receive reimbursement for expenses incurred in the discharge of their duties in accordance with RCW 43.03.050 and 43.03.060.

(6) The insurance commissioner shall provide the committee with administrative, material, and staff support necessary for the proper functioning of the committee and may adopt all rules necessary to implement the provisions of this chapter.

NEW SECTION. Sec. 4. (1) In making a recommendation as to whether a procedure, treatment, drug, or other health care service is no longer experimental or investigative and in reviewing denials of individual coverage, the committee shall:

(a) Take into account findings, studies, or research conducted in this country and abroad;

(b) Consider whether treating physicians find the procedure, drug, or treatment efficacious or necessary for the health or survival of the patient, or whether there is a potential benefit to the public as a whole, as for example, where a disease is rare and treatment for it may remain experimental for the foreseeable future; and

(c) Consider other relevant information.

(2) After considering all relevant information before it on each issue or denial of coverage, and recognizing that time is of the essence, the committee shall issue a written recommendation to the commissioner detailing its findings and conclusions.

(3) The commissioner shall publish at least once a year, and make available to the public and issuers of health care coverage, a summary of the committee's deliberations, recommendations, and conclusions.

NEW SECTION. Sec. 5. This chapter shall expire on July 1, 1998.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 48 RCW."

On motion of Senator Talmadge, the following amendments by Senator Moyer to the Committee on Health and Human Services striking amendment were considered simultaneously and were adopted:

On page 3, line 13 of the amendment, after "future;" strike "and"

On page 3, line 14 of the amendment, after "information" insert "; and"

(d) Consider federal medicare guidelines"

MOTIONS

On motion of Senator Talmadge, the following amendments to the Committee on Health and Human Services striking amendment were considered simultaneously and were adopted:

On page 3, after line 21 of the amendment, insert the following:

"NEW SECTION. Sec. 5. Effective January 1, 1996, if Engrossed Second Substitute Senate Bill No. 5304 is enacted into law and after necessary implementing regulations are adopted by the services effectiveness technical committee, the committee created by section 3 of this act shall terminate, and powers and duties conferred by sections 1 through 4 of this act shall be performed by the services effectiveness technical committee or panels created by Engrossed Second Substitute Senate Bill No. 5304."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 3, line 27 of the amendment, after "through" strike "6" and insert "7"

On motion of Senator Talmadge, the following amendment to the Committee on Health and Human Services striking amendment was adopted:

On page 3, after line 26 of the amendment, insert the following:

"NEW SECTION. Sec. 7. If Engrossed Second Substitute Senate Bill No. 5304 is enacted into law, the committee created by section 3 of this act shall terminate, and powers and duties conferred by sections 1 through 4 of this act shall be performed by the services effectiveness technical committee created by Engrossed Second Substitute Senate Bill No. 5304."

Renumber the remaining section consecutively.

The President declared the question before the Senate to be the adoption of the Committee on Health and Human Services striking amendment, as amended, to Engrossed Substitute House Bill No. 1957.

The Committee on Health and Human Services striking amendment, as amended, to Engrossed Substitute House Bill No. 1957 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendments were considered simultaneously and were adopted:

On page 1, beginning on line 2 of the title, after "committee" strike the remainder of the title and insert "adding a new chapter to Title 48 RCW; and providing an expiration date."

On page 4, line 6 of the title amendment, after "RCW;" insert "creating a new section;"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1957, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1957, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1957, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Skratek and Smith, L. - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1802, by House Committee on Health Care (originally sponsored by Representatives Veloria, Dellwo, Ballasiotes, Romero, Flemming, Lisk and Thibaudeau)

Modifying marriage and family therapist certification.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Health and Human Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.19.130 and 1991 c 3 s 28 are each amended to read as follows:

(1) The department shall issue a certified marriage and family therapist certificate to any applicant meeting the following requirements:

(a) ~~((i))~~ A master's or doctoral degree in marriage and family therapy ~~((or its equivalent from an approved school that shows evidence of the following course work: (A) Marriage and family systems, (B) marriage and family therapy, (C) individual development, (D) assessment of psychopathology, (E) human sexuality, (F) research methods, (G) professional ethics and laws, and (H) a minimum of one year in the practice of marriage and family therapy under the supervision of a qualified marriage and family therapist;~~

~~(ii) Two years of postgraduate practice of marriage and family therapy under the supervision of a qualified marriage and family therapist; and~~

~~(iii) Passing scores on both written and oral examinations administered by the department for marriage and family therapists; or~~

~~(b) In the alternative, an applicant completing a master's or doctoral degree program in marriage and family therapy or its equivalent from an approved graduate school before or within eighteen months of July 26, 1987, may qualify for the examination), or a behavioral science master's or doctoral degree and the program equivalency as determined by rule by the department based on nationally recognized standards;~~

(b)(i) After receiving a master's or doctoral degree in marriage and family therapy, two years of postgraduate practice of marriage and family therapy, under the supervision of a qualified marriage and family therapy supervisor;

(ii) After receiving a master's or doctoral degree in a behavioral science, two years of postgraduate practice in marriage and family therapy under supervision of a qualified marriage and family supervisor, which may be accumulated concurrently with completion of the program equivalency as adopted by the department by rule; and

(c) A passing score on a written examination that includes a section on Washington's statutes and rules, including provisions of the uniform disciplinary act, approved by the department for certified marriage and family therapists.

(2) ~~((Except as provided in RCW 18.19.160, an applicant is exempt from the examination provisions of this section under the following conditions if application for exemption is made within twelve months after July 26, 1987:~~

~~(a) The applicant shall establish to the satisfaction of the secretary that he or she has been engaged in the practice of marriage and family therapy as defined in this chapter for two of the previous four years; and~~

~~(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in marriage and family therapy or its equivalent from an approved graduate school; and (ii) two years of postgraduate experience under the supervision of a~~

marriage and family therapist who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the secretary.

(3)) The practice of marriage and family therapy is that aspect of counseling that involves ((the assessment and treatment of impaired marriage or family relationships including, but not limited to, premarital and postdivorce relationships and the enhancement of marital and family relationships via use of educational, sociological, and psychotherapeutic theories and techniques)) the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders."

On motion of Senator Deccio, the following amendments by Senators Deccio and Talmadge to the Committee on Health and Human Services striking amendment were considered simultaneously and were adopted:

On page 2, line 38 of the committee amendment, after "of" strike "psychotherapeutic and"

On page 3, line 2 of the committee amendment, after "such" strike "diagnosed nervous and mental"

The President declared the question before the Senate to be the adoption of the Committee of Health and Human Services striking amendment, as amended, to Substitute House Bill No. 1802.

The Committee on Health and Human Services striking amendment, as amended, to Substitute House Bill No. 1802 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "therapists;" strike the remainder of the title and insert "and amending RCW 18.19.130."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1802, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1802, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1802, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Barr and Williams - 3.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Skratek and Smith, L. - 7.

SUBSTITUTE HOUSE BILL NO. 1802, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5157 with the following amendment(s):

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 12.20.060 and 1985 c 240 s 2 are each amended to read as follows:

When the prevailing party in district court is entitled to recover costs as authorized in RCW 4.84.010 in a civil action, the judge shall add the amount thereof to the judgment; in case of failure of the plaintiff to recover or of dismissal of the action, the judge shall enter up a judgment in favor of the defendant for the amount of his or her costs; and in case any party so entitled to costs is represented in the action by an attorney, the judge shall include attorney's fees of ~~((fifty))~~ one hundred twenty-five dollars as part of the costs: PROVIDED, HOWEVER, That the plaintiff shall not be entitled to such attorney fee unless he or she obtains, exclusive of costs, a judgment in the sum of ~~((twenty-five))~~ fifty dollars or more.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5157 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5375 with the following amendment(s):

On page 1, line 11, after "contracts" strike everything through "process." and insert "~~((negotiated without an open competitive process))~~, to centralize the location of information about personal service contracts for ease of public review, and ensure proper accounting of personal services expenditures."

On page 4, after line 8, insert the following:

"**Sec. 5.** RCW 39.29.018 and 1987 c 414 s 5 are each amended to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed. For sole source contracts of ten thousand dollars or more that are state funded, documented justification shall include evidence that the agency attempted to identify potential consultants by advertising through state-wide or regional newspapers or other appropriate media or by notifying consultants on established bidders' lists approved by the office of financial management.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more that are state funded, before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year. The office of financial management shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of ten thousand dollars or more are reasonable.

NEW SECTION. Sec. 6. A new section is added to chapter 39.29 RCW to read as follows:

Personal services may be procured only to resolve a particular agency problem or issue or to expedite a specific project that is temporary in nature. An agency may procure personal services only if it documents that:

- (1) The service is critical to agency responsibilities or operations, or is mandated or authorized by the legislature;
- (2) Sufficient staffing or expertise is not available within the agency to perform the service; and
- (3) Other qualified public resources are not available to perform the service.

NEW SECTION. Sec. 7. A new section is added to chapter 39.29 RCW to read as follows:

(1) State-funded personal service contracts subject to competitive solicitation shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days before the proposed starting date of the contract.

(2) The office of financial management shall review and approve state-funded personal service contracts subject to competitive solicitation that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting.

NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

The office of financial management shall maintain a publicly available list of all personal service contracts entered into by state agencies during each fiscal year. The list shall identify the contracting agency, the contractor, the purpose of the contract, effective dates and periods of performance, the cost of the contract and funding source, any modifications to the contract, and whether the contract was competitively procured or awarded on a sole source basis. The office of financial management shall also ensure that state accounting definitions and procedures are consistent with RCW 39.29.006 and permit the reporting of personal services expenditures by agency and by type of service. Designations of type of services shall include, but not be limited to, management and organizational services, legal and expert witness services, financial services, computer and information services, social or technical research, marketing, communications, and employee training or recruiting services. The office of financial management shall report annually to the fiscal committees of the senate and house of representatives on sole source contracts filed under this chapter. The report shall describe: (1) The number and aggregate value of contracts for each category established in this section; (2) the number and aggregate value of contracts of two thousand five hundred dollars or greater but less than ten thousand dollars; (3) the number and aggregate value of contracts of ten thousand dollars or greater; (4) the justification provided by agencies for the use of sole source contracts; and (5) any trends in the use of sole source contracts.

NEW SECTION. Sec. 9. A new section is added to chapter 39.80 RCW to read as follows:

Contracts entered into by any state agency for architectural and engineering services, and modifications thereto, shall be reported to the office of financial management on a quarterly basis, in such form as the office of financial management prescribes.", and the same are herewith transmitted.

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Senate Bill No. 5375 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5405 with the following amendment(s):

On page 1, line 9, after "~~((twenty))~~" strike "thirty-five" and insert "fifty"

On page 1, beginning on line 19, after "repair" strike everything through "dollars" on page 2, line 1 and insert "~~((does not exceed the sum of seventy-five hundred dollars))~~ will not exceed fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or nine thousand dollars if a single craft or trade is involved with the school district improvement or repair. The restriction in this subsection does not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by employees on a single project"

On page 2, line 15, after "~~((twenty))~~" strike "thirty-five" and insert "fifty"

On page 2, line 18, after "~~((twenty))~~" strike "thirty-five" and insert "fifty"

On page 2, beginning on line 22, after "excess of" strike everything through "process" on line 24 and insert "~~((seventy-five hundred dollars, shall be on a competitive bid process))~~ fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or nine thousand dollars if a single craft or trade is involved with the school district improvement or repair, shall be on a competitive basis. The restriction in this subsection does not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by employees on a single project"

On page 2, at the beginning of line 25, strike "thirty-five" and insert "fifty"

On page 3, line 2, after "~~((twenty))~~" strike "thirty-five" and insert "fifty", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5405 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5577 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.010 and 1988 c 146 s 3 are each amended to read as follows:

As used in this chapter:

- (1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and
(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and
(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.
- (2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.
- (3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.
- (4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.
- (5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- (6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.
- (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- (8) "Significant relationship" means a situation in which the perpetrator is:
 - (a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors; or
 - (b) A person who in the course of his or her employment supervises minors.
- (9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.
- (10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW ((71.20.016)) 71A.10.020.
- (11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.
- (12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020(2).
- (13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).
- (14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered or certified under chapter 18.19 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.
- (15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

Sec. 2. RCW 9A.44.050 and 1990 c 3 s 901 are each amended to read as follows:

- (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:
 - (a) By forcible compulsion;
 - (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; ((or))
 - (c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; or

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim.

(2) Rape in the second degree is a class A felony.

Sec. 3. RCW 9A.44.100 and 1988 c 146 s 2 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; ((or))

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; or

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim.

(2) Indecent liberties is a class B felony.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Senate Bill No. 5577 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5675 with the following amendment(s):

On page 1, after the enacting clause, strike the remainder of the bill and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.89 RCW to read as follows:

Whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm water control facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm water plan intended to be financed by the proceeds of such bonds. If the county provides storm water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service.

The provisions of this section apply whether or not the bonds finance facilities that are geographically located within the area that is annexed or incorporated.

NEW SECTION. Sec. 2. A new section is added to chapter 36.94 RCW to read as follows:

Whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm or surface water drains or facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county

amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm water plan intended to be financed by the proceeds of such bonds. If the county provides storm water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service.

The provisions of this section apply whether or not the bonds finance facilities that are geographically located within the area that is annexed or incorporated.

Sec. 3. RCW 36.89.080 and 1970 ex.s. c 30 s 7 are each amended to read as follows:

Any (~~board of county commissioners~~) county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any storm water control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the (~~board~~) county legislative authority may in its discretion consider: (1) Services furnished or to be furnished; (2) benefits received or to be received; (3) the character and use of land or its water runoff characteristics; (4) the nature or type of land user; or (5) any other matters which present a reasonable difference as a ground for distinction. (~~Such~~) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating storm water control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurs in Sections 1 and 2, and refuses to concur in Section 3 of the House amendment to Senate Bill No. 5675 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5828 with the following amendment(s):

On page 7, line 20, strike all of section 4.

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

ALAN THOMPSON, Chief Clerk

MOTION

Senator Bauer moved that the Senate refuse to concur in the House amendment to Senate Bill No. 5828 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do not concur in the House amendment to Substitute House Bill No. 5828.

The motion by Senator Bauer carried and the Senate refuses to concur in the House amendment to Senate Bill No. 5828 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5851 with the following amendment(s):

On page 1, line 10, strike "~~(eight)~~ four" and insert "eight"

On page 1, line 13, strike "A member" and insert "~~(A member)~~ Two members"

On page 1, line 18, strike "A member" and insert "~~(A member)~~ Two members", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Cantu, the Senate refuses to concur in the House amendments to Senate Bill No. 5851 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5844 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.150 RCW to read as follows:

A volunteer organization or individual volunteer may assist a public agency, with the agency's approval, in a collaborative program designed to serve the needs of at-risk children. The center, with the advice and counsel of the attorney general, shall develop guidelines defining at-risk children and establish reasonable safety standards to protect the safety of program participants and volunteers, including but not limited to background checks for program supervisors or as appropriate as provided in RCW 43.43.830 through 43.43.834. In carrying out the volunteer activity, the individual volunteer or member of the volunteer organization shall not be considered to be an employee or agent of any public agency involved in the collaborative program. Prior to participation, a volunteer and the public agency administering the collaborative program shall sign a written master agreement, approved in form by the attorney general, that includes provisions defining the scope of the volunteer activities and waiving any claims against each other. An individual volunteer shall not be liable for civil damages resulting from any act or omission arising from volunteer activities which comply with safety standards issued by the center for volunteerism and citizen service, other than acts or omissions constituting gross negligence or wilful or wanton misconduct. In any action for damages against a public agency or volunteer organization, a claimant must establish by a preponderance of the evidence that a public agency or other sponsor of a program under this section failed to comply with reasonable safety standards established by the center.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5844 and asks the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Mr. President. On Senate Bill No. 5675, we passed a motion to concur with Sections 1 and 2 and to not concur in Section 3. Mr. President, that was a striking amendment and I do not believe that we can concur with a portion of an amendment. If they were separate amendments, we could concur with one or two amendments and not concur with the other, but that is one amendment, Mr. President, and I am very concerned that if that is the procedure we are going to use, that we are going to have messages flying back and forth that we concur with the first sentence, but we don't concur with the second sentence of an amendment. I would like a ruling, Mr. President, please."

RULING BY THE PRESIDENT

President Pritchard: "Senator Vognild, in responding to your parliamentary inquiry, it is the practice where the measures are easily divisible, for us to make that assertion and rule that way. Obviously, we are really better off in most cases if we don't do it, but it has been the practice for many years where it can be easily divided, that we have done that and have done it in this case. I think in this case it is easily divided, but I would agree with you that it is not the best practice. I would hope that we would use it very judicially."

MOTION

On motion of Senator Oke, Senator Anderson was excused.

MESSAGE FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5035 with the following amendment(s):

On page 2, line 15, after "town" insert ", if the city or town has a population less than five thousand."

On page 2, line 15, after "any" insert "county.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Substitute Senate Bill No. 5035.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5035, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 3; Absent, 3; Excused, 7.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Cantu, Hochstatter and Newhouse - 3.

Absent: Senators Deccio, Hargrove and Sutherland - 3.

Excused: Senators Anderson, McCaslin, Moyer, Niemi, Owen, Skratek and Smith, L. - 7.

SUBSTITUTE SENATE BILL NO. 5035, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5048 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.04.155 and 1991 c 363 s 109 are each amended to read as follows:

(1) This section provides a uniform process to award contracts for public works projects by those ~~((counties))~~ municipalities that are authorized to use a small works roster in lieu of the requirements for formal sealed bidding. The state statutes governing ~~((counties))~~ a specific type of municipality shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the small works roster process, for the ~~((county))~~ municipality.

(2) ~~((Counties))~~ Such municipalities may create a single general small works roster, or may create a small works roster for different categories of anticipated work. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. At least

~~((once))~~ twice a year, the ~~((county))~~ municipality shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters.

The governing body of the ~~((county))~~ municipality shall establish a procedure for securing telephone or written quotations from the contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Such invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible at least five contractors shall be invited to submit bids. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract. Proposals may be invited from all appropriate contractors on the small works roster.

A contract awarded from a small works roster under this section need not be advertised.

Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

Sec. 2. RCW 39.04.190 and 1991 c 363 s 110 are each amended to read as follows:

(1) This section provides a uniform process to award contracts for the purchase of any materials, equipment, supplies, or services by those ~~((counties))~~ municipalities that are authorized to use this process in lieu of the requirements for formal sealed bidding. The state statutes governing ~~((counties))~~ a specific type of municipality shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the awarding of contracts for purchases, for the ~~((county))~~ municipality.

(2) At least ~~((once))~~ twice per year, the ~~((county))~~ municipality shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of vendor lists and solicit the names of vendors for the lists. ~~((Counties))~~ Municipalities shall by resolution establish a procedure for securing telephone or written quotations, or both, from at least three different vendors whenever possible to assure that a competitive price is established and for awarding the contracts for the purchase of any materials, equipment, supplies, or services to the lowest responsible bidder as defined in RCW 43.19.1911. Immediately after the award is made, the bid quotations obtained shall be recorded, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised.

Sec. 3. RCW 39.04.200 and 1991 c 363 s 111 are each amended to read as follows:

Any ~~((county))~~ municipality that utilizes the small works roster process established in RCW 39.04.155 to award contracts for public works projects, or the uniform process established in RCW 39.04.190 to award contracts for purchases, must post a list of the contracts awarded under RCW 39.04.155 and 39.04.190 at least once every two months. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

Sec. 4. RCW 39.30.045 and 1991 c 363 s 112 are each amended to read as follows:

Any ~~((county))~~ municipality, as defined in RCW 39.04.010, may purchase any supplies, equipment, or materials at auctions conducted by the government of the United States or any agency thereof, any agency of the state of Washington, any municipality or other government agency, or any private party without being subject to public bidding requirements if the items can be obtained at a competitive price.

Sec. 5. RCW 36.32.240 and 1991 c 363 s 57 are each amended to read as follows:

In any county the county legislative authority may by resolution establish a county purchasing department. In each county which exercises this option, the purchasing department shall contract on a competitive basis for all public works, enter into leases of personal property on a competitive basis, and purchase all supplies, materials, and equipment, on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund.

Sec. 6. RCW 36.32.253 and 1991 c 363 s 63 are each amended to read as follows:

No lease of personal property may be entered into by the county legislative authority or by any elected or appointed officer of the county ~~((until after bids have been submitted to the county. The county shall use the same))~~ except upon use of the procedures specified in ((RCW 36.32.245 and 39.04.190)) this chapter and chapter 39.04 RCW for awarding contracts for purchases when it leases personal property from the lowest responsible bidder.

Sec. 7. RCW 36.32.245 and 1991 c 363 s 62 are each amended to read as follows:

(1) No contract for the purchase of materials, equipment, or supplies~~((, or services))~~ may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An

advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least ~~((ten))~~ thirteen days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Contracts requiring competitive bidding under this section may be awarded only to the lowest responsible bidder. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between two thousand five hundred and twenty-five thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190. Advertisement and formal sealed bidding may be dispensed with as to purchases of less than two thousand five hundred dollars upon the order of the county legislative authority.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 8. RCW 36.32.250 and 1991 c 363 s 58 are each amended to read as follows:

No contract for public works may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper shall be sufficient. Such advertisements shall be published at least once at least ~~((ten))~~ thirteen days prior to the last date upon which bids will be received. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract for public works involving less than ten thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

For advertisement and competitive bidding to be dispensed with as to public works projects with an estimated value of ten thousand dollars up to one hundred thousand dollars ~~((or less))~~, a county must use a small works roster process as provided in RCW 39.04.155.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Sec. 9. RCW 35.22.620 and 1989 c 431 s 59 are each amended to read as follows:

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population in excess of one hundred fifty thousand shall not have public employees perform a public works project in excess of fifty thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population of one hundred fifty thousand or less shall not have public employees perform a public works project in excess of thirty-five thousand dollars if more than one craft or trade is involved with the public works project, or a public works project in excess of twenty thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and record-keeping requirements contained in RCW 39.04.070, every first class city annually shall prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report shall indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

After September 1, 1987, each first class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the city council shall adopt a resolution certifying the existence of this emergency situation.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first class city may use a small works roster process and award contracts ~~((under this subsection for contracts))~~ for public works projects with an estimated value of one hundred thousand dollars or less as provided in RCW 39.04.155.

~~((a) The city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.~~

~~(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors, if available, shall be invited to submit bids on any one contract: PROVIDED FURTHER, That) Whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. ((Once a bidder on the small works roster has been offered an opportunity to bid, that bidder shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a bid. Invitations shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.~~

~~(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city shall award the contract to the contractor submitting the lowest responsible bid.)~~

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 10. RCW 35.23.352 and 1989 c 431 s 56 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon ~~((posting))~~ publication of notice calling for sealed bids upon the work. The notice ~~((thereof shall be posted in a public place in the city or town and by publication))~~ shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, ~~((once each week for two consecutive weeks before))~~ at least thirteen days prior to the ~~((date fixed for opening the bids))~~ last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in ~~((the full amount of the contract price))~~ accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster process and award public works contracts ~~((under this subsection for contracts))~~ with an estimated value of one hundred thousand dollars or less as provided in RCW 39.04.155.

~~((a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.~~

~~(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That) Whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. ((The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.~~

~~(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.)~~

(4) After September 1, 1987, each second class city, third class city, and town shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids(~~(: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof).~~).

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper (~~(published or)~~) of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and (~~(competitive)~~) formal sealed bidding to be dispensed with as to purchases between seven thousand five hundred and fifteen thousand dollars, the city legislative authority must authorize by resolution (~~((a)), use of the uniform procedure ((for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry)) provided in RCW 39.04.190.~~

(9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second or third class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 11. RCW 52.14.110 and 1984 c 238 s 3 are each amended to read as follows:

Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) Emergency purchases if the sealed bidding procedure would prevent or hinder the emergency from being addressed appropriately. The term emergency means an occurrence that creates an immediate threat to life or property;

(2) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of (~~(ten)~~) four thousand five hundred dollars(~~(: PROVIDED, That)~~). However, whenever the estimated cost is from (~~(forty-five hundred)~~) four thousand five hundred dollars up to ten thousand dollars, the commissioners (~~((shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal to assure establishment of a competitive price for such purchase)) may by resolution use the process provided in RCW 39.04.190 to award contracts;~~

(3) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of two thousand five hundred dollars, which includes the costs of labor, material, and equipment. However, whenever the estimated cost is from two thousand five hundred dollars up to ten thousand dollars, the commissioner may by resolution use the small works roster process provided in RCW 39.04.155;

(4) Purchases which are clearly and legitimately limited to a single source of supply, or services, in which instances the purchase price may be best established by direct negotiation: PROVIDED, That this subsection shall not apply to purchases or contracts relating to public works as defined in chapter 39.04 RCW; and

(5) Purchases of insurance and bonds.

Sec. 12. RCW 52.14.120 and 1984 c 238 s 4 are each amended to read as follows:

(1) Notice of the call for bids shall be given by (~~((posting notice in three public places in the district and by publication once each week for two consecutive weeks. The posting and first publication shall be at least two weeks before the date fixed for opening of the bids, and the publication shall be)) publishing the notice~~ in a newspaper of general circulation within the district at least thirteen days before the last date upon which bids will be received. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without a further call.

(2) A public work involving three or more specialty contractors requires that the district retain the services of a general contractor as defined in RCW 18.27.010.

Sec. 13. RCW 53.08.120 and 1988 c 235 s 1 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such contracts for work, the estimated cost of which exceeds one hundred thousand dollars, shall be let at public bidding upon notice published in a newspaper of general circulation in the district at least (~~(ten)~~) thirteen days before the (~~(letting)~~) last date upon which bids will be received, calling for sealed bids upon the work, plans and specifications for which

shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

Each port district shall maintain a small works roster (~~which shall be comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in the state of Washington.~~), as provided in RCW 39.04.155, and may use the small works roster process to award contracts in lieu of calling for sealed bids whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less(~~, the managing official of the port district may invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors shall be invited to submit proposals on any individual contract: PROVIDED FURTHER, That~~), Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. ((Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.))

When awarding such a contract for work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

Sec. 14. RCW 54.04.070 and 1990 c 251 s 1 are each amended to read as follows:

Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of five thousand dollars, exclusive of sales tax shall be by contract: PROVIDED, That a district may make purchases of the same kind of items of materials, equipment and supplies not exceeding five thousand dollars in any calendar month without a contract, purchasing any excess thereof over five thousand dollars by contract. Any work ordered by a district commission, the estimated cost of which is in excess of ten thousand dollars exclusive of sales tax, shall be by contract, except that a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. Prudent utility management means performing work with regularly employed personnel utilizing material of a worth not exceeding fifty thousand dollars in value without a contract: PROVIDED, That such limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project. Before awarding such a contract, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least (~~(twenty)~~) thirteen days before the (~~(letting of the contract)) last date upon which bids will be received~~, inviting sealed proposals for the work or materials; plans and specifications of which shall at the time of the publication be on file at the office of the district subject to public inspection(~~(-PROVIDED, That any)~~), Any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

Notwithstanding any other provisions herein, all contract projects, the estimated cost of which is less than one hundred thousand dollars, may be awarded to a contractor (~~(on)~~) using the small works roster(~~(-The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The commission shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good-faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year)) process provided in RCW 39.04.155. All contract projects equal to or in excess of one hundred thousand dollars shall be let by competitive bidding.~~

Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission and may consider such price as a bid without a deposit or bond. In the event of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the commission, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract, after having taken precautions to secure the lowest price practicable under the circumstances.

After determination by the commission during a public meeting that a particular purchase is available clearly and legitimately only from a single source of supply, the bidding requirements of this section may be waived by the commission.

Sec. 15. RCW 54.04.082 and 1977 ex.s. c 116 s 1 are each amended to read as follows:

For the awarding of a contract to purchase any item, or items of the same kind of materials, equipment, or supplies in an amount exceeding five thousand dollars, but less than fifteen thousand dollars, exclusive of sales tax, the commission may, in lieu of the procedure described in RCW 54.04.070 and 54.04.080 requiring public notice to invite sealed proposals for such materials,

equipment, or supplies, ~~((authorize by)) pursuant to commission resolution ((a staff procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or supplies to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and shall be posted or otherwise made available at the office of the commission or any other officially designated location)) use the process provided in RCW 39.04.190. Waiver of the deposit or bid bond required under RCW 54.04.080 may be authorized by the commission in securing such bid quotations.~~

Sec. 16. RCW 56.08.070 and 1989 c 105 s 1 are each amended to read as follows:

(1) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than fifty thousand dollars, may be awarded to a contractor ~~((on)) using the small works roster ((The small works roster shall be comprised of all responsible contractors who have requested to be on the list)) process provided in RCW 39.04.155 or the process provided in RCW 39.04.190 for purchases. The board of sewer commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. ((The board of sewer commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year.)) All contract projects equal to or in excess of fifty thousand dollars shall be let by competitive bidding. Before awarding any competitive contract the board of sewer commissioners shall ~~((cause)) publish a notice ((to be published)) in a newspaper ((in)) of general circulation where the district is located at least once, ~~((ten)) thirteen~~ days before the ~~((letting of such contract)) last date upon which bids will be received~~, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein.~~~~

(2) Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of ~~((said)) the~~ materials or work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If ~~((said)) the~~ bidder fails to enter into ~~((said)) the~~ contract in accordance with ~~((said)) the~~ bid and furnish such bond within ten days from the date at which ~~((he)) the bidder~~ is notified that he or she is the successful bidder, the ~~((said))~~ check, cash, or bid bonds and the amount thereof shall be forfeited to the sewer district.

(3) In the event of an emergency when the public interest or property of the sewer district would suffer material injury or damage by delay, upon resolution of the board of sewer commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract. In addition, these requirements may be waived for purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

Sec. 17. RCW 56.08.080 and 1989 c 308 s 5 are each amended to read as follows:

The board of commissioners of a sewer district may sell, at public or private sale, property belonging to the district if the board determines that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no notice of intention is required to sell personal property of less than two thousand five hundred dollars in value.

The notice of intention to sell shall be published once a week for ~~((three)) two~~ consecutive weeks in a newspaper of general circulation in the district. ~~((The last publication shall be at least twenty days but not more than thirty days before the date of sale.))~~ The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 18. RCW 56.08.090 and 1989 c 308 s 6 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at two thousand five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of two thousand five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred ~~((eighty))~~ twenty days of offering the property for sale, the board of commissioners of the sewer district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The sewer district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for ~~((three))~~ two consecutive weeks in a newspaper of general circulation in the sewer district. ~~((The last publication shall be at least twenty days but not more than thirty days before the date of sale.))~~ The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 19. RCW 57.08.015 and 1989 c 308 s 7 are each amended to read as follows:

The board of commissioners of a water district may sell, at public or private sale, property belonging to the district if the board determines that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no such notice of intention shall be required to sell personal property of less than two thousand five hundred dollars in value.

The notice of intention to sell shall be published once a week for ~~((three))~~ two consecutive weeks in a newspaper of general circulation in the district. ~~((The last publication shall be at least twenty days but not more than thirty days before the date of sale.))~~ The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 20. RCW 57.08.016 and 1989 c 308 s 8 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at two thousand five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of two thousand five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred ~~((eighty))~~ twenty days of offering the property for sale, the board of commissioners of the water district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The water district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for ~~((three))~~ two consecutive weeks in a newspaper of general circulation in the water district. ~~((The last publication shall be at least twenty days but not more than thirty days before the date of sale.))~~ The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 21. RCW 57.08.050 and 1989 c 105 s 2 are each amended to read as follows:

(1) The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide.

(2) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than fifty thousand dollars, may be awarded to a contractor ~~((on the))~~ using a small works roster ~~((The small works roster shall be comprised of all responsible contractors who have requested to be on the list))~~ process provided in RCW 39.04.155 or the process provided in RCW 39.04.190 for purchases. The board of water commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. ~~((The board of water commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available~~

by telephone inquiry. The small works roster shall be revised once a year.) All contract projects equal to or in excess of fifty thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of water commissioners shall ~~((cause))~~ publish a notice ~~((to be published))~~ in a newspaper ~~((in))~~ of general

circulation where the district is located at least once ~~((ten))~~ thirteen days before the ~~((letting of such contract))~~ last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein.

(3) Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless ~~((he))~~ the bidder enters into a contract in accordance with his or her bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his or her own plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of ~~((said))~~ the materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If ~~((said))~~ the bidder fails to enter into ~~((said))~~ the contract in accordance with ~~((said))~~ the bid and furnish such bond within ten days from the date at which ~~((he))~~ the bidder is notified that he or she is the successful bidder, the ~~((said))~~ check, cash or bid bonds and the amount thereof shall be forfeited to the water district: PROVIDED, That if the bidder fails to enter into a contract in accordance with his or her bid, and the board of water commissioners deems it necessary to take legal action to collect on any bid bond required herein, then the water district shall be entitled to collect from ~~((said))~~ the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby.

(4) In the event of an emergency when the public interest or property of the water district would suffer material injury or damage by delay, upon resolution of the board of water commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract. In addition, these requirements may be waived for purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

Sec. 22. RCW 70.44.140 and 1965 c 83 s 1 are each amended to read as follows:

(1) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars, shall be by contract. Before awarding any such contract, the commission shall ~~((cause to be published))~~ publish a notice at least ~~((thirty))~~ thirteen days before the ~~((letting of said contract))~~ last date upon which bids will be received, inviting sealed proposals for such work~~((s))~~. The plans and specifications ~~((which))~~ must at the time of the publication of such notice be on file at the office of the public hospital district, subject to public inspection: PROVIDED, HOWEVER, That the commission may at the same time, and as part of the same notice, invite tenders for ~~((said))~~ the work or materials upon plans and specifications to be submitted by bidders. ~~((Such))~~ The notice shall state generally the work to be done, and shall call for proposals for doing the same, to be sealed and filed with the commission on or before the day and hour named therein. Each bid shall be accompanied by bid proposal security in the form of a certified check, cashier's check, postal money order, or surety bond made payable to the order of the commission, for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal security. At the time and place named, such bids shall be publicly opened and read, and the commission shall proceed to canvass the bids, and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his or her own plans and specifications: PROVIDED, HOWEVER, That no contract shall be let in excess of the estimated cost of ~~((said))~~ the materials or work, or if, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all bid proposal security shall be returned to the bidders; but if such contract be let, then and in such case all bid proposal security shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials for doing such work, and a bond to perform such work furnished,

with sureties satisfactory to the commission, in an amount to be fixed by the commission, not less than twenty-five percent of contract price in any case, between the bidder and commission, in accordance with the bid. If such bidder fails to enter into ((said)) the contract in accordance with ((said)) the bid and furnish such bond within ten days from the date at which ((he)) the bidder is notified that he or she is the successful bidder, the ((said)) bid proposal security and the amount thereof shall be forfeited to the public hospital district.

(2) In lieu of the procedures of subsection (1) of this section, a public hospital district may use a small works roster process and award public works contracts for projects in excess of five thousand dollars up to fifty thousand dollars as provided in RCW 39.04.155.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between five thousand and fifteen thousand dollars, the commission must authorize by resolution a procedure as provided in RCW 39.04.190.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5048.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5048, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5048, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, Deccio, McCaslin, Moyer, Niemi, Owen and Smith, L. - 7.

SUBSTITUTE SENATE BILL NO. 5048, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senators Rinehart and Talmadge were excused.

STATEMENT FOR THE JOURNAL

Due to work in the conference committee on health care reform, I missed the votes on the following bills: Substitute Senate No. 5052, as amended by the House; Substitute Senate Bill No. 5075, as amended by the House; Senate Bill No. 5107, as amended by the House; Second Substitute Senate Bill No. 5237, as amended by the House; Substitute Senate Bill No. 5261, as amended by the House; Substitute Senate Bill No. 5263, as amended by the House; Senate Bill No. 5349, as amended by the House; Engrossed Substitute Senate Bill No. 5379, as amended by the House; Senate Bill No. 5387, as amended by the House; Substitute Senate Bill No. 5402, as amended by the House; and Substitute Senate Bill No. 5404, as amended by the House; and Engrossed Substitute Senate Bill No. 5452, as amended by the House.

I would have voted 'yes' on all but Substitute Senate Bill No. 5262, as amended by the House.

SENATOR PHIL TALMADGE, 34th District

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5052 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended to read as follows:

The town council shall meet ~~((on the second Tuesday))~~ in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at any time by the mayor or by three ~~((councilmen))~~ councilmembers, by written notice ~~((delivered to each member at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three ~~((councilmen))~~ councilmembers.

All meetings of the council shall be held ~~((within the corporate limits of the town,))~~ at such places as may be designated by ~~((ordinance and shall))~~ the town council. All final actions on resolutions and ordinances must take place within the corporate limits of the town. All meetings of the town council must be public.

Sec. 2. RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to read as follows:

The city council and mayor shall meet ~~((on the first Tuesday))~~ in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice ~~((delivered to each member of the council at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held ~~((within the corporate limits of the city))~~ at such place as may be designated by ~~((ordinance))~~ the city council. All final actions on resolutions and ordinances must take place within the corporate limits of the city. All meetings of the city council must be public.

Sec. 3. RCW 35A.12.110 and 1979 ex.s. c 18 s 23 are each amended to read as follows:

The city council and mayor shall meet regularly, at least once a month, at a place ~~((within the corporate limits of the city))~~ and at such times as may be ~~((fixed by ordinance or resolution))~~ designated by the city council. All final actions on resolutions and ordinances must take place within the corporate limits of the city. Special meetings may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least twenty-four hours before the time specified for the proposed meeting. All actions that have heretofore been taken at special council meetings held pursuant to this section, but for which the number of hours of notice given has been at variance with requirements of RCW 42.30.080, are hereby validated. All council meetings shall be open to the

public except as permitted by chapter 42.30 RCW. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to each local newspaper of general circulation and to each local radio or television station, as provided in RCW 42.30.080 as now or hereafter amended. Meetings of the council shall be presided over by the mayor, if present, or otherwise by the mayor pro tempore, or deputy mayor if one has been appointed, or by a member of the council selected by a majority of the council members at such meeting. Appointment of a council member to preside over the meeting shall not in any way abridge his right to vote on matters coming before the council at such meeting. In the absence of the clerk, a deputy clerk or other qualified person appointed by the clerk, the mayor, or the council, may perform the duties of clerk at such meeting. A journal of all proceedings shall be kept, which shall be a public record.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Substitute Senate Bill No. 5052.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5052, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5052, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Absent: Senator Hargrove - 1.

Excused: Senators Anderson, Deccio, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L. and Talmadge - 9.

SUBSTITUTE SENATE BILL NO. 5052, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5075 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

As used in sections 2 and 3 of this act, "hazing" includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state. "Hazing" does not include customary athletic events or other similar contests or competitions.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) No student, or other person in attendance at any public or private institution of higher education, or any other postsecondary educational institution, may conspire to engage in hazing or participate in hazing of another.

(2) A violation of this section is a misdemeanor, punishable as provided under RCW 9A.20.021.

(3) Any organization, association, or student living group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the institution of higher education.

(2) Any organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by a public institution of higher education.

(3) The public institutions of higher education shall adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education shall adopt rules providing sanctions for conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of section 1 of this act. Conduct covered by this section may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Substitute Senate Bill No. 5075.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5075, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5075, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 2; Absent, 0; Excused, 9.

Voting yea: Senators Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vogndild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson and Bluechel - 2.

Excused: Senators Anderson, Deccio, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L. and Talmadge - 9.

SUBSTITUTE SENATE BILL NO. 5075, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5107 with the following amendment(s):

On page 3, after line 32 insert "For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280 (1) (c) through (e).", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendment to Senate Bill No. 5107.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5107, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vogndild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Anderson, Deccio, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L. and Talmadge - 9.

SENATE BILL NO. 5107, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5237 with the following amendment(s):

On page 18, beginning on line 23, strike everything through "9A.20 RCW." on line 26

On page 27, after line 7, insert the following:

"NEW SECTION. Sec. 42. (1) Annually, the secretary of state shall publish a report indicating:

(a) For each charitable organization registered under RCW 19.09.065 the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and received from all other sources on behalf of the charitable purpose of the organization;

(b) For each commercial fund raiser registered under RCW 19.09.065 the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the commercial fund raiser; and

(c) Such other information as the secretary of state deems appropriate.

(2) The secretary of state may use the latest information obtained pursuant to RCW 19.09.075 or otherwise under chapter 19.09 RCW to prepare the report."

Renumber the remaining sections consecutively., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5237.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5237, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5237, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Anderson, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L. and Talmadge - 8.

SECOND SUBSTITUTE SENATE BILL NO. 5237, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5261 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.20A.710 and 1989 c 334 s 13 are each amended to read as follows:

The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of: (1) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children (~~mentally ill persons~~) or individuals with mental illness or (~~developmentally disabled persons~~) developmental disabilities; and (2) individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment who hired them and to their legal guardians, if any. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants except that in the case of individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment who employ individual providers, the determination of character, suitability, and competence of applicants shall be made by the individual with a physical disability, developmental disability, mental illness, or mental impairment. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation.

NEW SECTION. Sec. 2. This act applies prospectively except individuals who currently employ individual providers paid by the state may be given the option to request a state background check during reassessment for services.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Substitute Senate Bill No. 5261.

MOTIONS

On motion of Senator Sellar, Senator Bluechel was excused.

On motion of Senator Loveland, Senator Vognild was excused.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5261, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Excused: Senators Anderson, Bluechel, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 10.

SUBSTITUTE SENATE BILL NO. 5261, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5263 with the following amendment(s):

On page 7, after line 18, strike all material through "impractical." on line 25, and insert the following:

"(3) Except as provided in subsection (4) of this section, the director, within ((sixty)) ninety days from the date the results of ((the)) a referendum approved under subsection (2) of this section are filed with the secretary of state, shall adopt rules to establish a market pool in the market area, as provided for in this chapter. In conducting hearings on rules proposed for adoption under this subsection, the director shall invite public comment on whether milk regulation similar to the market area pooling plan proposed in the rules exists in neighboring states and whether a lack of such milk regulation in neighboring states would render such a market area pooling plan in this state ineffective or impractical."

On page 7, line 26, strike "(3)" and insert "((3)) (4) If, following hearings held under subsection (3) of this section, the director determines that the lack of milk regulation in neighboring states similar to the market area pooling plan proposed for this state would render such a pooling arrangement in this state ineffective or impractical, the director shall so state in writing. The director shall file the statement with the code reviser for publication in the Washington State Register. In such a case, a market area pooling plan shall not be established in the market area under subsection (3) of this section based upon the referendum that precipitated the hearings. If the director determines that such a lack of milk regulation in neighboring states would not render such a market area pooling plan ineffective or impractical in this state, the director shall adopt rules in accordance with subsection (3) of this section.

(5)"

On page 7, line 32, strike "(4)" and insert "((4)) (6)"

On page 10, line 18, after "fund." insert "Moneys from such assessments shall be used to provide testing of the milk in a state-certified laboratory.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5263.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5263, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Anderson, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 9.

SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5349 with the following amendment(s):

On page 5, beginning on line 11, after "proposal" strike everything through "(2)" on line 12 and insert "~~((as judged by the criteria established in RCW 28A.97.100(1) and (2)))~~", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendment to Senate Bill No. 5349.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5349, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5349, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Anderson, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 9.

SENATE BILL NO. 5349, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5379 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.36.115 and 1989 c 354 s 18 and 1989 c 175 s 48 are each reenacted and amended to read as follows:

(1) If the results of an antibiotic, pesticide, or other drug residue test under RCW 15.36.110 are above the actionable level established in the pasteurized milk ordinance published by the United States public health service and determined using procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products," a producer holding a grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the permit on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW ((and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580)). At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other drug residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic, pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic, pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic, pesticide, or other drug residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues.

Sec. 2. RCW 69.07.040 and 1992 c 160 s 3 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by the license fee. The license fee is determined by computing the gross annual sales for the accounting year immediately preceding the license year. If the license is for a new operator, the license fee shall be based on an estimated gross annual sales for the initial license period.

If gross annual sales are: The license fee is:

\$0 to \$50,000	\$50.00
\$50,001 to \$500,000	\$100.00
\$500,001 to \$1,000,000	\$200.00
\$1,000,001 to \$5,000,000	\$350.00
\$5,000,001 to \$10,000,000	\$500.00
Greater than \$10,000,000	\$750.00

Such application shall include the full name of the applicant for the license and the location of the food processing plant he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each

member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Wherever a license holder wishes to engage in processing a type of food product that is different than the

type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter. The director may waive the licensure requirements of this chapter for a person's operations at a facility if the person is licensed under chapter 15.32 RCW or has a permit under chapter 15.36 RCW to conduct the same or a similar operation at the facility.

Sec. 3. RCW 15.36.595 and 1989 c 175 s 49 are each amended to read as follows:

(1) The director of agriculture shall adopt rules imposing a civil penalty for violations of the standards for component parts of fluid dairy products which are established by RCW 15.36.030 or adopted pursuant to RCW 69.04.398. The penalty shall not exceed ten thousand dollars and shall be such as is necessary to achieve proper enforcement of the standards. The rules shall be adopted before January 1, 1987, and shall become effective on July 1, 1987.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW (~~and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580~~). At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for the component parts of milk products by a state laboratory of a milk sample collected by a department official shall be admitted as prima facie evidence of the amounts of milk components in the product.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department.

(4) All penalties received or recovered from violations of this section shall be remitted by the violator to the department and deposited in the revolving fund of the Washington state dairy products commission. One-half of the funds received shall be used for purposes of education with the remainder one-half to be used for dairy processing or marketing research, or both. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the standards for the composition of milk products, an investigation shall be made to determine the cause of the violation which shall be corrected. Additional samples shall be taken as soon as possible and tested by the department.

NEW SECTION. Sec. 4. RCW 15.36.580 and 1989 c 354 s 26, 1987 c 202 s 175, 1981 c 67 s 17, & 1961 c 11 s 15.36.580 are each repealed.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5379.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5379, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5379, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Anderson, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5379, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5387 with the following amendment(s):

On page 4, after line 7, insert "**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Senate Bill No. 5387.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5387, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5387, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Winsley and Wojahn - 39.

Absent: Senator Williams - 1.

Excused: Senators Anderson, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 9.

SENATE BILL NO. 5387, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5402 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds:

(a) Mathematics, science, and technology subtly but profoundly impact the lives of Washington state residents. In the coming years mathematics, science, and technology will become increasingly important in addressing societal concerns about health, environmental protection, conservation, energy supply, and industrial growth;

(b) There is consensus that the most likely leading industries in the twenty-first century will be in microelectronics, biotechnology, new materials industries, civilian aviation, telecommunications, robotics, and computer-related technologies. This means that literacy in mathematics, science, and technology will become increasingly important to the economic future of Washington state; and

(c) National education goal number four establishes that by the year 2000, United States students will be first in the world in science and mathematics achievement.

(2) The legislature recognizes that change is not optional and believes that only if literacy in mathematics, science, and technology is expanded to include all segments of the population can Washington state build upon existing public and private sector resources to take full advantage of the projected leading industries for the twenty-first century and achieve national education goal number four.

(3) It is the intent of the legislature to develop a long-range, comprehensive mathematics, science, and technology literacy program that reaches into all segments of society and supports a vision in which Washington state is a place where all citizens demonstrate, value, and support literacy in mathematics, science, and technology.

NEW SECTION. Sec. 2. Before July 1, 1994, the higher education coordinating board may solicit, receive, and expend any private gifts or grants to conduct the study in section 3 of this act. Funds shall be expended in accordance with the conditions contingent in the gift or grant of those funds.

NEW SECTION. Sec. 3. If sufficient funding from public or private sources is made available specifically for the purposes of this act by July 1, 1994, the higher education coordinating board shall contract with an appropriate person or entity to conduct a study on the feasibility and desirability of creating a Washington state institute for science, technology, and society. The study shall be completed by July 1, 1995.

NEW SECTION. Sec. 4. The study in section 3 of this act shall include but not be limited to:

- (1) Identification of an appropriate role and mission for the institute;
- (2) Options for a governmental structure and location of an institute; and
- (3) Options for funding.

NEW SECTION. Sec. 5. For the purpose of the study in section 3 of this act, the purpose of a Washington state institute for science, technology, and society is as follows:

- (1) Implementation of a long-range comprehensive mathematics, science, and technology literacy program;
- (2) Development, identification, and dissemination of math, science, and technology curriculum options, textbooks, and course materials;
- (3) Provide institutes, workshops, and in-service training to teachers, college and university professors, and school administrators;
- (4) Coordinate the dissemination of information to groups and agencies, including a clearinghouse of speakers on mathematics, science, and technology literacy; and
- (5) Provide technical expertise to common schools and institutions of higher education.

NEW SECTION. Sec. 6. Based on the study conducted under section 3 of this act, the higher education coordinating board shall report findings, conclusions, and recommendations to the legislature and the governor no later than January 1, 1996.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate concurred in the House amendment to Substitute Senate Bill No. 5402.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5402, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 8.

SUBSTITUTE SENATE BILL NO. 5402, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5404 with the following amendment(s):

On page 1, line 13, after "include" insert "reasonable"

On page 2, line 5, after "recover its" insert "reasonable", and the same are herewith transmitted.

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendments to Substitute Senate Bill No. 5404.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5404, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5404, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senator Bluechel - 1.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 8.

SUBSTITUTE SENATE BILL NO. 5404, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5452 with the following amendment(s):

On page 1, line 14, after "county" strike all material down to and including "county" on line 15 and insert "or city jail shall be remitted to the county or city for criminal justice purposes", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5452.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5452, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Absent: Senator Loveland - 1.

Excused: Senators McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L., Talmadge and Vognild - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 2122,
ENGROSSED HOUSE BILL NO. 2123, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 17, 1993

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1800,
SUBSTITUTE HOUSE BILL NO. 2070,
SUBSTITUTE HOUSE BILL NO. 2098,
HOUSE BILL NO. 2114,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2130, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 17, 1993

MR. PRESIDENT:

The Speaker has signed:
SENATE BILL NO. 5060,
SECOND SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5337,
SENATE BILL NO. 5455,
SUBSTITUTE SENATE BILL NO. 5471,
SUBSTITUTE SENATE BILL NO. 5479,
SENATE BILL NO. 5494,
SUBSTITUTE SENATE BILL NO. 5520,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5615,
SENATE BILL NO. 5689,
SUBSTITUTE SENATE BILL NO. 5878, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1800 by Representatives Ogden, Romero, Wang, Veloria, Anderson, Wineberry, Rayburn, R. Meyers, King and J. Kohl (by request of Office of Minority and Women's Business Enterprises)

Funding the office of minority and women's business enterprises.

HOLD.

SHB 2070 by House Committee on Human Services (originally sponsored by Representatives Patterson, Leonard, Brough, Shin and Karahalios)

Modifying financial responsibility for juvenile offenders.

HOLD.

SHB 2098 by House Committee on Health Care (originally sponsored by Representative Valle) (by request of Department of Social and Health Services)

Enhancing community options long-term care program.

HOLD.

HB 2114 by Representative G. Fisher (by request of Office of Financial Management)

Crediting earnings on balances of certain treasury accounts.

HOLD.

HB 2119 by Representatives Dunshee, Lemmon and Wolfe (by request of Office of Financial Management)

Abolishing the state professional athletic commission.

HOLD.

EHB 2122 by Representatives Linville, Locke, Peery, Lemmon, Dellwo and Anderson (by request of Office of Financial Management)

Authorizing early retirement for certain employees of PERS and TRS.

HOLD.

EHB 2123 by Representatives Jacobsen, Quall and Brumsickle (by request of Office of Financial Management)

Allowing insurance benefits for graduate service appointments.

HOLD.

HB 2130 by Representatives Locke, Dellwo and Miller (by request of Department of Social and Health Services)

Modifying requirements for the acquired human immunodeficiency syndrome insurance program.

HOLD.

MOTION

On motion of Senator Jesernig, House Bill No. 1800, Substitute House Bill No. 2070, Substitute House Bill No. 2098, House Bill No. 2114, House Bill No. 2119, Engrossed House Bill No. 2122, Engrossed House Bill No. 2123 and House Bill No. 2130 were advanced to second reading and placed on the second reading calendar.

MOTION

At 3:00 p.m., on motion of Senator Jesernig, the Senate adjourned until 1:00 p.m., Sunday, April 18, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SEVENTH DAY, APRIL 17, 1993

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

NINETY-EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 18, 1993

The Senate was called to order at 1:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Bluechel, Deccio, Erwin, McCaslin, McDonald, Moyer, Niemi, Owen, Rasmussen, Rinehart, Linda Smith and West. On motion of Senator Oke, Senators Amondson, Bluechel, Deccio, Erwin, McCaslin, McDonald, Moyer, Linda Smith and West were excused. On motion of Senator Loveland, Senators Niemi, Owen and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Crystal Fresco and Polly MacDonald, presented the Colors. Dr. Morris Belling of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5441,
SENATE BILL NO. 5695, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5441,
SENATE BILL NO. 5695.

MESSAGE FROM THE HOUSE

March 7, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5567 with the following amendment(s):
On page 2, line 32, beginning with "the three" strike all the matter through "members" on line 35, and insert "three of the members of the county legislative authority or their designees, the county auditor or the auditor's designee, the head of the emergency medical service district, and one emergency worker from the emergency medical service district to be elected by the emergency workers", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5567.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5567, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5567, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 0; Absent, 1; Excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 36.

Absent: Senator Rasmussen, M. - 1.

Excused: Senators Amondson, Bluechel, Deccio, Erwin, McCaslin, McDonald, Moyer, Niemi, Owen, Rinehart, Smith, L. and West - 12.

SUBSTITUTE SENATE BILL NO. 5567, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5556 with the following amendment(s):

On page 4, line 34, after "schools" strike "on a contractual basis with students, parents, or both", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendment to Substitute Senate Bill No. 5556.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5556, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 38.

Excused: Senators Amondson, Bluechel, Deccio, McCaslin, McDonald, Moyer, Niemi, Owen, Rinehart, Smith, L. and West - 11.

SUBSTITUTE SENATE BILL NO. 5556, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5606 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.09 RCW to read as follows:

As part of the routine audits of state agencies, the state auditor shall audit all revolving funds, local funds, and other state funds and state accounts that are not managed by or in the care of the state treasurer and that are under the control of state agencies, including but not limited to state departments, boards, and commissions. In conducting the audits of these funds and accounts, the auditor shall examine revenues and expenditures or assets and liabilities, accounting methods and procedures, and recordkeeping practices. In addition to including the results of these examinations as part of the routine audits of the agencies, the auditor shall report to the legislature on the status of all such funds and accounts that have been examined during the preceding biennium and any recommendations for their improved financial management. Such a report shall be filed with the legislature within five months of the end of each biennium regarding the funds and accounts audited during the biennium. The first such report shall be filed by December 1, 1993, regarding any such funds and accounts audited during the 1991-93 biennium.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate concurred in the House amendment to Substitute Senate Bill No. 5606.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5606, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5606, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 38.

Excused: Senators Amondson, Bluechel, Deccio, McCaslin, McDonald, Moyer, Niemi, Owen, Rinehart, Smith, L. and West - 11.

SUBSTITUTE SENATE BILL NO. 5606, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5612 with the following amendment(s):

On page 2, line 16, after "board" strike "~~((except the executive director of the county road administration board,))~~" and insert ", except the executive director of the county road administration board," and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Erwin, the Senate concurred in the House amendment to Substitute Senate Bill No. 5612.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5612, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5612, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Amondson, Bluechel, Deccio, McCaslin, Moyer, Niemi, Owen, Rinehart, Smith, L. and West - 10.

SUBSTITUTE SENATE BILL NO. 5612, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5625 with the following amendment(s):

On page 2, line 27, after "for" strike "age and cultural group" and insert "his or her age", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Substitute Senate Bill No. 5625.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5625, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5625, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 3; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Newhouse, Roach and West - 3.

Excused: Senators Amondson, Bluechel, Deccio, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 8.

SUBSTITUTE SENATE BILL NO. 5625, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5634 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to reduce the number of time-consuming and costly lawsuits between state agencies by establishing alternative dispute resolution processes available to any agency.

NEW SECTION. Sec. 2. A new section is added to chapter 43.17 RCW to read as follows:

For purposes of sections 2 through 4 of this act, "state agency" means:

(1) Any agency for which the executive officer is listed in RCW 42.17.2401(1); and

(2) The office of the secretary of state; the office of the state treasurer; the office of the state auditor; the department of natural resources; the office of the insurance commissioner; and the office of the superintendent of public instruction.

NEW SECTION. Sec. 3. A new section is added to chapter 43.17 RCW to read as follows:

Whenever a dispute arises between state agencies, agencies shall employ every effort to resolve the dispute themselves without resorting to litigation. These efforts shall involve alternative dispute resolution methods. If a dispute cannot be resolved by the agencies involved, any one of the disputing agencies may request the governor to assist in the resolution of the dispute. The governor shall employ whatever dispute resolution methods that the governor deems appropriate in resolving the dispute. Such methods may include, but are not limited to, the appointment by the governor of a mediator, acceptable to the disputing agencies, to assist in the resolution of the dispute. The governor may also request assistance from the attorney general to advise the mediator and the disputing agencies.

NEW SECTION. Sec. 4. A new section is added to chapter 43.17 RCW to read as follows:

Sections 2 and 3 of this act shall not apply to any state agency that is a party to a lawsuit, which: (1) Impleads another state agency into the lawsuit when necessary for the administration of justice; or (2) files a notice of appeal, petitions for review, or makes other filings subject to time limits, in order to preserve legal rights and remedies."

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "adding new sections to chapter 43.17 RCW; and creating a new section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5634.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5634, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Amondson, Bluechel, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 7.

SUBSTITUTE SENATE BILL NO. 5634, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5694 with the following amendment(s):

On page 1, line 12, after "least" strike "~~(sixteen)~~ fifteen" and insert "sixteen"

On page 1, line 14, after "state or" strike "an" and insert "is at least 15 years of age with a valid"

On page 1, line 15, after "state," insert "and", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Snyder, the Senate concurred in the House amendments to Substitute Senate Bill No. 5694. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5694, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5694, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Absent: Senator Hargrove - 1.

Excused: Senators Amondson, Bluechel, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 7.

ENGROSSED SENATE BILL NO. 5694, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5751 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 27.12 RCW to read as follows:

A rural partial-county library district may be created in a portion of the unincorporated area of a county as provided in this section if a rural county library district, intercounty rural library district, or island library district has not been created in the county and the area proposed to be included in a rural partial-county library district has an assessed valuation of at least fifty million dollars.

The procedure to create a rural partial-county library district is initiated by the filing of petitions with the county auditor proposing the creation of the district that have been signed by at least ten percent of the registered voters residing in the area proposed to be included in the rural partial-county library district. The county auditor shall review the petitions and certify the sufficiency or insufficiency of the signatures to the county legislative authority.

If the petitions are certified as having sufficient valid signatures, the county legislative authority shall hold a public hearing on the proposed rural partial-county library district, may adjust the boundaries of the proposed district, and may cause a ballot proposition to be submitted to the voters of the proposed rural partial-county library district authorizing its creation if the county legislative authority finds that the creation of the rural partial-county library district is in the public interest. A subsequent public hearing shall be held if additional territory is added to the proposed rural partial-county library district by action of the county legislative authority.

The rural partial-county library district shall be created if the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters voting on the proposition. Immediately after creation of the rural partial-county library district the county legislative authority shall appoint a board of library trustees for the district as provided under RCW 27.12.190.

Except as provided in this section, a rural partial-county library district is subject to all the provisions of law applicable to a rural county library district and shall have all the powers, duties, and authorities of a rural county library district, including, but not limited to, the authority to impose property taxes, incur debt, and annex a city or town with a population of less than one hundred thousand at the time of the annexation that is located in the same county as the rural partial-county library district.

Adjacent unincorporated territory in the county may be annexed to a rural partial-county library district in the same manner as territory is annexed to a sewer district, except that an annexation is not subject to potential review by a boundary review board.

If a ballot proposition is approved creating a rural county library district in the county, every rural partial-county library district in that county shall be dissolved and its assets and liabilities transferred to the rural county library district. Where a rural partial-county library district has annexed a city or town, the voters of the city or town shall be allowed to vote on the proposed creation of a rural county library district and, if created, the rural county library district shall include each city and town that was annexed to the rural partial-county library district.

Nothing in this section authorizes the consolidation of a rural partial-county library district with any rural county library district; island library district; city, county, or regional library; intercounty library district; or other rural partial-county library district, unless, in addition to any other requirements imposed by statute, the boards of all library districts involved approve the consolidation.

Sec. 2. RCW 27.12.010 and 1982 c 123 s 1 are each amended to read as follows:

As used in this chapter (~~and chapter 27.08 RCW~~), unless the context requires a different meaning:

(1) "Governmental unit" means any county, city, town, rural county library district, intercounty rural library district, rural partial-county library district, or island library district;

(2) "Legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit; in rural county library districts, in intercounty rural library districts, and in island library districts, the legislative body shall be the board of library trustees of the district;

(3) "Library" means a free public library supported in whole or in part with money derived from taxation; (~~and~~)

(4) "Regional library" means a free public library maintained by two or more counties or other governmental units as provided in RCW 27.12.080; (~~and~~)

(5) "Rural county library district" means a library serving all the area of a county not included within the area of incorporated cities and towns: PROVIDED, That any city or town with a population of one hundred thousand or less at the time of annexation may be included therein as provided in RCW 27.12.360 through 27.12.390; (~~and~~)

(6) "Intercounty rural library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns within two or more counties: PROVIDED, That any city or town with a population of one hundred thousand or less at the time of annexation may be included therein as provided in RCW 27.12.360 through 27.12.390; (~~and~~)

(7) "Island library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns on a single island only, and not all of the area of the county, in counties composed entirely of islands and having a population of less than twenty-five thousand at the time the island library district was created: PROVIDED, That any city or town with a population of one hundred thousand or less at the time of annexation may be included therein as provided in RCW 27.12.360 through 27.12.390; and

(8) "Rural partial-county library district" means a municipal corporation organized to provide library service for a portion of the unincorporated area of a county that has an assessed valuation of at least fifty million dollars. Any city or town located in the same county as a rural partial-county library district may annex to the district if the city or town has a population of one hundred thousand or less at the time of annexation.

Sec. 3. RCW 27.12.070 and 1984 c 186 s 7 are each amended to read as follows:

The county treasurer of the county in which any rural county library district or rural partial-county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter.

Sec. 4. RCW 84.52.052 and 1991 c 138 s 1 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, fire protection district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, or cultural arts, stadium, and convention district.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Substitute Senate Bill No. 5751.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5751, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5751, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Absent: Senator Hargrove - 1.

Excused: Senators Amondson, Bluechel, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 7.

SUBSTITUTE SENATE BILL NO. 5751, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5768 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.52.010 and 1986 c 266 s 23 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department of community development and holds an identification card issued by the local emergency management director or the department of community development for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6) "Emergency or disaster" as used in this chapter shall mean an event or set of circumstances which: (a) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of community development.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the department of community development.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

For purposes of the liability of an architect or engineer serving as a volunteer emergency worker, the exemption from liability provided under RCW 38.52.195 extends to all damages, so long as the conditions specified in RCW 38.52.195 (1) through (5) occur.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5768.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5768, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5768, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams and Winsley - 42.

Absent: Senator Wojahn - 1.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 6.

ENGROSSED SENATE BILL NO. 5768, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5839 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to consolidate mail functions for state government in a manner that will provide timely, effective, efficient, and less-costly mail service for state government.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and section 3 of this act.

(1) "Consolidated mail service" means incoming, outgoing, and internal mail processing.

(2) "Department" means the department of general administration.

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

(4) "Agency" means:

(a) The office of the governor; and

(b) Any office, department, board, commission, or other separate unit or division, however designated, of the state government, together with all personnel thereof: Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and that has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to: (i) No other public officer or (ii) the governor.

(5) "Incoming mail" means mail, packages, or similar items received by an agency, through the United States postal service, private carrier services, or other courier services.

(6) "Outgoing mail" means mail, packages, or similar items processed for agencies to be sent through the United States postal service, private carrier services, or other courier services.

(7) "Internal mail" means interagency mail, packages, or similar items that are delivered or to be delivered to a state agency, the legislature, the supreme court, or the court of appeals, and their officers and employees.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW to read as follows:

The director shall establish a consolidated mail service to handle all incoming, outgoing, and internal mail in the 98504 zip code area or successor zip code areas for agencies in the Olympia, Tumwater, and Lacey area. The director may include additional geographic areas within the consolidated mail service, based upon his or her determination. The department shall also provide mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area upon request.

The director may bill state agencies and other entities periodically for mail services rendered.

NEW SECTION. Sec. 4. All employees of any state agency who are employed exclusively or principally in performing the powers, duties, or functions assigned to the department pursuant to section 3 of this act, may be transferred to the department of general administration. The office of financial management shall determine the number of employees to be transferred for efficient operation of the mail service. Upon such transfer to the department of general administration, such employees shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, and shall retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto.

NEW SECTION. Sec. 5. The department, in cooperation with the office of financial management, shall review current and prospective needs of state agencies for any equipment to process mail throughout state government. If after such consultation, the department should find that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition, then the property shall be transferred or otherwise disposed.

After making such finding, the department shall direct the transfer of existing state property, facilities, and equipment pertaining to the consolidated mail service or United States postal service. Any dispute concerning the benefits in state governmental economy, efficiency, and effectiveness shall be resolved by the office of financial management.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Drew moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5839.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Drew that the Senate do concur in the House amendment to Substitute Senate Bill No. 5839.

The motion by Senator Drew carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5839.

MOTION

On motion of Senator Loveland, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5839, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5839, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 42.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi, Rinehart, Smith, L. and Wojahn - 7.

SUBSTITUTE SENATE BILL NO. 5839, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5849 with the following amendment(s):

On page 10, after line 4, strike all of section 12, renumber the remaining sections consecutively and correct internal references accordingly.

On page 10, line 18, after "through" strike "14" and insert "13", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5849.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5849, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5849, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 41.

Absent: Senator Quigley - 1.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi, Rinehart, Smith, L. and Wojahn - 7.

SUBSTITUTE SENATE BILL NO. 5849, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5856 with the following amendment(s):

On page 1, following line 5 of the enacting clause, strike the remainder of the bill and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

Whenever real property owned by the state of Washington and under the jurisdiction of the Washington state patrol is no longer required, it may be sold at fair market value. All proceeds received from the sale of real property, less any real estate broker commissions, shall be deposited into the state patrol highway account: PROVIDED, That if accounts or funds other than the state patrol highway account have contributed to the purchase or improvement of the real property, the office of financial management shall determine the proportional equity of each account or fund in the property and improvements, and shall direct the proceeds to be deposited proportionally therein.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Senate Bill No. 5856.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5856, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5856, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 6.

SENATE BILL NO. 5856, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5858 with the following amendment(s):

On page 2, line 12, after "A" strike "board of county commissioners" and insert "county legislative authority", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Substitute Senate Bill No. 5858.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5858, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5858, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senator Deccio - 1.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 6.

SUBSTITUTE SENATE BILL NO. 5858, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5876 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that ride sharing and vanpools are the fastest growing transportation choice because of their flexibility and cost-effectiveness. Ride sharing and vanpools represent an effective means for local jurisdictions, transit agencies, and the private sector to assist in addressing the requirements of the Commute Trip Reduction Act, the Growth Management Act, the Americans with Disabilities Act, and the Clean Air Act.

Sec. 2. RCW 82.08.0287 and 1980 c 166 s 1 are each amended to read as follows:

The tax imposed by this chapter shall not apply to sales of ~~((vans))~~ passenger motor vehicles which are to be used ~~((regularly))~~ as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not less than ~~((seven))~~ five persons, including ~~((passengers and))~~ the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010(1), or passenger motor vehicles where the primary usage is for ride-sharing for the elderly and the handicapped, as defined in RCW 46.74.010(2), if the ride-sharing vehicles are exempt under RCW 82.44.015 for thirty-six consecutive months beginning within thirty days of application for exemption under this section. If used as a ride-sharing vehicle for less than thirty-six consecutive months, the registered owner of one of these vehicles shall notify the department of revenue upon termination of primary use of the vehicle as a ride-sharing vehicle and is liable for the tax imposed by this chapter.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation

agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 3. RCW 82.44.015 and 1982 c 142 s 1 are each amended to read as follows:

For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include: (1) ~~((Vans))~~ Passenger motor vehicles used ((regularly)) primarily as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not fewer than ((seven)) five persons, including ((passengers and)) the driver, or not fewer than ((five)) four persons including the driver, when at least ((three)) two of those persons are confined to wheelchairs when riding; or (2) vehicles with a seating capacity greater than fifteen persons which otherwise qualify as ride-sharing vehicles under RCW 46.74.010(3) used exclusively for ride sharing for the elderly or the handicapped by not fewer than seven persons, including the driver. This exemption is restricted to passenger motor vehicles with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing as defined in RCW 46.74.010(1). The registered owner of one of these vehicles shall notify the department of licensing upon termination of ~~((regular))~~ primary use of the vehicle as a ride-sharing vehicle and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 4. RCW 82.12.0282 and 1980 c 166 s 2 are each amended to read as follows:

The tax imposed by this chapter shall not apply with respect to the use of ~~((vans))~~ passenger motor vehicles used ~~((regularly))~~ as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not less than ~~((seven))~~ five persons, including ~~((passengers and))~~ the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010(1), or passenger motor vehicles where the primary usage is for ride-sharing for the elderly and the handicapped, as defined in RCW 46.74.010(2), if the ((vans)) vehicles are exempt under RCW 82.44.015 for thirty-six consecutive months beginning within thirty days of application for exemption under this section. If used as a ride-sharing vehicle for less than thirty-six consecutive months, the registered owner of one of these vehicles shall notify the department of revenue upon termination of primary use of the vehicle as a ride-sharing vehicle and is liable for the tax imposed by this chapter.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 5. RCW 46.16.023 and 1987 c 175 s 2 are each amended to read as follows:

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of five dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 6. The department shall adopt by rule a process requiring annual recertification upon renewal for vehicles registered under RCW 46.16.023 to discourage abuse of tax exemptions under RCW 82.08.0287, 82.12.0282, and 82.44.015. The department of licensing in consultation with the department of transportation shall submit a report to the legislative transportation committee and the house and senate standing committees on transportation by July 1, 1996, assessing the effectiveness of the department of licensing at limiting tax exemptions to bona fide ride-sharing vehicles.

NEW SECTION. Sec. 7. 1987 c 175 s 1 (uncodified) is repealed.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

On motion of Senator Vognild, the Senate concurred in the House amendment to Substitute Senate Bill No. 5876.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5876, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5876, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Barr and Newhouse - 2.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi, Rinehart and Smith, L. - 6.

SUBSTITUTE SENATE BILL NO. 5876, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:07 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 2:33 p.m. by President Pritchard.

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

SECOND READING

HOUSE BILL NO. 1800, by Representatives Ogden, Romero, Wang, Veloria, Anderson, Wineberry, Rayburn, R. Meyers, King and J. Kohl (by request of Office of Minority and Women's Business Enterprises)

Funding the office of minority and women's business enterprises.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 1800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1800.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1800 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 12; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Nelson, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Deccio, Erwin, Hochstatter, McDonald, Newhouse, Oke, Prince, Roach, Smith, L. and West - 12.

Absent: Senators Barr and Cantu - 2.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi and Rinehart - 5.

HOUSE BILL NO. 1800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, by House Committee on Commerce and Labor (originally sponsored by Representatives Karahalios, Wood, Leonard and Kessler)

Requiring notice about fetal alcohol syndrome.

The bill was read the second time.

MOTIONS

On motion of Senator Skratek, the following amendment was adopted:
On page 1, beginning on line 13, after "in" strike all material through "notice" on line 14, and insert "conspicuous places, in a number determined by the board, within each state liquor store, notices"

On motion of Senator Skratek, the following amendment was adopted:
On page 1, line 14, after "notice" insert "in print not less than one inch high"

MOTIONS

On motion of Senator Skratek, the following amendment was adopted:
On page 1, beginning on line 14, after "warning" strike all material through "can" on line 15, and insert "persons that consumption of alcohol shortly before conception or during pregnancy may"

Senator Drew moved that the following amendment by Senators Drew, Skratek, McAuliffe, Fraser and Sheldon be adopted:

On page 1, beginning on line 11, strike section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 66.08 RCW to read as follows:
The board shall consider the posting in a conspicuous place within each state liquor store a notice warning that drinking alcohol can cause birth defects, including fetal alcohol syndrome and fetal alcohol effects."
Debate ensued.

PARLIAMENTARY INQUIRY

Senator Skratek: "A parliamentary inquiry, Mr. President. The question I have is, if we adopt this amendment, what happens to the previous amendment that we adopted?"

REPLY BY THE PRESIDENT

President Pritchard: "They are stricken."

Senator Skratek: "They are stricken?"

President Pritchard: "Yes."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2026.

SECOND READING

HOUSE BILL NO. 2119, by Representatives Dunshee, Lemmon and Wolfe (by request of Office of Financial Management)

Abolishing the state professional athletic commission.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 2119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2119.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2119 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniild, Williams and Wojahn - 39.

Voting nay: Senators Deccio, Prince, von Reichbauer, West and Winsley - 5.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi and Rinehart - 5.

HOUSE BILL NO. 2119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2130, by Representatives Locke, Dellwo and Miller (by request of Department of Social and Health Services)

Modifying requirements for the acquired human immunodeficiency syndrome insurance program.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, House Bill No. 2130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2130.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2130 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vogniild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Barr, Prince and Smith, L. - 3.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi and Rinehart - 5.

HOUSE BILL NO. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2026 and the pending amendment by Senators Drew, Skratek, McAuliffe, Fraser and Sheldon on page 1, beginning on line 11, deferred on second reading earlier today.

The President declared the question before the Senate to be the adoption of the amendment by Senators Drew, Skratek, McAuliffe, Fraser and Sheldon on page 1, beginning on line 11, to Engrossed Substitute House Bill No. 2026.

Debate ensued.

The amendment by Senators Drew, Skratek, McAuliffe, Fraser and Sheldon on page 1, beginning on line 11, to Engrossed Substitute House Bill No. 2026 was not adopted.

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn, Erwin, Deccio, Moyer, Franklin, Talmadge, Roach, Moore, Rasmussen, Fraser, McDonald, West, Niemi, Prentice, Linda Smith and Pelz be adopted:

On page 1, after line 16, insert the following:

NEW SECTION. Sec. 3. The legislature recognizes that the use of alcohol and other drugs during pregnancy can cause medical, psychological, and social problems for women and infants. The legislature further recognizes that communities are increasingly concerned about this problem and the associated costs to the mothers, infants, and society as a whole. The legislature recognizes that the department of health and other agencies are focusing on primary prevention activities to reduce the use of alcohol or drugs during pregnancy but few efforts have focused on secondary prevention efforts aimed at intervening in the lives of women already involved in the use of alcohol or other drugs during pregnancy. The legislature recognizes that the best way to prevent problems for chemically dependent pregnant women and their resulting children is to engage the women in alcohol or drug treatment. The legislature acknowledges that treatment professionals find pretreatment services to clients to be important in engaging women in alcohol or drug treatment. The legislature further recognizes that pretreatment services should be provided at locations where chemically dependent women are likely to be found, including correctional facilities, public health clinics, and domestic violence or homeless shelters. Therefore the legislature intends to prevent the detrimental effects of alcohol or other drug use to women and their resulting infants by promoting the establishment of local programs to help facilitate a woman's entry into alcohol or other drug treatment. These programs shall provide secondary prevention services and provision of opportunities for immediate treatment so that women who seek help are welcomed rather than ostracized.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of alcohol use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued and impairment of health or disruption of social or economic functioning.

(2) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(3) "Assessment" means an interview with an individual to determine if he or she is chemically dependent and in need of referral to an approved treatment program.

(4) "Chemically dependent individual" means someone suffering from alcoholism or drug addiction, or dependence on alcohol or one or more other psychoactive chemicals.

- (5) "Department" means the department of social and health services.
- (6) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one family or household member against another.
- (7) "Domestic violence program" means a shelter or other program which provides services to victims of domestic violence.
- (8) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruptions of social or economic functioning.
- (9) "Family or household members" means a family or household member as defined in RCW 10.99.020.
- (10) "Pretreatment" means the period of time prior to an individual's enrollment in alcohol or drug treatment.
- (11) "Pretreatment services" means activities taking place prior to treatment that include identification of individuals using alcohol or drugs, education, assessment of their use, evaluation of need for treatment, referral to an approved treatment program, and advocacy on a client's behalf with social service agencies or others to ensure and coordinate a client's entry into treatment.
- (12) "Primary prevention" means providing information about the effects of alcohol or drug use to individuals so they will avoid using these substances.
- (13) "Secondary prevention" means identifying and obtaining an assessment on individuals using alcohol or other drugs for referral to treatment when indicated.
- (14) "Secretary" means the secretary of the department of social and health services.
- (15) "Treatment" means the broad range of emergency detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, that may be extended to chemically dependent individuals and their families.
- (16) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of chemically dependent individuals.

NEW SECTION. Sec. 5. The secretary shall develop and promote state-wide secondary prevention strategies designed to increase the use of alcohol and drug treatment services by women of child-bearing age, before, during, and immediately after pregnancy. These efforts are conducted through the division of alcohol and substance abuse. The secretary shall:

(1) Promote development of four pilot demonstration projects in the state to be called pretreatment projects for women of child bearing age. Two of the pilot projects are in urban areas and two are in rural areas.

(2) Ensure that two of the projects are located in public health department clinics that provide maternity services, one is located in a county correctional facility, and one is located with a domestic violence program.

(3) Hire four certified chemical dependency counselors to work as substance abuse educators in each of the four demonstration projects. The counselors may rotate between more than one clinic, correctional facility, or domestic violence program. The counselor for the domestic violence program shall also be trained in domestic violence issues.

(4) Ensure that the duties and activities of the certified chemical dependency counselors include, at a minimum, the following:

- (a) Identifying substance-using pregnant women in the health clinics, correctional facilities, and domestic violence programs;
- (b) Educating the women and agency staff on the effects of alcohol or drugs on health, pregnancy, and unborn children;
- (c) Determining the extent of the women's substance use;
- (d) Evaluating the women's need for treatment;
- (e) Making referrals for chemical dependency treatment if indicated;
- (f) Facilitating the women's entry into treatment; and
- (g) Advocating on the client's behalf with other social service agencies or others to ensure and coordinate clients into treatment.

(5) Ensure that administrative costs of the department are limited to ten percent of the funds appropriated for the project.

NEW SECTION. Sec. 6. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the department of social and health services for the purposes of sections 2 through 5 of this act.

NEW SECTION. Sec. 7. Sections 4 and 5 of this act are each added to Title 70 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wojahn, Erwin, Deccio, Moyer, Franklin, Talmadge, Roach, Moore, Rasmussen, Fraser, McDonald, West, Niemi, Prentice, Linda Smith and Pelz on page 1, after line 16, to Engrossed Substitute House Bill No. 2026.

The amendment by Senators Wojahn, Erwin, Deccio, Moyer, Franklin, Talmadge, Roach, Moore, Rasmussen, Fraser, McDonald, West, Niemi, Prentice, Linda Smith and Pelz on page 1, after line 16, to Engrossed Substitute House Bill No. 2026 was adopted.

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "66.08 RCW;" strike the remainder of the title and insert "adding new sections to Title 70 RCW; creating new sections; and making an appropriation."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2026, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2026, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2026, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator Pelz - 1.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi and Rinehart - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1228, by Representatives Jones, Miller, Riley, Vance, Kessler, Basich, Karahalios and Leonard

Allowing information exchange of all agencies, including schools, with youth in their care.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Engrossed House Bill No. 1228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1228.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1228 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi and Rinehart - 5.

ENGROSSED HOUSE BILL NO. 1228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1751, by Representatives Anderson and Reams

Modifying compensation of forest practices board members.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1751.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1751 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Barr, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Cantu, Roach, Smith, L. and von Reichbauer - 5.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi and Rinehart - 5.

HOUSE BILL NO. 1751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Pelz was excused.

SECOND READING

HOUSE BILL NO. 1769, by Representatives Linville, R. Johnson, Dunshee, Wolfe, Pruitt, Rust, Karahalios, Stevens, Schoesler, Jacobsen, Basich and J. Kohl

Expanding the authority of the interagency committee for outdoor recreation regarding recreational trails.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1769 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1769.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1769 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 3; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Rasmussen, M., Roach and Smith, L. - 3.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi, Pelz and Rinehart - 6.

HOUSE BILL NO. 1769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1817, by House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, Long, Edmondson, Valle, Rayburn, Karahalios, Riley, Springer, Campbell and Cothorn)

Directing the department of corrections to review the offender health care system.

The bill was read the second time.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1817 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Loveland: "Senator Smith, does this require county government to pay for jail inmate costs for their medical care?"

Senator Adam Smith: "No."

Senator Loveland: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1817.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1817 and the bill passed the Senate by the following vote:

Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Haugen and Sellar - 2.

Excused: Senators Bluechel, McCaslin, Moyer, Niemi and Rinehart - 5.

SUBSTITUTE HOUSE BILL NO. 1817, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

SECOND READING

HOUSE BILL NO. 1991, by Representatives Flemming, Leonard, Karahalios, Kessler, Eide, J. Kohl, Riley, Dunshee, G. Cole, Veloria, Roland, Patterson, Wolfe, Wang, Johanson, H. Myers, Carlson, Dyer, L. Johnson, Jones, Quall, Rayburn, Springer, Holm and Ogden

Authorizing the home health visitor program to address child abuse and neglect.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1991.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1991 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 5; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Anderson, Barr, Cantu, Hochstatter and Smith, L. - 5.

Excused: Senators Amondson, Bluechel, McCaslin, Moyer, Niemi and Rinehart - 6.

HOUSE BILL NO. 1991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Franklin was excused.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Basich, Linville, Kessler, Riley, Romero, Orr, Brumsickle, Chappell, Leonard, Quall, Jacobsen, Ballard, Dunshee, Miller, Heavey, Sheldon, Anderson, Eide, Bray, Lemmon, G. Cole, Kremen, Vance, Wineberry, Pruitt, Sheahan, Campbell, King, Cothorn, Flemming, Johanson, Padden, Schoesler, J. Kohl and Lisk

Asking the White House to condemn rape and ethnic cleansing in Bosnia and create a war crimes tribunal.

The joint memorial was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Joint Memorial No. 4005 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4005.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4005 and the joint memorial passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniid, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Amondson, Bluechel, Franklin, McCaslin, Moyer, Niemi and Rinehart - 7.

HOUSE JOINT MEMORIAL NO. 4005, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1792, by House Committee on State Government (originally sponsored by Representatives Zellinsky, Schmidt, King and Ballasiotis) (by request of Secretary of State)

Providing state flags and mementos for certain official purposes.

The bill was read the second time.

MOTIONS

On motion of Senator Jesernig, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 1.20.010 and 1967 ex.s. c 65 s 2 are each amended to read as follows:

(1) The official flag of the state of Washington shall be of dark green silk or bunting and shall bear in its center ((a) an embroidered, printed, painted, or stamped reproduction of the seal of the state of Washington ((~~embroidered, printed, painted or stamped thereon~~)). The edges of the flag may((~~or may not,~~)) be fringed. If a fringe is used ((~~the same~~)), it shall be ((ef) a gold or yellow color of the same shade as the seal. The dimensions of the flag may vary.

(2) The secretary of state is authorized, in his or her discretion, to provide the state flag without charge:

(a) To units of the armed forces((~~, without charge therefor, as in his discretion he deems entitled thereto~~));

(b) In memory of a state employee killed in the performance of his or her duties for the state;

(c) In memory of a current or former elected or appointed state official upon the death of that person; or

(d) To a citizen who has performed outstanding service for the benefit of the state.

The secretary of state is further authorized to sell the state flag to any citizen at a price to be determined by the secretary of state.

(3) The secretary of state is authorized to accept or request grants or gifts from citizens and other private sources to be used to defray the cost of appropriate hosting of visiting state, national, and international guests, including gift-giving and reciprocal gift-giving on behalf of the state of Washington. The office shall maintain a bank account into which it shall deposit all money received under this subsection. This money together with any interest which accrues shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW. The secretary of state shall submit an annual accounting of all receipts, accruals, and expenditures to the state auditor within thirty days of the close of each fiscal year."

On motion of Senator Jesernig, the following title amendment was adopted:

On page 1, line 1 of the title, after "remembrances;" strike the remainder of the title and insert "and amending RCW 1.20.010."

MOTION

On motion of Senator Jesernig, the rules were suspended, Substitute House Bill No. 1792, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. Insofar as this appears to be an amendment to the provisions of Initiative 134, does this bill require a super majority in order to be adopted?"

At 4:45 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 4:49 p.m. by President Pritchard.

RULING BY THE PRESIDENT

President Pritchard: "In responding to the question raised by Senator Talmadge, the Chair agrees that it takes a two-thirds vote for this measure to pass on final passage."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1792, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1792, as amended by the Senate, and the bill failed to receive a two-thirds majority by the following vote: Yeas, 19; Nays, 23; Absent, 0; Excused, 7.

Voting yea: Senators Bauer, Deccio, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, Nelson, Newhouse, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Snyder, Williams and Winsley - 19.

Voting nay: Senators Anderson, Barr, Cantu, Drew, Erwin, Hochstatter, Jesernig, Loveland, McDonald, Moore, Oke, Quigley, Sellar, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Wojahn - 23.

Excused: Senators Amondson, Bluechel, Franklin, McCaslin, Moyer, Niemi and Rinehart - 7.

SUBSTITUTE HOUSE BILL NO. 1792, as amended by the Senate, having failed to receive the two-thirds constitutional majority, was declared lost.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1560, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Leonard, Karahalios and Johanson)

Adopting the uniform interstate family support act.

The bill was read the second time.

MOTION

Senator Adam Smith moved that the following Committee on Law and Justice amendment not be adopted: Strike everything after the enacting clause and insert the following:

"ARTICLE 1 GENERAL PROVISIONS

NEW SECTION. Sec. 101. DEFINITIONS. In this chapter:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by chapter 6.27 RCW, to withhold support from the income of the obligor.

(7) "Initiating state" means a state in which a proceeding under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

(8) "Initiating tribunal" means the authorized tribunal in an initiating state.

(9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(11) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) "Obligee" means:

(a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(b) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(c) An individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

(a) Who owes or is alleged to owe a duty of support;

- (b) Who is alleged but has not been adjudicated to be a parent of a child; or
(c) Who is liable under a support order.
- (14) "Register" means to record or file in the appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically, a support order or judgment determining parentage.
- (15) "Registering tribunal" means a tribunal in which a support order is registered.
- (16) "Responding state" means a state to which a proceeding is forwarded under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.
- (17) "Responding tribunal" means the authorized tribunal in a responding state.
- (18) "Spousal support order" means a support order for a spouse or former spouse of the obligor.
- (19) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter.
- (20) "Support enforcement agency" means a public official or agency authorized to seek:
- (a) Enforcement of support orders or laws relating to the duty of support;
(b) Establishment or modification of child support;
(c) Determination of parentage; or
(d) Location of obligors or their assets.
- (21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, that provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorneys' fees, and other relief.
- (22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.
- NEW SECTION. Sec. 102. TRIBUNAL OF THIS STATE.** The superior court is the state tribunal for judicial proceedings and the department of social and health services office of support enforcement is the state tribunal for administrative proceedings.
- NEW SECTION. Sec. 103. REMEDIES CUMULATIVE.** Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

ARTICLE 2 JURISDICTION

PART A EXTENDED PERSONAL JURISDICTION

NEW SECTION. Sec. 201. BASES FOR JURISDICTION OVER NONRESIDENT. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) The individual is personally served with summons within this state;
(2) The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
(3) The individual resided with the child in this state;
(4) The individual resided in this state and provided prenatal expenses or support for the child;
(5) The child resides in this state as a result of the acts or directives of the individual;
(6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or
(7) There is any other basis consistent with the Constitutions of this state and the United States for the exercise of personal jurisdiction.

A tribunal may not exercise personal jurisdiction over a nonresident as provided in this section for the purpose of establishing, enforcing, or modifying a support order for postsecondary educational support of a child eighteen years of age or over.

NEW SECTION. Sec. 202. PROCEDURE WHEN EXERCISING JURISDICTION OVER NONRESIDENT. A tribunal of this state exercising personal jurisdiction over a nonresident under section 201 of this act may apply section 316 of this act to receive evidence from another state, and section 318 of this act to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 of this act do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.

PART B PROCEEDINGS INVOLVING TWO OR MORE STATES

NEW SECTION. Sec. 203. INITIATING AND RESPONDING TRIBUNAL OF THIS STATE. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state. However, a tribunal of this state may not serve as an initiating or responding tribunal for purposes of establishing, enforcing, or modifying a support order for postsecondary educational support of a child eighteen years of age or over.

NEW SECTION. Sec. 204. SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE. (1) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

- (a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
(b) The contesting party timely challenges the exercise of jurisdiction in the other state; and
(c) If relevant, this state is the home state of the child.
- (2) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

- (a) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;
- (b) The contesting party timely challenges the exercise of jurisdiction in this state; and
- (c) If relevant, the other state is the home state of the child.

NEW SECTION. Sec. 205. CONTINUING, EXCLUSIVE JURISDICTION. (1) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order:

- (a) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
- (b) Until each individual party has filed written consent with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(2) A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this chapter.

(3) If a child support order of this state is modified by a tribunal of another state pursuant to a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

- (a) Enforce the order that was modified as to amounts accruing before the modification;
- (b) Enforce nonmodifiable aspects of that order; and
- (c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(4) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order pursuant to a law substantially similar to this chapter.

(5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(6) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

NEW SECTION. Sec. 206. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION. (1) A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(2) A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 316 of this act to receive evidence from another state and section 318 of this act to obtain discovery through a tribunal of another state.

(3) A tribunal of this state that lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

PART C RECONCILIATION WITH ORDERS OF OTHER STATES

NEW SECTION. Sec. 207. RECOGNITION OF CHILD SUPPORT ORDERS. (1) If a proceeding is brought under this chapter, and one or more child support orders have been issued in this or another state with regard to an obligor and a child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

- (a) If only one tribunal has issued a child support order, the order of that tribunal must be recognized.
- (b) If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal must be recognized.
- (c) If two or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.
- (d) If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state may issue a child support order, which must be recognized.

(2) The tribunal that has issued an order recognized under subsection (1) of this section is the tribunal having continuing, exclusive jurisdiction.

NEW SECTION. Sec. 208. MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEES. In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

NEW SECTION. Sec. 209. CREDIT FOR PAYMENTS. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.

ARTICLE 3 CIVIL PROVISIONS OF GENERAL APPLICATION

NEW SECTION. Sec. 301. PROCEEDINGS UNDER THIS CHAPTER. (1) Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

(2) This chapter provides for the following proceedings:

- (a) Establishment of an order for spousal support or child support pursuant to Article 4 of this act;

(b) Enforcement of a support order and income-withholding order of another state without registration pursuant to Article 5 of this act;

(c) Registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6 of this act;

(d) Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Article 2, Part B of this act;

(e) Registration of an order for child support of another state for modification pursuant to Article 6 of this act;

(f) Determination of parentage pursuant to Article 7 of this act; and

(g) Assertion of jurisdiction over nonresidents pursuant to Article 2, Part A of this act.

(3) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

NEW SECTION. Sec. 302. ACTION BY MINOR PARENT. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

NEW SECTION. Sec. 303. APPLICATION OF LAW OF THIS STATE. Except as otherwise provided by this chapter, a responding tribunal of this state:

(1) Shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) Shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this state except a responding tribunal of this state shall not establish, enforce, or modify a support order for postsecondary educational support of a child eighteen years of age or over.

NEW SECTION. Sec. 304. DUTIES OF INITIATING TRIBUNAL. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward three copies of the petition and its accompanying documents:

(1) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

NEW SECTION. Sec. 305. DUTIES AND POWERS OF RESPONDING TRIBUNAL. (1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 301(3) of this act, it shall cause the petition or pleading to be filed and notify the petitioner by first class mail where and when it was filed.

(2) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

(a) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(c) Order income withholding;

(d) Determine the amount of any arrearages, and specify a method of payment;

(e) Enforce orders by civil or criminal contempt, or both;

(f) Set aside property for satisfaction of the support order;

(g) Place liens and order execution on the obligor's property;

(h) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(i) Issue a bench warrant or writ of arrest for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant or writ of arrest in any local and state computer systems for criminal warrants;

(j) Order the obligor to seek appropriate employment by specified methods;

(k) Award reasonable attorneys' fees and other fees and costs; and

(l) Grant any other available remedy.

(3) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

(4) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation. A responding tribunal of this state may not establish, enforce, or modify a support order for postsecondary educational support of a child eighteen years of age or over.

(5) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order by first class mail to the petitioner and the respondent and to the initiating tribunal, if any.

NEW SECTION. Sec. 306. INAPPROPRIATE TRIBUNAL. If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner by first class mail where and when the pleading was sent.

NEW SECTION. Sec. 307. DUTIES OF SUPPORT ENFORCEMENT AGENCY. (1) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(2) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(b) Request an appropriate tribunal to set a date, time, and place for a hearing;

(c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(d) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first class mail to the petitioner;

(e) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner; and

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(3) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

NEW SECTION. Sec. 308. DUTY OF ATTORNEY GENERAL. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

NEW SECTION. Sec. 309. PRIVATE COUNSEL. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

NEW SECTION. Sec. 310. DUTIES OF STATE INFORMATION AGENCY. (1) The department of social and health services office of support enforcement is the state information agency under this chapter.

(2) The state information agency shall:

(a) Compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(b) Maintain a register of tribunals and support enforcement agencies received from other states;

(c) Forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(d) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

NEW SECTION. Sec. 311. PLEADINGS AND ACCOMPANYING DOCUMENTS. (1) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under section 312 of this act, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for

whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(2) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

NEW SECTION. Sec. 312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

NEW SECTION. Sec. 313. COSTS AND FEES. (1) The petitioner may not be required to pay a filing fee or other costs.

(2) If an obligee prevails in a support enforcement proceeding, a responding tribunal may assess against an obligor filing fees, reasonable attorneys' fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal in a support enforcement proceeding may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by RCW 4.84.080, civil rule 11 or, if the obligee or the support enforcement agency has acted in bad faith.

(3) A responding tribunal may assess filing fees, reasonable attorneys' fees, and other costs to either party, and necessary travel and other reasonable costs incurred by the obligee and the obligee's witnesses to the obligee, in a proceeding to establish or modify support. Assessments under this section shall be made in accordance with RCW 4.84.080 and 26.09.140 and civil rule 11.

(4) Attorneys' fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(5) The tribunal shall order the payment of costs and reasonable attorneys' fees if it determines that a hearing was requested primarily for delay.

NEW SECTION. Sec. 314. LIMITED IMMUNITY OF PETITIONER. (1) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(2) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

(3) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this state to participate in the proceeding.

NEW SECTION. Sec. 315. NONPARENTAGE AS DEFENSE. A party whose parentage of a child has been previously determined by order of a tribunal may not plead nonparentage as a defense to a proceeding under this chapter.

NEW SECTION. Sec. 316. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (1) The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(2) A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(3) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(4) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(5) Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(6) In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(7) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(8) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(9) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

NEW SECTION. Sec. 317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

NEW SECTION. Sec. 318. ASSISTANCE WITH DISCOVERY. A tribunal of this state may:

(1) Request a tribunal of another state to assist in obtaining discovery; and

(2) Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

NEW SECTION. Sec. 319. RECEIPT AND DISBURSEMENT OF PAYMENTS. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4 ESTABLISHMENT OF SUPPORT ORDER

NEW SECTION. Sec. 401. PETITION TO ESTABLISH SUPPORT ORDER. (1) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state may issue a support order if:

(a) The individual seeking the order resides in another state; or
(b) The support enforcement agency seeking the order is located in another state.

(2) The tribunal may issue a temporary child support order if:

(a) The respondent has signed a verified statement acknowledging parentage;
(b) The respondent has been determined by order of a tribunal to be the parent; or
(c) There is other clear, cogent, and convincing evidence that the respondent is the child's parent.

(3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 305 of this act.

(4) A responding tribunal of this state may not establish, enforce, or modify a support order for postsecondary educational support of a child eighteen years of age or over.

ARTICLE 5 DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

NEW SECTION. Sec. 501. RECOGNITION OF INCOME-WITHHOLDING ORDER OF ANOTHER STATE. (1) An income-withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's employer under chapter 6.27 RCW without first filing a petition or comparable pleading or registering the order with a tribunal of this state. Upon receipt of the order, the employer shall:

(a) Treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this state;

(b) Immediately provide a copy of the order to the obligor; and

(c) Distribute the funds as directed in the income-withholding order.

(2) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this state. Section 604 of this act applies to the contest. The obligor shall give notice of the contest to any support enforcement agency providing services to the obligee and to:

(a) The person or agency designated to receive payments in the income-withholding order; or

(b) If no person or agency is designated, the obligee.

NEW SECTION. Sec. 502. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (1) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

(2) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. The support enforcement agency may not attempt to enforce a support order for postsecondary educational support of a child eighteen years of age or over. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

ARTICLE 6 ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

PART A REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

NEW SECTION. Sec. 601. REGISTRATION OF ORDER FOR ENFORCEMENT. A support order or an income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

NEW SECTION. Sec. 602. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT. (1) A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the superior court of any county in this state where the obligor resides, works, or has property:

- (a) A letter of transmittal to the tribunal requesting registration and enforcement;
- (b) Two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- (c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (d) The name of the obligor and, if known:
 - (i) The obligor's address and social security number;
 - (ii) The name and address of the obligor's employer and any other source of income of the obligor; and
 - (iii) A description and the location of property of the obligor in this state not exempt from execution; and
- (e) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(2) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(3) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

NEW SECTION. Sec. 603. EFFECT OF REGISTRATION FOR ENFORCEMENT. (1) A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.

(2) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state except a tribunal of this state shall not establish, enforce, or modify a support order for postsecondary educational support of a child eighteen years of age or over.

(3) Except as otherwise provided in this article, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

NEW SECTION. Sec. 604. CHOICE OF LAW. (1) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(2) In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies.

PART B CONTEST OF VALIDITY OR ENFORCEMENT

NEW SECTION. Sec. 605. NOTICE OF REGISTRATION OF ORDER. (1) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by certified or registered mail or by any means of personal service authorized by the law of this state. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(2) The notice must inform the nonregistering party:

- (a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;
 - (b) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of receipt by certified or registered mail or personal service of the notice given to a nonregistering party within the state and within sixty days after the date of receipt by certified or registered mail or personal service of the notice on a nonregistering party outside of the state;
 - (c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and
 - (d) Of the amount of any alleged arrearages.
- (3) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state.

NEW SECTION. Sec. 606. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED ORDER. (1) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after the date of receipt of certified or registered mail or the date of personal service of notice of the registration on the nonmoving party within this state, or, within sixty days after the receipt of certified or registered mail or personal service of the notice on the nonmoving party outside of the state. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 607 of this act.

(2) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(3) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time, and place of the hearing.

NEW SECTION. Sec. 607. CONTEST OF REGISTRATION OR ENFORCEMENT. (1) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (a) The issuing tribunal lacked personal jurisdiction over the contesting party;
- (b) The order was obtained by fraud;
- (c) The order has been vacated, suspended, or modified by a later order;
- (d) The issuing tribunal has stayed the order pending appeal;
- (e) There is a defense under the law of this state to the remedy sought;
- (f) Full or partial payment has been made; or
- (g) The statute of limitation under section 604 of this act precludes enforcement of some or all of the arrearages.

(2) If a party presents evidence establishing a full or partial defense under subsection (1) of this section, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(3) If the contesting party does not establish a defense under subsection (1) of this section to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

NEW SECTION. Sec. 608. CONFIRMED ORDER. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART C REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

NEW SECTION. Sec. 609. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in Part A of this article if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

NEW SECTION. Sec. 610. EFFECT OF REGISTRATION FOR MODIFICATION. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of section 611 of this act have been met.

NEW SECTION. Sec. 611. MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE. (1) After a child support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if, after notice and hearing, it finds that:

- (a) The following requirements are met:
 - (i) The child, the individual obligee, and the obligor do not reside in the issuing state;
 - (ii) A petitioner who is a nonresident of this state seeks modification; and
 - (iii) The respondent is subject to the personal jurisdiction of the tribunal of this state; or
- (b) An individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have

filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction over the order.

(2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. A tribunal of this state may not modify a support order for postsecondary educational support of a child eighteen years of age or over.

(4) On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

(5) Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

NEW SECTION. Sec. 612. RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE. A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction pursuant to a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

- (1) Enforce the order that was modified only as to amounts accruing before the modification;
- (2) Enforce only nonmodifiable aspects of that order;
- (3) Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and

(4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement except a tribunal of this state shall not establish, enforce, or modify a support order for postsecondary educational support of a child eighteen years of age or over.

ARTICLE 7 DETERMINATION OF PARENTAGE

NEW SECTION. Sec. 701. PROCEEDING TO DETERMINE PARENTAGE. (1) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(2) In a proceeding to determine parentage, a responding tribunal of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW, procedural and substantive law of this state, and the rules of this state on choice of law.

ARTICLE 8 INTERSTATE RENDITION

NEW SECTION. Sec. 801. GROUNDS FOR RENDITION. (1) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

(2) The governor of this state may:

(a) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(b) On the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(3) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from the demanding state.

NEW SECTION. Sec. 802. CONDITIONS OF RENDITION. (1) Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

(2) If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(3) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9 MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 901. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 902. SHORT TITLE. This chapter may be cited as the Uniform Interstate Family Support Act.

NEW SECTION. Sec. 903. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 904. REPEALS. The following acts or parts of acts are each repealed:

- (1) RCW 26.21.010 and 1972 ex.s. c 31 s 1, 1963 c 45 s 1, & 1951 c 196 s 2;
- (2) RCW 26.21.020 and 1951 c 196 s 3;
- (3) RCW 26.21.030 and 1963 c 45 s 2 & 1951 c 196 s 4;
- (4) RCW 26.21.040 and 1963 c 45 s 3 & 1951 c 196 s 5;
- (5) RCW 26.21.050 and 1971 ex.s. c 46 s 30, 1963 c 45 s 4, & 1951 c 196 s 6;
- (6) RCW 26.21.060 and 1963 c 45 s 5 & 1951 c 196 s 7;
- (7) RCW 26.21.070 and 1963 c 45 s 6 & 1951 c 196 s 8;
- (8) RCW 26.21.080 and 1963 c 45 s 7 & 1951 c 196 s 9;
- (9) RCW 26.21.090 and 1963 c 45 s 8 & 1951 c 196 s 10;
- (10) RCW 26.21.092 and 1963 c 45 s 9;
- (11) RCW 26.21.094 and 1963 c 45 s 10;
- (12) RCW 26.21.100 and 1963 c 45 s 11 & 1951 c 196 s 11;
- (13) RCW 26.21.102 and 1963 c 45 s 12;
- (14) RCW 26.21.104 and 1963 c 45 s 13;
- (15) RCW 26.21.106 and 1963 c 45 s 14;
- (16) RCW 26.21.110 and 1963 c 45 s 15 & 1951 c 196 s 12;
- (17) RCW 26.21.112 and 1963 c 45 s 16;
- (18) RCW 26.21.114 and 1963 c 45 s 17;
- (19) RCW 26.21.116 and 1963 c 45 s 18;
- (20) RCW 26.21.120 and 1963 c 45 s 19 & 1951 c 196 s 13;
- (21) RCW 26.21.130 and 1963 c 45 s 20 & 1951 c 196 s 14;
- (22) RCW 26.21.140 and 1987 c 435 s 24, 1963 c 45 s 21, & 1951 c 196 s 15;
- (23) RCW 26.21.150 and 1987 c 435 s 25, 1963 c 45 s 22, & 1951 c 196 s 16;
- (24) RCW 26.21.160 and 1987 c 435 s 26, 1963 c 45 s 23, & 1951 c 196 s 17;
- (25) RCW 26.21.170 and 1963 c 45 s 24 & 1951 c 196 s 18;
- (26) RCW 26.21.180 and 1963 c 45 s 25;
- (27) RCW 26.21.190 and 1963 c 45 s 26;
- (28) RCW 26.21.200 and 1963 c 45 s 27;
- (29) RCW 26.21.210 and 1963 c 45 s 28;
- (30) RCW 26.21.220 and 1963 c 45 s 29;

- (31) RCW 26.21.230 and 1991 c 367 s 37 & 1963 c 45 s 30;
- (32) RCW 26.21.240 and 1963 c 45 s 31;
- (33) RCW 26.21.250 and 1963 c 45 s 32;
- (34) RCW 26.21.260 and 1963 c 45 s 33;
- (35) RCW 26.21.270 and 1963 c 45 s 34; and
- (36) RCW 26.21.900 and 1951 c 196 s 1.

NEW SECTION. Sec. 905. CODIFICATION. Sections 101 through 903 of this act are each added to chapter 26.21 RCW.

NEW SECTION. Sec. 906. CAPTIONS, PART HEADINGS, AND ARTICLE DESIGNATIONS NOT LAW. Captions, part headings, and article designations as used in this act constitute no part of the law.

NEW SECTION. Sec. 907. EFFECTIVE DATE. This act shall take effect July 1, 1994."

MOTION

Senator Newhouse moved that the Committee on Law and Justice striking amendment be adopted.

The President declared the question before the Senate to be the positive motion by Senator Newhouse to adopt the Committee on Law and Justice striking amendment to Substitute House Bill No. 1560.

The Committee on Law and Justice striking amendment to Substitute House Bill No. 1560 was not adopted.

MOTION

On motion of Senator Adam Smith, the rules were suspended, Substitute House Bill No. 1560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1560 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vogniid, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Deccio - 1.

Excused: Senators Amondson, Bluechel, McCaslin, Moyer, Niemi and Rinehart - 6.

SUBSTITUTE HOUSE BILL NO. 1560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5371, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 17, 1993

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5343,
SENATE BILL NO. 5791, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 18, 1993

MR. PRESIDENT:

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

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5343,
SENATE BILL NO. 5371,
SENATE BILL NO. 5791.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4420 by Representative Peery

Extending the cutoff date for the 1993 regular session.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to third reading and final passage.

Debate ensued.

Senator West requested that Senator Gaspard yield to a question, but Senator Gaspard did not yield.

Senator West requested that Senator Talmadge yield to a question, but Senator Talmadge did not yield.

POINT OF INQUIRY

Senator West: "Senator Deccio, would you consider that House Bill No. 1552 is still alive?"

Senator Deccio: "Senator West, all that I can say is that as far as I am concerned, and the understanding that I have is that bill is deader than a doornail."

The President declared the question before the Senate to the adoption of House Concurrent Resolution No. 4420. House Concurrent Resolution No. 4420 was adopted by voice vote.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5075,
SENATE BILL NO. 5107,
SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5349,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5379,
SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5404,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452.

MOTION

At 5:17 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Monday, April 19, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINETY-EIGHTH DAY, APRIL 18, 1993

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

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 19, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Haugen, McAuliffe, McDonald, Owen, Sellar, Sheldon and von Reichbauer. On motion of Senator Oke, Senators McDonald, Sellar and von Reichbauer were excused. On motion of Senator Loveland, Senator Haugen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Stephanie Picha and Shawn Thomas, presented the Colors. Dr. Morris Belling of the Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 18, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5957,
SENATE BILL NO. 5973,
SENATE BILL NO. 5975,
SENATE BILL NO. 5984, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 18, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5727, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5727,
SUBSTITUTE SENATE BILL NO. 5957,
SENATE BILL NO. 5973,
SENATE BILL NO. 5975,
SENATE BILL NO. 5984.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5567,
SUBSTITUTE SENATE BILL NO. 5606,
SUBSTITUTE SENATE BILL NO. 5612,
SUBSTITUTE SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5634,
ENGROSSED SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5751,
ENGROSSED SENATE BILL NO. 5768,
SUBSTITUTE SENATE BILL NO. 5839,
SUBSTITUTE SENATE BILL NO. 5849,

SENATE BILL NO. 5856,
SUBSTITUTE SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5876.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House had passed SENATE BILL NO. 5883 with the following amendment(s):

On page 2, line 2, after "or" strike all material through "high school" on line 6, and insert "~~((vocational-technical institute a sum not exceeding the amount of state funds under RCW 28A.150.260 generated by a full-time equivalent student and in proportion to the number of hours of instruction the pupil receives at the community college or vocational-technical institute and at the high school))~~ technical college an amount"

On page 2, at the beginning of line 7, strike all material down to and including "act." on line 10 and insert "each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW."

On page 2, line 12, after "on" insert "the calculation and"

On page 2, after line 20, insert the following:

"NEW SECTION. Sec. 2. This act shall take effect September 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate concurred in the House amendments to Senate Bill No. 5883.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5883, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5883, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 3; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senator Barr - 1.

Absent: Senators McAuliffe, Owen and Sheldon - 3.

Excused: Senators Haugen, McDonald, Sellar and von Reichbauer - 4.

SENATE BILL NO. 5883, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senators McAuliffe and Sheldon were excused.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House had passed SENATE BILL NO. 5903 with the following amendment(s):

On page 1, line 10, after "enrolled in a" strike "community or"

On page 1, line 15, after "districts." insert "This section does not apply to students enrolled in the running start program established in RCW 28A.600.310.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate concurred in the House amendments to Senate Bill No. 5903.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5903, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5903, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Bauer and Owen - 2.

Excused: Senators Haugen, McAuliffe, Sellar, Sheldon and von Reichbauer - 5.

SENATE BILL NO. 5903, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Owen was excused.

MESSAGE FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House had passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5911 with the following amendment(s):

On page 1, line 14, after "~~((ninety))~~" strike "fifty" and insert "seventy-five", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5911.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5911, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5911, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Loveland, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognil, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Moore and Talmadge - 2.

Absent: Senator Jesernig - 1.

Excused: Senators Haugen, McAuliffe, Owen, Sheldon and von Reichbauer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House had passed SUBSTITUTE SENATE BILL NO. 5913 with the following amendment(s):

On page 2, line 32, beginning with "RCW 70.44.200" strike all the matter through "filed" on line 37, and insert "~~((RCW 70.44.200))~~ this section shall be an alternative method of annexation applicable only ((when)) if at the time ((a)) the annexation petition is filed ((pursuant to RCW 70.44.200)) either there are no ((qualified electors)) registered voters residing in the territory proposed to be annexed or the petition is also signed by all of the registered voters residing in the territory proposed to be annexed", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Substitute Senate Bill No. 5913.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5913, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5913, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Haugen, McAuliffe, Owen, Sheldon and von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 5913, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House had passed ENGROSSED SENATE BILL NO. 5917 with the following amendment(s):

On page 10, after line 35, insert:

"NEW SECTION. Sec. 14. A new section is added to chapter 47.30 RCW to read as follows:

For purposes of 43 U.S.C. 912 and related provisions of federal law involving federally granted railroad rights of way, a bicycle, equestrian or pedestrian path shall be deemed to be a public highway under the laws of the state of Washington."

Renumber the remaining sections consecutively., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5917.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5917, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5917, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Haugen, McAuliffe, Owen, Sheldon and von Reichbauer - 5.

ENGROSSED SENATE BILL NO. 5917, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1993-8638

By Senator Rasmussen

WHEREAS, The Eatonville Cruisers are the 1992 State A Boys' Football Champions; and
WHEREAS, The Cruisers became state champions by defeating the outstanding football team, the Leopards of Zillah; and
WHEREAS, Head Coach Steve Gervais, Assistant Coaches Bill Jacobs, George Fairhart, Darrell Babcock, Sean McNabb and each and every member of the Cruiser squad worked together to create the will that fought the odds and enabled the Cruisers to make the biggest comeback in state championship history; and

WHEREAS, This will to win would not have been possible without the support and encouragement of all the students of Eatonville High School, the parents and families, staff, district members, and members of the community;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the Eatonville Cruisers Boys' Football Team for this hard-earned championship and for its contribution to the spirit of the entire student body; and
BE IT FURTHER RESOLVED, That this resolution be immediately transmitted by the Secretary of the Senate to the Captain of the Eatonville Cruisers Championship Boys' Football Team, the Head Coach, the Student Body President, and the School Principal.

Senators Rasmussen, Amondson and Gaspard spoke to Senate Resolution 1993-8638.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and congratulated the Eatonville Cruisers Basketball Team and the coaches who were seated in the gallery.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House had passed SUBSTITUTE SENATE BILL NO. 5922 with the following amendment(s):

On page 3, line 23, after "anesthetist." insert ""Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia."

On page 3, line 24, strike all of section 2 and renumber the remaining section, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 5922.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5922, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5922, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Haugen, McAuliffe, Owen, Sheldon and von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 5922, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House had passed ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016 with the following amendment(s):

On page 1, beginning on line 1, strike everything through "Washington." on page 3, line 2, and insert the following:

"TO THE HONORABLE BILL CLINTON, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND TO THE FEDERAL FOOD SAFETY AND INSPECTION SERVICE, AND TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION, AND TO THE FOOD AND DRUG ADMINISTRATION:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, A great public health alarm has been caused in Washington state with over four hundred fifty people confirmed as having contracted Escherichia coli 0157:H7 since early December of 1992; and

WHEREAS, E. coli 0157:H7 has caused the death of three children, over one hundred fifty people have been hospitalized as of February 20, 1993, and thirty children have suffered hemolytic uremic syndrome, a serious side effect that causes kidney dysfunction and affects the blood clotting system; and

WHEREAS, People have contracted the infection by eating insufficiently cooked hamburger that had this particular strain of E. coli bacteria which contaminated the meat during or after the time of slaughter; and

WHEREAS, The extent that this newly detected strain of highly toxic bacteria is causing infections elsewhere in the United States is not accurately known because most other states have not designated E. coli 0157:H7 as a reportable disease; and

WHEREAS, Though citizens of the United States have enjoyed the safest food supply in the world, this outbreak has eroded confidence in food safety in general and meat inspection in particular, and unless the problem is fully addressed, additional outbreaks are likely to occur;

NOW, THEREFORE, Your memorialists respectfully pray that the appropriate federal agencies, including, but not limited to, the Food Safety and Inspection Service of the United States Department of Agriculture, the Centers for Disease Control and Prevention, and the Food and Drug Administration form a task force to: (1) Promptly and fully investigate and monitor outbreaks of E. coli 0157:H7 throughout the United States in cooperation with state and local governments; (2) examine the full food chain process from farm to table to determine how improvements may be made to better guarantee the safety of our food supply; (3) examine whether meat and meat products imported into this country comply with comparable inspection and health standards as does domestically processed meat; (4) designate E. coli 0157:H7 as a reportable disease throughout the nation; and (5) start the process needed to update the Food and Drug Administration Model Food Code to reflect the new knowledge and technology that impact food safety.

BE IT RESOLVED, That the federal Food Safety and Inspection Service is requested to provide a written report to the Washington state legislature in January 1994 of the changes and improvements that have been accomplished to address this public health issue; and

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, Mike Espy, Secretary of the United States Department of Agriculture, the federal Food Safety and Inspection Service, the Centers for Disease Control and Prevention, the Food and Drug Administration, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Engrossed Substitute Senate Joint Memorial No. 8016.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Joint Memorial No. 8016, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Memorial No. 8016, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 47.

Absent: Senator McDonald - 1.

Excused: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House had passed SENATE JOINT MEMORIAL NO. 8021 with the following amendment(s):

On page 2, line 21, strike "approximately double its budget and", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Senate Joint Memorial No. 8021.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8021, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8021, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

SENATE JOINT MEMORIAL. 8021, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

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

MOTION

On motion of Senator Jesernig, the following bills, which were on the second reading calendar, were referred to the Committee on Rules:

SHB 1108 Nonpartisan local elections
HB 1132 Electric spa equipment
ESHB 1298 School/library dist levies
ESHB 1309 Wild salmonid protection
ESHB 1369 Vocational education
HB 1376 Mobile home parks/access
ESHB 1519 Housing affordability office
EHB 1536 Mobile home park mntence
SHB 1703 Alternate operator service
ESHB 1739 Citizen suggestion program
EHB 1756 Certified electricians use
SHB 1795 Vehicular pursuit
HB 1929 Regional transportation plan
HB 1942 Transportation planning
ESHB 1949 Nonprofit org/political actv
SHB 2007 Low-income housing funding
HB 2112 Taxation

MOTION

On motion of Senator Jesernig, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 19, 1993

GA 9126 ROBERT A. TURNER, appointed January 18, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Fisheries.
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Amondson, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules.

April 19, 1993

GA 9270 ROBERT V. JENSEN, appointed February 9, 1993, for a term ending June 30, 1998, as a member of the Pollution Control/Shorelines Hearings Board.
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Amondson, Erwin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules.

April 19, 1993

GA 9292 SENATOR DEAN SUTHERLAND, reappointed March 4, 1993, for a term ending June 12, 1995, as a member of the Pacific Marine Fisheries Commission.
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Amondson, Erwin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules.

April 19, 1993

GA 9313 SENATOR HARRIET A. SPANEL, reappointed February 26, 1993, for a term ending June 12, 1995, as a member of the Pacific Marine Fisheries Commission.

Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Amondson, Erwin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules.

April 19, 1993

GA 9318 RICHARD KELLY, appointed April 1, 1993, for a term ending June 30, 1996, as a member of the Pollution Control/Shorelines Hearings Board.

Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Amondson, Erwin, Haugen, Oke, Snyder, and Spanel.

Passed to Committee on Rules.

MOTION

At 10:55 a.m., on motion of Senator Jesernig, the Senate recessed until 11:15 a.m.

The Senate was called to order at 11:54 a.m. by President Pritchard.

MOTION

At 11:54 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House had passed SUBSTITUTE SENATE BILL NO. 5332 with the following amendment(s):

On page 2, line 21, after "appropriation." insert "Before implementing a fee program for underwater park uses, the commission shall submit to the appropriate committees of the legislature an estimate of what the fees would be and a plan for collecting these fees."

On page 2, strike lines 29 through 30 and insert the following:

"**NEW SECTION. Sec. 5.** The commission is not liable for unintentional injuries to users of underwater parks, whether the facilities are administered by the commission or by another entity or person. However, nothing in this section prevents the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.51 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendments to Substitute Senate Bill No. 5332.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5332, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senators Amondson and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5332, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Roach and Sellar were excused.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House had passed SUBSTITUTE SENATE BILL NO. 5443 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.65.030 and 1991 c 17 s 1 are each amended to read as follows:

(1) On and after June 10, 1959, no person shall operate a public livestock market without first having obtained a license from the director. Application for such license or renewal thereof shall be in writing on forms prescribed by the director, and shall include the following:

(a) A legal description of the property upon which the public livestock market shall be located.

(b) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens, and all facilities the applicant proposes to use in the operation of such public livestock market.

(c) A detailed statement showing all the assets and liabilities of the applicant which must reflect a sufficient net worth to construct or operate a public livestock market.

(d) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

(e) The weekly or monthly sales day or days on which the applicant proposes to operate his or her public livestock market sales.

(f) Projected source and quantity of livestock, by county, anticipated to be handled.

(g) Projected income and expense statements for the first year's operation.

(h) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

(i) Such other information as the director may reasonably require.

(2) The director shall, after public hearing as provided by chapter 34.05 RCW, grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to all of the requirements of this section and giving reasonable consideration at the same hearing to:

(a) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application; and

(b) The present market services elsewhere available to the trade area proposed to be served.

(3) Such application shall be accompanied by a license fee based on the average gross sales volume per official sales day of that market:

(a) Markets with an average gross sales volume up to and including ten thousand dollars, a fee of no less than one hundred ((dollar-fee)) dollars or more than one hundred fifty dollars;

(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a fee of no less than two hundred ((dollar-fee)) dollars or more than three hundred fifty dollars; and

(c) Markets with an average gross sales volume over fifty thousand dollars, a fee of no less than three hundred ((dollar-fee)) dollars or more than four hundred fifty dollars.

The fees for public livestock market licensees shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act.

(4) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate license fee.

(5) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

Sec. 2. RCW 16.65.090 and 1983 c 298 s 8 are each amended to read as follows:

The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market or special open consignment horse sale (~~:- PROVIDED, That if in any one sale day the total fees collected for brand inspection do not exceed sixty dollars, then such licensee shall pay sixty dollars for such brand inspection or as much thereof as the director may prescribe~~). The director shall set by rule, adopted after a hearing under chapter 34.05 RCW and in conformance with section 10 of this act, a minimum daily inspection fee that shall be paid to the department by the licensee. Such a fee shall be not less than sixty dollars and not more than ninety dollars.

Sec. 3. RCW 16.58.050 and 1979 c 81 s 2 are each amended to read as follows:

The application for an annual license to engage in the business of operating one or more certified feed lots shall be accompanied by a license fee of no less than five hundred dollars or no more than seven hundred fifty dollars. The actual license fee for a certified feed lot license shall be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Upon approval of the application by the director and compliance with the provisions of this chapter and rules ~~((and regulations))~~ adopted hereunder, the applicant shall be issued a license or a renewal thereof.

Sec. 4. RCW 16.58.130 and 1991 c 109 s 14 are each amended to read as follows:

Each licensee shall pay to the director a fee of no less than ten cents but no more than fifteen cents for each head of cattle handled through the licensee's feed lot. The fee shall be set by the director by rule after a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Payment of such fee shall be made by the licensee on a monthly basis. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if a licensee has failed to make prompt and timely payments.

Sec. 5. RCW 16.57.080 and 1991 c 110 s 1 are each amended to read as follows:

The director shall establish by rule a schedule for the renewal of registered brands. The fee for renewal of the brands shall be no less than twenty-five dollars for each two-year period of brand ownership, except that the director may, in adopting a renewal schedule, provide for the collection of renewal fees on a prorated basis and may by rule increase the registration and renewal fee for brands by no more than fifty percent subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. At least one hundred twenty days before the expiration of a registered brand, the director shall notify by letter the owner of record of the brand that on the payment of the requisite application fee and application of renewal the director shall issue the proof of payment allowing the brand owner exclusive ownership and use of the brand for the subsequent registration period. The failure of the registered owner to pay the renewal fee by the date required by rule shall cause such owner's brand to revert to the department. The director may for a period of one year following such reversion, reissue such brand only to the prior registered owner upon payment of ~~((twenty-five dollars and an additional fee of ten dollars))~~ the registration fee and a late filing fee to be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act, for renewal subsequent to the regular renewal period. The director may at ~~((his))~~ the director's discretion, if such brand is not reissued within one year to the prior registered owner, issue such brand to any other applicant.

Sec. 6. RCW 16.57.090 and 1974 ex.s. c 64 s 3 are each amended to read as follows:

A brand is the personal property of the owner of record. Any instrument affecting the title of such brand shall be acknowledged in the presence of the recorded owner and a notary public. The director shall record such instrument upon presentation and payment of a ~~((ten dollar))~~ recording fee not to exceed fifteen dollars to be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Such recording shall be constructive notice to all the world of the existence and conditions affecting the title to such brand. A copy of all records concerning the brand, certified by the director, shall be received in evidence to all intent and purposes as the original instrument. The director shall not be personally liable for failure of ~~((his))~~ the director's agents to properly record such instrument.

Sec. 7. RCW 16.57.140 and 1974 ex.s. c 64 s 4 are each amended to read as follows:

The owner of a brand of record may procure from the director a certified copy of the record of ~~((his))~~ the owner's brand upon payment of ~~((five dollars))~~ a fee not to exceed seven dollars and fifty cents to be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act.

Sec. 8. RCW 16.57.220 and 1981 c 296 s 17 are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules ~~((and regulations))~~ adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection ~~((shall))~~ may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection ~~((performed at inspection points according to schedules established by the director))~~ shall be not less than ~~((thirty cents nor more than))~~ nor more than seventy-five cents per head for cattle and not less than two dollars nor more than three dollars per head for horses as prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Fees for brand inspection of cattle and horses performed by the director at points other than those designated by the director or not in accord with the schedules established by ~~((him))~~ the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. Such schedule of fees shall be established subsequent to a hearing and all regulations concerning fees shall be adopted in accord with the provisions of chapter 34.05 RCW, the Administrative Procedure Act, concerning the adoption of rules as enacted or hereafter amended.

Sec. 9. RCW 16.57.400 and 1981 c 296 s 23 are each amended to read as follows:

The director may provide by rules and regulations adopted pursuant to chapter 34.05 RCW for the issuance of individual horse and cattle identification certificates or other means of horse and cattle identification deemed appropriate. Such certificates or other means of identification shall be valid only for the use of the horse and cattle owner in whose name it is issued.

Horses and cattle identified pursuant to the provisions of this section and the rules and regulations adopted hereunder shall not be subject to brand inspection except when sold at points provided for in RCW 16.57.380. The director shall charge a fee for the certificates or other means of identification authorized pursuant to this section and no identification shall be issued until the director has received the fee. The schedule of fees shall be established in accordance with the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 16.57 RCW to read as follows:

(1) The director shall establish a livestock identification advisory board. The board shall be composed of six members appointed by the director. One member shall represent each of the following groups: Beef producers, public livestock market

operators, horse owners, dairy farmers, cattle feeders, and meat processors. In making appointments, the director shall solicit nominations from organizations representing these groups state-wide.

(2) The purpose of the board is to provide advice to the director regarding livestock identification programs administered under this chapter and regarding brand inspection fees and related licensing fees. The director shall consult the board before adopting, amending, or repealing a rule under this chapter or altering a fee under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director publishes in the state register a proposed rule to be adopted under the authority of this chapter or a proposed rule setting a fee under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not received the approval of the advisory board, the director shall file with the board a written statement setting forth the director's reasons for proposing the rule without the board's approval.

(3) The members of the advisory board serve three-year terms. However, the director shall by rule provide shorter initial terms for some of the members of the board to stagger the expiration of the initial terms. The members serve without compensation. The director may authorize the expenses of a member to be reimbursed if the member is selected to attend a regional or national conference or meeting regarding livestock identification. Any such reimbursement shall be in accordance with RCW 43.03.050 and 43.03.060.

Sec. 11. RCW 16.57.410 and 1989 c 286 s 25 are each amended to read as follows:

(1) No person may act as a registering agency without a permit issued by the department. The director may issue a permit to any person or organization to act as a registering agency for the purpose of issuing permanent identification symbols for horses in a manner prescribed by the director. Application for such permit, or the renewal thereof by January 1 of each year, shall be on a form prescribed by the director, and accompanied by the proof of registration to be issued, any other documents required by the director, and a fee of one hundred dollars.

(2) Each registering agency shall maintain a permanent record for each individual identification symbol. The record shall include, but need not be limited to, the name, address, and phone number of the horse owner and a general description of the horse. A copy of each permanent record shall be forwarded to the director, if requested by the director.

(3) Individual identification symbols shall be inspected as required for brands under RCW ~~16.57.220 and~~ 16.57.380 (~~and 16.57.390~~). Any horse presented for inspection and bearing such a symbol, but not accompanied by proof of registration and certificate of permit, shall be sold as provided under RCW 16.57.290 through 16.57.330.

(4) The director shall adopt such rules as are necessary for the effective administration of this section pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 12. RCW 16.57.390 and 1974 ex.s. c 38 s 2 are each repealed.", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5443.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5443, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Cantu, Deccio and McDonald - 3.

Excused: Senators Roach and Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5443, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

STATEMENT FOR THE JOURNAL

Pursuant to Senate Rule 34, the undersigned submit the following statement protesting passage of Substitute House Bill No. 1988 for entry in the Journal:

"We protest the extraordinary action of the Senate in diverting funds placed in trust by Washington employers. However, our votes against Substitute House Bill No. 1988, which diverts such funds, must not be construed as opposition to workforce training for dislocated workers.

Diversion of unemployment insurance trust funds would not be necessary if the majority party had not reduced community college funding in the first place. To rob the fund that supports unemployed workers and their families while unemployment is increasing sets a dangerous precedent and shows a lack of foresight.

In recent years, we have provided aid to timber-dependent communities and made dramatic investments in higher education (since 1988, we have helped provide an average of \$22 million per year, allowing over 5,500 new students to attend community colleges).

Through the debate and final vote on Substitute House Bill No. 1988, we fought to protect a fund that is the only financial support available to most unemployed workers in our state. We could not support this measure knowing it may reduce future benefits for unemployed workers or increase future payroll taxes for employers.

To workforce training, we say 'yes.' To stealing money from community colleges, then offering it back by robbing from employers and the unemployed, we say 'no.'"

SENATOR ANN ANDERSON, 42nd District,
SENATOR GARY A. NELSON, 21st District,
SENATOR HAROLD HOCHSTATTER, 13th District,
SENATOR IRV NEWHOUSE, 15th District,
SENATOR NEIL AMONDSON, 20th District,
SENATOR BOB OKE, 26th District,
SENATOR GEORGE SELLAR, 12th District,
SENATOR BOB McCASLIN, 4th District,
SENATOR ALEX DECCIO, 14th District,
SENATOR EMILIO CANTU, 41st District,
SENATOR LINDA A. SMITH, 18th District,
SENATOR DAN McDONALD, 48th District,
SENATOR SCOTT BARR, 7th District,
SENATOR EUGENE PRINCE, 9th District,
SENATOR JAMES WEST, 6th District.

STATEMENT FOR THE JOURNAL

I submit the following statement in protest to passage of Substitute House Bill No. 1988.

"Workforce training benefits workers and employers alike. I have been a strong supporter of workforce training programs. As a community college graduate and advocate, I was troubled when the general fund budgets were offered which cut deeply into community college funding. **I voted no on these budgets.**

Substitute House Bill No. 1988 seeks to fund these good programs with a bad funding source: the unemployment insurance trust fund.

It is a trust fund because the workers trust the money will be there when they need it for unemployment compensation. Businesses trust that these monies will not be squandered on the general needs of government.

Today, we steal from the fund for workforce training. What additional worthy causes will this fund be asked to bear tomorrow? Drug rehabilitation? Day care? These are general fund expenditures. Workforce training should continue to be a general fund investment.

Amendments I supported to use general fund money for workforce training were offered, but turned down.

On final passage, the Senate had the choice of stealing from laid-off workers to support community colleges. It's a choice we should never have been asked to make and one which I reject."

SENATOR TIM ERWIN, 44th District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988, by House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Sheldon, Former, Wineberry, Wood, Shin, Jones, Peery, Roland, Flemming, Quall, Springer, Conway, Morris, Valle, Dorn, Campbell, Linville, Karahalios, Eide, J. Kohl, H. Myers, Kessler, Holm, Wang, Wolfe, Anderson, Appelwick, Orr, Ogden, G. Cole, Scott, Lemmon, Leonard, Locke, R. Fisher, L. Johnson, Rayburn, Pruitt and Patterson)

Providing for employment and training services.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the following Committee on Trade, Technology, and Economic Development amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) The economy of the state depends on a well-trained work force and a strong employment and unemployment system. A well-trained work force generates the productivity employers need in order to compete in the global economy and to pay workers good wages. A strong employment and unemployment system ameliorates the negative impacts of unemployment and matches the needs of employers with individuals seeking employment.

(2) The legislature further finds that too many Washington workers are unemployed, many of whom need new or enhanced work force skills in order to meet current demand in the labor market. With the increasing pace of economic change,

employees must become life-long learners who periodically obtain additional education and training. The state should provide unemployed workers a variety of effective services, including timely payment of unemployment benefits, job and career counseling, job referral services, and training.

(3) At the same time, too many employers report problems finding workers with the right skills. The state should provide employers with an effective training system and an efficient method for locating well-qualified workers.

Therefore, the legislature finds it necessary and in the public interest to create an employment and training trust fund in order to provide state funding for employment and training services.

NEW SECTION. Sec. 2. A new section is added to chapter 50.24 RCW to read as follows:

Employment and training trust fund contributions to the employment and training trust fund shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, and those qualified employers assigned rate class 20 under RCW 50.29.025 at the rate of twelve one-hundredths of one percent for rate years 1994, 1995, 1996, and 1997. The amount of wages subject to tax shall be determined under RCW 50.24.010.

NEW SECTION. Sec. 3. A new section is added to chapter 50.16 RCW to read as follows:

There is hereby established the employment and training trust fund. All moneys in this fund are irrevocably vested for the administration of this title. The employment and training trust fund shall consist of all moneys from employment and training trust fund contributions as established in section 2 of this act. The treasurer of the employment security department shall deposit, administer, and disburse all moneys in the fund under rules adopted by the commissioner and RCW 43.01.050 and 43.84.092 are not applicable to this fund. The treasurer of the employment security department shall be the treasurer of the employment and training trust fund as described in RCW 50.16.020 and shall give a bond conditioned upon the faithful performance of his or her duties in connection with the fund. All sums recovered on the official bond for losses sustained by the employment and training trust fund must be deposited in the fund. Notwithstanding any provision of this section, all moneys received and deposited in the fund under chapter . . . , Laws of 1993 (this act), remain part of the employment and training trust fund and may be used solely for the following purposes:

(1) Providing training and related support services, including financial aid, to individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months;

(2) Assisting workers in finding employment through job referral, job development, counseling, and referral to training resources;

(3) Obtaining labor market information necessary for the administration of the unemployment insurance program and to assist unemployed workers in finding employment;

(4) Performing research by an independent state auditing agency or an independent contractor to determine effectiveness of unemployment insurance programs and to determine whether program changes would benefit workers and employers;

(5) Collecting contributions for and administration of the employment and training trust fund;

(6) Improving service through improved use of information technology; and

(7) Establishing collocation employment security and job service outstations at seven community and technical college campuses across the state.

NEW SECTION. Sec. 4. A new section is added to chapter 50.16 RCW to read as follows:

An individual may be eligible for applicable employment security benefits while participating in work force training. Eligibility is at the discretion of the commissioner of employment security after submitting a commissioner-approved training waiver and developing a detailed individualized training plan.

Benefits paid under this section may not be charged to the experience rating accounts of individual employers.

The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 5. Aerospace workers unemployed as the result of downsizing and restructuring of the aerospace industry will be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043.

NEW SECTION. Sec. 6. (1) The treasurer of the employment security department shall disburse the amounts appropriated by section 15, chapter . . . , Laws of 1993 (section 15 of this act) to the state board for community and technical colleges. These funds shall be allotted for, and only for, training programs and related support services, including financial aid, in the community and technical college system that:

(a) Are consistent with work force training priorities and based upon the comprehensive plan for work force training developed by the work force training and education coordinating board. The state board for community and technical colleges shall develop a plan for use and evaluation of these funds which is to be approved by the work force training and education coordinating board for consistency with their work force priorities. Further, the state board for community and technical colleges shall report to the work force training and education coordinating board and the legislature annually on the progress and results of the training and support services provided to eligible participants;

(b) Provide increased enrollments for individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months, with first priority given to individuals who are unlikely to return to employment in the individuals' principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; and

(c) Provide increased enrollments and support services, including financial aid, that do not replace or supplant any existing enrollments, programs, support services, or funding sources. For fiscal year 1994, the state board for community and technical colleges may borrow from the general fund to initiate the programs authorized under this act. However, the board shall repay the borrowed amount by the end of the fiscal biennium from funds appropriated to it from the employment and training trust fund.

(2) For purposes of chapter . . . , Laws of 1993 (this act), training provided by the community and technical colleges shall only consist of basic skills and literacy, occupational skills, vocational education, and related or supplemental instruction for apprentices who are enrolled in a registered, state-approved apprenticeship program. Community and technical colleges may contract with skill centers to provide training authorized in this section. Upon the request of an eligible recipient, a community and technical college may contract with a private technical school for specialized vocational training. Available tuition for the training is

limited to the amount that would otherwise be obtained per enrolled quarter to a public institution. Furthermore, the funding is only available to students who seek training in a course of study not available at a public institution within an eligible recipient's congressional district.

Sec. 7. RCW 50.16.010 and 1991 sp.s. c 13 s 59 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, ~~an employment and training trust fund~~, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 ~~and 43.84.092~~ shall not be applicable.

~~(1)~~ The unemployment compensation fund shall consist of
~~((1))~~ ~~(a)~~ all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
~~((2))~~ ~~(b)~~ any property or securities acquired through the use of moneys belonging to the fund,
~~((3))~~ ~~(c)~~ all earnings of such property or securities,
~~((4))~~ ~~(d)~~ any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
~~((5))~~ ~~(e)~~ all money recovered on official bonds for losses sustained by the fund,
~~((6))~~ ~~(f)~~ all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
~~((7))~~ ~~(g)~~ all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
~~((8))~~ ~~(h)~~ all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

~~(2)(a)~~ The administrative contingency fund shall consist of:

- ~~(i)~~ All interest on delinquent contributions collected pursuant to this title~~(;)~~;
- ~~(ii)~~ All fines and penalties collected pursuant to the provisions of this title~~(;)~~;
- ~~(iii)~~ All sums recovered on official bonds for losses sustained by the fund~~(;)~~; and
- ~~(iv)~~ Revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

~~(b)~~ Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

~~((a))~~ ~~(i)~~ The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

~~((b))~~ ~~(ii)~~ The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW ~~((74.09.035, 74.09.510, 74.09.520, and 74.09.700))~~ 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

~~(3)~~ The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 2 of this act.

Sec. 8. RCW 50.16.010 and 1993 c s 7 (section 7 of this act) are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, ~~((an employment and training trust fund,))~~ and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 ~~((and 43.84.092))~~ shall not be applicable.

~~((1))~~ The unemployment compensation fund shall consist of
~~((a))~~ ~~(1)~~ all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
~~((b))~~ ~~(2)~~ any property or securities acquired through the use of moneys belonging to the fund,
~~((c))~~ ~~(3)~~ all earnings of such property or securities,
~~((d))~~ ~~(4)~~ any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
~~((e))~~ ~~(5)~~ all money recovered on official bonds for losses sustained by the fund,
~~((f))~~ ~~(6)~~ all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
~~((g))~~ ~~(7)~~ all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
~~((h))~~ ~~(8)~~ all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

~~((2)(a))~~ The administrative contingency fund shall consist of(:

- ~~(i))~~ all interest on delinquent contributions collected pursuant to this title~~(;)~~;
- ~~(ii))~~ all fines and penalties collected pursuant to the provisions of this title~~(;)~~;
- ~~(iii))~~ all sums recovered on official bonds for losses sustained by the fund~~(;)~~; and
- ~~(iv))~~ revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

~~((b))~~ Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

((#)) (a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

((#)) (b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

~~((3) The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 2 of this act.)~~

Sec. 9. RCW 50.16.020 and 1983 1st ex.s. c 23 s 10 are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund, the employment and training trust fund, and ((#)) the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. ((#)) The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 10. RCW 50.16.020 and 1993 c s 9 (section 9 of this act) are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund(~~(, the employment and training trust fund.)~~) and of the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for

losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 11. RCW 50.29.025 and 1990 c 245 s 7 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio	Effective
Expressed as a Percentage	Tax Schedule

3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls	Schedule((s)) of Contribution((s)) Rates for Effective Tax Schedule
From To Class	Rate
	A B C D E F

0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.380
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40}}

<u>0.00</u>	<u>5.00</u>	<u>1</u>	<u>0.36</u>	<u>0.46</u>	<u>0.86</u>	<u>1.36</u>	<u>1.76</u>	<u>2.36</u>
<u>5.01</u>	<u>10.00</u>	<u>2</u>	<u>0.36</u>	<u>0.66</u>	<u>1.06</u>	<u>1.56</u>	<u>1.96</u>	<u>2.56</u>
<u>10.01</u>	<u>15.00</u>	<u>3</u>	<u>0.46</u>	<u>0.86</u>	<u>1.26</u>	<u>1.66</u>	<u>2.16</u>	<u>2.76</u>
<u>15.01</u>	<u>20.00</u>	<u>4</u>	<u>0.66</u>	<u>1.06</u>	<u>1.46</u>	<u>1.86</u>	<u>2.36</u>	<u>2.96</u>

20.01	25.00	5	0.86	1.26	1.66	2.06	2.56	3.06
25.01	30.00	6	1.06	1.46	1.86	2.26	2.66	3.16
30.01	35.00	7	1.26	1.66	2.06	2.46	2.86	3.26
35.01	40.00	8	1.46	1.86	2.26	2.66	3.06	3.46
40.01	45.00	9	1.66	2.06	2.46	2.86	3.26	3.66
45.01	50.00	10	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	2.16	2.46	2.86	3.26	3.66	3.96
55.01	60.00	12	2.36	2.66	3.06	3.46	3.86	4.16
60.01	65.00	13	2.56	2.86	3.26	3.66	4.06	4.36
65.01	70.00	14	2.76	3.06	3.46	3.86	4.26	4.56
70.01	75.00	15	2.96	3.26	3.66	4.06	4.46	4.66
75.01	80.00	16	3.16	3.46	3.86	4.26	4.56	4.76
80.01	85.00	17	3.36	3.66	4.06	4.46	4.76	4.86
85.01	90.00	18	3.76	4.06	4.46	4.76	4.86	5.06
90.01	95.00	19	4.16	4.46	4.86	4.96	5.06	5.26
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 12. RCW 50.29.025 and 1993 c ... s 11 (section 11 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the	
Fund Balance Ratio	Effective
Expressed as a Percentage	Tax Schedule

3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of	
Cumulative	Schedules of Contributions Rates

Taxable Payrolls for Effective Tax Schedule

Rate
From To Class A B C D E F

0.00	5.00	1	0.36	0.46	0.86	1.36	1.78	2.36
5.01	10.00	2	0.36	0.66	1.06	1.56	1.96	2.56
10.01	15.00	3	0.46	0.86	1.26	1.66	2.16	2.76
15.01	20.00	4	0.66	1.06	1.46	1.86	2.36	2.96
20.01	25.00	5	0.86	1.26	1.66	2.06	2.56	3.06
25.01	30.00	6	1.06	1.46	1.86	2.26	2.66	3.16
30.01	35.00	7	1.26	1.66	2.06	2.46	2.86	3.26
35.01	40.00	8	1.46	1.86	2.26	2.66	3.06	3.46
40.01	45.00	9	1.66	2.06	2.46	2.86	3.26	3.66
45.01	50.00	10	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	2.16	2.46	2.86	3.26	3.66	3.96
55.01	60.00	12	2.36	2.66	3.06	3.46	3.86	4.16
60.01	65.00	13	2.56	2.86	3.26	3.66	4.06	4.36
65.01	70.00	14	2.76	3.06	3.46	3.86	4.26	4.56
70.01	75.00	15	2.96	3.26	3.66	4.06	4.46	4.66
75.01	80.00	16	3.16	3.46	3.86	4.26	4.56	4.76
80.01	85.00	17	3.36	3.66	4.06	4.46	4.76	4.86
85.01	90.00	18	3.76	4.06	4.46	4.76	4.86	5.06
90.01	95.00	19	4.16	4.46	4.86	4.96	5.06	5.26
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

NEW SECTION. Sec. 13. A new section is added to chapter 50.29 RCW to read as follows:

For the purpose of simplification of employer reports, the "combined contribution rate" shall be used in the calculation of employer taxes. The combined contribution rate shall include the regular contribution rate as determined under RCW 50.29.025, employment and training trust fund contributions as determined under section 2 of this act, and special contributions required under RCW 50.24.014. A mention of the "combined contribution rate" may not be made on a tax form or publication unless the form or publication specifically identifies the specific contributions. The combined contribution rate may not be quoted on a form unless the specific component rates are also quoted. The sole purpose of the combined contribution rate is to allow an employer to perform a single calculation on a tax return rather than four separate calculations.

NEW SECTION. Sec. 14. Prior to any increase in the employer tax schedule as provided in section 11 of this act, the commissioner shall provide a report to the appropriate committees of the legislature specifying to what extent the work force training expenditures in chapter . . . , Laws of 1993 (this act) elevated employer contribution rates for the effective tax schedule.

NEW SECTION. Sec. 15. The sum of twenty-nine million three hundred thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the employment and training trust fund to the state board for community and technical colleges for the biennium ending June 30, 1995, to carry out training and related support services under this act. Of the amount appropriated by this section, twenty-six million four hundred thousand dollars shall provide for training enrollments, two million dollars may provide for child care for dependents of individuals being trained under this section, and nine hundred thousand dollars shall provide for transportation costs to individuals being trained under this section.

NEW SECTION. Sec. 16. The sum of fourteen million six hundred seventy thousand dollars, or as much thereof as may be necessary, is appropriated from the employment and training trust fund to the employment security department for the biennium ending June 30, 1995, to carry out the purposes of section 3 of this act.

NEW SECTION. Sec. 17. To the extent that available funding from the employment and training trust fund is in excess of or is not sufficient to provide the appropriations in sections 15 and 16, chapter . . . , Laws of 1993 (sections 15 and 16 of this act), the available funds shall be appropriated to the state board for community and technical colleges and the employment security department in the same ratio as funds are appropriated in sections 15 and 16, chapter . . . , Laws of 1993 (sections 15 and 16 of this act).

NEW SECTION. Sec. 18. (1) The employment security department shall report to the appropriate committees of the legislature by December 1, 1994, and every year thereafter, on the status of the programs provided in this act and the resulting outcomes. The department shall include in its report quantitative and demographic information on the increase in job orders, placement referrals, individualized training plans, skill assessments, and other interventions achieved. The department also shall include in its report the number of repeat clients as a percentage of all clients served by programs provided in chapter . . . , Laws of 1993 (this act).

(2) The state board for community and technical colleges shall report to the appropriate standing committees of the legislature by December 1, 1994, and every year thereafter, the number of certified student full-time equivalents receiving training as provided in this act. In addition, the report must include information on the outcomes of the provided training. The report also must include indices of placement rates, student demographics, training plan completion rates, and comparisons of preprogram and postprogram wage levels.

(3) Each community and technical college shall confer and consult with its respective labor-management advisory board concerning the college's efforts to provide the training and services rendered in chapter . . . , Laws of 1993 (this act) and meet the completion and placement goals of the work force training and education coordinating board.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:
The work force employment and training program created in chapter . . . , Laws of 1993 (this act) shall expire June 30, 1998.

NEW SECTION. Sec. 20. A new section is added to chapter 43.131 RCW to read as follows:
The following acts or parts of acts are each repealed, effective June 30, 1999:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 6 of this act;
- (6) Section 13 of this act; and
- (7) Section 18 of this act.

NEW SECTION. Sec. 21. (1) Sections 8 and 10 of this act shall take effect June 30, 1999;
(2) Section 12 of this act shall take effect January 1, 1998.

NEW SECTION. Sec. 22. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

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

NEW SECTION. Sec. 24. This act applies to tax rate years beginning with tax rate year 1994."

MOTION

On motion of Senator Rinehart, the following Committee on Ways and Means amendment to the Committee on Trade, Technology and Economic Development amendment was not adopted:

On page 1, after line 6 of the amendment, strike everything through "1994." on page 20, line 16 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The economy of the state depends on a well-trained work force and a strong employment and unemployment system. A well-trained work force generates the productivity employers need in order to compete in the global economy and to pay workers good wages. A strong employment and unemployment system ameliorates the negative impacts of unemployment and matches the needs of employers with individuals seeking employment.

(2) The legislature further finds that too many Washington workers are unemployed, many of whom need new or enhanced work force skills in order to meet current demand in the labor market. With the increasing pace of economic change, employees must become life-long learners who periodically obtain additional education and training. The state should provide

unemployed workers a variety of effective services, including timely payment of unemployment benefits, job and career counseling, job referral services, and training.

(3) At the same time, too many employers report problems finding workers with the right skills. The state should provide employers with an effective training system and an efficient method for locating well-qualified workers.

Therefore, the legislature finds it necessary and in the public interest to create an employment and training trust fund in order to provide state funding for employment and training services.

NEW SECTION. Sec. 2. A new section is added to chapter 50.24 RCW to read as follows:

Employment and training trust fund contributions to the employment and training trust fund shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, and those qualified employers assigned rate class 20 under RCW 50.29.025 at the rate of twelve one-hundredths of one percent for rate years 1994, 1995, 1996, and 1997. The amount of wages subject to tax shall be determined under RCW 50.24.010.

NEW SECTION. Sec. 3. A new section is added to chapter 50.16 RCW to read as follows:

There is hereby established the employment and training trust fund. All moneys in this fund are irrevocably vested for the administration of this title. The employment and training trust fund shall consist of all moneys from employment and training trust fund contributions as established in section 2 of this act. The treasurer of the employment security department shall deposit, administer, and disburse all moneys in the fund under rules adopted by the commissioner and RCW 43.01.050 and 43.84.092 are not applicable to this fund. The treasurer of the employment security department shall be the treasurer of the employment and training trust fund as described in RCW 50.16.020 and shall give a bond conditioned upon the faithful performance of his or her duties in connection with the fund. All sums recovered on the official bond for losses sustained by the employment and training trust fund must be deposited in the fund. Notwithstanding any provision of this section, all moneys received and deposited in the fund under chapter . . . , Laws of 1993 (this act), remain part of the employment and training trust fund and may be used solely for the following purposes:

(1) Providing training and related support services, including financial aid, to individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months;

(2) Assisting workers in finding employment through job referral, job development, counseling, and referral to training resources;

(3) Obtaining labor market information necessary for the administration of the unemployment insurance program and to assist unemployed workers in finding employment;

(4) Performing research by an independent state auditing agency or an independent contractor to determine effectiveness of unemployment insurance programs and to determine whether program changes would benefit workers and employers;

(5) Collecting contributions for and administration of the employment and training trust fund;

(6) Improving service through improved use of information technology; and

(7) Establishing collocation employment security and job service outstations at seven community and technical college campuses across the state.

NEW SECTION. Sec. 4. A new section is added to chapter 50.16 RCW to read as follows:

An individual may be eligible for applicable employment security benefits while participating in work force training.

Eligibility is at the discretion of the commissioner of employment security after submitting a commissioner-approved training waiver and developing a detailed individualized training plan.

Benefits paid under this section may not be charged to the experience rating accounts of individual employers.

The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 5. Aerospace workers unemployed as the result of downsizing and restructuring of the aerospace industry will be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043.

NEW SECTION. Sec. 6. (1) The employment security department shall disburse the amounts appropriated by the legislature for the purposes of chapter . . . , Laws of 1993 (this act) to the state board for community and technical colleges. The community and technical college system may contract or otherwise work in partnership with other public and private providers of training services to serve the individuals eligible for training under chapter . . . , Laws of 1993 (this act). These funds shall be allotted for, and only for, training programs and related support services, including financial aid, in the community and technical college system that:

(a) Are consistent with work force training priorities and based upon the comprehensive plan for work force training developed by the work force training and education coordinating board. The state board for community and technical colleges shall develop a plan for use and evaluation of these funds which is to be approved by the work force training and education coordinating board for consistency with their work force priorities. Further, the state board for community and technical colleges shall report to the work force training and education coordinating board and the legislature annually on the progress and results of the training and support services provided to eligible participants;

(b) Provide increased enrollments for individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months, with first priority given to individuals who are unlikely to return to employment in the individuals' principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; and

(c) Provide increased enrollments and support services, including financial aid, that do not replace or supplant any existing enrollments, programs, support services, or funding sources. For fiscal year 1994, the state board for community and technical colleges may borrow from the general fund to initiate the programs authorized under this act. However, the board shall repay the borrowed amount by the end of the fiscal biennium from funds appropriated to it from the employment and training trust fund.

(2) For purposes of chapter . . . , Laws of 1993 (this act), training provided by the community and technical colleges shall only consist of basic skills and literacy, occupational skills, vocational education, and related or supplemental instruction for apprentices who are enrolled in a registered, state-approved apprenticeship program. Community and technical colleges may contract with skill centers to provide training authorized in this section. Upon the request of an eligible recipient, a community and

technical college may contract with a private technical school for specialized vocational training. Available tuition for the training is limited to the amount that would otherwise be obtained per enrolled quarter to a public institution. Furthermore, the funding is only available to students who seek training in a course of study not available at a public institution within an eligible recipient's congressional district.

Sec. 7. RCW 50.16.010 and 1991 sp.s. c 13 s 59 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, an employment and training trust fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 and 43.84.092 shall not be applicable.

~~((1))~~ (1) The unemployment compensation fund shall consist of
~~((1a))~~ (a) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
~~((1b))~~ (b) any property or securities acquired through the use of moneys belonging to the fund,
~~((1c))~~ (c) all earnings of such property or securities,
~~((1d))~~ (d) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
~~((1e))~~ (e) all money recovered on official bonds for losses sustained by the fund,
~~((1f))~~ (f) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
~~((1g))~~ (g) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
~~((1h))~~ (h) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

~~(2)~~ (a) The administrative contingency fund shall consist of:

- ~~(i)~~ (i) All interest on delinquent contributions collected pursuant to this title(~~(:)~~);
- ~~(ii)~~ (ii) All fines and penalties collected pursuant to the provisions of this title(~~(:)~~);
- ~~(iii)~~ (iii) All sums recovered on official bonds for losses sustained by the fund(~~(:)~~); and
- ~~(iv)~~ (iv) Revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

~~(b)~~ (b) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

~~((a))~~ (i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

~~((b))~~ (ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW (~~(74.09.035, 74.09.510, 74.09.520, and 74.09.700)~~) 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

~~(3)~~ (3) The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 2 of this act.

Sec. 8. RCW 50.16.010 and 1993 c s 7 (section 7 of this act) are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, (~~(an employment and training trust fund,)~~) and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 (~~(and 43.84.092)~~) shall not be applicable.

~~((1))~~ (1) The unemployment compensation fund shall consist of
~~((1a))~~ (1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
~~((1b))~~ (2) any property or securities acquired through the use of moneys belonging to the fund,
~~((1c))~~ (3) all earnings of such property or securities,
~~((1d))~~ (4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
~~((1e))~~ (5) all money recovered on official bonds for losses sustained by the fund,
~~((1f))~~ (6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
~~((1g))~~ (7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
~~((1h))~~ (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

~~((2))~~ (a) The administrative contingency fund shall consist of(~~(:)~~

- ~~(i)~~ (i) all interest on delinquent contributions collected pursuant to this title(~~(:)~~);
- ~~(ii)~~ (ii) all fines and penalties collected pursuant to the provisions of this title(~~(:)~~);
- ~~(iii)~~ (iii) all sums recovered on official bonds for losses sustained by the fund(~~(:)~~); and
- ~~((iv))~~ (iv) revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

~~((b))~~ Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

~~((i))~~ (a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

~~((ii))~~ (b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

~~((3) The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 2 of this act.)~~

Sec. 9. RCW 50.16.020 and 1983 1st ex.s. c 23 s 10 are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund, the employment and training trust fund, and ~~((ef))~~ the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. ~~((He))~~ The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 10. RCW 50.16.020 and 1993 c s 9 (section 9 of this act) are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund~~((, the employment and training trust fund,))~~ and of the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 11. RCW 50.29.025 and 1990 c 245 s 7 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
--	---------------------------

3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls	Schedule((s)) of Contribution((s)) for Effective Tax Schedule	Rates
From To	Class	A B C D E F

((0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40))

<u>0.00</u>	<u>5.00</u>	<u>1</u>	<u>0.36</u>	<u>0.46</u>	<u>0.86</u>	<u>1.36</u>	<u>1.76</u>	<u>2.36</u>
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5.01	10.00	2.036	0.66	1.06	1.56	1.96	2.56
10.01	15.00	3.046	0.86	1.26	1.66	2.16	2.76
15.01	20.00	4.066	1.06	1.46	1.86	2.36	2.96
20.01	25.00	5.086	1.26	1.66	2.06	2.56	3.06
25.01	30.00	6.106	1.46	1.86	2.26	2.66	3.16
30.01	35.00	7.126	1.66	2.06	2.46	2.86	3.26
35.01	40.00	8.146	1.86	2.26	2.66	3.06	3.46
40.01	45.00	9.166	2.06	2.46	2.86	3.26	3.66
45.01	50.00	10.186	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11.216	2.46	2.86	3.26	3.66	3.96
55.01	60.00	12.236	2.66	3.06	3.46	3.86	4.16
60.01	65.00	13.256	2.86	3.26	3.66	4.06	4.36
65.01	70.00	14.276	3.06	3.46	3.86	4.26	4.56
70.01	75.00	15.296	3.26	3.66	4.06	4.46	4.66
75.01	80.00	16.316	3.46	3.86	4.26	4.56	4.76
80.01	85.00	17.336	3.66	4.06	4.46	4.76	4.86
85.01	90.00	18.376	4.06	4.46	4.76	4.86	5.06
90.01	95.00	19.416	4.46	4.86	4.96	5.06	5.26
95.01	100.00	20.540	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 12. RCW 50.29.025 and 1993 c s 11 (section 11 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
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3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
 Cumulative Schedules of Contributions Rates
 Taxable Payrolls for Effective Tax Schedule
 Rate
 From To Class A B C D E F

((0.00 5.00 1 0.36 0.46 0.86 1.36 1.78 2.36
 5.01 10.00 2 0.36 0.66 1.06 1.56 1.96 2.56
 10.01 15.00 3 0.46 0.86 1.26 1.66 2.16 2.76
 15.01 20.00 4 0.66 1.06 1.46 1.86 2.36 2.96
 20.01 25.00 5 0.86 1.26 1.66 2.06 2.56 3.06
 25.01 30.00 6 1.06 1.46 1.86 2.26 2.66 3.16
 30.01 35.00 7 1.26 1.66 2.06 2.46 2.86 3.26
 35.01 40.00 8 1.46 1.86 2.26 2.66 3.06 3.46
 40.01 45.00 9 1.66 2.06 2.46 2.86 3.26 3.66
 45.01 50.00 10 1.86 2.26 2.66 3.06 3.46 3.86
 50.01 55.00 11 2.16 2.46 2.86 3.26 3.66 3.96
 55.01 60.00 12 2.36 2.66 3.06 3.46 3.86 4.16
 60.01 65.00 13 2.56 2.86 3.26 3.66 4.06 4.36
 65.01 70.00 14 2.76 3.06 3.46 3.86 4.26 4.56
 70.01 75.00 15 2.96 3.26 3.66 4.06 4.46 4.66
 75.01 80.00 16 3.16 3.46 3.86 4.26 4.56 4.76
 80.01 85.00 17 3.36 3.66 4.06 4.46 4.76 4.86
 85.01 90.00 18 3.76 4.06 4.46 4.76 4.86 5.06
 90.01 95.00 19 4.16 4.46 4.86 4.96 5.06 5.26
 95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40))

0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

NEW SECTION. Sec. 13. A new section is added to chapter 50.29 RCW to read as follows:

For the purpose of simplification of employer reports, the "combined contribution rate" shall be used in the calculation of employer taxes. The combined contribution rate shall include the regular contribution rate as determined under RCW 50.29.025, employment and training trust fund contributions as determined under section 2 of this act, and special contributions required under RCW 50.24.014. A mention of the "combined contribution rate" may not be made on a tax form or publication unless the form or publication specifically identifies the specific contributions. The combined contribution rate may not be quoted on a form unless the specific component rates are also quoted. The sole purpose of the combined contribution rate is to allow an employer to perform a single calculation on a tax return rather than four separate calculations.

NEW SECTION. Sec. 14. Prior to any increase in the employer tax schedule as provided in section 11 of this act, the commissioner shall provide a report to the appropriate committees of the legislature specifying to what extent the work force training expenditures in chapter . . . , Laws of 1993 (this act) elevated employer contribution rates for the effective tax schedule.

NEW SECTION. Sec. 15. (1) The employment security department shall report to the appropriate committees of the legislature by December 1, 1994, and every year thereafter, on the status of the programs provided in this act and the resulting outcomes. The department shall include in its report quantitative and demographic information on the increase in job orders, placement referrals, individualized training plans, skill assessments, and other interventions achieved. The department also shall include in its report the number of repeat clients as a percentage of all clients served by programs provided in chapter . . . , Laws of 1993 (this act).

(2) The state board for community and technical colleges shall report to the appropriate standing committees of the legislature by December 1, 1994, and every year thereafter, the number of certified student full-time equivalents receiving training as provided in this act. In addition, the report must include information on the outcomes of the provided training. The report also must include indices of placement rates, student demographics, training plan completion rates, and comparisons of preprogram and postprogram wage levels.

(3) Each community and technical college shall confer and consult with its respective labor-management advisory board concerning the college's efforts to provide the training and services rendered in chapter . . . , Laws of 1993 (this act) and meet the completion and placement goals of the work force training and education coordinating board.

NEW SECTION. Sec. 16. A new section is added to chapter 43.131 RCW to read as follows:
The work force employment and training program created in chapter . . . , Laws of 1993 (this act) shall expire June 30, 1998.

NEW SECTION. Sec. 17. A new section is added to chapter 43.131 RCW to read as follows:
The following acts or parts of acts are each repealed, effective June 30, 1999:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 6 of this act;
- (6) Section 13 of this act; and
- (7) Section 15 of this act.

NEW SECTION. Sec. 18. (1) Sections 8 and 10 of this act shall take effect June 30, 1999;
(2) Section 12 of this act shall take effect January 1, 1998.

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This act applies to tax rate years beginning with tax rate year 1994."

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Skratek and Bluechel be adopted:
On page 1, after line 7, strike everything through "1994." on page 21, line 4 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The economy of the state depends on a well-trained work force and a strong employment and unemployment system. A well-trained work force generates the productivity employers need in order to compete in the global economy and to pay workers good wages. A strong employment and unemployment system ameliorates the negative impacts of unemployment and matches the needs of employers with individuals seeking employment.

(2) The legislature further finds that too many Washington workers are unemployed, many of whom need new or enhanced work force skills in order to meet current demand in the labor market. With the increasing pace of economic change, employees must become life-long learners who periodically obtain additional education and training. The state should provide unemployed workers a variety of effective services, including timely payment of unemployment benefits, job and career counseling, job referral services, and training.

(3) At the same time, too many employers report problems finding workers with the right skills. The state should provide employers with an effective training system and an efficient method for locating well-qualified workers.

Therefore, the legislature finds it necessary and in the public interest to create an employment and training trust fund in order to provide state funding for employment and training services.

NEW SECTION. Sec. 2. It is the purpose of this act to reduce the amount paid by employers in the state to the unemployment compensation fund by twelve one-hundredths of one percent of taxable wages.

It is also the purpose of this act to establish a separate fund for training and employment services for dislocated workers. This fund shall consist of contributions of twelve one-hundredths of one percent of taxable wages.

It is the intent of the legislature that this act not result in any net increase in employer tax rates.

It is the further intent of the legislature that the employment security department and the state board for community and technical colleges shall work cooperatively to ensure expeditious training and placement of dislocated workers.

NEW SECTION. Sec. 3. A new section is added to chapter 50.24 RCW to read as follows:

Employment and training trust fund contributions to the employment and training trust fund shall accrue and become payable by each employer consistent with the tax schedule in RCW 50.29.025 as now existing or hereafter amended, except

employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, and those qualified employers assigned rate class 20 under RCW 50.29.025 at the rate of twelve one-hundredths of one percent for rate years 1994, 1995, 1996, and 1997. The amount of wages subject to tax shall be determined under RCW 50.24.010.

NEW SECTION. Sec. 4. A new section is added to chapter 50.16 RCW to read as follows:

There is hereby established the employment and training trust fund. All moneys in this fund are irrevocably vested for the administration of this title. The employment and training trust fund shall consist of all moneys from employment and training trust fund contributions as established in section 3 of this act. The treasurer of the employment security department shall deposit, administer, and disburse all moneys in the fund under rules adopted by the commissioner and RCW 43.01.050 and 43.84.092 are not applicable to this fund. The treasurer of the employment security department shall be the treasurer of the employment and training trust fund as described in RCW 50.16.020 and shall give a bond conditioned upon the faithful performance of his or her duties in connection with the fund. All sums recovered on the official bond for losses sustained by the employment and training trust fund must be deposited in the fund. Notwithstanding any provision of this section, all moneys received and deposited in the fund under chapter . . ., Laws of 1993 (this act), remain part of the employment and training trust fund and may be used solely for the following purposes:

- (1) Providing training and related support services, including financial aid, to individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months;
- (2) Assisting workers in finding employment through job referral, job development, counseling, and referral to training resources;
- (3) Obtaining labor market information necessary for the administration of the unemployment insurance program and to assist unemployed workers in finding employment. In obtaining the information the employment security department shall ensure the inclusion of information gathered from small businesses as defined in RCW 43.31.025, with particular emphasis on businesses with fifteen or fewer employees;
- (4) Performing research by an independent state auditing agency or an independent contractor to determine effectiveness of unemployment insurance programs and to determine whether program changes would benefit workers and employers;
- (5) Collecting contributions for and administration of the employment and training trust fund;
- (6) Improving service through improved use of information technology; and
- (7) Establishing collocation employment security and job service outstations at community and technical college campuses across the state. These outstations shall provide a one-stop point of access for unemployed and dislocated workers seeking job placement services, training program information, and labor market information. In communities without co-located outstations the local job service center and community or technical college shall collaborate to provide these services.

NEW SECTION. Sec. 5. For calculations occurring on or after June 30, 1994, and in accordance with RCW 50.29.025, if the commissioner determines that the employment and training trust fund contributions for the most recent rate year have increased employer unemployment compensation contribution rates, the revenues received by the department from the employment and training contribution for calendar quarters beginning the following July 1st shall not be deposited in the employment and training trust fund but shall be deposited in the unemployment compensation fund.

NEW SECTION. Sec. 6. A new section is added to chapter 50.16 RCW to read as follows:

An individual may be eligible for applicable employment security benefits while participating in work force training. Eligibility is at the discretion of the commissioner of employment security after submitting a commissioner-approved training waiver and developing a detailed individualized training plan.

Benefits paid under this section may not be charged to the experience rating accounts of individual employers.

The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 7. Aerospace workers unemployed as the result of downsizing and restructuring of the aerospace industry will be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043.

NEW SECTION. Sec. 8. (1) The employment security department shall disburse the amounts appropriated by the legislature for the purposes of chapter . . ., Laws of 1993 (this act) to the state board for community and technical colleges. These funds shall be allotted for, and only for, training programs and related support services, including financial aid, in the community and technical college system that:

(a) Are consistent with work force training priorities and based upon the comprehensive plan for work force training developed by the work force training and education coordinating board. The state board for community and technical colleges shall develop a plan for use and evaluation of these funds which is to be approved by the work force training and education coordinating board for consistency with their work force priorities. In developing and approving the plan, information shall be gathered from small businesses as defined in RCW 43.31.025, with particular emphasis on businesses with fifteen or fewer employees. Further, the state board for community and technical colleges shall report to the work force training and education coordinating board and the legislature annually on the progress and results of the training and support services provided to eligible participants;

(b) Provide increased enrollments for individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months, with first priority given to individuals who are unlikely to return to employment in the individuals' principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; and

(c) Provide increased enrollments and support services, including financial aid, that do not replace or supplant any existing enrollments, programs, support services, or funding sources. For fiscal year 1994, the state board for community and technical colleges may borrow from the general fund to initiate the programs authorized under this act. However, the board shall repay the borrowed amount by the end of the fiscal biennium from funds appropriated to it from the employment and training trust fund.

(2) For purposes of chapter . . ., Laws of 1993 (this act), training provided by the community and technical colleges shall only consist of basic skills and literacy, occupational skills, vocational education, and related or supplemental instruction for apprentices who are enrolled in a registered, state-approved apprenticeship program. Community and technical colleges may contract with skill centers to provide training authorized in this section. Upon the request of an eligible recipient, a community and

technical college may contract with a private technical school for specialized vocational training. Available tuition for the training is limited to the amount that would otherwise be obtained per enrolled quarter to a public institution. Furthermore, the funding is only available to students who seek training in a course of study not available at a public institution within an eligible recipient's congressional district.

Sec. 9. RCW 50.16.010 and 1991 sp.s. c 13 s 59 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, an employment and training trust fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 and 43.84.092 shall not be applicable.

(1) The unemployment compensation fund shall consist of
~~((1))~~ (a) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
~~((2))~~ (b) any property or securities acquired through the use of moneys belonging to the fund,
~~((3))~~ (c) all earnings of such property or securities,
~~((4))~~ (d) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
~~((5))~~ (e) all money recovered on official bonds for losses sustained by the fund,
~~((6))~~ (f) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
~~((7))~~ (g) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
~~((8))~~ (h) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

(2)(a) The administrative contingency fund shall consist of:

- (i) All interest on delinquent contributions collected pursuant to this title~~((;))~~;
- (ii) All fines and penalties collected pursuant to the provisions of this title~~((;))~~;
- (iii) All sums recovered on official bonds for losses sustained by the fund~~((;))~~; and
- (iv) Revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(b) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

~~((a))~~ (i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

~~((b))~~ (ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW ~~((74.09.035, 74.09.510, 74.09.520, and 74.09.700))~~ 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

(3) The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 3 of this act.

Sec. 10. RCW 50.16.010 and 1993 c ... s 9 (section 9 of this act) are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, ~~((an employment and training trust fund,))~~ and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 ~~((and 43.84.092))~~ shall not be applicable.

~~((1))~~ (1) The unemployment compensation fund shall consist of
~~((a))~~ (1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
~~((b))~~ (2) any property or securities acquired through the use of moneys belonging to the fund,
~~((c))~~ (3) all earnings of such property or securities,
~~((d))~~ (4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
~~((e))~~ (5) all money recovered on official bonds for losses sustained by the fund,
~~((f))~~ (6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
~~((g))~~ (7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
~~((h))~~ (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

~~((2)(a))~~ (2)(a) The administrative contingency fund shall consist of:

- (i) all interest on delinquent contributions collected pursuant to this title~~((;))~~;
- ~~((ii))~~ (ii) all fines and penalties collected pursuant to the provisions of this title~~((;))~~;
- ~~((iii))~~ (iii) all sums recovered on official bonds for losses sustained by the fund~~((;))~~; and
- ~~((iv))~~ (iv) revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

~~((b))~~ Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

~~((i))~~ (a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

~~((ii))~~ (b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

~~((3) The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 2 of this act.)~~

Sec. 11. RCW 50.16.020 and 1983 1st ex.s. c 23 s 10 are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund, the employment and training trust fund, and ~~((ef))~~ the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. ~~((He))~~ The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 12. RCW 50.16.020 and 1993 c s 11 (section 11 of this act) are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund~~((, the employment and training trust fund,))~~ and of the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 13. RCW 50.29.025 and 1990 c 245 s 7 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

3.40 and above A
2.90 to 3.39 B
2.40 to 2.89 C
1.90 to 2.39 D
1.40 to 1.89 E
Less than 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
Cumulative Schedule(s) of Contribution(s) Rates
Taxable Payrolls for Effective Tax Schedule
Rate

From To	Class A	B	C	D	E	F
0.00 5.00	1.0	0.48	0.98	1.48	1.88	2.48
5.01 10.00	2.0	0.48	0.78	1.18	1.68	2.08
10.01 15.00	3.0	0.58	0.98	1.38	1.78	2.28
15.01 20.00	4.0	0.78	1.18	1.58	1.98	2.48
20.01 25.00	5.0	0.98	1.38	1.78	2.18	2.68
25.01 30.00	6.0	1.18	1.58	1.98	2.38	2.78
30.01 35.00	7.0	1.38	1.78	2.18	2.58	2.98
35.01 40.00	8.0	1.58	1.98	2.38	2.78	3.18
40.01 45.00	9.0	1.78	2.18	2.58	2.98	3.38
45.01 50.00	10.0	1.98	2.38	2.78	3.18	3.58
50.01 55.00	11.0	2.28	2.58	2.98	3.38	3.78
55.01 60.00	12.0	2.48	2.78	3.18	3.58	3.98
60.01 65.00	13.0	2.68	2.98	3.38	3.78	4.18
65.01 70.00	14.0	2.88	3.18	3.58	3.98	4.38
70.01 75.00	15.0	3.08	3.38	3.78	4.18	4.58
75.01 80.00	16.0	3.28	3.58	3.98	4.38	4.68
80.01 85.00	17.0	3.48	3.78	4.18	4.58	4.88
85.01 90.00	18.0	3.88	4.18	4.58	4.88	4.98
90.01 95.00	19.0	4.28	4.58	4.98	5.08	5.18
95.01 100.00	20.0	5.40	5.40	5.40	5.40	5.40

0.00 5.00 1 0.36 0.46 0.86 1.36 1.76 2.36

5.01	10.00	2.036	0.66	1.06	1.56	1.96	2.56
10.01	15.00	3.046	0.86	1.26	1.66	2.16	2.76
15.01	20.00	4.066	1.06	1.46	1.86	2.36	2.96
20.01	25.00	5.086	1.26	1.66	2.06	2.56	3.06
25.01	30.00	6.106	1.46	1.86	2.26	2.66	3.16
30.01	35.00	7.126	1.66	2.06	2.46	2.86	3.26
35.01	40.00	8.146	1.86	2.26	2.66	3.06	3.46
40.01	45.00	9.166	2.06	2.46	2.86	3.26	3.66
45.01	50.00	10.186	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11.216	2.46	2.86	3.26	3.66	3.96
55.01	60.00	12.236	2.66	3.06	3.46	3.86	4.16
60.01	65.00	13.256	2.86	3.26	3.66	4.06	4.36
65.01	70.00	14.276	3.06	3.46	3.86	4.26	4.56
70.01	75.00	15.296	3.26	3.66	4.06	4.46	4.66
75.01	80.00	16.316	3.46	3.86	4.26	4.56	4.76
80.01	85.00	17.336	3.66	4.06	4.46	4.76	4.86
85.01	90.00	18.376	4.06	4.46	4.76	4.86	5.06
90.01	95.00	19.416	4.46	4.86	4.96	5.06	5.26
95.01	100.00	20.540	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 14. RCW 50.29.025 and 1993 c s 13 (section 13 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

3.40 and above A
2.90 to 3.39 B
2.40 to 2.89 C
1.90 to 2.39 D
1.40 to 1.89 E
Less than 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of

Cumulative Schedules of Contributions Rates
Taxable Payrolls for Effective Tax Schedule
Rate
From To Class A B C D E F

0.00	5.00	1	0.36	0.46	0.86	1.36	1.78	2.36
5.01	10.00	2	0.36	0.66	1.06	1.56	1.96	2.56
10.01	15.00	3	0.46	0.86	1.26	1.66	2.16	2.76
15.01	20.00	4	0.66	1.06	1.46	1.86	2.36	2.96
20.01	25.00	5	0.86	1.26	1.66	2.06	2.56	3.06
25.01	30.00	6	1.06	1.46	1.86	2.26	2.66	3.16
30.01	35.00	7	1.26	1.66	2.06	2.46	2.86	3.26
35.01	40.00	8	1.46	1.86	2.26	2.66	3.06	3.46
40.01	45.00	9	1.66	2.06	2.46	2.86	3.26	3.66
45.01	50.00	10	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	2.16	2.46	2.86	3.26	3.66	3.96
55.01	60.00	12	2.36	2.66	3.06	3.46	3.86	4.16
60.01	65.00	13	2.56	2.86	3.26	3.66	4.06	4.36
65.01	70.00	14	2.76	3.06	3.46	3.86	4.26	4.56
70.01	75.00	15	2.96	3.26	3.66	4.06	4.46	4.66
75.01	80.00	16	3.16	3.46	3.86	4.26	4.56	4.76
80.01	85.00	17	3.36	3.66	4.06	4.46	4.76	4.86
85.01	90.00	18	3.76	4.06	4.46	4.76	4.86	5.06
90.01	95.00	19	4.16	4.46	4.86	4.96	5.06	5.26
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

<u>0.00</u>	<u>5.00</u>	<u>1</u>	<u>0.48</u>	<u>0.58</u>	<u>0.98</u>	<u>1.48</u>	<u>1.88</u>	<u>2.48</u>
<u>5.01</u>	<u>10.00</u>	<u>2</u>	<u>0.48</u>	<u>0.78</u>	<u>1.18</u>	<u>1.68</u>	<u>2.08</u>	<u>2.68</u>
<u>10.01</u>	<u>15.00</u>	<u>3</u>	<u>0.58</u>	<u>0.98</u>	<u>1.38</u>	<u>1.78</u>	<u>2.28</u>	<u>2.88</u>
<u>15.01</u>	<u>20.00</u>	<u>4</u>	<u>0.78</u>	<u>1.18</u>	<u>1.58</u>	<u>1.98</u>	<u>2.48</u>	<u>3.08</u>
<u>20.01</u>	<u>25.00</u>	<u>5</u>	<u>0.98</u>	<u>1.38</u>	<u>1.78</u>	<u>2.18</u>	<u>2.68</u>	<u>3.18</u>
<u>25.01</u>	<u>30.00</u>	<u>6</u>	<u>1.18</u>	<u>1.58</u>	<u>1.98</u>	<u>2.38</u>	<u>2.78</u>	<u>3.28</u>
<u>30.01</u>	<u>35.00</u>	<u>7</u>	<u>1.38</u>	<u>1.78</u>	<u>2.18</u>	<u>2.58</u>	<u>2.98</u>	<u>3.38</u>
<u>35.01</u>	<u>40.00</u>	<u>8</u>	<u>1.58</u>	<u>1.98</u>	<u>2.38</u>	<u>2.78</u>	<u>3.18</u>	<u>3.58</u>
<u>40.01</u>	<u>45.00</u>	<u>9</u>	<u>1.78</u>	<u>2.18</u>	<u>2.58</u>	<u>2.98</u>	<u>3.38</u>	<u>3.78</u>
<u>45.01</u>	<u>50.00</u>	<u>10</u>	<u>1.98</u>	<u>2.38</u>	<u>2.78</u>	<u>3.18</u>	<u>3.58</u>	<u>3.98</u>
<u>50.01</u>	<u>55.00</u>	<u>11</u>	<u>2.28</u>	<u>2.58</u>	<u>2.98</u>	<u>3.38</u>	<u>3.78</u>	<u>4.08</u>
<u>55.01</u>	<u>60.00</u>	<u>12</u>	<u>2.48</u>	<u>2.78</u>	<u>3.18</u>	<u>3.58</u>	<u>3.98</u>	<u>4.28</u>
<u>60.01</u>	<u>65.00</u>	<u>13</u>	<u>2.68</u>	<u>2.98</u>	<u>3.38</u>	<u>3.78</u>	<u>4.18</u>	<u>4.48</u>
<u>65.01</u>	<u>70.00</u>	<u>14</u>	<u>2.88</u>	<u>3.18</u>	<u>3.58</u>	<u>3.98</u>	<u>4.38</u>	<u>4.68</u>
<u>70.01</u>	<u>75.00</u>	<u>15</u>	<u>3.08</u>	<u>3.38</u>	<u>3.78</u>	<u>4.18</u>	<u>4.58</u>	<u>4.78</u>
<u>75.01</u>	<u>80.00</u>	<u>16</u>	<u>3.28</u>	<u>3.58</u>	<u>3.98</u>	<u>4.38</u>	<u>4.68</u>	<u>4.88</u>
<u>80.01</u>	<u>85.00</u>	<u>17</u>	<u>3.48</u>	<u>3.78</u>	<u>4.18</u>	<u>4.58</u>	<u>4.88</u>	<u>4.98</u>
<u>85.01</u>	<u>90.00</u>	<u>18</u>	<u>3.88</u>	<u>4.18</u>	<u>4.58</u>	<u>4.88</u>	<u>4.98</u>	<u>5.18</u>
<u>90.01</u>	<u>95.00</u>	<u>19</u>	<u>4.28</u>	<u>4.58</u>	<u>4.98</u>	<u>5.08</u>	<u>5.18</u>	<u>5.38</u>
<u>95.01</u>	<u>100.00</u>	<u>20</u>	<u>5.40</u>	<u>5.40</u>	<u>5.40</u>	<u>5.40</u>	<u>5.40</u>	<u>5.40</u>

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

NEW SECTION. Sec. 15. A new section is added to chapter 50.29 RCW to read as follows:

For the purpose of simplification of employer reports, the "combined contribution rate" shall be used in the calculation of employer taxes. The combined contribution rate shall include the regular contribution rate as determined under RCW 50.29.025, employment and training trust fund contributions as determined under section 3 of this act, and special contributions required under RCW 50.24.014. A mention of the "combined contribution rate" may not be made on a tax form or publication unless the form or publication specifically identifies the specific contributions. The combined contribution rate may not be quoted on a form unless the specific component rates are also quoted. The sole purpose of the combined contribution rate is to allow an employer to perform a single calculation on a tax return rather than four separate calculations.

NEW SECTION. Sec. 16. Prior to any increase in the employer tax schedule as provided in section 13, chapter ..., Laws of 1993 (section 13 of this act), the commissioner shall provide a report to the appropriate committees of the legislature specifying to what extent the work force training expenditures in chapter . . ., Laws of 1993 (this act) elevated employer contribution rates for the effective tax schedule.

NEW SECTION. Sec. 17. (1) The employment security department shall report to the appropriate committees of the legislature by December 1, 1994, and every year thereafter, on the status of the programs provided in this act and the resulting outcomes. The department shall include in its report quantitative and demographic information on the increase in job orders, placement referrals, individualized training plans, skill assessments, and other interventions achieved. The department also shall include in its report the number of repeat clients as a percentage of all clients served by programs provided in chapter . . ., Laws of 1993 (this act).

(2) The state board for community and technical colleges shall report to the appropriate standing committees of the legislature by December 1, 1994, and every year thereafter, the number of certified student full-time equivalents receiving training as provided in this act. In addition, the report must include information on the outcomes of the provided training. The report also must include indices of placement rates, student demographics, training plan completion rates, and comparisons of preprogram and postprogram wage levels.

(3) Each community and technical college shall confer and consult with its respective labor-management advisory board concerning the college's efforts to provide the training and services rendered in chapter ..., Laws of 1993 (this act) and meet the completion and placement goals of the work force training and education coordinating board. Each community and technical college shall ensure the participation on its labor-management advisory board of small businesses as defined in RCW 43.31.025, with particular emphasis on businesses with fifteen or fewer employees.

(4) The work force training and education coordinating board shall conduct a study in consultation with the higher education coordinating board on the feasibility of: (a) Redirecting all state and federal job training and retraining funds distributed in the state into a separate job training trust fund; and (b) distributing the funds according to uniform criteria. The work force training and education coordinating board shall report to the appropriate committees of the legislature on the results of the study by January 1, 1995.

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:
The work force employment and training program created in chapter . . ., Laws of 1993 (this act) shall expire June 30, 1998.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:
The following acts or parts of acts are each repealed, effective June 30, 1999:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 8 of this act;
- (8) Section 15 of this act; and
- (9) Section 17 of this act.

NEW SECTION. Sec. 20. (1) Sections 10 and 12 of this act shall take effect June 30, 1999;
(2) Section 14 of this act shall take effect January 1, 1998.

NEW SECTION. Sec. 21. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

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

NEW SECTION. Sec. 23. This act applies to tax rate years beginning with tax rate year 1994."

MOTIONS

On motion of Senator McDonald, the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel was adopted:

On page 1, line 9, after "employment" strike "and unemployment"

Senator Cantu moved that the following amendments to the amendment by Senators Rinehart, Skratek and Bluechel be considered simultaneously and be adopted:

On page 1, line 30, after "act to" strike all material through "act to" on page 1, line 33

On page 2, line 1, after "consist of" strike "contributions of" and insert "an amount from the state general fund equal to"

On page 2, after line 8, strike all material through "RCW 50.24.010" on page 2, line 21

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Cantu on page 1, line 30; page 2, line 1; and page 2, after line 8; to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., Vognild, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer and Williams - 27.

Absent: Senators Rasmussen, M. and Wojahn - 2.

Excused: Senator Roach - 1.

MOTION

Senator West moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 1, line 30 of the amendment, after "**Sec. 2.**" insert "For the purpose of identifying the cumulative effects of the tax, fee, and employer mandate policies enacted by the 1993 Washington legislature upon both employment rates and business climate in Washington, there is hereby created a "consumer and business impact task force," which shall consist of nine persons appointed by the governor from names submitted by organizations representing business or consumers. The task force shall submit recommendations periodically and shall issue a final report to the governor by December 31, 1994. The task force shall expire on June 31, 1995.

NEW SECTION. Sec. 3."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator West on page 1, line 30, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Excused: Senator Roach - 1.

MOTION

Senator Amondson moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 2, line 14, after "except" insert "employers negatively impacted in a financially measurable way be federal timber policies enacted within five years previous to the effective date of this act,"

Debate ensued.

Senator Amondson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Amondson on page 2, line 14, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Excused: Senator Roach - 1.

MOTION

On motion of Senator Loveland, Senator Vognild was excused.

MOTION

Senator Anderson moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:
On page 3, after line 20, strike all material through "fund;" on page 3, line 22
Renumber accordingly
Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Skratek, I think I have heard you say just the opposite in the response given by Senator Rinehart. My understanding is that all of the monies in this bill would go to the community colleges for workforce training. It would not be used for supplanting; it would not go to Employment Security. Would you respond to that please?"

Senator Skratek: "I would be happy to, Senator Deccio. Senator Rinehart is correct. The bill does not contain any appropriation for either the community colleges or for the Employment Security Department. The Senate Budget, as written by Senator Rinehart and approved by this body, provided all of the dollars to the community and technical colleges. The House Budget, I must be honest, has provided a small funding source to the Employment Security Department. It is going to be the final determination made by this body, through the budget processes to which dollars go where. The bill, itself, does not appropriate money to the Employment Security Department, Senator."

Senator Deccio: "May I continue, Mr. President? A further question, can we be guaranteed, on this floor, that none of these monies, in either the House version or the Senate version, none of these monies will go to Employment Security and none will go to administration to further supplant the community colleges budgets--that it will all go for this purpose? I would like to have Senator Skratek respond, if I could--Senator Rinehart. This is not the colloquy that I am referring to. Whatever, go ahead."

REMARKS BY SENATOR RINEHART

Senator Rinehart: "To respond to Senator Deccio, you and I both know--we've been around here long enough--there are no guarantees of anything. I can reflect and remind you that the budget that came out of this body directed all of the money to the community colleges. The budget that I am defending whenever we get to a conference committee will include that."

Further debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Anderson on page 3, line 20, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 28.

Excused: Senators Roach and Vognild - 2.

MOTION

Senator Linda Smith moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32 of the amendment, insert the following:

"Notwithstanding any provision of this section, funds from the employment and training trust fund shall not be expended for personal services contracts with persons who hold federal or state elective office or for salaries of persons who hold federal or state elective office."

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.
Excused: Senator Roach - 1.

MOTION

Senator Linda Smith moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32 of the amendment, insert the following:

"Notwithstanding any provision of this section, funds from the employment and training trust fund shall not be expended for per diem expenses or vehicle rental for persons who hold federal or state elective office."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Linda Smith failed and the amendment to the amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32, insert the following:

"(8) Transferred to the unemployment trust fund subject to the finding of Section 4 of this act.

NEW SECTION. Sec. 4. The workforce training education coordinating board shall conduct a study to determine the amount of employment training and re-training funds available from all state agencies and determine the most effective use of those funds in meeting the intent of this act. The board shall make a determination if there is a need for additional funds to carry out the intent of this act. All funds in the employment and training trust fund that are not found necessary by the board to carry out the intent of this act by September 1 of each year, shall be transferred to the unemployment trust fund."

Renumber the remaining sections consecutively.

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Excused: Senator Roach - 1.

MOTION

Senator Linda Smith moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32 of the amendment, insert the following:

"Notwithstanding any provision of this section, funds from the employment and training trust fund shall not be expended for personal services contracts or for salaries of persons who hold stat elective office and who have received payments of more than \$100,000 in the preceding calendar year for personal services contracts with the state of Washington."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. Could you describe for the members of the Senate your policy with respect to the question of whether we start to get to the point at which amendments are frivolous within the meaning of Reed's Rules?"

REPLY BY THE PRESIDENT

President Pritchard: "You know that gets to be sort of a gray area of what is a frivolous amendment. A frivolous amendment to one person isn't to another. If it doesn't bear on the bill--there is quite a bit of latitude in allowing amendments. I think we have to be pretty careful about not choking them off. As to what is frivolous and what isn't--we get to a certain point--I think that is as clear as I can say."

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Linda Smith failed and the amendment to the amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32 of the amendment, insert the following:

"Notwithstanding any provision of this section, funds from the employment and training trust fund shall not be expended for personal services contracts or for salaries of lobbyists, public information officers, or media representatives."

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Excused: Senator Roach - 1.

MOTION

Senator Linda Smith moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32 of the amendment, insert the following:

"Notwithstanding any provision of this section, funds from the employment and training trust fund shall not be disbursed to any agency, college or other entity that is a party to a personal services contract with a person who holds federal or state elective office."

POINT OF ORDER

Senator Vognild: "Thank you, Mr. President. I would request a ruling from the Chair. I believe that the rule states that once a body has made a decision in the negative that the same basic concept cannot be brought before the body again. Although, a few words are changed, this will be the third time that this concept has been brought before the body."

REPLY BY THE PRESIDENT

President Pritchard: "Well, we'll take a look at it. Do you want to respond Senator Smith?"

REMARKS BY SENATOR SMITH

Senator Linda Smith: "Thank you, Mr. President. This is the first amendment that addresses the institution itself. There is nothing that withholds the money from the institution. This is the only one that says, 'notwithstanding any provision of this section, funds from the employment and training trust fund shall not be disbursed to any agency, college or other entity that is a party to a personal services contract.' So, it says that the money will not go to them. The other amendments did not go that direction."

FURTHER REPLY BY THE PRESIDENT

President Pritchard: "I'm not going to rule this out. One, it is the last of the line. I think if we were to continue this line, I probably would. There are some differences; we are in a gray area and we will let this last one go."

Further debate ensued.

Senator Linda Smith demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Linda Smith failed and the amendment to the amendment was not adopted.

MOTION

Senator Nelson moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32, insert the following:

"It is the intent of the legislature that expenditures from the employment and training trust fund be used to provide training and related support services to persons with financial need. Demand for such services will likely outweigh available funds. Therefore, the office of financial management shall develop eligibility guidelines. The guidelines shall give priority to individuals who earned an average annual income at the time of termination or notice of termination that is less than the median average annual income in Washington state."

Debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Nelson on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 29.

Excused: Senator Roach - 1.

MOTION

Senator McDonald moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 3, after line 32, insert the following:

"(8) As retraining becomes a common part of adult work life, it is important that all vocational education opportunities be used to the maximum extent possible. Skill centers established to provide vocational training for high school students are used during the morning and early afternoon. These facilities are idle during the late afternoon and evening hours. At the same time, community colleges have more students applying than they can accommodate. To assure that we meet the needs of our citizens in seeking training or retraining, all vocational training facilities should be used to the maximum extent possible. The superintendent of public instruction and the state board for community and technical colleges shall jointly develop and adopt rules governing this program, if such rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options in this program."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator McDonald failed and the amendment to the amendment was not adopted on a rising vote.

MOTION

Senator Linda Smith moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 4, after line 14 of the amendment, insert the following:

"**NEW SECTION. Sec. 7.** Under no circumstances shall current education and training programs be replaced by the program set out under chapter, Laws of 1993 (this act)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 4, after line 14, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Linda Smith failed and the amendment to the amendment was not adopted.

MOTION

Senator McDonald moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 4, line 18, after "RCW 50.20.043." insert "Workers unemployed as a result of the tax and fee policies enacted by the 1993 Washington legislature will be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043 if so certified by the worker's former employer."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, for purposes of the definition here, does a 'dislocated worker' mean all of the people that have been offering amendments to this bill?"

Senator McDonald: "I will guarantee you that my typing skills are much inferior to my legislative skills, Senator."

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 4, line 18, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator McDonald failed and the amendment to the amendment was not adopted.

MOTION

Senator Oke moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 4, after Section 7, insert the following:

NEW SECTION. Sec. 8. Military workers unemployed as the result of downsizing and restructuring of the military will be deemed to be dislocated workers for the purposes of commissioner approval of training under RCW 50.20.043."

Renumber the remaining sections accordingly and correct any internal references.

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Oke on page 3, after line 32, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Excused: Senator Roach - 1.

MOTION

Senator Sellar moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 4, line 29, after "approved by the" insert "state apprenticeship council and the"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sellar on page 4, line 29, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Sellar failed and the amendment to the amendment was not adopted.

MOTION

Senator Erwin moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 4, line 31, after "priorities." insert "For the purposes of voting on the approval of the plan, only business and labor representatives on the workforce training and education coordinating board shall have a vote."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 4, line 31, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Erwin failed and the amendment to the amendment was not adopted on a rising vote.

MOTION

Senator Anderson moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 19, after section 17, insert the following:

"NEW SECTION. Sec. 18. The legislature finds: (1) That permits are a necessary part of regulating some public and private activity for the health, safety, and welfare of the citizens of this state; (2) that permit processing by state and local agencies should be done timely, fairly, and as efficiently as possible; (3) that permit processing by state and local agencies sometimes does not meet reasonable expectations of the citizens of this state; (4) that many projects require some regulatory review by several departments in the same agency or multiple review by different agencies; and (5) that better coordination of the issuance of permits in and between state and local agencies will enhance the permit process; and (6) permitting delays construction and results in less construction and ultimately fewer jobs. Sections 2 through 5 of this act intend to improve permit processing by state and local agencies by providing encouragement and technical assistance to establish coordinated, one-stop permit processes and by encouraging improved service to the citizens of this state.

"NEW SECTION. Sec. 19. The workforce training education coordinating board shall conduct a study to determine the feasibility of and set the criteria for each city and county reviewing its procedures for the issuance of permits necessary for building or remodeling dwellings, subdivisions. The goal of this review is to evaluate current policies and practices to establish more efficient review of permit applications.

"NEW SECTION. Sec. 20. The workforce training education coordinating board shall convene a task force of agency directors to recommend or implement changes to the processing of regulatory permits by state agencies. The goal of these recommendations or changes shall be to make the process more coordinated, more timely, more effective, and more service-oriented. The task force shall include, but not be limited to, the director of the department of ecology and the department of community development. The recommendations or changes shall consider at least the following: (1) Streamlining state environmental permit processing among natural resource and regulatory agencies, particularly regarding multiple agency permit processing and eliminating duplication; and (2) identifying a staff person in each regional office of regulatory agencies to coordinate cross-program or multiagency processing and decisions. The governor shall report to the appropriate legislative standing committees regarding this section by December 1, 1993."

Re-number all sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 19, after Section 17, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Anderson failed and the amendment to the amendment was not adopted.

MOTION

Senator Amondson moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 19, after section 17, insert the following:

"NEW SECTION. Sec. 18. (1) The competitive strategies task force is established for the purposes of developing strategies for reducing the cost of government services or other public sector activities; improving the quality of services, without increasing costs, that citizens require; and, minimizing the role of government where market competition is able to achieve the social good without significant government interference.

(2) The task force shall be composed of the following fifteen members: The executive director of the commission for efficiency and accountability in government or his or her designee, who shall serve as chair; the governor or the governor's designee; the director of the department of general administration or his or her designee; a representative from each caucus of the house of representatives to be appointed by the speaker of the house of representatives; a representative from each caucus of the senate to be appointed by the president of the senate; a representative from a major state-wide public employee union; two representatives from major state-wide private sector unions; three representatives from a major state-wide business organization that represents a cross section of private sector industry; and, two representatives from the general public.

(3) The task force shall:

(a) Perform a thorough review and inventory of all state services and other activities of state government.

(b) Identify various arrangements that the state government might implement as alternative methods to the purchase or delivery of necessary services including but not limited to the transfer of facility operation to a private sector management company; cooperative public-private finance and development plans, joint public-private operation of existing facilities, infrastructure and services; sale or lease of government-owned real estate assets; transfer of selected services to the private sector; sale or recapitalization of government-owned companies; enhancement of cash management and debt restructuring; restructuring government organizations and management; use of leases and lease purchase arrangements for facilities and infrastructure; voucher-based programs; and intergovernmental agreements.

(c) Consider incentives to encourage the active use of the arrangements identified under (b) of this subsection by state agencies, departments, and institutions.

(d) Develop comprehensive guidelines or procedures for the implementation of arrangements identified under (b) of this subsection that ensure satisfactory accountability measures and protection of the public interest.

(e) Investigate efforts made by other states and nations to arrange for the use of competitive strategies.

(f) Report its final findings and recommendations to the legislature no later than December 15, 1993, including any legislation the task force finds necessary for the implementation of the findings and recommendations.

(4) The office of financial management shall provide the necessary staff support for the purposes of this task force.

NEW SECTION. Sec. 19. It is the intent of the legislature that:

(1) All agencies, departments, offices of elective or appointed state officers, state institutions, colleges, universities, community colleges, technical colleges, college districts, public school districts, the supreme court, the court of appeals and any other entity receiving appropriations from the legislature deliver high quality services to the people of the state of Washington in the most efficient and cost-effective manner possible.

(2) The director of general administration, through the state purchasing and material control director established in RCW 43.19.180, be provided the highest level of flexibility in the purchase of all materials, supplies, services, and equipment necessary for the efficient support, maintenance, repair, and use of all agencies and departments under RCW 43.19.190.

(3) Primary deliberation regarding the purchase or delivery of services by state agencies, departments, and institutions focus upon strategies that foster cost controls and increased quality or service levels through the use of free market enterprise competition.

Sec. 20. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any department)) No agency, as defined in RCW 41.06.020, ((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract)) may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906.~~

Sec. 21. RCW 28B.16.040 and 1990 c 60 s 201 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his or her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges ~~((education))~~.

(4) The personnel director of the higher education personnel board and his or her confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board ~~((: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision))~~.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 22. RCW 28B.16.240 and 1979 ex.s. c 46 s 1 are each amended to read as follows:

~~((Nothing contained in this chapter shall prohibit any)) An institution of higher education, as defined in RCW 28B.10.016, or related board ((from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract at such institution prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract)) may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906.~~

NEW SECTION. Sec. 23. A new section is added to chapter 28A.400 RCW to read as follows:

Nothing in this chapter shall be construed as prohibiting the procurement or provision of nonacademic services. Directors of school districts may purchase services or the delivery of services through contracts with individuals or business entities. The execution or renewal of the contract must be in compliance with the provisions of RCW 43.19.1906."

Renumber all sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Amondson on page 19, after Section 17, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator Amondson failed and the amendment to the amendment was not adopted.

MOTION

Senator West moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 19, after line 37, insert the following:

"NEW SECTION. Sec. 19. (1) The subcommittee on the aerospace industry is established as a subcommittee of the executive-legislative committee on economic development created in chapter ... (Senate Bill No. 5300), Laws of 1993. The subcommittee is to examine the overall impacts of the aerospace industry work slowdown and make recommendations to the full committee, the governor, and the legislature regarding:

(a) The need for short-term and long-term assistance for workers made unemployed by the slowdown, including extending unemployment benefits, job retraining, new employment assistance, family assistance, and other types of assistance; and

(b) A long-term approach to diversification of the region most affected by aerospace business fluctuations.

In conducting the examination, the subcommittee shall consider the impacts on: The state and substate regional economies; displaced workers and their families; and businesses not directly related to the aerospace industry

(2) The subcommittee shall consist of at least three members of the full committee and may include advisory members. The advisory members may include representatives from: (a) The aerospace industry; (b) chambers of commerce and economic development councils; (c) unions representing aerospace workers; (d) county councils; (e) city governments; and (f) the work force training and education coordinating board.

(3) The subcommittee shall as soon as is practicable and make a preliminary report to the full committee, the governor, and the appropriate standing committees of the legislature by September 15, 1993, and a final report before December 1, 1993.

(4) This section shall expire December 31, 1993."

Renumber the remaining sections.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 19, after line 37, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator West failed and the amendment to the amendment was not adopted.

MOTION

Senator Prince moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 20, after line 16 of the amendment, insert the following:

"Sec. 21. RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read as follows:

(1) There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: ~~((Three))~~ Six representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a state-wide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for

vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

Sec. 22. RCW 28C.18.030 and 1991 c 238 s 4 are each amended to read as follows:

The purpose of the board is to identify work force needs of Washington state employers and to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the agencies which comprise the state training system, and the higher education coordinating board."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prince on page 20, after line 16, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator West failed and the amendment to the amendment was not adopted.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Sellar to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 20, line 31, after "Sec. 23." insert "If at any time Washington state's rate of unemployment falls below the national rate of unemployment, then sixty days thereafter this act shall be null and void.

NEW SECTION. Sec. 24."

Debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Nelson and Sellar on page 20, line 31, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Absent: Senator Owen - 1.

Excused: Senator Roach - 1.

MOTION

Senator West moved that the following amendment to the amendment by Senators Rinehart, Skratek and Bluechel be adopted:

On page 1, after line 29, insert the following:

"(4) That additional taxes are needed to enhance the existing state spending that is in excess of six hundred million per biennium to accomplish the intent of this legislation."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 1, line 29, to the amendment by Senators Rinehart, Skratek and Bluechel to Engrossed Substitute House Bill No. 1988.

The motion by Senator West failed and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart, Skratek and Bluechel on page 1, after line 17, as amended, to Engrossed Substitute House Bill No. 1988.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Skratek, we face a federal requirement of establishing a schedule of charges against employers around the state and one of the requirements in there is that the top rate--and there shall be a top-rate--and there shall be a group of employers in that top-rate of five point four percent. According to the machinery you have set up here, you would lower the rate, you say point one two and I don't believe that you can legally lower a rate. We'll then again have to raise it right to the five point four for the federal requirements and in addition, aren't you going to have an additional top-rate, so that the top-rate will be five point five two?"

Senator Skratek: "Thank you, Senator Newhouse, for asking that question. You are correct regarding the Class 20, which is why you will find in Section 3 of the striking amendment that those employers have been exempted from this particular requirement."

The amendment by Senators Rinehart, Skratek and Bluechel on page 1, after line 7, as amended, to Engrossed Substitute House Bill No. 1988 was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 50.16.010, 50.16.020, and 50.29.025; adding a new section to chapter 50.24 RCW; adding new sections to chapter 50.16 RCW; adding a new section to chapter 50.29 RCW; adding new sections to chapter 43.131 RCW; creating new sections; and providing effective dates."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute House Bill No. 1988, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1988, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1988, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, von Reichbauer, Williams and Winsley - 25.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Erwin, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L., Sutherland, Vogniid, West and Wojahn - 23.

Excused: Senator Roach - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1057,
HOUSE BILL NO. 1395,
ENGROSSED HOUSE BILL NO. 1415,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461,
HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1535,
ENGROSSED HOUSE BILL NO. 1824,
ENGROSSED HOUSE BILL NO. 2111,
HOUSE JOINT MEMORIAL NO. 4008, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1057,
HOUSE BILL NO. 1395,
ENGROSSED HOUSE BILL NO. 1415,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461,
HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1535,
ENGROSSED HOUSE BILL NO. 1824,

ENGROSSED HOUSE BILL NO. 2111,
HOUSE JOINT MEMORIAL NO. 4008.

MOTION

On motion of Senator Jesernig, the Senate advanced to the ninth order of business.

MOTION

Senator Jesernig moved that the rules be suspended and the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5976 and Senate Bill No. 5977 and that the bills be placed on the second reading calendar.

POINT OF INQUIRY

Senator McDonald: "Senator Jesernig, have any of these ever had a public hearing?"
Senator Jesernig: "I believe they have, Senator McDonald."
Senator McDonald: "According to my sources, they have not had a public hearing."
Senator Jesernig: "We can speak to Senator Rinehart and we can work that out."
Senator McDonald: "I think that these bills, as we discovered, have not had a hearing and it is not these bills, Senator Rinehart, that are the objection. I think the objection is pulling bills to the floor that have not had a public hearing. We did a number of them yesterday. We did not object at that time. This is an opportunity to do that. I think it is a poor public policy to be doing this particularly with bills that have not had a public hearing, period. I am going to raise this objection; I am not necessarily going to vote against this move, because I don't think these bills are detrimental, but I do think it is a very, very poor policy to do this."

REMARKS BY SENATOR RINEHART

Senator Rinehart: "Thank you, Mr. President. Both of these measures were included in Governor Gardner's budget and were the subject of a hearing before the Ways and Means Committee. Secretary of State Ralph Munro came and testified

on both of these measures, so, while technically it is accurate that these bills separately have not been heard, the content of both of them has been heard in the Ways and Means Committee."

The President declared the question before the Senate to be the motion by Senator Jesernig that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5976 and Senate Bill No. 5977 and that the bills be placed on the second reading calendar.

The motion by Senator Jesernig carried and Senate Bill No. 5976 and Senate Bill No. 5977 were placed on the second reading calendar.

MOTION

At 4:12 p.m., on motion of Senator Jesernig, the Senate recessed until 5:15 p.m.

The Senate was called to order at 6:34 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

April 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 1993, Governor Lowry approved the following Senate Bills entitled:

Substitute Senate Bill No. 5026

Relating to regulation of funeral directors, embalmers, and crematories.

Senate Bill No. 5077

Relating to survival of actions and damages.

Engrossed Substitute Senate Bill No. 5110

Relating to water and sewer districts.

Senate Bill No. 5112

Relating to hiring procedures by cities and towns.

Engrossed Senate Bill No. 5205

Relating to infant morality review.
Senate Bill No. 5233
Relating to costs allowed to a prevailing party.
Substitute Senate Bill No. 5255
Relating to escheat lands suitable for operation for park and recreation purposes.
Substitute Senate Bill No. 5262
Relating to the beef commission.
Senate Bill No. 5275
Relating to abandoned cemeteries.
Substitute Senate Bill No. 5313
Relating to surcharges for recording documents.
Senate Bill No. 5358
Relating to the creation of an appropriated real estate education account.
Senate Bill No. 5385
Relating to creating an appropriated uniform commercial code fund.
Substitute Senate Bill No. 5386
Relating to the licensure of home health, hospice, and home care agencies under chapter 70.127 RCW.
Engrossed Senate Bill No. 5411
Relating to fuel taxes.
Engrossed Senate Bill No. 5423
Relating to development of a public transportation policy plan.
Substitute Senate Bill No. 5432
Relating to a study of discrimination based on race and national origin in mortgage lending.
Senate Bill No. 5444
Relating to medical assistance coverage of hospice care and services.

Engrossed Substitute Senate Bill No. 5482

Relating to mobile home parks.

Substitute Senate Bill No. 5487

Relating to agister liens.

Senate Bill No. 5546

Relating to unemployment compensation.

Senate Bill No. 5572

Relating to the identification of environmental costs for transportation projects.

Substitute Senate Bill No. 5596

Relating to warrants redeemed by the state treasurer.

Senate Bill No. 5693

Relating to county vehicle license fees.

Senate Bill No. 5696

Relating to divisions of the department of retirement systems.

Senate Bill No. 5703

Relating to codifying the labor market information and economic analysis responsibilities of the employment security department.

Engrossed Senate Bill No. 5729

Relating to the family emergency assistance program.

Substitute Senate Bill No. 5821

Relating to the public works board.

Engrossed Senate Bill No. 5831

Relating to specifying that payments to building owners authorized under RCW 19.27A.035 are available only if the primary heat source of a structure is electricity.

Substitute Senate Bill No. 5896

Relating to public restroom facilities.

Senate Bill No. 5905

Relating to the county road administration board.

Substitute Senate Bill No. 5937

Relating to inclusion in the statutory seven percent debt limitation of indebtedness for which the state treasury is reimbursed for the principal and interest payments on the indebtedness.

Sincerely,
ED FLEISHER, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5053 entitled:

"AN ACT Relating to the local vessel excise tax."

Senate Bill No. 5053 requires counties to contract with the Department of Licensing for the administration and collection of the local vessel excise tax authorized under RCW 82.49.070. Currently, King County is the only county now imposing this tax.

Sections 38, and 40 through 42 of Substitute House Bill No. 1318, as amended by the Senate, repeal the local vessel excise tax as of June 30, 1994 and replace it with an increase in the state vessel registration fee the proceeds of which will be used for local boating safety, education, and enforcement programs. The Chair of the House Committee on Natural Resources and Parks has recommended that the House Concur in these Senate Amendments to Substitute House Bill 1318 and, along with the Sponsor of Senate Bill No. 5053 and representatives of King County, has communicated a desire for a veto of Senate Bill 5053.

The Senate amendments to Substitute House Bill No. 1318 will negate the need for the vessel excise tax administration and collection changes intended by Senate Bill No. 5053.

For this reason, I have vetoed Senate Bill No. 5053 in its entirety.

Respectfully submitted,
MIKE LOWRY, Governor

Senate Bill No. 5053 was held on the desk.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1582,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1686,
HOUSE BILL NO. 1757,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760,
HOUSE BILL NO. 1773,
SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 1923,
SUBSTITUTE HOUSE BILL NO. 1926, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 19, 1992

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5567,
SUBSTITUTE SENATE BILL NO. 5606,
SUBSTITUTE SENATE BILL NO. 5612,
SUBSTITUTE SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5634,
ENGROSSED SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5727,
SUBSTITUTE SENATE BILL NO. 5751, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1582,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1686,
HOUSE BILL NO. 1757,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760,
HOUSE BILL NO. 1773,
SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 1923,
SUBSTITUTE HOUSE BILL NO. 1926.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5443,
SENATE BILL NO. 5883,
SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5911,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SENATE BILL NO. 5917,
SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016.
SENATE JOINT MEMORIAL NO. 8021.

MOTION

On motion of Senator Oke, Senator Anderson was excused.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5195 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 21.20 RCW to read as follows:

It is unlawful for a broker-dealer, salesperson, investment adviser, or investment adviser salesperson knowingly to effect or cause to be effected, with or for a customer's account, transactions of purchase or sale (1) that are excessive in size or frequency in view of the financial resources and character of the account and (2) that are effected because the broker-dealer, salesperson, investment adviser, or investment adviser salesperson is vested with discretionary power or is able by reason of the customer's trust and confidence to influence the volume and frequency of the trades.

NEW SECTION. Sec. 2. A new section is added to chapter 21.20 RCW to read as follows:

(1) In recommending to a customer the purchase, sale, or exchange of a security, a broker-dealer, salesperson, investment adviser, or investment adviser salesperson must have reasonable grounds for believing that the recommendation is suitable for the customer upon the basis of the facts, if any, disclosed by the customer as to his or her other security holdings and as to his or her financial situation and needs.

(2) Before the execution of a transaction recommended to a noninstitutional customer, other than transactions with customers where investments are limited to money market mutual funds, a broker-dealer, salesperson, investment adviser, or investment adviser salesperson shall make reasonable efforts to obtain information concerning:

(a) The customer's financial status;

(b) The customer's tax status;

(c) The customer's investment objectives; and

(d) Such other information used or considered to be reasonable by the broker-dealer, salesperson, investment adviser, or investment adviser salesperson or registered representative in making recommendations to the customer.

Sec. 3. RCW 21.20.110 and 1986 c 14 s 45 are each amended to read as follows:

The director may by order deny, suspend, or revoke registration of any broker-dealer, salesperson, investment adviser salesperson, or investment adviser; censure or fine the registrant or an officer, director, partner, or person occupying similar functions for a registrant; or restrict or limit a registrant's function or activity of business for which registration is required in this state; if the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities or investment commodities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities or investment commodities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser salesperson;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or a commodity broker-dealer or sales representative, or the substantial equivalent of those terms as defined in this chapter or by the commodity futures trading commission denying or revoking registration as a commodity merchant as defined in RCW 21.30.010, or is the subject of an order of suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the federal commodity exchange act, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) the director may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) Has engaged in dishonest or unethical practices in the securities or investment commodities business;

(8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser;

(9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(10)(a) Has failed to supervise reasonably ((his or her)) a salesperson((s if he or she is a broker-dealer)) or ((his or her)) an investment adviser salesperson ((if he or she is an investment adviser).

~~The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section).~~ For the purposes of this subsection, no person fails to supervise reasonably another person, if:

(i) There are established procedures, and a system for applying those procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation by another person of this chapter, or a rule or order under this chapter; and

(ii) The supervising person has reasonably discharged the duties and obligations required by these procedures and system without reasonable cause to believe that another person was violating this chapter or rules or orders under this chapter.

(b) The director may issue a summary order pending final determination of a proceeding under this section upon a finding that it is in the public interest and necessary or appropriate for the protection of investors. The director may not impose a fine under this section except after notice and opportunity for hearing. The fine imposed under this section may not exceed five thousand dollars for each act or omission that constitutes the basis for issuing the order.

Sec. 4. RCW 21.20.005 and 1989 c 391 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of licensing of this state.

(2) "Salesperson" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesperson" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310 (1), (2), (3), (4), (9), (10), (11), (12), or (13), as now or hereafter amended, (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for that person's own account. "Broker-dealer" does not include (a) a salesperson, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if the person effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months that person does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" also includes financial planners and other persons who, as an integral component of other financially related services, (a) provide the foregoing investment advisory services to others for compensation as part of a business or (b) hold themselves out as providing the foregoing investment advisory services to others for compensation. Investment adviser shall also include any person who holds himself out as a financial planner.

"Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, certified public accountant licensed under chapter 18.04 RCW, engineer, or teacher whose performance of these services is solely incidental to the practice of his or her profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a radio or television station, (f) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (g) a person who has no place of business in this state if (i) that person's only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve

consecutive months that person does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (h) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; investment of money or other consideration in the risk capital of a venture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; charitable gift annuity; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesperson" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives", as used in RCW 21.20.310(11) as now or hereafter amended, shall include:

- (a) A member's spouse;
- (b) Parents of the member or the member's spouse;
- (c) Grandparents of the member or the member's spouse;
- (d) Natural or adopted children of the member or the member's spouse;
- (e) Aunts and uncles of the member or the member's spouse; and
- (f) First cousins of the member or the member's spouse.

(16) "Customer" means a person other than a broker-dealer or investment adviser, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Moore moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5195 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5195 and requests of the House a conference thereon.

The motion by Senator Moore carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5195 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5195 and the House amendment thereto: Senators Moore, Amondson and Sheldon.

MOTION

On motion of Senator Moore, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5745 with the following amendment(s):
On page 3, line 30, after "the" strike "PNWER-Networking subgroup" and insert "higher education coordinating board", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Bauer moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 5745 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 5745 and requests of the House a conference thereon.

The motion by Senator Bauer carried and the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5745 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5745 and the House amendment thereto: Senators Bauer, Bluechel and Sheldon.

MOTION

On motion of Senator Bauer, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5948 with following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.130.090 and 1986 c 259 s 6 are each amended to read as follows:

(1) If the disciplining authority determines, upon investigation, that there is reason to believe a violation of RCW 18.130.180 has occurred, a statement of charge or charges shall be prepared and served upon the license holder or applicant at the earliest practical time. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the disciplining authority within twenty days after being served the statement of charges. If the twenty-day limit results in a hardship upon the license holder or applicant, he or she may request for good cause an extension not to exceed sixty additional days. If the disciplining authority finds that there is good cause, it shall grant the extension. The failure to request a hearing constitutes a default, whereupon the disciplining authority may enter a decision on the basis of the facts available to it.

(2) If a hearing is requested, the time of the hearing shall be fixed by the disciplining authority as soon as convenient, but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. ~~((A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing. The notice shall also notify the license holder or applicant that a record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses, who will be subject to cross-examination, and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her, to examine such documentary evidence as may be produced against him or her, to conduct depositions, and to have subpoenas issued by the disciplining authority.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

REQUIRED UNIFORM PROCEDURES. (1) The secretary shall develop uniform procedural rules to respond to public inquiries concerning complaints and their disposition, active investigations, statement of charges, findings of fact, and final orders involving a licensee, applicant, or unlicensed person. The uniform procedural rules adopted under this subsection apply to all adjudicative proceedings conducted under this chapter and shall include provisions for the establishing time lines for discovery, settlement, and scheduling hearings.

(2) The uniform procedures for conducting investigations shall provide that prior to taking a written statement:

(a) For violation of this chapter, the investigator shall inform such person, in writing of: (i) The nature of the complaint; (ii) that the person may consult with legal counsel at his or her expense prior to making a statement; and (iii) that any statement that the person makes may be used in an adjudicative proceeding conducted under this chapter; and

(b) From a witness or potential witness in an investigation under this chapter, the investigator shall inform the person, in writing, that the statement may be released to the licensee, applicant, or unlicensed person under investigation if a statement of charges is issued.

(3) In order to assure the uniform application of the procedural rules developed by the secretary, the secretary or his or her designee shall serve as presiding officer for all proceedings under this chapter, including those conducted by disciplinary

authorities identified in RCW 18.130.040(2)(b), other than the board of funeral directors and embalmers, and shall perform all functions of the presiding officer under chapter 34.05 RCW. In those areas where the disciplining authority is a board, the secretary or his or her designee, shall not vote on the final decision.

Sec. 3. RCW 18.130.175 and 1991 c 3 s 270 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of substance abuse, the disciplining authority may refer the license holder to a voluntary substance abuse monitoring program approved by the disciplining authority.

The cost of the treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Primary alcoholism or drug treatment shall be provided by approved treatment ~~((facilities))~~ programs under RCW ~~((70.96A.020(2)))~~ 70.96A.020: PROVIDED, That nothing shall prohibit the disciplining authority from approving additional services and programs as an adjunct to primary alcoholism or drug treatment. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the program shall be done only with the consent of the license holder. Referral to the program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160. The secretary shall adopt uniform rules for the evaluation by the disciplinary authority of a relapse or program violation on the part of a license holder in the substance abuse monitoring program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplinary authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving substance abuse monitoring programs that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority for substance abuse. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The substance abuse program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplining authority for cause as defined in subsection (3) of this section. Monitoring records relating to license holders referred to the program by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, shall be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

(5) "Substance abuse," as used in this section, means the impairment, as determined by the disciplining authority, of a license holder's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(6) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(7) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section and the persons entitled to immunity shall include:

- (i) An approved monitoring treatment program;
- (ii) The professional association operating the program;
- (iii) Members, employees, or agents of the program or association;
- (iv) Persons reporting a license holder as being impaired or providing information about the license holder's impairment;

and

(v) Professionals supervising or monitoring the course of the impaired license holder's treatment or rehabilitation.

(b) The immunity provided in this section is in addition to any other immunity provided by law.

~~((8) In addition to health care professionals governed by this chapter, this section also applies to pharmacists under chapter 18.64 RCW and pharmacy assistants under chapter 18.64A RCW. For that purpose, the board of pharmacy shall be deemed to be the disciplining authority and the substance abuse monitoring program shall be in lieu of disciplinary action under RCW 18.64.160 or 18.64A.050. The board of pharmacy shall adjust license fees to offset the costs of this program.))~~

Sec. 4. RCW 18.130.040 and 1992 c 128 s 6 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;

- (vii) Acupuncturists certified under chapter 18.06 RCW;
 - (viii) Radiologic technologists certified under chapter 18.84 RCW;
 - (ix) Respiratory care practitioners certified under chapter 18.89 RCW;
 - (x) Persons registered or certified under chapter 18.19 RCW;
 - (xi) Persons registered as nursing pool operators;
 - (xii) Nursing assistants registered or certified under chapter ~~((18.52B))~~ 18.88A RCW;
 - (xiii) Health care assistants certified under chapter 18.135 RCW;
 - (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
 - ~~((xiv))~~ (xv) Sex offender treatment providers certified under chapter 18.155 RCW; and
 - ~~((xv))~~ (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205.
- (b) The boards having authority under this chapter are as follows:
- (i) The podiatric medical board as established in chapter 18.22 RCW;
 - (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
 - (iii) The dental disciplinary board as established in chapter 18.32 RCW;
 - (iv) The council on hearing aids as established in chapter 18.35 RCW;
 - (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
 - (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
 - (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
 - (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
 - (ix) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
 - (x) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
 - ~~((x))~~ (xi) The board of physical therapy as established in chapter 18.74 RCW;
 - ~~((xi))~~ (xii) The board of occupational therapy practice as established in chapter 18.59 RCW;
 - ~~((xii))~~ (xiii) The board of practical nursing as established in chapter 18.78 RCW;
 - ~~((xiii))~~ (xiv) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
 - ~~((xiv))~~ (xv) The board of nursing as established in chapter 18.88 RCW; and
 - ~~((xv))~~ (xvi) The veterinary board of governors as established in chapter 18.92 RCW.
- (3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.
- Sec. 5.** RCW 18.130.050 and 1987 c 150 s 2 are each amended to read as follows:
- The disciplining authority has the following authority:
- (1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;
 - (2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;
 - (3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;
 - (4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
 - (5) To compel attendance of witnesses at hearings;
 - (6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;
 - (7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the disciplining authority;
 - (8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the disciplining authority shall make the final decision regarding disposition of the license;
 - (9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;
 - (10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;
 - (11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;
 - (12) To adopt standards of professional conduct or practice;
 - (13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;
 - (14) ~~(To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;~~
 - (15) To designate individuals authorized to sign subpoenas and statements of charges.
- Sec. 6.** RCW 18.130.160 and 1986 c 259 s 8 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed ~~((one))~~ five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

NEW SECTION. Sec. 7. A new section is added to chapter 18.130 RCW to read as follows:

(1) Prior to serving a statement of charges under RCW 18.130.090 or 18.130.170, the disciplinary authority may furnish a statement of allegations to the licensee or applicant along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.

(2) The disciplinary authority and the applicant or licensee may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional conduct alleged to have been committed or the alleged basis for determining that the applicant or licensee is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgement that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; and an agreement on the part of the licensee or applicant that the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and (8), may be imposed as part of the stipulation, except that no fine may be imposed but the licensee or applicant may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation; and an agreement on the part of the disciplinary authority to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee or applicant declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the disciplinary authority may proceed to formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee or applicant and the disciplinary authority, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the disciplinary authority. Should the licensee or applicant fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the disciplinary authority may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under RCW 18.130.165.

Sec. 8. RCW 18.130.185 and 1987 c 150 s 8 are each amended to read as follows:

If a person or business regulated by this chapter violates RCW 18.130.170 or 18.130.180, the attorney general, any prosecuting attorney, the ~~((director))~~ secretary, the board, or any other person may maintain an action in the name of the state of Washington to enjoin the person from committing the violations. The injunction shall not relieve the offender from criminal prosecution, but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution and disciplinary action.

Sec. 9. RCW 18.130.186 and 1989 c 125 s 3 are each amended to read as follows:

(1) To implement a substance abuse monitoring program for license holders specified under RCW 18.130.040, who are impaired by substance abuse, the disciplinary authority may enter into a contract with a voluntary substance abuse program under RCW 18.130.175. The program may include any or all of the following:

- (a) Contracting with providers of treatment programs;
- (b) Receiving and evaluating reports of suspected impairment from any source;
- (c) Intervening in cases of verified impairment;
- (d) Referring impaired license holders to treatment programs;
- (e) Monitoring the treatment and rehabilitation of impaired license holders including those ordered by the disciplinary authority;
- (f) Providing education, prevention of impairment, posttreatment monitoring, and support of rehabilitated impaired license holders; and
- (g) Performing other activities as agreed upon by the disciplinary authority.

(2) A contract entered into under subsection (1) of this section may be financed by a surcharge on each license issuance or renewal to be collected by the department of ~~((licensing))~~ health from the license holders of the same regulated health profession. These moneys shall be placed in the health professions account to be used solely for the implementation of the program.

Sec. 10. RCW 18.130.300 and 1984 c 279 s 21 are each amended to read as follows:

The ~~((director))~~ secretary, members of the boards, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 11. RCW 18.135.070 and 1984 c 281 s 7 are each amended to read as follows:

The licensing authority of health care facilities or the ~~((disciplinary board))~~ disciplining authority of the delegating or supervising health care practitioner shall investigate all complaints or allegations of violations of proper certification of a health care assistant or violations of delegation of authority or supervision. A substantiated violation shall constitute sufficient cause for disciplinary action by the licensing authority of a health care facility or the ~~((disciplinary board))~~ disciplining authority of the health care practitioner.

NEW SECTION. Sec. 12. A new section is added to chapter 18.135 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the discipline of certificate holders under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 13. RCW 18.64.160 and 1985 c 7 s 60 are each amended to read as follows:

~~In addition to the grounds under RCW 18.130.170 and 18.130.180, the board of pharmacy ((shall have the power to refuse, suspend, or revoke))~~ may take disciplinary action against the license of any pharmacist or intern upon proof that:

(1) His or her license was procured through fraud, misrepresentation, or deceit;

(2) ~~((He or she has been convicted of a felony relating to his or her practice as a pharmacist;~~

~~(3) He or she has committed any act involving moral turpitude, dishonesty, or corruption, if the act committed directly relates to the pharmacist's fitness to practice pharmacy. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent pharmacist of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;~~

~~(4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, drugs, controlled substances, or any other substance which impairs the performance of professional duties;~~

~~(5) He or she exhibits behavior which may be due to physical or mental impairment, which creates an undue risk of causing harm to him or herself or to other persons when acting as a licensed pharmacist or intern;~~

~~(6) He or she has incompetently or negligently practiced pharmacy, creating an unreasonable risk of harm to any individual;~~

~~(7) His or her legal authority to practice pharmacy, issued by any other properly constituted licensing authority of any other state, has been and is currently suspended or revoked;~~

~~((8))~~ In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, the pharmacist shall automatically have his or her license suspended by the board upon the entry of the judgment, regardless of the pendency of an appeal;

~~((9))~~ (3) He or she has knowingly violated or permitted the violation of any provision of any state or federal law, rule, or regulation governing the possession, use, distribution, or dispensing of drugs, including, but not limited to, the violation of any provision of this chapter, Title 69 RCW, or rule or regulation of the board;

~~((10))~~ (4) He or she has knowingly allowed any unlicensed person to take charge of a pharmacy or engage in the practice of pharmacy, except a pharmacy intern or pharmacy assistant acting as authorized in this chapter or chapter 18.64A RCW in the presence of and under the immediate supervision of a licensed pharmacist;

~~((11))~~ (5) He or she has compounded, dispensed, or caused the compounding or dispensing of any drug or device which contains more or less than the equivalent quantity of ingredient or ingredients specified by the person who prescribed such drug or device: PROVIDED, HOWEVER, That nothing herein shall be construed to prevent the pharmacist from exercising professional judgment in the preparation or providing of such drugs or devices.

~~((In any case of the refusal, suspension, or revocation of a license by said board of pharmacy under the provisions of this chapter, said board shall proceed in accordance with chapter 34.05 RCW.))~~

NEW SECTION. Sec. 14. A new section is added to chapter 18.64 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses of pharmacists and pharmacy interns, and the discipline of licensed pharmacists and pharmacy interns under this chapter.

Sec. 15. RCW 18.64A.050 and 1989 1st ex.s. c 9 s 424 are each amended to read as follows:

~~In addition to the grounds under RCW 18.130.170 and 18.130.180, the board of pharmacy ((shall have the power to refuse, suspend, or revoke))~~ may take disciplinary action against the certificate of any pharmacy assistant upon proof that:

(1) His or her certificate was procured through fraud, misrepresentation or deceit;

(2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics or drug sundries by any court of competent jurisdiction. Nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

(3) ~~((He or she is unfit to perform his or her duties because of habitual intoxication or abuse of controlled substances;~~

~~((4))~~ He or she has exhibited gross incompetency in the performance of his or her duties;

~~((5))~~ (4) He or she has willfully or repeatedly violated any of the rules and regulations of the board of pharmacy or of the department;

~~((6))~~ (5) He or she has willfully or repeatedly performed duties beyond the scope of his or her certificate in violation of the provisions of this chapter; or

~~((7))~~ (6) He or she has impersonated a licensed pharmacist.

~~((In any case of the refusal, suspension or revocation of a certificate by the board, a hearing shall be conducted in accordance with RCW 18.64.160, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.05 RCW.))~~

NEW SECTION. Sec. 16. A new section is added to chapter 18.64A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certificates and the discipline of certificants under this chapter.

Sec. 17. RCW 18.72.340 and 1986 c 300 s 6 are each amended to read as follows:

(1) Every institution or organization providing professional liability insurance to physicians shall send a complete report to the medical disciplinary board of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a ~~((year))~~ five-year time period as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

(2) Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

Sec. 18. RCW 18.72.380 and 1991 c 3 s 170 are each amended to read as follows:

There is hereby levied to be collected by the department of health from every physician and surgeon licensed pursuant to chapter 18.71 RCW and every physician assistant licensed pursuant to chapter 18.71A RCW an annual medical disciplinary assessment equal to the license renewal fee established under RCW 43.70.250. The assessment levied pursuant to this ~~((subsection))~~ section is in addition to any license renewal fee established under RCW 43.70.250.

Sec. 19. RCW 18.130.190 and 1991 c 3 s 271 are each amended to read as follows:

(1) The secretary shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the secretary shall have the same authority as provided the secretary under RCW 18.130.050. ~~((The secretary shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection.))~~

(2) The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed practice of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. The person to whom such notice is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intention to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(3) If the secretary makes a final determination that a person has engaged or is engaging in unlicensed practice, the secretary may issue a cease and desist order. In addition, the secretary may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed practice of a business or profession for which a license is required by one or more of the chapters specified in RCW 18.130.040. The proceeds of such fines shall be deposited to the health professions account.

(4) If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine.

(5) Neither the issuance of a cease and desist order nor payment of a civil fine shall ~~((not))~~ relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

~~((2))~~ (6) The attorney general, a county prosecuting attorney, the secretary, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

~~((3))~~ (7) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 20. RCW 18.130.165 and 1987 c 150 s 4 are each amended to read as follows:

Where an order for payment of a fine is made as a result of a hearing under RCW 18.130.100 or 18.130.190 and timely payment is not made as directed in the final order, the disciplining authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the disciplining authority may have as to any licensee ordered to pay a fine but shall not be construed to limit a licensee's ability to seek judicial review under RCW 18.130.140.

In any action for enforcement of an order of payment of a fine, the disciplining authority's order is conclusive proof of the validity of the order of payment of a fine and the terms of payment.

Sec. 21. RCW 18.130.050 and 1987 c 150 s 2 are each amended to read as follows:

The disciplining authority has the following authority:

- (1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;
- (2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;
- (3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;
- (4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (5) To compel attendance of witnesses at hearings;
- (6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;

- (7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the disciplining authority;
- (8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the disciplining authority shall make the final decision regarding disposition of the license;
- (9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;
- (10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;
- (11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;
- (12) To adopt standards of professional conduct or practice;
- (13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;
- (14) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;
- (15) To designate individuals authorized to sign subpoenas and statements of charges;
- (16) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;
- (17) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a licensee's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3).

Sec. 22. RCW 18.130.180 and 1991 c 332 s 34 and 1991 c 215 c 3 are each reenacted and amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

- (1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
- (2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;
- (3) All advertising which is false, fraudulent, or misleading;
- (4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;
- (5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;
- (6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;
- (7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;
- (8) Failure to cooperate with the disciplining authority by:
- (a) Not furnishing any papers or documents;
- (b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or
- (c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;
- (9) Failure to comply with an order issued by the ~~((disciplining))~~ disciplinatory authority or ~~((an assurance of discontinuance))~~ a stipulation for informal disposition entered into with the ~~((disciplining))~~ disciplinatory authority;
- (10) Aiding or abetting an unlicensed person to practice when a license is required;
- (11) Violations of rules established by any health agency;
- (12) Practice beyond the scope of practice as defined by law or rule;
- (13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;
- (14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;
- (15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;
- (16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;
- (17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
- (18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) RCW 18.135.080 and 1991 c 3 s 277 & 1984 c 281 s 8;

(2) RCW 18.64.260 and 1987 c 202 s 184, 1969 ex.s. c 199 s 17, 1909 c 213 s 9, & 1899 c 121 s 17; and

(3) RCW 18.71A.070 and 1990 c 196 s 7, 1979 c 158 s 58, & 1975 1st ex.s. c 190 s 3.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5948 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5948 and the House amendment thereto: Senators Talmadge, Deccio and Niemi.

MOTION

On motion of Senator Talmadge, the Conference Committee appointments were confirmed.

MOTIONS

On motion of Senator Spanel, Senator Haugen was excused.

On motion of Senator Drew, Senator Vognild was excused.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5186 with following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.40 RCW to read as follows:

A person commits the crime of luring if the person:

(1)(a) Orders, lures, or attempts to lure a minor or developmentally disabled person into a structure that is obscured from or inaccessible to the public or into a motor vehicle;

(b) Does not have the consent of the minor's parent or guardian or the developmentally disabled person's guardian; and

(c) Is unknown to the child or developmentally disabled person.

(2) It is a defense to luring, which the defendant must prove by a preponderance of the evidence, that the defendant's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the minor or developmentally disabled person.

(3) For purposes of this section:

(a) "Minor" means a person under the age of sixteen;

(b) "Developmentally disabled person" means a person with a developmental disability as defined in RCW 71A.10.020.

(4) Luring is a class C felony.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5186.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Smith, L. - 1.

Excused: Senators Anderson, Haugen, Roach and Vognild - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5025 with following amendment(s):

On page 3, strike lines 4 through 18 and insert:

(c) Investigate the origin and cause of all forest fires to determine whether either a criminal act or negligence by any person, firm, or corporation caused the starting, spreading, or existence of the fire. In conducting investigations, the department shall work cooperatively, to the extent possible, with utilities, property owners, and other interested parties to identify and preserve evidence. Except as provided otherwise in this subsection, the department in conducting investigations is authorized, without court order, to take possession or control of relevant evidence found in plain view and belonging to any person, firm, or corporation. To the extent possible, the department shall notify the person, firm, or corporation of its intent to take possession or control of the evidence. The person, firm, or corporation shall be afforded reasonable opportunity to view the evidence and, before the department takes possession or control of the evidence, also shall be afforded reasonable opportunity to examine, document, and photograph it. If the person, firm, or corporation objects in writing to the department's taking possession or control of the evidence, the department must either return the evidence within seven days after the day on which the department is provided with the written objections or obtain a court order authorizing the continued possession or control.

Absent a court order authorizing otherwise, the department may not take possession or control of evidence over the objection of the owner of the evidence if: (i) The evidence is used by the owner in conducting a business or in providing an electric utility service; and (ii) the department's taking possession or control of the evidence would substantially and materially interfere with the operation of the business or provision of electric utility service. Absent a court order authorizing otherwise, the department may not take possession or control of evidence over the objection of an electric utility when the evidence is not owned by the utility but has caused damage to property owned by the utility. However, this paragraph does not apply if the department has notified the utility of its intent to take possession or control of the evidence and provided the utility with reasonable time to examine, document, and photograph the evidence.

Only personnel qualified to work on electrical equipment may take possession or control of evidence owned or controlled by an electric utility."

On page 3, strike line 25 through 34., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5025.

MOTION

On motion of Senator Oke, Senators Deccio, McCaslin and Linda Smith were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5025, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5025, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 4; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Barr, Niemi, Prentice and Talmadge - 4.

Excused: Senators Anderson, Deccio, Haugen, McCaslin, Roach, Smith, L. and Vognild - 7.

SUBSTITUTE SENATE BILL NO. 5025, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

MESSAGE FROM THE HOUSE

April 13, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5056 with following amendment(s):

On page 1, beginning on line 10, strike the remainder of the bill and insert:

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Marine aquatic plants" means saltwater marine plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free-floating state. Marine aquatic plants include but are not limited to seaweed of the classes Chlorophyta, Phaeophyta, and Rhodophyta.

NEW SECTION. Sec. 3. The maximum daily wet weight harvest or possession of seaweed for personal use from all private and public tidelands and state bedlands is ten pounds per person. The department of natural resources in cooperation with the department of fisheries may establish seaweed harvest limits of less than ten pounds for conservation purposes. This section shall in no way affect the ability of any state agency to prevent harvest of any species of marine aquatic plant from lands under its control, ownership, or management.

NEW SECTION. Sec. 4. A violation of section 3 of this act is an infraction under chapter 7.84 RCW, punishable by a penalty of one hundred dollars.

NEW SECTION. Sec. 5. The department of fisheries may enforce the provisions of sections 3 and 4 of this act.

NEW SECTION. Sec. 6. Section 3 of this act does not apply to commercial harvest of marine aquatic plants.

Sec. 7. RCW 75.10.010 and 1985 c 155 s 1 are amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers within their respective jurisdictions, shall enforce this title, rules of the director, and other statutes as prescribed by the legislature.

(2) When acting within the scope of subsection (1) of this section and when an offense occurs in the presence of the fisheries patrol officer who is not an ex officio fisheries patrol officer, the fisheries patrol officer may enforce all criminal laws of the state. The fisheries patrol officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a fisheries patrol officer rests with the department of fisheries unless the fisheries patrol officer acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of fisheries and another agency.

(4) Fisheries patrol officers may serve and execute warrants and processes issued by the courts.

(5) Fisheries patrol officers may enforce the provisions of sections 3 and 4 of this act.

NEW SECTION. Sec. 8. By December 31, 1993, the department of natural resources in cooperation with the department of fisheries shall develop and report to the appropriate committees of the legislature on a process and budget necessary to accomplish the following:

(1) Inventory and monitor the seaweed resource for seaweed species that are or have the potential to be harvested for recreational or tribal ceremonial and subsistence purposes;

(2) Develop a management plan that will address the appropriate level of recreational harvest of seaweed while conserving the seaweed resource;

(3) Identify the respective state and tribal roles in managing the seaweed resource; and

(4) Involve interested parties in development of the inventory and management plan, including the state parks and recreation commission, affected counties, private tideland owners, the tribes, and representatives of those who harvest seaweed for personal use. The department of natural resources shall also involve these interested parties in development of the process and budget.

NEW SECTION. Sec. 9. Sections 2 through 6 of this act are each added to chapter 79.01 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5056.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 5056, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5056, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Excused: Senators Amondson, Anderson, Deccio, Haugen, McCaslin, Roach, Smith, L. and Vognild - 8.

SUBSTITUTE SENATE BILL NO. 5056, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senators Rinehart and Skratek were excused.

MESSAGE FROM THE HOUSE

April 5, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5079 with following amendment(s):

On page 1, line 14, after "person." strike the remainder of the subsection and insert: "The physical disability permittee is required to be in the direct line of sight of the person digging razor clams for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the physical disability permittee is required to be within one-quarter mile of the person who is digging razor clams for him or her.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Senate Bill No. 5079.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5079, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5079, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Excused: Senators Amondson, Anderson, Deccio, Haugen, McCaslin, Rinehart, Roach, Skratek, Smith, L. and Vognild - 10.

SENATE BILL NO. 5079, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5088 with following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while the 1988 Administrative Procedure Act expanded public participation in the agency rule-making process, there continue to be instances when participants have developed adversarial relationships with each other, resulting in the inability to identify all of the issues, the failure to focus on solutions to problems, unnecessary delays, litigation, and added cost to the agency, affected parties, and the public in general.

When interested parties work together, it is possible to negotiate development of a rule that is acceptable to all affected, and that conforms to the intent of the statute the rule is intended to implement.

After a rule is adopted, unanticipated negative impacts may emerge. Examples include excessive costs of administration for the agency and compliance by affected parties, technical conditions that may be physically or economically unfeasible to meet, problems of interpretation due to lack of clarity, and reporting requirements that duplicate or conflict with those already in place.

It is therefore the intent of the legislature to encourage flexible approaches to developing administrative rules, including but not limited to negotiated rule making and a process for testing the feasibility of adopted rules, often called the pilot rule process. However, nothing in this act shall be construed to create any mandatory duty for an agency to use the procedures in RCW 34.05.310 or section 4 of this act in any particular instance of rule making. Agencies shall determine, in their discretion, when it is appropriate to use these procedures.

Sec. 2. RCW 34.05.310 and 1989 c 175 s 5 are each amended to read as follows:

~~((1) In addition to seeking information by other methods, an agency, before publication of a notice of a proposed rule adoption under RCW 34.05.320, is encouraged to solicit comments from the public on a subject of possible rule making under active consideration within the agency, by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.~~

~~(2) Each agency may appoint committees to comment, before publication of a notice of proposed rule adoption under RCW 34.05.320, on the subject of a possible rule-making action under active consideration within the agency.~~

~~(3) Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.)) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies are encouraged to:~~

~~(1) Solicit comments from the public on a subject of possible rule making before publication of a notice of proposed rule adoption under RCW 34.05.320. This process can be accomplished by having a notice published in the state register of the subject under active consideration and indicating where, when, and how persons may comment; and~~

~~(2) Develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:~~

~~(a) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;~~

~~(b) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;~~

~~(c) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;~~

~~(d) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;~~

~~(e) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and~~

~~(f) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement.~~

NEW SECTION. Sec. 3. Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.

NEW SECTION. Sec. 4. If, during development of a rule or after its adoption, an agency determines that implementation may produce unreasonable economic, procedural, or technical burdens, agencies are encouraged to develop methods for measuring or testing the feasibility of compliance with the rule, including the use of voluntary pilot study groups. Measuring and testing methods should emphasize public notice, participation by persons who have a recognized interest in or are significantly affected by the adoption of the proposed rule, a high level of involvement from agency management, consensus on issues and procedures among participants in the pilot group, assurance of fairness, and reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated if consensus cannot be reached on the rule.

The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 34.05 RCW under the subchapter heading "rule-making procedures.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Substitute Senate Bill No. 5088.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5088, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Amondson, Anderson, Deccio, Haugen, McCaslin, Rinehart, Roach, Skratek and Smith, L. - 9.

SUBSTITUTE SENATE BILL NO. 5088, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Adam Smith was excused.

MESSAGE FROM THE HOUSE

April 5, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5124 with following amendment(s):

On page 9, line 11, after "deliver" insert "with a commercial fishing vessel"

On page 12, line 18, after "deliver" insert "with a commercial fishing vessel", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendments to Senate Bill No. 5124.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5124, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5124, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Excused: Senators Amondson, Anderson, Deccio, Haugen, McCaslin, Rinehart, Roach, Skratek, Smith, A. and Smith, L. - 10.

SENATE BILL NO. 5124, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5145 with following amendment(s):

On page 4, line 9, after "reinspected by" insert "an insurer, a person with whom the insurer has contracted, or"

On page 4, line 15, after "reinspected by" strike "a person authorized by the department" and insert "an insurer, a person with whom the insurer has contracted, or a person authorized by the department to inspect bungee jumping devices", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 5145.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5145, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5145, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 5; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 35.

Voting nay: Senators Barr, Bluechel, Cantu, Hochstatter and Oke - 5.

Excused: Senators Amondson, Anderson, Deccio, Haugen, McCaslin, Rinehart, Roach, Smith, A. and Smith, L. - 9.
SUBSTITUTE SENATE BILL NO. 5145, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5179 with following amendment(s):

On page 2, line 28, strike "this section" and insert "sections 1 through 5 of this act"

On page 2, line 30, after "required" strike all material through "revenue" on line 31 and insert "under RCW 88.02.020 to display a decal or that is exempt from registration pursuant to RCW 88.02.030(10)"

On page 3, line 12, strike "is a violation of this chapter" and insert "shall be unlawful"

On page 3, line 16, strike "is a violation of this chapter" and insert "shall be unlawful", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendments to Substitute Senate Bill No. 5179.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Excused: Senators Amondson, Anderson, Deccio, Haugen, McCaslin, Rinehart, Roach, Smith, A. and Smith, L. - 9.

SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:28 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Tuesday, April 20, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-NINTH DAY, APRIL 19, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 20, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hargrove, Moyer, Niemi, Linda Smith, West and Wojahn. On motion of Senator Loveland, Senators Niemi and Wojahn were excused. On motion of Senator Oke, Senators Moyer, Linda Smith and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Capp Crawford and Eric Crawford, presented the Colors. Dr. Morris Belling of the Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SENATE BILL NO. 5768,
SUBSTITUTE SENATE BILL NO. 5839,
SUBSTITUTE SENATE BILL NO. 5849,
SENATE BILL NO. 5856,
SUBSTITUTE SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5876,
SUBSTITUTE SENATE BILL NO. 5957,
SENATE BILL NO. 5973,
SENATE BILL NO. 5975,
SENATE BILL NO. 5984, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5241 with the following amendment(s):
On page 4, at the beginning of line 21, strike "permissive" and insert "discretionary"
On page 5, line 10, after "are" strike "permissive" and insert "discretionary", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Senate Bill No. 5241.

The President declared the question before the Senate to the roll call on the final passage of Senate Bill No. 5241, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5241, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Winsley - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Moyer, Niemi, Smith, L., West and Wojahn - 5.

SENATE BILL NO. 5241, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1028,

SUBSTITUTE HOUSE BILL NO. 1063,

HOUSE BILL NO. 1111,

HOUSE BILL NO. 1142,

SUBSTITUTE HOUSE BILL NO. 1144,

HOUSE BILL NO. 1150,

SUBSTITUTE HOUSE BILL NO. 1156,

HOUSE BILL NO. 1212,

HOUSE BILL NO. 1225,

HOUSE BILL NO. 1227,

HOUSE BILL NO. 1244,

HOUSE BILL NO. 1263,

HOUSE BILL NO. 1292,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,

HOUSE BILL NO. 1317,

HOUSE BILL NO. 1328,

HOUSE BILL NO. 1351,

SUBSTITUTE HOUSE BILL NO. 1352,

ENGROSSED HOUSE BILL NO. 1353,

HOUSE BILL NO. 1355,

SUBSTITUTE HOUSE BILL NO. 1370,

HOUSE BILL NO. 1401,

HOUSE BILL NO. 1407,

HOUSE BILL NO. 1993,

ENGROSSED HOUSE BILL NO. 2009,

HOUSE BILL NO. 2048,

HOUSE BILL NO. 2073,

HOUSE JOINT RESOLUTION NO. 4201,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1028,

SUBSTITUTE HOUSE BILL NO. 1063,

HOUSE BILL NO. 1111,

HOUSE BILL NO. 1142,

SUBSTITUTE HOUSE BILL NO. 1144,

HOUSE BILL NO. 1150,

SUBSTITUTE HOUSE BILL NO. 1156,

HOUSE BILL NO. 1212,

HOUSE BILL NO. 1225,

HOUSE BILL NO. 1227,

HOUSE BILL NO. 1244,

HOUSE BILL NO. 1263,

HOUSE BILL NO. 1292,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
HOUSE BILL NO. 1317,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1351,
SUBSTITUTE HOUSE BILL NO. 1352,

ENGROSSED HOUSE BILL NO. 1353,
HOUSE BILL NO. 1355,
SUBSTITUTE HOUSE BILL NO. 1370,
HOUSE BILL NO. 1401,
HOUSE BILL NO. 1407,
HOUSE BILL NO. 1993,
ENGROSSED HOUSE BILL NO. 2009,
HOUSE BILL NO. 2048,
HOUSE BILL NO. 2073,
HOUSE JOINT RESOLUTION NO. 4201,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5260 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that salmon consumers in Washington benefit from knowing the species and origin of the salmon they purchase. The accurate identification of such species, as well as knowledge of the country or state of origin and of whether they were caught commercially or were farm-raised, is important to consumers.

NEW SECTION. Sec. 2. A new section is added to chapter 69.04 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 5 of this act.

(1) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

SCIENTIFIC NAME	COMMON NAME
<i>Oncorhynchus tshawytscha</i>	Chinook salmon or king salmon
<i>Oncorhynchus kisutch</i>	Coho salmon or silver salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon
<i>Salmo salar</i> (in other than its landlocked form)	Atlantic salmon

(2) "Commercially caught" means salmon harvested by commercial fishers.

NEW SECTION. Sec. 3. A new section is added to chapter 69.04 RCW to read as follows:

With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell at wholesale or retail any fresh or frozen salmon food fish or cultured aquatic salmon without identifying the species of salmon by its common name to the buyer at the point of sale such that the buyer can make an informed decision in purchasing. A person knowingly violating this section is guilty of misbranding under this chapter. A person who receives misleading or erroneous information about the species of salmon and subsequently inaccurately identifies salmon shall not be guilty of misbranding. This section shall not apply to salmon that is minced, pulverized, coated with batter, or breaded.

NEW SECTION. Sec. 4. A new section is added to chapter 69.04 RCW to read as follows:

With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell at wholesale or retail any fresh or frozen:

(1) Private sector cultured aquatic salmon without identifying the product as farm-raised salmon; or

(2) Commercially caught salmon designated as food fish under Title 75 RCW without identifying the product as commercially caught salmon.

Identification of the products under subsections (1) and (2) of this section shall be made to the buyer at the point of sale such that the buyer can make an informed decision in purchasing.

A person knowingly violating this section is guilty of misbranding under this chapter. A person who receives misleading or erroneous information about whether the salmon is farm-raised or commercially caught, and subsequently inaccurately identifies salmon shall not be guilty of misbranding. This section shall not apply to salmon that is minced, pulverized, coated with batter, or breaded.

NEW SECTION. Sec. 5. A new section is added to chapter 69.04 RCW to read as follows:

To promote honesty and fair dealing for consumers, the director, in consultation with the director of the department of fisheries, shall adopt rules:

- (1) Fixing and establishing a reasonable definition and standard of identity for salmon for purposes of identifying and selling salmon;
- (2) Enforcing sections 3 and 4 of this act.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5260. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5260, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5260, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 46.

Excused: Senators Moyer, Smith, L. and Wojahn - 3.

ENGROSSED SENATE BILL NO. 5260, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5270 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, given the overlap of powers and products in the companies regulated, the consolidation of the agencies regulating financial institutions and securities into one department will better serve the public interest through more effective use of staff expertise. Therefore, for the convenience of administration and the centralization of control and the more effective use of state resources and expertise, the state desires to combine the regulation of financial institutions and securities into one department.

NEW SECTION. Sec. 2. A state department of financial institutions, headed by the director of financial institutions, is created. The department shall be organized and operated in a manner that to the fullest extent permissible under applicable law protects the public interest, protects the safety and soundness of depository institutions and entities under the jurisdiction of the department, ensures access to the regulatory process for all concerned parties, and protects the interests of investors. The department of financial institutions shall be structured to reflect the unique differences in the types of institutions and areas it regulates.

NEW SECTION. Sec. 3. The director of financial institutions shall be appointed by the governor and shall exercise all powers and perform all of the duties and functions transferred under section 6 of this act, and such other powers and duties as may be authorized by law. The director may deputize, appoint, and employ examiners and other such assistants and personnel as may be necessary to carry on the work of the department. The director of financial institutions shall receive a salary in an amount fixed by the governor.

NEW SECTION. Sec. 4. A person is not eligible for appointment as director of financial institutions unless he or she is, and for the last two years before his or her appointment has been, a citizen of the United States. A person is not eligible for appointment as director of financial institutions if he or she has an interest at the time of appointment, as a director, trustee, officer, or stockholder in any bank, savings bank, savings and loan association, credit union, consumer loan company, trust company, securities broker-dealer or investment advisor, or other institution regulated by the department.

NEW SECTION. Sec. 5. The director of financial institutions may adopt any rules, under chapter 34.05 RCW, necessary to implement the powers and duties of the director under this chapter.

NEW SECTION. Sec. 6. (1) All powers, duties, and functions of the department of general administration under Titles 30, 31, 32, 33, and 43 RCW and any other title pertaining to duties relating to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, and other similar institutions are transferred to the department of financial institutions. All references to the director of general administration, supervisor of banking, or the supervisor of savings and loan associations in the Revised Code of Washington are construed to mean the director of the department of financial institutions when referring to the functions transferred in this section. All references to the department of general administration in the Revised Code of Washington are construed to mean the department of financial institutions when referring to the functions transferred in this subsection.

(2) All powers, duties, and functions of the department of licensing under chapters 19.100, 19.110, 21.20, 21.30, and 48.18A RCW and any other statute pertaining to the regulation of securities, franchises, business opportunities, commodities, and any other speculative investments are transferred to the department of financial institutions. All references to the director or department of licensing in the Revised Code of Washington are construed to mean the director or department of financial institutions when referring to the functions transferred in this subsection.

NEW SECTION. Sec. 7. All reports, documents, surveys, books, records, files, papers, or other written or electronically stored material in the possession of the department of general administration or the department of licensing and pertaining to the

powers, functions, and duties transferred by section 6 of this act shall be delivered to the custody of the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property purchased by the division of banking and the division of savings and loan in carrying out the powers, functions, and duties transferred by section 6 of this act shall be transferred to the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of licensing in carrying out the powers, functions, and duties transferred by section 6 of this act shall be made available to the department of financial institutions. All funds, credits, or other assets held by the department of general administration or the department of licensing in connection with the powers, functions, and duties transferred by section 6 of this act shall be assigned to the department of financial institutions.

Any appropriations made to the department of general administration or the department of licensing for carrying out the powers, functions, and duties transferred by section 6 of this act shall, on the effective date of this act, be transferred and credited to the department of financial institutions.

If a dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 8. The director of financial institutions may appoint assistant directors for each of the divisions of the department and delegate to them the power to perform any act or duty conferred upon the director. The director is responsible for the official acts of these assistant directors.

The department of financial institutions shall consist of at least the following four divisions: The division of FDIC insured institutions, with regulatory authority over all state-chartered FDIC insured institutions; the division of credit unions, with regulatory authority over all state-chartered credit unions; the division of consumer affairs, with regulatory authority over state-licensed nondepository lending institutions and other regulated entities; and the division of securities, with regulatory authority over securities, franchises, business opportunities, and commodities. The director of financial institutions is granted broad administrative authority to add additional responsibilities to these divisions as necessary and consistent with applicable law.

For purposes of this section, "FDIC" means the Federal Deposit Insurance Corporation.

NEW SECTION. Sec. 9. All employees classified under chapter 41.06 RCW, the state civil service law, who are employees of the department of general administration or the department of licensing engaged in performing the powers, functions, and duties transferred by section 6 of this act are transferred to the department of financial institutions. All such employees are assigned to the department of financial institutions to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 10. All rules and all pending business before the department of general administration or the department of licensing pertaining to the powers, functions, and duties transferred by section 6 of this act shall be continued and acted upon by the department of financial institutions. All existing contracts and obligations shall remain in full force and shall be performed by the department of financial institutions.

NEW SECTION. Sec. 11. The transfer of the powers, duties, functions, and personnel of the department of general administration or the department of licensing under sections 6, 7, 9, and 10 of this act does not affect the validity of any act performed by such an employee before the effective date of this act.

NEW SECTION. Sec. 12. If apportionments of budgeted funds are required because of the transfers directed by sections 6 through 11 of this act, the director of financial management shall certify the apportionments to the agencies affected, to the state auditor, and to the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 13. Nothing contained in sections 6 through 11 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the expiration date of the current agreement or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 14. RCW 21.20.005 and 1989 c 391 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of ~~((licensing))~~ financial institutions of this state.

(2) "Salesperson" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesperson" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), (10), (11), (12), or (13), ~~((as now or hereafter amended;))~~ (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for that person's own account. "Broker-dealer" does not include (a) a salesperson, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if the person effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months that person does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" also includes financial planners and other persons who, as an integral component of other financially related services, (a) provide the foregoing investment advisory services to others for compensation as part of a business or (b) hold themselves out as providing the foregoing investment advisory services to others for compensation. Investment adviser shall also include any person who holds himself out as a financial planner.

"Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, certified public accountant licensed under chapter 18.04 RCW, engineer, or teacher whose performance of these services is solely incidental to the practice of his or her profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a radio or television station, (f) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (g) a person who has no place of business in this state if (i) that person's only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months that person does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (h) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933(())"," "Securities Exchange Act of 1934(())"," "Public Utility Holding Company Act of 1935(())"," and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; investment of money or other consideration in the risk capital of a venture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; charitable gift annuity; or, in general, any interest or instrument commonly known as a "security(())"," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesperson" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives(())"," as used in RCW 21.20.310(11) (~~as now or hereafter amended, shall~~) includes:

- (a) A member's spouse;
- (b) Parents of the member or the member's spouse;
- (c) Grandparents of the member or the member's spouse;
- (d) Natural or adopted children of the member or the member's spouse;
- (e) Aunts and uncles of the member or the member's spouse; and
- (f) First cousins of the member or the member's spouse.

Sec. 15. RCW 21.20.450 and 1979 ex.s. c 68 s 33 are each amended to read as follows:

The administration of the provisions of this chapter shall be under the department of (~~licensing~~) financial institutions. The director may from time to time make, amend, and (~~rescind~~) repeal such rules and forms as are necessary to carry out the provisions of this chapter, including rules defining any term, whether or not such term is used in the Washington securities law. The director may classify securities, persons, and matters within the director's jurisdiction, and prescribe different requirements for different classes. No rule or form((;)) may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published.

Sec. 16. RCW 21.20.720 and 1987 c 421 s 4 are each amended to read as follows:

(1) A director, officer, or controlling person of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him or her, the same as any other investor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute with him or her a majority of the board of directors.

(2) A director, an officer, or controlling person shall not:

(a) For himself or herself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his or her own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of ~~((licensing))~~ financial institutions or the director's administrator of securities upon recommendation by the company's board of directors.

(d) For himself or herself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real or personal property upon which the debenture company holds a mortgage, deed of trust, or property contract. A loan to or a purchase by a corporation in which he or she is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he or she and other directors, officers, or controlling persons of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his or her knowledge or against his or her protest.

Sec. 17. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, (15) the department of community development, ~~((and))~~ (16) the department of health, and (17) the department of financial institutions, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 18. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, (15) the director of community development, ~~((and))~~ (16) the secretary of health, and (17) the director of financial institutions.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 19. RCW 43.19.010 and 1988 c 25 s 10 are each amended to read as follows:

The department of general administration shall be organized into divisions, which shall include (1) ~~((the division of banking, (2) the division of savings and loan associations, (3)))~~ the division of capitol buildings, ~~((4))~~ (2) the division of purchasing, ~~((5))~~ (3) the division of engineering and architecture, and ~~((6))~~ (4) the division of motor vehicle transportation service.

The director of general administration shall have charge and general supervision of the department. He or she may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

Sec. 20. RCW 43.19.020 and 1977 ex.s. c 185 s 1 are each amended to read as follows:

The director of ~~((general administration))~~ financial institutions shall appoint ~~((and))~~ deputize ~~((an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint))~~, and employ ~~((bank))~~ examiners and such other assistants and personnel as may be necessary to carry on the work of the ~~((division.~~

~~No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder))~~ department of financial institutions.

In the event of the ~~((supervisor's))~~ director's absence the director ~~((of general administration))~~ shall have the power to deputize one of the assistants of the ~~((supervisor))~~ director to exercise all the powers and perform all the duties prescribed by law with respect to banks ~~((and)), savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies((- mutual savings banks, loan agencies))~~ and departments, securities, franchises, business opportunities, commodities, and other similar institutions or areas that are performed by the ~~((supervisor))~~ director so long as the ~~((supervisor))~~ director is absent: PROVIDED, That such deputized ~~((supervisor))~~ assistant shall not have the power to approve or disapprove new charters, licenses, branches, and satellite facilities, unless such action has received the prior written approval of the ~~((supervisor))~~ director. Any person so deputized shall possess the same qualifications as those set out in this section for the ~~((supervisor))~~ director.

Sec. 21. RCW 43.19.030 and 1977 ex.s. c 270 s 8 are each amended to read as follows:

Before entering ~~((upon his))~~ office each ~~((bank))~~ examiner shall take and subscribe an oath faithfully to discharge the duties of ~~((his))~~ the office.

Oaths shall be filed with the secretary of state.

Neither the ~~((supervisor of banking))~~ director of financial institutions, any ~~((deputy supervisor))~~ deputized assistant of the director, nor any ~~((bank))~~ examiner or employee shall be personally liable for any act done ~~((by him))~~ in good faith in the performance of his or her duties.

Sec. 22. RCW 43.19.050 and 1965 c 8 s 43.19.050 are each amended to read as follows:

The ~~((supervisor of banking))~~ director of financial institutions shall maintain an office at the state capitol, but may with the consent of the governor also maintain ~~((an office))~~ branch offices at ~~((some))~~ other convenient ~~((banking center))~~ business centers in this state.

~~((He))~~ The director shall keep books of record of all moneys received or disbursed by ~~((him))~~ the director into or from the banking examination fund, the credit union examination fund, the securities regulation fund, and any other accounts maintained by the department of financial institutions. ~~((He shall adopt an official seal.))~~

Sec. 23. RCW 43.19.080 and 1965 c 8 s 43.19.080 are each amended to read as follows:

(1) It shall be unlawful for the ~~((supervisor or any deputy or employee of his division))~~ director of financial institutions, any deputized assistant of the director, or any employee of the department of financial institutions to borrow money from any bank ~~((or trust company under his jurisdiction)),~~ consumer loan company, credit union, foreign bank branch, savings bank, savings and loan association, or trust company or department, securities broker-dealer or investment advisor, or similar lending institution under the department's direct jurisdiction unless the extension of credit:

(a) Is made on substantially the same terms (including interest rates and collateral) as, and following credit underwriting procedures that are not less stringent than, those prevailing at the time for comparable transactions by the financial institution with other persons that are not employed by either the department or the institution; and

(b) Does not involve more than the normal risk of repayment or present other unfavorable features.

(2) The director of the office of financial management shall adopt rules, policies, and procedures interpreting and implementing this section.

(3) Every person who knowingly violates this section shall forfeit his or her office or employment and be guilty of a gross misdemeanor.

Sec. 24. RCW 43.19.090 and 1977 c 75 s 43 are each amended to read as follows:

The ~~((supervisor))~~ director of financial institutions shall file in his or her office all reports required to be made to ~~((him))~~ the director, prepare and furnish to banks ~~((and)),~~ savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments blank forms for such reports as are required of them, and each year make a report to the governor showing:

(1) A summary of the conditions of the banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments at the date of their last report; and

(2) A list of those organized or closed during the year.

~~((He))~~ The director may publish such other statements, reports, and pamphlets as he or she deems advisable.

Sec. 25. RCW 43.19.095 and 1981 c 241 s 1 are each amended to read as follows:

There is created a local fund known as the "banking examination fund" which shall consist of all moneys received by the ~~((division of banking))~~ department of financial institutions from banks, savings banks, foreign bank branches, savings and loan associations, consumer loan companies, check cashers and sellers, and trust companies and departments, and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the proper ~~((maintenance of the division))~~ regulation of these companies. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of ~~((general administration or the supervisor of banking))~~ financial institutions or the director's ~~((or supervisor's))~~ designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Sec. 26. RCW 43.19.112 and 1981 c 241 s 2 are each amended to read as follows:

There is created a local fund known as the "~~((savings and loan associations and))~~ credit unions examination fund" which shall consist of all moneys received by the ~~((division of savings and loan associations))~~ department of financial institutions from credit unions and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the ~~((proper maintenance of the division))~~ regulation of these institutions. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of ~~((general administration or the supervisor of savings and loan associations))~~ financial institutions or the director's ~~((or supervisor's))~~ designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. Sec. 27. There is created in the state treasury a fund known as the "securities regulation fund" that shall consist of thirteen percent of all moneys received by the division of securities of the department of financial institutions. Expenditures from the account may be used only for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the regulation of securities, franchises, business opportunities, commodities, and other similar areas regulated by the division. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

(1) RCW 43.19.040 and 1965 c 8 s 43.19.040;

(2) RCW 43.19.100 and 1982 c 3 s 113, 1977 ex.s. c 185 s 2, & 1965 c 8 s 43.19.100; and

(3) RCW 43.19.110 and 1965 c 8 s 43.19.110.

NEW SECTION. Sec. 29. Sections 1 through 13 and 27 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 30. RCW 43.19.020, 43.19.030, 43.19.050, 43.19.080, 43.19.090, 43.19.095, and 43.19.112 are recodified as sections in chapter 43. ___ RCW (sections 1 through 13 and 27 of this act).

NEW SECTION. Sec. 31. This act takes effect October 1, 1993.

NEW SECTION. Sec. 32. The directors of the department of general administration and the department of licensing shall take such steps as are necessary to ensure that this act is implemented on October 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 5270. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5270, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5270, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 46.

Excused: Senators Moyer, Smith, L. and Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5270, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5307 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.280 and 1989 c 219 s 1 are each amended to read as follows:

(1) It is unlawful for ~~((an elementary or secondary school student under the age of twenty-one knowingly))~~ a person to carry onto public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm; or
- (b) Any dangerous weapon as defined in RCW 9.41.250; or
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such ~~((student))~~ person violating subsection (1) of this section is guilty of a gross misdemeanor.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. However, any violation of subsection (1)(a) of this section by an elementary or secondary school student shall result in expulsion in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy when on the property of the academy; ~~((or))~~
- (b) Any ~~((student))~~ person engaged in military, law enforcement, or school district security activities ~~((, sponsored by the federal or state governments while engaged in official duties));~~ ~~((or))~~
- (c) Any ~~((student))~~ person who is ~~((attending))~~ involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed; ~~((or))~~
- (d) Any ~~((student))~~ person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises; ~~((or))~~
- (e) Any ~~((student))~~ person while the ~~((student))~~ person is participating in a firearms or air gun competition approved by the school or school district;
- (f) Any person who has been issued a license under RCW 9.41.070, while picking up or dropping off a student;
- (g) Any person legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
- (h) Any person who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
- (i) Any law enforcement officer of the federal, state, or local government agency.

(4) Except as provided in subsection (3)(b), (c), (e), and (i) of this section, firearms are not permitted in a public or private school building.

(5) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

Each school district and each private school approved under chapter 28A.195 RCW shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

Sec. 3. RCW 28A.635.060 and 1989 c 269 s 6 are each amended to read as follows:

(1) Any pupil who shall deface or otherwise injure any school property, shall be liable to suspension and punishment. Any school district whose property has been lost or willfully cut, defaced, or injured, may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages, unless the student is transferring to another elementary or secondary educational institution, in which case the student's permanent record shall be released promptly to the receiving school. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

Sec. 4. RCW 10.31.100 and 1988 c 190 s 1 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((8))~~ (9) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.100 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person. For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(10) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((40))~~ (11) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the police officer acts in good faith and without malice.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5307. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5307, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5307, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Barr, Hochstatter, Roach and Sellar - 4.

Excused: Senators Moyer and Smith, L. - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5307, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5316 with the following amendment(s):

On page 2, line 23, after "by" insert "two separate letters, one sent by first class mail and one sent by"

On page 4, line 29, after "deficiency" insert ", however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 5316.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5316, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5316, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Moyer and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 5316, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Winsley was excused.

MESSAGE FROM THE HOUSE

April 5, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5380 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.56.475 and 1988 c 110 § 2 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(7), the provisions of RCW 41.56.430(, 41.56.440, and) through 41.56.452 and RCW 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) The mediator shall not consider wages and wage-related matters.

(2) ~~The services of the mediator, including any per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this section shall be construed to prohibit the public employer and a bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure.~~

(3) ~~If the public employer and a bargaining representative are unable to reach an agreement in mediation, either party, by written notice to the other party and to the commission, may request that the matters in dispute be submitted to a fact-finder for recommendations. If the executive director, upon the recommendation of the mediator, finds that the parties remain at an impasse after a reasonable period of negotiations, the executive director shall initiate fact-finding proceedings.~~

~~(a) The executive director shall provide the parties with a list of five persons qualified to serve as the neutral fact-finder. The parties shall without delay attempt to agree upon a fact-finder from the list provided by the commission or to agree upon some other person as a fact-finder. Upon the failure of the parties to agree upon a fact-finder within seven days after the issuance of the list, the commission shall, upon the request of either party, appoint a fact-finder. The commission shall not appoint as fact-finder the same person who acted as mediator in the dispute.~~

~~(b) The fact-finder shall promptly establish a date, time, and place to meet with the representatives of the parties and shall provide reasonable notice of the meeting to the parties to the dispute. The requirements of chapter 34.05 RCW shall not apply to fact-finding proceedings. The fact-finder shall make inquiries and investigations, hold hearings, and take such other steps as he or she deems appropriate. The fact-finder may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.~~

~~(c) The fact-finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how their dispute should be resolved. A copy shall be delivered or mailed to each of the parties to the dispute. A copy shall be filed with the commission. The findings and recommendations of the fact-finder are advisory only.~~

~~(d) The findings and recommendations of the fact-finder shall be held in confidence among the fact-finder, the public employer, the bargaining representative, and the commission for seven calendar days following their issuance, to permit the public employer and the bargaining representative to study the recommendations. No later than seven calendar days following the issuance of the recommendations of the fact-finder, each party shall notify the commission and the other party whether it accepts or rejects, in whole or in part, the recommendations of the fact-finder. If the parties remain in disagreement following the expiration of the seven-day period, the findings and recommendations of the fact-finder may be made public.~~

~~(e) The fees and expenses of the fact-finder shall be paid by the parties to the dispute, in equal amounts. All other costs of the proceeding shall be paid by the party incurring those costs. Nothing in this section prohibits an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, some other impasse procedure or from agreeing to some other allocation of the costs of fact-finding between them.)~~ In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of hours and conditions of employment.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 5380.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5380, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5380, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Nelson, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 37.

Voting nay: Senators Barr, Bluechel, Cantu, Hochstatter, McCaslin, McDonald, Newhouse, Oke and Prince - 9.

Excused: Senators Moyer, Smith, L. and Winsley - 3.

SUBSTITUTE SENATE BILL NO. 5380, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5483 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(7), the provisions of RCW 41.56.430 through 41.56.452, 41.56.470, 41.56.480, and 41.56.490 shall also be applicable to the employees of a public passenger transportation system of a metropolitan municipal corporation, county transportation authority, public transportation benefit area, or city public passenger transportation system, subject to the following:

(1) Negotiations between the public employer and the bargaining representative may commence at any time agreed to by the parties. If no agreement has been reached ninety days after commencement of negotiations, either party may demand that the issues in disagreement be submitted to a mediator. The services of the mediator shall be provided by the commission without cost to the parties, but nothing in this section or RCW 41.56.440 shall be construed to prohibit the public employer and the bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure; and

(2) If an agreement has not been reached following a reasonable period of negotiations and mediation, and the mediator finds that the parties remain at impasse, either party may demand that the issues in disagreement be submitted to an arbitration panel for a binding and final determination. In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Compensation package comparisons, economic indices, fiscal constraints, and similar factors determined by the arbitration panel to be pertinent to the case; and

(d) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 5483.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5483, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5483, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, Williams and Wojahn - 31.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, Hochstatter, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar and West - 15.

Absent: Senator Franklin - 1.

Excused: Senators Smith, L. and Winsley - 2.

SUBSTITUTE SENATE BILL NO. 5483, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5492 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 23B.01.220 and 1991 c 72 s 15 are each amended to read as follows:

For filing articles of incorporation of an association organized under this chapter or filing application for a certificate of authority by a foreign corporation, there shall be paid to the secretary of state the sum of twenty-five dollars (~~and for filing of an amendment the sum of twenty dollars~~). Fees for filing an amendment to articles of incorporation shall be established by the secretary of state by rule. For filing other documents with the secretary of state and issuing certificates, fees shall be as prescribed in RCW 23B.01.220. Associations subject to this chapter shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.

Sec. 2. RCW 23B.01.220 and 1992 c 107 s 7 are each amended to read as follows:

(1) The secretary of state shall collect in accordance with the provisions of this title:

(a) Fees for filing documents and issuing certificates;

- (b) Miscellaneous charges;
 - (c) License fees as provided in RCW 23B.01.500 through 23B.01.550;
 - (d) Penalty fees; and
 - (e) Other fees as the secretary of state may establish by rule adopted under chapter 34.05 RCW.
- (2) The secretary of state shall collect the following fees when the documents described in this subsection are delivered

for filing:

~~((a))~~ One hundred seventy-five dollars, pursuant to RCW 23B.01.520 and 23B.01.540, for:

~~((i))~~ (a) Articles of incorporation; and

~~((ii))~~ (b) Application for certificate of authority;

~~((b))~~ Fifty dollars for an)

(3) The secretary of state shall establish by rule, fees for the following:

(a) Application for reinstatement;

~~((c))~~ Twenty-five dollars for:

~~((i))~~ (b) Articles of correction;

~~((ii))~~ (c) Amendment of articles of incorporation;

~~((iii))~~ (d) Restatement of articles of incorporation, with or without amendment;

~~((iv))~~ (e) Articles of merger or share exchange;

~~((v))~~ (f) Articles of revocation of dissolution; ~~(and~~

~~((vi))~~ (g) Application for amended certificate of authority;

~~((d))~~ Twenty dollars for an) (h) Application for reservation, registration, or assignment of reserved name;

~~((e))~~ Ten dollars for:)

(i) Corporation's statement of change of registered agent or registered office, or both, except where this information is provided in conjunction with and on an initial report or an annual report form filed under RCW 23B.01.530, 23B.01.550, 23B.02.050, or 23B.16.220;

~~((iii))~~ (j) Agent's resignation, or statement of change of registered office, or both, for each affected corporation;

~~((iii))~~ (k) Initial report; and

~~((iv))~~ (l) Any document not listed in this subsection that is required or permitted to be filed under this title~~(:);~~

~~((f))~~ No fee) (4) Fees shall be adjusted by rule only in an amount that does not exceed the average biennial increase in the cost of providing service. This shall be determined in a biennial cost study performed by the secretary.

(5) The secretary of state shall not collect fees for:

~~((i))~~ (a) Agent's consent to act as agent;

~~((ii))~~ (b) Agent's resignation, if appointed without consent;

~~((iii))~~ (c) Articles of dissolution;

~~((iv))~~ (d) Certificate of judicial dissolution;

~~((v))~~ (e) Application for certificate of withdrawal; and

~~((vi))~~ (f) Annual report when filed concurrently with the payment of annual license fees.

~~((3))~~ (6) The secretary of state shall collect a fee ~~(of twenty-five dollars)~~ in an amount established by the secretary of state by rule per defendant served, upon being served process under this title. The party to a proceeding causing service of process is entitled to recover this fee as costs if such party prevails in the proceeding.

~~((4))~~ (7) The secretary of state shall establish by rule and collect a fee from every person or organization:

(a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation~~(, ten dollars for the certificate, plus twenty cents for each page copied);~~

(b) For furnishing a certificate, under seal, attesting to the existence of a corporation, or any other certificate~~(, ten dollars);~~ and

(c) For furnishing copies of any document, instrument, or paper relating to a corporation, other than of an initial report or an annual report~~(, one dollar for the first page and twenty cents for each page copied thereafter. The fee for furnishing a copy of the most recent annual report of a corporation (or of the initial report if no annual report has been filed) is one dollar, and the fee for furnishing a copy of any other annual report of a corporation is five dollars).~~

~~((5))~~ (8) For annual license fees for domestic and foreign corporations, see RCW 23B.01.500, 23B.01.510, 23B.01.530, and 23B.01.550. For penalties for nonpayment of annual license fees and failure to complete annual report, see RCW 23B.01.570.

Sec. 3. RCW 23B.01.530 and 1989 c 165 s 19 are each amended to read as follows:

For the privilege of doing business, every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall make and file a statement in the form prescribed by the secretary of state and shall pay an annual license fee each year following incorporation, on or before the expiration date of its corporate license, to the secretary of state. The secretary of state shall collect an annual license fee of ten dollars for each inactive corporation and fifty dollars for other corporations. As used in this section, "inactive corporation" means a corporation that certifies at the time of filing under this section that it did not engage in any business activities during the year ending on the expiration date of its corporate license.

Sec. 4. RCW 23B.01.560 and 1989 c 165 s 22 are each amended to read as follows:

(1) A corporation seeking reinstatement shall pay the full amount of all annual corporation license fees which would have been assessed for the license years of the period of administrative dissolution had the corporation been in active status, plus a surcharge ~~(of twenty-five percent)~~ established by the secretary of state by rule, and the license fee for the year of reinstatement.

(2) The penalties herein established shall be in lieu of any other penalties or interest which could have been assessed by the secretary of state under the corporation laws or which, under those laws, would have accrued during any period of delinquency, dissolution, or expiration of corporate duration.

Sec. 5. RCW 24.03.405 and 1991 c 223 s 1 are each amended to read as follows:

(1) The secretary of state shall charge and collect for:

~~((1))~~ (a) Filing articles of incorporation ~~(, thirty dollars,~~

(b) Filing an annual report of a domestic or foreign corporation, ten dollars.

(c) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

(2) The secretary of state shall establish by rule, fees for the following:

~~((a))~~ An application for reinstatement under RCW 24.03.386(~~(, thirty dollars)~~).

~~((2))~~ ~~(b)~~ Filing articles of amendment or restatement or an amendment or supplement to an application for reinstatement(~~(, twenty dollars)~~).

~~((3))~~ ~~(c)~~ Filing articles of merger or consolidation(~~(, twenty dollars)~~).

~~((4))~~ ~~(d)~~ Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, or any combination of these(~~(, ten dollars)~~). A separate fee for filing such statement shall not be charged if the statement appears in an amendment to articles of incorporation or in conjunction with the filing of the annual report.

~~((5))~~ ~~(e)~~ Filing articles of dissolution, no fee.

~~((6))~~ Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

~~((7))~~ ~~(f)~~ Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state(~~(, twenty dollars)~~).

~~((8))~~ ~~(g)~~ Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

~~((9))~~ ~~(h)~~ Filing a certificate by a foreign corporation of the appointment of a registered agent(~~(, ten dollars)~~). A separate fee for filing such certificate shall not be charged if the statement appears in conjunction with the filing of the annual report.

~~((10))~~ ~~(i)~~ Filing a certificate of election adopting the provisions of chapter 24.03 RCW(~~(, twenty dollars)~~).

~~((11))~~ ~~(j)~~ Filing an application to reserve a corporate name(~~(, twenty dollars)~~).

~~((12))~~ ~~(k)~~ Filing a notice of transfer of a reserved corporate name(~~(, twenty dollars)~~).

~~((13))~~ ~~(l)~~ Filing a name registration(~~(, twenty dollars per year, or part thereof)~~).

~~((14))~~ Filing an annual report of a domestic or foreign corporation, ten dollars.

~~((15))~~ ~~(m)~~ Filing any other statement or report authorized for filing under this chapter(~~(, ten dollars)~~).

(3) Fees shall be adjusted by rule only in an amount that does not exceed the average biennial increase in the cost of providing service. This shall be determined in a biannual cost study performed by the secretary.

Sec. 6. RCW 24.03.410 and 1982 c 35 s 111 are each amended to read as follows:

The secretary of state shall ~~((charge))~~ establish fees by rule and collect:

(1) For furnishing a certified copy of any charter document or any other document, instrument, or paper relating to a corporation(~~(, five dollars for the certificate, plus twenty cents for each page copied)~~).

(2) For furnishing a certificate, under seal, attesting to the status of a corporation(~~(, five dollars)~~).

(3) For furnishing copies of any document, instrument or paper relating to a corporation(~~(, one dollar for the first page and twenty cents for each page copied thereafter)~~).

(4) At the time of any service of process on him or her as registered agent of a corporation(~~(, twenty-five dollars, which)~~) an amount that may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 7. RCW 24.06.450 and 1991 c 223 s 2 are each amended to read as follows:

(1) The secretary of state shall charge and collect for:

~~((1))~~ ~~(a)~~ Filing articles of incorporation, thirty dollars.

~~((2))~~ ~~Filing articles of amendment or restatement, twenty dollars.~~

~~((3))~~ ~~(b)~~ Filing an annual report, ten dollars.

~~((c))~~ Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

(2) The secretary of state shall establish by rule, fees for the following:

~~(a)~~ Filing articles of amendment or restatement.

~~(b)~~ Filing articles of merger or consolidation(~~(, twenty dollars)~~).

~~((4))~~ ~~(c)~~ Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, or any combination of these(~~(, ten dollars)~~). A separate fee for filing such statement shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

~~((5))~~ ~~(d)~~ Filing articles of dissolution, no fee.

~~((6))~~ Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

~~((7))~~ ~~(e)~~ Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state(~~(, twenty dollars)~~).

~~((8))~~ ~~(f)~~ Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state(~~(, twenty dollars)~~).

~~((9))~~ ~~(g)~~ Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state(~~(, twenty dollars)~~).

~~((10))~~ ~~(h)~~ Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

~~((11))~~ ~~(i)~~ Filing a certificate by a foreign corporation of the appointment of a registered agent(~~(, ten dollars)~~). A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

~~((12))~~ ~~(j)~~ Filing a certificate by a foreign corporation of the revocation of the appointment of a registered agent(~~(, ten dollars)~~). A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

~~((13))~~ ~~(k)~~ Filing an application to reserve a corporate name(~~(, twenty dollars)~~).

~~((14))~~ ~~(l)~~ Filing a notice of transfer of a reserved corporate name(~~(, twenty dollars)~~).

~~((15))~~ ~~(m)~~ Filing any other statement or report(~~(, including an annual report,))~~ of a domestic or foreign corporation(~~(, ten dollars)~~).

(3) Fees shall be adjusted by rule in an amount that does not exceed the average biennial increase in the cost of providing service. This shall be determined in a biennial cost study performed by the secretary.

Sec. 8. RCW 24.06.455 and 1982 c 35 s 155 are each amended to read as follows:

The secretary of state shall ~~((charge and collect in advance))~~ establish by rule, fees for the following:

- (1) For furnishing a certified copy of any charter document or any other document, instrument, or paper relating to a corporation ~~((, five dollars for the certificate, plus twenty cents for each page copied.));~~
- (2) For furnishing a certificate, under seal, attesting to the status of a corporation; or any other certificate ~~((, five dollars.));~~
- (3) For furnishing copies of any document, instrument, or paper relating to a corporation ~~((, one dollar for the first page and twenty cents for each page copied thereafter.)); and~~
- (4) At the time of any service of process on ~~((him))~~ the secretary of state as resident agent of any corporation ~~((, twenty-five dollars, which)). This amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.~~

Sec. 9. RCW 24.06.520 and 1982 c 35 s 162 are each amended to read as follows:

If the term of existence of a corporation which was organized under this chapter, or which has availed itself of the privileges thereby provided expires, such corporation shall have the right to renew within two years of the expiration of its term of existence. The corporation may renew the term of its existence for a definite period or perpetually and be reinstated under any name not then in use by or reserved for a domestic corporation organized under any act of this state or a foreign corporation authorized under any act of this state to transact business or conduct affairs in this state. To do so the directors, members and officers shall adopt amended articles of incorporation containing a certification that the purpose thereof is a reinstatement and renewal of the corporate existence. They shall proceed in accordance with the provisions of this chapter for the adoption and filing of amendments to articles of incorporation. Thereupon such corporation shall be reinstated and its corporate existence renewed as of the date on which its previous term of existence expired and all things done or omitted by it or by its officers, directors, agents and members before such reinstatement shall be as valid and have the same legal effect as if its previous term of existence had not expired.

A corporation reinstating under this section shall pay to the state all fees and penalties which would have been due if the corporate charter had not expired, plus a reinstatement fee ~~((of twenty-five dollars))~~ established by the secretary of state by rule.

Sec. 10. RCW 24.20.020 and 1982 c 35 s 165 are each amended to read as follows:

The secretary of state shall file such articles of incorporation in ~~((his))~~ the secretary of state's office and issue a certificate of incorporation to any such lodge or other society upon the payment of the sum of twenty dollars.

Sec. 11. RCW 24.24.100 and 1982 c 35 s 167 are each amended to read as follows:

The secretary of state shall file such articles of incorporation or amendment thereto in ~~((his))~~ the secretary of state's office and issue a certificate of incorporation or amendment, as the case may be, to such fraternal association upon the payment of a fee in the sum of twenty dollars.

Sec. 12. RCW 31.12.085 and 1984 c 31 s 10 are each amended to read as follows:

(1) Upon the approval of the supervisor under RCW 31.12.075(2), the applicants shall file a copy of the articles of incorporation with the secretary of state. Upon receipt of the approved articles of incorporation and a ~~((five))~~ twenty dollar filing fee to be provided by the applicants, the secretary of state shall file and record the articles of incorporation. The applicants shall in writing promptly notify the supervisor of the exact date of the filing.

(2) Upon the filing and recording of the approved articles of incorporation with the secretary of state, the persons named in the articles of incorporation and their successors may operate as a credit union, which shall have the powers and be subject to the duties and obligations of this chapter. A credit union shall not conduct business until the articles have been recorded by the secretary of state.

(3) A credit union shall organize and begin business within six months of the date that its articles of incorporation are filed and recorded with the secretary of state or its charter shall become void, unless the supervisor for cause grants an extension of the six-month period. The supervisor shall not grant a single extension exceeding three months, but may grant as many extensions to a credit union as circumstances require.

Sec. 13. RCW 33.28.010 and 1981 c 302 s 33 are each amended to read as follows:

The secretary of state shall collect fees of twenty dollars in advance ~~((the following fees from each association:))~~ for filing articles of incorporation ~~((, or amendments thereof, or)).~~ The secretary of state shall establish by rule, fees for amendments to articles of incorporation, other certificates required to be filed in his or her office, ~~((ten dollars:))~~ and for furnishing copies of papers filed in his or her office ~~((, per folio, twenty cents)).~~

Every association shall also pay to the secretary of state, for filing any instrument with him or her, the same fees as are required of general corporations for filing similar papers.

NEW SECTION. Sec. 14. A new section is added to chapter 43.07 RCW to read as follows:

The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under chapter 11.110 or 19.09 RCW:

- (1) Any service rendered in-person at the secretary of state's office;
- (2) Any expedited service;
- (3) The electronic transmittal of documents;
- (4) The providing of information by microfiche or other reduced-format compilation;
- (5) The handling of checks or drafts for which sufficient funds are not on deposit;
- (6) The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;
- (7) The handling of telephone requests for information; and
- (8) Special search charges.

Sec. 15. RCW 43.07.120 and 1991 c 72 § 53 are each amended to read as follows:

(1) The secretary of state shall establish by rule and collect the fees ~~((herein-prescribed for the secretary of state's official services))~~ in this subsection:

- (a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office ~~((for which no other fee is provided, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page));~~
- (b) For any certificate under seal ~~((, five dollars));~~
- (c) For filing and recording trademark ~~((, fifty dollars));~~
- (d) For each deed or patent of land issued by the governor ~~((, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar));~~

(e) For recording miscellaneous records, papers, or other documents (~~(, five dollars for filing each case)~~).

(2) The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under Title 23B RCW, chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, or 25.10 RCW:

- (a) Any service rendered in-person at the secretary of state's office;
- (b) Any expedited service;
- (c) The electronic or facsimile transmittal of information from corporation records or copies of documents;
- (d) The providing of information by ~~((microfiche))~~ micrographic or other reduced-format compilation;
- (e) The handling of checks ~~((or))~~, drafts, or credit or debit cards upon adoption of rules authorizing their use for which sufficient funds are not on deposit; and
- (f) ~~((The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;~~
- (g) ~~The handling of telephone requests for information; and~~
- (h)) Special search charges.

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) The secretary of state may adopt rules for the use of credit or debit cards for payment of fees.

(5) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 16. RCW 46.64.040 and 1982 c 35 s 197 are each amended to read as follows:

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his or her operation of a vehicle thereon, or the operation thereon of his or her vehicle with his or her consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his or her vehicle is being operated thereon with his or her consent, express or implied, and such operation and acceptance shall be a signification of ~~((his))~~ the nonresident's agreement that any summons or process against him or her which is so served shall be of the same legal force and validity as if served on ~~((him))~~ the nonresident personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his or her lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee ~~((of twenty-five dollars))~~ established by the secretary of state by rule with the secretary of state of the state of Washington, or at ~~((his))~~ the secretary of state's office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that ~~((he))~~ the attorney has with due diligence attempted to serve personal process upon the defendant at all addresses known to him or her of defendant and further listing in his or her affidavit the addresses at which he or she attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at ~~((his))~~ the defendant's address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee ~~((of twenty-five dollars))~~ paid by the plaintiff to the secretary of state shall be taxed as part of his or her costs if he or she prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Substitute Senate Bill No. 5492. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5492, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke,

Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Voting nay: Senator Hargrove - 1.

Excused: Senator Smith, L. - 1.

SUBSTITUTE SENATE BILL NO. 5492, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5503 with the following amendment(s):

On page 1, beginning on line 14, strike all of subsection (3) and insert the following:

"(3)(a) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall:

(i) For claims for injuries that occurred before the effective date of this act, continue in the proportion which the new earning power shall bear to the old; or

(ii) For claims for injuries occurring on or after the effective date of this act, equal eighty percent of the actual difference between the worker's present wages and earning power at the time of injury, but: (A) The total of these payments and the worker's present wages may not exceed one hundred fifty percent of the average monthly wage in the state as computed under RCW 51.08.018; (B) the payments may not exceed one hundred percent of the entitlement as computed under subsection (1) of this section; and (C) the payments may not be less than the worker would have received if (a)(i) of this subsection had been applicable to the worker's claim.

(b) No compensation shall be payable under this subsection (3) unless the loss of earning power shall exceed five percent.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 5503.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5503, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5503, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Rinehart and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 5503, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5508 with the following amendment(s):

On page 7, beginning on line 23, after "parent" strike all material through "efforts." on line 26 and insert the following: "Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child."

On page 8, line 34, after "Costs" insert "incurred or", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5508. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5508, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5508, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 46.

Absent: Senator West - 1.

Excused: Senators Rinehart and Smith, L. - 2.

ENGROSSED SENATE BILL NO. 5508, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5511 with the following amendment(s):

On page 3, at the beginning of line 36, strike "Costs" and insert "However, costs"

On page 3, line 37, after "registration" strike "cards" and insert "forms", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5511.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5511, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5511, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, von Reichbauer and West - 16.

Excused: Senators Rinehart and Smith, L. - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5511, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5523 with the following amendment(s):

On page 1 strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.34.130 and 1986 c 161 § 4 are each amended to read as follows:

(1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A district that has a population of not more than ten thousand and that has no person available who meets the qualifications under RCW 3.34.060 (2)(a) or (b), may appoint as a pro tempore judge a person who has taken and passed the qualifying examination for the office of district judge as is provided by rule of the supreme court. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority. For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Senate Bill No. 5523.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5523, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5523, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Voting nay: Senators Niemi and Quigley - 2.

Excused: Senators Rinehart and Smith, L. - 2.

SENATE BILL NO. 5523, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5528 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.18.020 and 1992 c 54 s 1 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of one hundred ten dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of one hundred ten dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect (~~two~~) twenty dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of (~~five~~) twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of ~~((two))~~ twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application ~~((there shall be a fee of four dollars))~~ the clerk may collect an execution fee as authorized by the federal government.

(16) For ~~((searching records for which a written report is issued there shall be a fee of eight dollars per hour))~~ clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

~~((17))~~ (18) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

~~((18))~~ (19) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

~~((19))~~ (20) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

NEW SECTION. Sec. 2. A new section is added to chapter 26.12 RCW to read as follows:

A county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to ten dollars on only those superior court cases filed under Title 26 RCW, or both, to pay for the expenses of the courthouse facilitator program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Adam Smith moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5528.

POINT OF INQUIRY

Senator Talmadge: "Senator Smith, what are these facilitators in domestic relation's cases in the Superior Court to do? I am not familiar with Representative Appelwick's bill and this idea of having someone who looks to me very much like they are going to be providing some legal assistance to people. Precisely what is it that they are going to be doing?"

Senator Adam Smith: "Well, my understanding is that this is a program that several counties had, but they were doing it by a grant that ran out, so this is another way to make that program work. Frankly, as far as specifically what they are doing, I don't know specifically, but I have heard that it works very well--advising them on domestic relation's cases--so they don't have to go out and pay a lot of money for a lawyer to give them some pro se advise. That is my understanding of it."

The President declared the question before the Senate to be the motion by Senator Adam Smith that the Senate do concur in the House amendment to Substitute Senate Bill No. 5528.

The motion by Senator Adam Smith carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5528.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5528, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5528, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, West, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Cantu, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, von Reichbauer and Williams - 14.

Excused: Senators Rinehart and Smith, L. - 2.

SUBSTITUTE SENATE BILL NO. 5528, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5534 with the following amendment(s):

On page 1, beginning on line 14, strike the remainder of subsection (b) and insert "have terminal operations in the state of Washington are subject to commission jurisdiction.", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5534.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5534, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5534, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Wojahn - 46.

Absent: Senator Winsley - 1.

Excused: Senators Rinehart and Smith, L. - 2.

ENGROSSED SENATE BILL NO. 5534, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5635 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.130 RCW to read as follows:

If the department communicates in writing to a complainant, or his or her representative, regarding his or her complaint, such communication shall not include the address or telephone number of the health care provider against whom he or she has complained. The department shall inform all applicants for a health care provider license of the provisions of this section and RCW 42.17.310 regarding the release of address and telephone information.

Sec. 2. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

~~((x))~~ (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

~~((y))~~ (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

~~((z))~~ (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

~~((aa))~~ (bb) Financial and valuable trade information under RCW 51.36.120.

~~((bb))~~ (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

~~((cc))~~ (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

~~((dd))~~ (ee) Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 5635.
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5635, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5635, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams and Wojahn - 46.

Absent: Senators Vognild and Winsley - 2.

Excused: Senator Rinehart - 1.

SENATE BILL NO. 5635, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1458 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Zellinsky, R. Meyers and Mielke.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate grants the request of the House for a conference on Substitute House Bill No. 1458 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1458 and the Senate amendments thereto: Senators Moore, Cantu and Vognild.

MOTION

On motion of Senator Moore, the Conference Committee appointments were confirmed.

MOTION

At 10:24 a. m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:38 a.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5066,
SUBSTITUTE SENATE BILL NO. 5068,
SUBSTITUTE SENATE BILL NO. 5134,
SUBSTITUTE SENATE BILL NO. 5159,
SENATE BILL NO. 5290,
SENATE BILL NO. 5309,
SUBSTITUTE SENATE BILL NO. 5310,
SENATE BILL NO. 5541,
SENATE BILL NO. 5578,

SENATE BILL NO. 5649,
SENATE BILL NO. 5759,
SENATE BILL NO. 5835,
SENATE BILL NO. 5906, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 19, 1993

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to the following bills and passed bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1024,
SUBSTITUTE HOUSE BILL NO. 1026,
ENGROSSED HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1051,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1067,
HOUSE BILL NO. 1068,
HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1077,
HOUSE BILL NO. 1078,
ENGROSSED HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1082,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1100,
ENGROSSED HOUSE BILL NO. 1110,
ENGROSSED HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1128,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157,
HOUSE BILL NO. 1165,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1188,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1219,
SUBSTITUTE HOUSE BILL NO. 1226,
ENGROSSED HOUSE BILL NO. 1271,
SUBSTITUTE HOUSE BILL NO. 1316,
SUBSTITUTE HOUSE BILL NO. 1325,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1356,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Loveland, Senator Owen was excused.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5245 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.502 and 1987 c 373 s 2 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state ~~((while))~~:

~~((1))~~ (a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after driving, as shown by analysis of the person's breath made under RCW 46.61.506; or

~~((2))~~ (b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after driving, as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ (c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

~~((4))~~ (d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section.

Sec. 2. RCW 46.61.504 and 1987 c 373 s 3 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state ((while)):

((1)) (a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's breath made under RCW 46.61.506; or

((2)) (b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's blood made under RCW 46.61.506; or

((3)) (c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

((4)) (d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of a motor vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in actual physical control of a motor vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged actual physical control of a motor vehicle may be used as evidence that within two hours of the alleged actual physical control of a motor vehicle, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Senate Bill No. 5245.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5245, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5245, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 45.

Absent: Senators Smith, L. and West - 2.

Excused: Senators Owen and Rinehart - 2.

SENATE BILL NO. 5245, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5280 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The director of the department of labor and industries shall conduct a study to determine whether there is a need for increased regulation, such as a voluntary certificate of competency program, of general and specialty contractors registered under chapter 18.27 RCW. In conducting the study, the director shall consult with representatives of the following construction classifications: Commercial/retail construction; highway/industrial construction; municipal/utility construction; marine construction; residential single-family construction; and residential multifamily construction. The director shall also consult

with representatives of state and local governmental agencies and members of the general public who are familiar with the business and trade of construction.

No later than February 1, 1994, the director shall present findings and recommendations to the appropriate legislative committees concerning whether contractors should be subject to increased regulation by the state, such as a voluntary certificate of competency program.

The study and recommendations of the director shall be guided by the principle that increased regulation by the state is appropriate only when: Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential harm is easily recognizable and not remote or dependent upon tenuous argument; the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional responsibility; and the public cannot be effectively protected by other means in a more cost-beneficial manner.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5280.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5280, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5280, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Voting nay: Senators Amondson, Barr, Bluechel, Cantu, McCaslin, McDonald and Oke - 7.

Excused: Senators Owen and Rinehart - 2.

ENGROSSED SENATE BILL NO. 5280, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5056,
SENATE BILL NO. 5079,
SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5124,
SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186.

MOTION

On motion of Senator Oke, Senator Prince was excused.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5484 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 60.04 RCW to read as follows:

All rights acquired and liabilities incurred under acts or parts of act repealed by chapter 281, Laws of 1991, are hereby preserved, and all actions pending as of June 1, 1992, shall proceed under the law as it existed at the time chapter 281, Laws of 1991, took effect.

NEW SECTION. Sec. 2. This act is remedial in nature and shall be applied retroactively to June 1, 1992.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Senate Bill No. 5484.
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5484, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5484, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Absent: Senator Deccio - 1.

Excused: Senators Owen, Prince and Rinehart - 3.

SENATE BILL NO. 5484, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Amondson was excused.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5545 with the following amendment(s):

On page 1, line 17, after "board" insert ", which may include designing buildings as a principal activity"

On page 1, beginning on line 18, after "must be" strike "under the direct supervision of" and insert "((under the direct supervision of)) supervised by"

On page 1, line 19, after "architect" insert "with detailed professional knowledge of the work of the applicant"

On page 2, beginning on line 1, after "(b)" strike all material through "(c)" on line 4

On page 2, at the beginning of line 9, strike "(((c))) (d)" and insert "(c)"

On page 2, after line 21, insert the following:

"Sec. 2. RCW 18.08.350 and 1993 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess any of the following qualifications:

(a) Have an accredited architectural degree and three years' practical architectural work experience approved by the board, which may include designing buildings as a principal activity. At least two years' work experience must be supervised by an architect with detailed professional knowledge of the work of the applicant; or

(b) Have eight years' practical architectural work experience approved by the board. Each year spent in an accredited architectural program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect((; or

(c) Be a person who has been designing buildings as a principal activity for eight years, or has an equivalent combination of education and experience, but who was not registered under chapter 323, Laws of 1959, as amended, as it existed before July 28, 1992, provided that application is made within four years after July 28, 1992. Nothing in this chapter prevents such a person from designing buildings for four years after July 28, 1992, or the five-year period allowed for completion of the examination process, after that person has applied for registration. A person who has been designing buildings and is qualified under this subsection shall, upon application to the board of registration for architects, be allowed to take the examination for architect registration on an equal basis with other applicants)).

NEW SECTION. Sec. 3. Section 2 of this act shall take effect July 29, 2001.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Moore moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5545.

POINT OF INQUIRY

Senator Niemi: "Senator Williams, for the record, is the phrase 'designing buildings as a principal activity' intended to include building designers working under the provisions of RCW 18.08.410 (5) and (6)?"

Senator Williams: "Yes."

Senator Niemi: "And is the phrase 'supervised by an architect with detailed professional knowledge of the work of the applicant' intended to clarify that the board shall recognize other mentor/learner relationships between the architect and the exam applicant beside employer/employee relationships?"

Senator Williams: "Yes."

The President declared the question before the Senate to be the motion by Senator Moore that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5545.

The motion by Senator Moore carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 5545.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5545, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5545, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Amondson, Owen, Prince and Rinehart - 4.

ENGROSSED SENATE BILL NO. 5545, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:06 p.m. by President Pritchard.

MOTIONS

On motion of Senator Oke, Senators Barr, Deccio, McCaslin, Moyer, Sellar and West were excused.

On motion of Senator Loveland, Senators Skratek and Talmadge were excused.

STATEMENT FOR THE JOURNAL

Due to work on health care reform, I missed the votes on concurrence on Engrossed Substitute House Bill No. 5574; Senate Bill No. 5584; Substitute Senate Bill No. 5686; Senate Bill No. 5330; Engrossed Senate Bill No. 5342 and Senate Bill No. 5799.

I would have voted 'yes' on each measure.

SENATOR PHIL TALMADGE, 34th District

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5574 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that consumers have a vital interest in establishing and maintaining creditworthiness. The legislature further finds that an elaborate mechanism using credit reports has developed for investigating and evaluating a consumer's creditworthiness, credit capacity, and general reputation and character. As such, credit reports are used for evaluating credit card, loan, mortgage, and small business financing applications, as well as for decisions regarding employment and the rental or leasing of dwellings. Moreover, financial institutions and other creditors depend upon fair and accurate credit reports to efficiently and accurately evaluate creditworthiness. Unfair or inaccurate reports undermine both public and creditor confidences in the reliability of credit granting systems.

Therefore, this chapter is necessary to assure accurate credit data collection, maintenance, and reporting on the citizens of the state. It is the policy of the state that credit reporting agencies maintain accurate credit reports, resolve disputed reports promptly and fairly, and adopt reasonable procedures to promote consumer confidentiality and the proper use of credit data in accordance with this chapter.

NEW SECTION. Sec. 2. This chapter shall be known as the Fair Credit Reporting Act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Adverse action" includes:

(i) Denial of, increase in any charge for, or reduction in the amount of insurance for personal, family, or household purposes;

- (ii) Denial of employment or any other decision for employment purposes that adversely affects a current or prospective employee;
 - (iii) Action or determination with respect to a consumer's application for credit that is adverse to the interests of the consumer; and
 - (iv) Action or determination with respect to a consumer's application for the rental or leasing of residential real estate that is adverse to the interests of the consumer.
- (b) "Adverse action" does not include:
- (i) A refusal to extend additional credit under an existing credit arrangement if:
 - (A) The applicant is delinquent or otherwise in default with respect to the arrangement; or
 - (B) The additional credit would exceed a previously established credit limit; or
 - (ii) A refusal or failure to authorize an account transaction at a point of sale.
- (2) "Attorney general" means the office of the attorney general.
- (3) "Consumer" means an individual.
- (4)(a) "Consumer report" means a written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living that is used or expected to be used or collected in whole or in part for:
- (i) The purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes;
 - (ii) Employment purposes; or
 - (iii) Other purposes authorized under section 4 of this act.
- (b) "Consumer report" does not include:
- (i) A report containing information solely as to transactions or experiences between the consumer and the person making the report;
 - (ii) An authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;
 - (iii) A report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to the request, if the third party advises the consumer of the name and address of the person to whom the request was made and the person makes the disclosures to the consumer required under section 9 of this act;
 - (iv) A list compiled by a consumer reporting agency to be used by its client for direct marketing of goods or services not involving an offer of credit;
 - (v) A report solely conveying a decision whether to guarantee a check in response to a request by a third party; or
 - (vi) A report furnished for use in connection with a transaction that consists of an extension of credit to be used for a commercial purpose.
- (5) "Consumer reporting agency" means a person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the business of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of commerce for the purpose of preparing or furnishing consumer reports. "Consumer reporting agency" does not include a person solely by reason of conveying a decision whether to guarantee a check in response to a request by a third party or a person who obtains a consumer report and provides the report or information contained in it to a subsidiary or affiliate of the person.
- (6) "Credit transaction that is not initiated by the consumer" does not include the use of a consumer report by an assignee for collection or by a person with which the consumer has an account, for purposes of (a) reviewing the account, or (b) collecting the account. For purposes of this subsection "reviewing the account" includes activities related to account maintenance and monitoring, credit line increases, and account upgrades and enhancements.
- (7) "Direct solicitation" means the process in which the consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides this list to the client or a third party on behalf of the client for use in soliciting those consumers for an offer of a product or service.
- (8) "Employment purposes," when used in connection with a consumer report, means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.
- (9) "File," when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.
- (10) "Investigative consumer report" means a consumer report or portion of it in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom the consumer is acquainted or who may have knowledge concerning any items of information. However, the information does not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when the information was obtained directly from a creditor of the consumer or from the consumer.
- (11) "Medical information" means information or records obtained, with the consent of the individual to whom it relates, from a licensed physician or medical practitioner, hospital, clinic, or other medical or medically related facility.
- (12) "Person" includes an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal or commercial entity.
- (13) "Prescreening" means the process in which the consumer reporting agency compiles or edits for a client a list of consumers who meet specific credit criteria and provides this list to the client or a third party on behalf of the client for use in soliciting those consumers for an offer of credit.
- NEW SECTION. Sec. 4.** (1) A consumer reporting agency may furnish a consumer report only under the following circumstances:
- (a) In response to the order of a court having jurisdiction to issue the order;
 - (b) In accordance with the written instructions of the consumer to whom it relates; or
 - (c) To a person that the agency has reason to believe:

(i) Intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer;

(ii) Intends to use the information for employment purposes;

(iii) Intends to use the information in connection with the underwriting of insurance involving the consumer;

(iv) Intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(v) Otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

(2)(a) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer who is not an employee at the time the report is procured or caused to be procured unless:

(i) A clear and conspicuous disclosure has been made in writing to the consumer before the report is procured or caused to be procured that a consumer report may be obtained for purposes of considering the consumer for employment. The disclosure may be contained in a written statement contained in employment application materials; or

(ii) The consumer authorizes the procurement of the report.

(b) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any employee unless the employee has received, at any time after the person became an employee, written notice that consumer reports may be used for employment purposes. A written statement that consumer reports may be used for employment purposes that is contained in employee guidelines or manuals available to employees or included in written materials provided to employees constitutes written notice for purposes of this subsection. This subsection does not apply with respect to a consumer report of an employee who the employer has reasonable cause to believe has engaged in specific activity that constitutes a violation of law.

(c) In using a consumer report for employment purposes, before taking any adverse action based in whole or part on the report, a person shall provide to the consumer to whom the report relates: (i) The name, address, and telephone number of the consumer reporting agency providing the report; (ii) a description of the consumer's rights under this chapter pertaining to consumer reports obtained for employment purposes; and (iii) a reasonable opportunity to respond to any information in the report that is disputed by the consumer.

NEW SECTION. Sec. 5. (1) A consumer reporting agency may provide a consumer report relating to a consumer under section 4(1)(c)(i) of this act in connection with a credit transaction that is not initiated by the consumer only if:

(a) The consumer authorized the consumer reporting agency to provide the report to such a person; or

(b) The consumer has not elected in accordance with subsection (3) of this section to have the consumer's name and address excluded from such transactions.

(2) A consumer reporting agency may provide only the following information under subsection (1) of this section:

(a) The name and address of the consumer; and

(b) Information pertaining to a consumer that is not identified or identifiable with particular accounts or transactions of the consumer.

(3)(a) A consumer may elect to have his or her name and address excluded from any list provided by a consumer reporting agency through prescreening under subsection (1) of this section or from any list provided by a consumer reporting agency for direct solicitation transactions that are not initiated by the consumer by notifying the consumer reporting agency. The notice must be made in writing through the notification system maintained by the consumer reporting agency under subsection (4) of this section and must state that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any transaction that is not initiated by the consumer.

(b) An election of a consumer under (a) of this subsection is effective with respect to a consumer reporting agency and any affiliate of the consumer reporting agency, within five business days after the consumer reporting agency receives the consumer's notice.

(4) A consumer reporting agency that provides information intended to be used in a prescreened credit transaction or direct solicitation transaction that is not initiated by the consumer shall:

(a) Maintain a notification system that facilitates the ability of a consumer in the agency's data base to notify the agency to promptly withdraw the consumer's name from lists compiled for prescreened credit transactions and direct solicitation transactions not initiated by the consumer; and

(b) Publish at least annually in a publication of general circulation in the area served by the agency, the address for consumers to use to notify the agency of the consumer's election under subsection (3) of this section.

(5) A consumer reporting agency that maintains consumer reports on a nation-wide basis shall establish a system meeting the requirements of subsection (4) of this section on a nation-wide basis, and may operate such a system jointly with any other consumer reporting agencies.

(6) Compliance with the requirements of this section by any consumer reporting agency constitutes compliance by the agency's affiliates.

NEW SECTION. Sec. 6. (1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:

(a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;

(b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;

(c) Paid tax liens that, from date of payment, antedate the report by more than seven years;

(d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;

(e) Records of arrest, indictment, or conviction of crime that, from date of disposition, release, or parole, antedate the report by more than seven years;

(f) Any other adverse item of information that antedates the report by more than seven years.

(2) Subsection (1) of this section is not applicable in the case of a consumer report to be used in connection with:

(a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more.

NEW SECTION. Sec. 7. (1) A person may not procure or cause to be prepared an investigative consumer report on a consumer unless:

(a) It is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to the consumer's character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and the disclosure:

(i) Is made in a writing mailed, or otherwise delivered, to the consumer not later than three days after the date on which the report was first requested; and

(ii) Includes a statement informing the consumer of the consumer's right to request the additional disclosures provided for under subsection (2) of this section and the written summary of the rights of the consumer prepared under section 10(7) of this act; or

(b) The report is to be used for employment purposes for which the consumer has not specifically applied.

(2) A person who procures or causes to be prepared an investigative consumer report on a consumer shall make, upon written request made by the consumer within a reasonable period of time after the receipt by the consumer of the disclosure required in subsection (1)(a) of this section, a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure must be made in a writing mailed, or otherwise delivered, to the consumer not later than the latter of five days after the date on which the request for the disclosure was either received from the consumer or the report was first requested.

(3) No person may be held liable for a violation of subsection (1) or (2) of this section if the person shows by a preponderance of the evidence that at the time of the violation the person maintained reasonable procedures to assure compliance with subsection (1) or (2) of this section.

(4) A consumer reporting agency shall maintain a detailed record of:

(a) The identity of the person to whom an investigative consumer report or information from a consumer report is provided by the consumer reporting agency; and

(b) The certified purpose for which an investigative consumer report on a consumer, or any other information relating to a consumer, is requested by the person.

For purposes of this subsection, "person" does not include an individual who requests the report unless the individual obtains the report or information for his or her own individual purposes.

NEW SECTION. Sec. 8. (1) A consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 6 of this act and to limit the furnishing of consumer reports to the purposes listed under section 4 of this act. These procedures must require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. A consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by the prospective user before furnishing the user a consumer report. No consumer reporting agency may furnish a consumer report to a person if the agency has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 4 of this act.

(2) Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

(3) Notwithstanding section 4 of this act, a consumer reporting agency may furnish identifying information about a consumer, limited to the consumer's name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

(4) A consumer reporting agency shall maintain a detailed record of:

(a) The identity of any person to whom a consumer report or information from a consumer report is provided by the consumer reporting agency; and

(b) The certified purpose for which a consumer report on a consumer, or any other information relating to a consumer, is requested by any person.

For purposes of this subsection, "person" does not include an individual who requests the report unless the individual obtains the report or information for his or her own purposes.

NEW SECTION. Sec. 9. A consumer reporting agency shall, upon request by the consumer, clearly and accurately disclose:

(1) All information in the file on the consumer at the time of request, except that medical information may be withheld. The agency shall inform the consumer of the existence of medical information, and the consumer has the right to have that information disclosed to the health care provider of the consumer's choice. Nothing in this chapter prevents, or authorizes a consumer reporting agency to prevent, the health care provider from disclosing the medical information to the consumer. The agency shall inform the consumer of the right to disclosure of medical information at the time the consumer requests disclosure of his or her file.

(2) All items of information in its files on that consumer, including disclosure of the sources of the information, except that sources of information acquired solely for use in an investigative report may only be disclosed to a plaintiff under appropriate discovery procedures.

(3) Identification of (a) each person who for employment purposes within the two-year period before the request, and (b) each person who for any other purpose within the six-month period before the request, procured a consumer report.

(4) A record identifying all inquiries received by the agency in the six-month period before the request that identified the consumer in connection with a credit transaction that is not initiated by the consumer.

(5) An identification of a person under subsection (3) or (4) of this section must include (a) the name of the person or, if applicable, the trade name under which the person conducts business; and (b) upon request of the consumer, the address of the person.

NEW SECTION. Sec. 10. (1) A consumer reporting agency shall make the disclosures required under section 9 of this act during normal business hours and on reasonable notice.

(2) The consumer reporting agency shall make the disclosures required under section 9 of this act to the consumer:

(a) In person if the consumer appears in person and furnishes proper identification;

(b) By telephone if the consumer has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer; or
(c) By any other reasonable means that are available to the consumer reporting agency if that means is authorized by the consumer.

(3) A consumer reporting agency shall provide trained personnel to explain to the consumer, information furnished to the consumer under section 9 of this act.

(4) The consumer reporting agency shall permit the consumer to be accompanied by one other person of the consumer's choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in the other person's presence.

(5) If a credit score is provided by a consumer reporting agency to a consumer, the agency shall provide an explanation of the meaning of the credit score.

(6) Except as provided in section 17 of this act, no consumer may bring an action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against a consumer reporting agency or a user of information, based on information disclosed under this section or section 9 of this act, except as to false information furnished with malice or willful intent to injure the consumer. Except as provided in section 17 of this act, no consumer may bring an action or proceeding against a person who provides information to a consumer reporting agency in the nature of defamation, invasion of privacy, or negligence for unintentional error.

(7)(a) A consumer reporting agency must provide to a consumer, with each written disclosure by the agency to the consumer under section 9 of this act, a written summary of all rights and remedies the consumer has under this chapter.

(b) The summary of the rights and remedies of consumers under this chapter must include:

(i) A brief description of this chapter and all rights and remedies of consumers under this chapter;

(ii) An explanation of how the consumer may exercise the rights and remedies of the consumer under this chapter; and

(iii) A list of all state agencies, including the attorney general's office, responsible for enforcing any provision of this chapter and the address and appropriate phone number of each such agency.

NEW SECTION. Sec. 11. (1) If the completeness or accuracy of an item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of the dispute, the agency shall reinvestigate without charge and record the current status of the disputed information before the end of thirty business days, beginning on the date the agency receives the notice from the consumer.

(2) Before the end of the five business-day period beginning on the date a consumer reporting agency receives notice of a dispute from a consumer in accordance with subsection (1) of this section, the agency shall notify any person who provided an item of information in dispute.

(3)(a) Notwithstanding subsection (1) of this section, a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under subsection (1) of this section if the agency determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure of the consumer to provide sufficient information.

(b) Upon making a determination in accordance with (a) of this subsection that a dispute is frivolous or irrelevant, a consumer reporting agency shall notify the consumer within five business days of the determination. The notice shall be made in writing or any other means authorized by the consumer that are available to the agency, but the notice shall include the reasons for the determination and a notice of the consumer's rights under subsection (6) of this section.

(4) In conducting a reinvestigation under subsection (1) of this section with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in subsection (1) of this section with respect to the disputed information.

(5)(a) If, after a reinvestigation under subsection (1) of this section of information disputed by a consumer, the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall promptly delete the information from the consumer's file.

(b)(i) If information is deleted from a consumer's file under (a) of this subsection, the information may not be reinserted in the file after the deletion unless the person who furnishes the information verifies that the information is complete and accurate.

(ii) If information that has been deleted from a consumer's file under (a) of this subsection is reinserted in the file in accordance with (b)(i) of this subsection, the consumer reporting agency shall notify the consumer of the reinsertion within thirty business days. The notice shall be in writing or any other means authorized by the consumer that are available to the agency.

(6) If the reinvestigation does not resolve the dispute or if the consumer reporting agency determines the dispute is frivolous or irrelevant, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit these statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

(7) After the deletion of information from a consumer's file under this section or after the filing of a statement of dispute under subsection (6) of this section, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item of information has been deleted or that item of information is disputed. In the case of disputed information, the notification shall include the statement filed under subsection (6) of this section. The notification shall be furnished to any person specifically designated by the consumer, who has, within two years before the deletion or filing of a dispute, received a consumer report concerning the consumer for employment purposes, or who has, within six months of the deletion or the filing of the dispute, received a consumer report concerning the consumer for any other purpose, if these consumer reports contained the deleted or disputed information.

(8)(a) Upon completion of the reinvestigation under this section, a consumer reporting agency shall provide notice, in writing or by any other means authorized by the consumer, of the results of a reinvestigation within five business days.

(b) The notice required under (a) of this subsection must include:

(i) A statement that the reinvestigation is completed;

(ii) A consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

(iii) A description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

(iv) If requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any person contacted in connection with the information;

(v) If the reinvestigation does not resolve the dispute, a summary of the consumer's right to file a brief statement as provided in subsection (6) of this section; and

(vi) If information is deleted or disputed after reinvestigation, a summary of the consumer's right to request notification to persons who have received a consumer report as provided in subsection (7) of this section.

(9) In the case of a consumer reporting agency that compiles and maintains consumer reports on a nationwide basis, the consumer reporting agency must provide to a consumer who has undertaken to dispute the information contained in his or her file a toll-free telephone number that the consumer can use to communicate with the agency. A consumer reporting agency that provides a toll-free number required by this subsection shall also provide adequately trained personnel to answer basic inquiries from consumers using the toll-free number.

NEW SECTION. Sec. 12. (1) Except as provided in subsections (2) and (3) of this section, a consumer reporting agency may charge the following fees to the consumer:

(a) For making a disclosure under sections 9 and 10 of this act, the consumer reporting agency may charge a fee not exceeding eight dollars. Beginning January 1, 1995, the eight-dollar charge may be adjusted on January 1st of each year based on corresponding changes in the Consumer Price Index with fractional changes rounded to the nearest half dollar.

(b) For furnishing a notification, statement, or summary to a person under section 11(7) of this act, the consumer reporting agency may charge a fee not exceeding the charge that the agency would impose on each designated recipient for a consumer report. The amount of any charge must be disclosed to the consumer before furnishing the information.

(2) A consumer reporting agency shall make all disclosures under sections 9 and 10 of this act and furnish all consumer reports under section 11 of this act without charge, if requested by the consumer within sixty days after receipt by the consumer of a notification of adverse action under section 13 of this act or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected.

(3) A consumer reporting agency shall not impose any charge for (a) providing notice to a consumer required under section 11 of this act, or (b) notifying a person under section 11(7) of this act of the deletion of information that is found to be inaccurate or that can no longer be verified, if the consumer designates that person to the agency before the end of the thirty-day period beginning on the date of notice under section 11(8) of this act.

NEW SECTION. Sec. 13. If a person takes an adverse action with respect to a consumer that is based, in whole or in part, on information contained in a consumer report, the person shall:

(1) Provide written notice of the adverse action to the consumer, except verbal notice may be given by a person in an adverse action involving a business regulated by the Washington utilities and transportation commission or involving an application for the rental or leasing of residential real estate if such verbal notice does not impair a consumer's ability to obtain a credit report without charge under section 12(2) of this act; and

(2) Provide the consumer with the name, address, and telephone number of the consumer reporting agency that furnished the report to the person.

NEW SECTION. Sec. 14. An action to enforce a liability created under this chapter is permanently barred unless commenced within two years after the cause of action accrues, except that where a defendant has materially and willfully misrepresented information required under this chapter to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this chapter, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

NEW SECTION. Sec. 15. A person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses is subject to a fine of up to five thousand dollars or imprisonment for up to one year, or both.

NEW SECTION. Sec. 16. An officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information is subject to a fine of up to five thousand dollars or imprisonment for up to one year, or both.

NEW SECTION. Sec. 17. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. The burden of proof in an action alleging a violation of this chapter shall be by a preponderance of the evidence, and the applicable statute of limitation shall be as set forth in section 14 of this act. For purposes of a judgment awarded pursuant to an action by a consumer under chapter 19.86 RCW, the consumer shall be awarded actual damages and costs of the action together with reasonable attorney's fees as determined by the court. However, where there has been willful failure to comply with any requirement imposed under this chapter, the consumer shall be awarded actual damages, a monetary penalty of one thousand dollars, and the costs of the action together with reasonable attorneys' fees as determined by the court.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Sections 1 through 18 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 20. This act takes effect January 1, 1994.", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5574.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5574, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5574, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 37.

Excused: Senators Amondson, Barr, Deccio, McCaslin, Moyer, Owen, Prince, Rinehart, Sellar, Skratek, Talmadge and West - 12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5574, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5584 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

- (a) Housing is of vital state-wide importance to the health, safety, and welfare of the residents of the state;
- (b) Safe, affordable housing is an essential factor in stabilizing communities;
- (c) Residents must have a choice of housing opportunities within the community where they choose to live;
- (d) Housing markets are linked to a healthy economy and can contribute to the state's economy;
- (e) Land supply is a major contributor to the cost of housing;
- (f) Housing must be an integral component of any comprehensive community and economic development strategy;
- (g) State and local government must continue working cooperatively toward the enhancement of increased housing units

by reviewing, updating, and removing conflicting regulatory language;

(h) State and local government should work together in developing creative ways to reduce the shortage of housing;

(i) The lack of a coordinated state housing policy inhibits the effective delivery of housing for some of the state's most vulnerable citizens and those with limited incomes; and

(j) It is in the public interest to adopt a statement of housing policy objectives.

(2) The legislature declares that the purposes of the Washington housing policy act are to:

(a) Provide policy direction to the public and private sectors in their attempt to meet the shelter needs of Washington residents;

(b) Reevaluate housing and housing-related programs and policies in order to ensure proper coordination of those programs and policies to meet the housing needs of Washington residents;

(c) Improve the delivery of state services and assistance to very low-income and low-income households and special needs populations;

(d) Strengthen partnerships among all levels of government, and the public and private sectors, including for-profit and nonprofit organizations, in the production and operation of housing to targeted populations including low-income and moderate-income households;

(e) Increase the supply of housing for persons with special needs;

(f) Encourage collaborative planning with social service providers;

(g) Encourage financial institutions to increase residential mortgage lending; and

(h) Coordinate housing into comprehensive community and economic development strategies at the state and local level.

NEW SECTION. Sec. 2. It is the goal of the state of Washington to coordinate, encourage, and direct, when necessary, the efforts of the public and private sectors of the state and to cooperate and participate, when necessary, in the attainment of a decent home in a healthy, safe environment for every resident of the state. The legislature declares that attainment of that goal is a state priority.

NEW SECTION. Sec. 3. The objectives of the Washington housing policy act shall be to attain the state's goal of a decent home in a healthy, safe environment for every resident of the state by strengthening public and private institutions that are able to:

(1) Develop an adequate and affordable supply of housing for all economic segments of the population;

(2) Assist very low-income and special needs households who cannot obtain affordable, safe, and adequate housing in the private market;

(3) Encourage and maintain home ownership opportunities;

(4) Reduce life cycle housing costs while preserving public health and safety;

(5) Preserve the supply of existing affordable housing;

(6) Provide housing for special needs populations;

(7) Ensure fair and equal access to the housing market;

(8) Increase the availability of mortgage credit at low interest rates; and

(9) Coordinate and be consistent with the goals, objectives, and required housing element of the comprehensive plan in the state's growth management act in RCW 36.70A.070.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Department" means the department of community development.

(3) "Director" means the director of community development.

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate-income households and special needs populations.

(5) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et seq.).

(6) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

NEW SECTION. Sec. 5. (1) The department shall establish the affordable housing advisory board to consist of twenty-one members.

(a) The following eighteen members shall be appointed by the governor:

(i) Two representatives of the residential construction industry;

(ii) Two representatives of the home mortgage lending profession;

(iii) One representative of the real estate sales profession;

(iv) One representative of the apartment management and operation industry;

(v) One representative of the for-profit housing development industry;

(vi) One representative of the nonprofit housing development industry;

(vii) One representative of homeless shelter operators;

(viii) One representative of lower-income persons;

(ix) One representative of special needs populations;

(x) One representative of public housing authorities as created under chapter 35.82 RCW;

(xi) Two representatives of the Washington association of counties, one representative shall be from a county that is located east of the crest of the Cascade mountains;

(xii) Two representatives of the association of Washington cities, one representative shall be from a city that is located east of the crest of the Cascade mountains;

(xiii) One representative to serve as chair of the affordable housing advisory board;

(xiv) One representative at large.

(b) The following three members shall serve as ex officio, nonvoting members:

(i) The director or the director's designee;

(ii) The executive director of the Washington state housing finance commission or the executive director's designee; and

(iii) The secretary of social and health services or the secretary's designee.

(2)(a) The members of the affordable housing advisory board appointed by the governor shall be appointed for four-year terms, except that the chair shall be appointed to serve a two-year term. The terms of five of the initial appointees shall be for two years from the date of appointment and the terms of six of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(b) The governor, when making appointments to the affordable housing advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(3) The affordable housing advisory board shall serve as the department's principal advisory body on housing and housing-related issues, and replaces the department's existing boards and task forces on housing and housing-related issues.

(4) The affordable housing advisory board shall meet regularly and may appoint technical advisory committees, which may include members of the affordable housing advisory board, as needed to address specific issues and concerns.

(5) The department, in conjunction with the Washington state housing finance commission and the department of social and health services, shall supply such information and assistance as are deemed necessary for the advisory board to carry out its duties under this section.

(6) The department shall provide administrative and clerical assistance to the affordable housing advisory board.

NEW SECTION. Sec. 6. The affordable housing advisory board shall:

(1) Analyze those solutions and programs that could begin to address the state's need for housing that is affordable for all economic segments of the state, and special needs populations, including but not limited to programs or proposals which provide for:

(a) Financing for the acquisition, rehabilitation, preservation, or construction of housing;

(b) Use of publicly owned land and buildings as sites for affordable housing;

(c) Coordination of state initiatives with federal initiatives and financing programs that are referenced in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended, and development of an approved housing strategy as required in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended;

(d) Identification and removal, where appropriate and not detrimental to the public health and safety, or environment, of state and local regulatory barriers to the development and placement of affordable housing;

(e) Stimulating public and private sector cooperation in the development of affordable housing; and

(f) Development of solutions and programs affecting housing, including the equitable geographic distribution of housing for all economic segments, as the advisory board deems necessary;

(2) Consider both homeownership and rental housing as viable options for the provision of housing. The advisory board shall give consideration to various types of residential construction and innovative housing options, including but not limited to manufactured housing;

(3) Review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives including but not limited to tax policies, land use policies, and financing programs. The advisory board shall provide

recommendations to the director, along with the department's response in the annual housing report to the legislature required in section 12 of this act; and

(4) Prepare and submit to the director, by each December 1st, beginning December 1, 1993, a report detailing its findings and make specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall, in consultation with the affordable housing advisory board created in section 5 of this act, report to the legislature on the development and placement of accessory apartments. The department shall produce a written report by December 15, 1993, which:

(a) Identifies local governments that allow the siting of accessory apartments in areas zoned for single-family residential use; and

(b) Makes recommendations to the legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

(2) The recommendations made under subsection (1) of this section shall not take effect before ninety days following adjournment of the 1994 regular legislative session.

(3) Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority.

(4) As used in this section, "local government" means:

(a) A city or code city with a population that exceeds twenty thousand;

(b) A county that is required to or has elected to plan under the state growth management act; and

(c) A county with a population that exceeds one hundred twenty-five thousand.

NEW SECTION. Sec. 8. A new section is added to chapter 35.63 RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 35A.63 RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 36.70 RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 36.70A RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 12. (1) The department shall, in consultation with the affordable housing advisory board created in section 5 of this act, prepare and from time to time amend a five-year housing advisory plan. The purpose of the plan is to document the need for affordable housing in the state and the extent to which that need is being met through public and private sector programs, to facilitate planning to meet the affordable housing needs of the state, and to enable the development of sound strategies and programs for affordable housing. The information in the five-year housing advisory plan must include:

(a) An assessment of the state's housing market trends;

(b) An assessment of the housing needs for all economic segments of the state and special needs populations;

(c) An inventory of the supply and geographic distribution of affordable housing units made available through public and private sector programs;

(d) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state;

(e) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and

(f) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state.

(2)(a) The five-year housing advisory plan required under subsection (1) of this section must be submitted to the legislature on or before February 1, 1994, and subsequent plans must be submitted every five years thereafter.

(b) Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs.

NEW SECTION. Sec. 13. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

NEW SECTION. Sec. 14. A new section is added to chapter 43.63A RCW to read as follows:

The department shall provide technical assistance and information to state agencies and local governments to assist in the identification and removal of regulatory barriers to the development and placement of affordable housing. In providing assistance the department may:

(1) Analyze the costs and benefits of state legislation, rules, and administrative actions and their impact on the development and placement of affordable housing;

(2) Analyze the costs and benefits of local legislation, rules, and administrative actions and their impact on the development and placement of affordable housing;

- (3) Assist state agencies and local governments in determining the impact of existing and anticipated actions, legislation, and rules on the development and placement of affordable housing;
- (4) Investigate techniques and opportunities for reducing the life cycle housing costs through regulatory reform;
- (5) Develop model standards and ordinances designed to reduce regulatory barriers to affordable housing and assisting in their adoption and use at the state and local government level;
- (6) Provide technical assistance and information to state agencies and local governments for implementation of legislative and administrative reform programs to remove barriers to affordable housing;
- (7) Prepare state regulatory barrier removal strategies;
- (8) Provide staffing to the affordable housing advisory board created in section 5 of this act; and
- (9) Perform other activities as the director deems necessary to assist the state, local governments, and the housing industry in meeting the affordable housing needs of the state.

Sec. 15. RCW 43.185.110 and 1991 c 204 s 4 are each amended to read as follows:

~~((The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low-income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private nonprofit housing assistance programs, tenant associations, and public housing assistance programs.))~~ The affordable housing advisory ((group)) board established in section 5 of this act shall advise the director on housing needs in this state, including housing needs for persons who are mentally ill or developmentally disabled or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by regional support networks according to chapter 71.24 RCW for the mentally ill and the developmental disabilities planning council for the developmentally disabled.

Sec. 16. RCW 43.185A.020 and 1991 c 356 s 11 are each amended to read as follows:

The affordable housing program is created in the department of community development for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the ~~((low-income [housing] assistance advisory committee established in RCW 43.185.110))~~ affordable housing advisory board established in section 5 of this act.

Sec. 17. RCW 35.82.070 and 1991 c 167 s 1 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter: PROVIDED, That notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy ~~((at least thirty percent of the interior space of any individual building other than a detached single-family or duplex residential building or mobile or manufactured home and))~~ at least fifty percent of the interior space in the total development owned by the authority or at least fifty percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided

the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least twenty years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(7) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(8) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(9) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50 or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

(10) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(11) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(12) Upon the request of a county or city, to exercise any powers of an urban renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW. However, in the exercise of any such powers the housing authority shall be subject to any express limitations contained in this chapter.

(13) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

~~((14))~~ (14) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

~~((14))~~ (15) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

~~((15))~~ (16) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

~~((16))~~ (17) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

~~((17))~~ (18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least twenty years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least ~~((thirty percent of the interior space of any individual building other than a detached single-family or duplex residential building or mobile or manufactured home and shall occupy at least))~~ fifty percent of the interior space in the total development or at least fifty percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The twenty-year requirement under this subsection (18)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed fifty percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed fifteen percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection ~~((17))~~(18)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit

entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed sixty percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than twenty percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

~~((18))~~ (19) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects.

NEW SECTION. Sec. 18. A new section is added to chapter 43.63A RCW to read as follows:

(1) The legislature finds that:

- (a) The trend toward smaller household sizes will continue into the foreseeable future;
- (b) Many of these households are in housing units that contain more bedrooms than occupants;
- (c) There are older homeowners on relatively low, fixed income who are experiencing difficulties maintaining their homes;

and

(d) There are single parents, recently widowed persons, people in the midst of divorce or separation, and handicapped that are faced with displacement due to the high cost of housing.

(2) The legislature declares that the purpose of section 19 of this act is to develop a pilot program designed to:

(a) Provide home-matching services that can enable people to continue living in their homes while promoting continuity of home ownership and community stability; and

(b) Counter the problem of displacement among people on relatively low, fixed incomes by linking people offering living space with people seeking housing.

NEW SECTION. Sec. 19. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department may develop and administer a home-matching program for the purpose of providing grants and technical assistance to eligible organizations to operate local home-matching programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter 43.185 RCW.

(2) The department may select up to five eligible organizations for the purpose of implementing a local home-matching program. The local home-matching programs are designed to facilitate: (a) Intergenerational homesharing involving older homeowners sharing homes with younger persons; (b) homesharing arrangements that involve an exchange of services such as cooking, housework, gardening, or babysitting for room and board or some financial consideration such as rent; and (c) the more efficient use of available housing.

(3) In selecting local pilot programs under this section, the department shall consider:

(a) The eligible organization's ability, stability, and resources to implement the local home-matching program;

(b) The eligible organization's efforts to coordinate other support services needed by the individual or family participating in the local home-matching program; and

(c) Other factors the department deems appropriate.

(4) The eligible organizations shall establish criteria for participation in the local home-matching program. The eligible organization shall make a determination of eligibility regarding the individuals' or families' participation in the local home-matching program. The determination shall include, but is not limited to a verification of manner individual's or family's history of making rent payments in a consistent and timely manner.

NEW SECTION. Sec. 20. A new section is added to chapter 35.63 RCW to read as follows:

No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

Sec. 21. A new section is added to chapter 35A.63 RCW to read as follows:

No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION. Sec. 22. A new section is added to chapter 36.70 RCW to read as follows:

No county may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION. Sec. 23. A new section is added to chapter 36.70A RCW to read as follows:

No county or city that plans or elects to plan under this chapter may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION. Sec. 24. This chapter may be known and cited as the "Washington housing policy act."

NEW SECTION. Sec. 25. Sections 1 through 6, 12, and 24 of this act shall constitute a new chapter in Title 43 RCW., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Senate Bill No. 5584.
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5584, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5584, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 7; Absent, 0; Excused, 9.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 33.

Voting nay: Senators Anderson, Cantu, Hochstatter, McCaslin, McDonald, Newhouse and Smith, L. - 7.

Excused: Senators Amondson, Barr, Moyer, Prince, Rinehart, Sellar, Skratek, Talmadge and West - 9.

SENATE BILL NO. 5584, as amended by the House, having received the constitutional majority, was declared passed.
There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5686 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 63.14.090 and 1984 c 280 s 2 are each amended to read as follows:

(1) The holder of any retail installment contract, retail charge agreement, or lender credit card agreement may not collect any delinquency or collection charges, including any attorney's fee and court costs and disbursements, unless the contract, charge agreement, or lender credit card agreement so provides. In such cases, the charges shall be reasonable, and no attorney's fee may be recovered unless the contract, charge agreement, or lender credit card agreement is referred for collection to an attorney not a salaried employee of the holder.

(2) The contract, charge agreement, or lender credit card agreement may contain other provisions not inconsistent with the purposes of this chapter, including but not limited to provisions relating to refinancing, transfer of the buyer's equity, construction permits, and title reports.

(3) Notwithstanding subsection (1) of this section, where the minimum payment is received within the ten days following the payment due date, delinquency charges for the late payment of a retail charge agreement or lender credit card agreement may not be more than ten percent of the average balance of the delinquent account for the prior thirty-day period when the average balance of the account for the prior thirty-day period is less than one hundred dollars, except that a minimum charge of up to two dollars shall be allowed. This subsection (3) shall not apply in cases where the payment on the account is more than thirty days overdue., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 5686.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5686, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5686, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 39.

Voting nay: Senator Barr - 1.

Absent: Senators Hargrove and Snyder - 2.

Excused: Senators Amondson, Moyer, Prince, Rinehart, Skratek, Talmadge and West - 7.

SUBSTITUTE SENATE BILL NO. 5686, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5044 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 35.02.010 and 1986 c 234 s 2 are each amended to read as follows:

Any contiguous area containing not less than ~~((three-hundred))~~ one thousand inhabitants lying outside the limits of an incorporated city or town may become incorporated as a city or town operating under Title 35 or 35A RCW as provided in this chapter: PROVIDED, That no area which lies within five air miles of the boundary of any city having a population of fifteen thousand or more shall be incorporated which contains less than three thousand inhabitants.

Sec. 2. RCW 35.02.020 and 1986 c 234 s 3 are each amended to read as follows:

A petition for incorporation must be signed by ~~((qualified))~~ registered voters resident within the limits of the proposed city or town equal in number to ten percent of the ~~((votes-cast))~~ voters voting at the last state general election and presented to the auditor of the county in which all, or the largest portion of, the proposed city or town is located.

Sec. 3. RCW 35.02.090 and 1986 c 234 s 12 are each amended to read as follows:

The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote ~~((thereat))~~ unless he or she is a ~~((qualified-electer))~~ registered voter of the county, or any of the counties in which the proposed city or town is located, and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election.

NEW SECTION. Sec. 4. A new section is added to chapter 35.02 RCW to read as follows:

At the first municipal general election that occurs one year or more after the official date of incorporating a new city or town, an election shall be held to elect city or town elected officials. Candidates for council or commission positions shall run for specific positions.

The staggering of terms of office for councilmembers shall occur at this election, where a simple majority of the persons who are elected receiving the greatest numbers of votes shall be elected to four-year terms of office and the remaining persons who are elected shall be elected to two-year terms of office. Their successors shall be elected to four-year terms of office.

All city or town elected officials shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

NEW SECTION. Sec. 5. A new section is added to chapter 35.02 RCW to read as follows:

City or town councilmembers in a newly incorporated town or city incorporated under this title shall receive compensation based upon the population of the newly incorporated city or town, as provided in RCW 35A.12.070 and 35A.13.040 for the councilmembers of newly incorporated code cities.

Whenever a commission form of government has been selected for a newly incorporated noncode city with a population of from two thousand to less than thirty thousand, each commissioner shall receive compensation at the same rate that a councilmember would receive compensation under RCW 35A.12.070 based upon the population of the newly incorporated city, but the commissioner who is designated the mayor shall not receive the compensation under RCW 35A.12.070 that is provided for the mayor.

NEW SECTION. Sec. 6. A new section is added to chapter 35.02 RCW to read as follows:

No city or town in a county in which urban growth areas have been designated under RCW 36.70A.110 may incorporate if the proposed incorporation includes territory located beyond an urban growth area.

Sec. 7. RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended to read as follows:

~~((The salaries-of))~~ Compensation for the mayor and the ~~((councilmen))~~ councilmembers shall be fixed by ordinance and may be revised from time to time by ordinance~~((,-but any increase in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent if such incumbent is a member of the city legislative body fixing his own compensation or as mayor in a mayor-council code city casts a tie-breaking vote relating to such ordinance: PROVIDED, That))~~ Compensation for the mayor may be increased during the mayor's current term of office if the mayor of such a city does not cast ~~((such))~~ a tie-breaking vote~~((,-his salary may be increased during his term of office))~~ to adopt the ordinance revising the compensation for the mayor.

Until the first elective officers of a newly organized code city under this mayor-council plan of government may lawfully be paid the compensation provided by ~~((such salary))~~ an ordinance establishing different levels of compensation, such officers shall be entitled to be compensated in the same manner and in the same amount as the compensation paid to officers of such city performing comparable services immediately prior to adoption of this mayor-council plan.

Until ~~((a salary ordinance can be passed and become effective as to))~~ elective officers of a newly incorporated code city may lawfully be paid the compensation provided by an ordinance establishing different levels of compensation, such first elective officers shall be entitled to compensation as follows: (1) In cities having less than five thousand inhabitants, the mayor shall be entitled to a salary of one hundred ~~((and))~~ fifty dollars per calendar month and a ~~((councilman))~~ councilmember shall be entitled to twenty dollars per meeting for not more than two meetings per month; (2) in cities having more than five thousand but less than fifteen thousand inhabitants, the mayor shall be entitled to a salary of three hundred ~~((and))~~ fifty dollars per calendar month and a ~~((councilman))~~ councilmember shall be entitled to one hundred ~~((and))~~ fifty dollars per calendar month; and (3) in cities having more than fifteen thousand inhabitants, the mayor shall be entitled to a salary of twelve hundred ~~((and))~~ fifty dollars per calendar month and a ~~((councilman))~~ councilmember shall be entitled to four hundred dollars per calendar month~~((:-PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the amounts herein provided shall not be construed as fixing the usual salary of such officers))~~.

The mayor and ~~((councilmen))~~ councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 8. RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended to read as follows:

~~((The salaries-of-the-councilmen))~~ Compensation for councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance~~((,-but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmen may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council))~~.

Until ~~((councilmen))~~ councilmembers of a newly~~(--)~~organized council-manager code city may lawfully be paid as provided by ~~((salary))~~ an ordinance establishing different levels of compensation, such ~~((councilmen))~~ councilmembers shall be entitled to compensation in the same manner and in the same amount as ~~((councilmen))~~ councilmembers of such city prior to the adoption of this council-manager plan.

Until ~~((a salary ordinance can be passed and become effective as to))~~ elective officers of a newly incorporated code city may lawfully be paid the compensation provided by an ordinance establishing different levels of compensation, the first ~~((councilmen))~~ councilmembers shall be entitled to compensation as follows: (1) In cities having less than five thousand inhabitants~~(--)~~ the councilmembers shall be entitled to compensation at a rate of twenty dollars per meeting for not more than two meetings per month; (2) in cities having more than five thousand but less than fifteen thousand inhabitants~~(--)~~ the councilmembers shall be entitled to compensation at a salary of one hundred ~~((and))~~ fifty dollars per calendar month; and (3) in cities having more than fifteen thousand inhabitants~~(--)~~ the councilmembers shall be entitled to compensation at a salary of four hundred dollars per calendar month. ~~((A councilman))~~ The councilmember who is occupying the position of mayor, in addition to ~~((his))~~ per day compensation or salary as a ~~((councilman))~~ councilmember, shall be entitled, while serving as mayor, to an additional amount per meeting or per calendar month, or portion thereof, equal to twenty-five percent of the per meeting compensation rate or councilmanic salary~~((: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers))~~.

~~((Councilmen))~~ Councilmembers, including the mayor, shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 9. RCW 35.13.175 and 1973 1st ex.s. c 164 s 18 are each amended to read as follows:

After the filing of any petition or resolution for annexation with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, or city or town council, and pending its final disposition as provided for in this chapter, or after the filing of a petition for the incorporation of a city or town, and pending its final disposition, no other petition or resolution for annexation or petition for incorporation which embraces any of the territory included therein shall be acted upon by the county auditor or the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition.

Sec. 10. RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230 are each amended to read as follows:

After the filing of any petition or resolution for annexation or for an annexation election with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, the boundary review board or the county annexation review board for the county or the legislative body of a code city and pending its final disposition as provided in this chapter, or after the filing of a petition for the incorporation of a code city and pending its final disposition, no other petition or resolution for annexation, or petition for incorporation, which embraces any of the territory included therein shall be acted upon by any public official or body that might otherwise be empowered to receive or act upon such a petition or resolution.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5044 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5044 and the House amendment thereto: Senators Haugen, Winsley and Loveland.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1910 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Ogden and Silver.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate grants the request of the House for a conference on Substitute House Bill No. 1910 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1910 and the Senate amendment(s) thereto: Senators Haugen, Winsley and Loveland.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761 and asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate insists on its position, refuses to recede from the Senate amendment(s) and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1761 and the Senate amendment(s) thereto: Senators Haugen, von Reichbauer and Drew.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Loveland, Senator Sheldon was excused.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5330 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.11 RCW to read as follows:

The department of licensing may exempt, by rule, second-hand property bought or received on consignment or sold at an auction conducted by a licensed auctioneer or auction company from RCW 19.60.050 or 19.60.055.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Senate Bill No. 5330.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yeas: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 42.

Excused: Senators Amondson, Moyer, Prince, Sheldon, Skratek, Talmadge and West - 7.
SENATE BILL NO. 5330, as amended by the House, having received the constitutional majority, was declared passed.
There being no objection, the title of the bill was ordered to stand as the title of the act.

CHANGE IN CONFERENCE COMMITTEE APPOINTMENT
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761

On motion of Senator Nelson, Senator Erwin will replace Senator von Reichbauer as a member of the Conference Committee on Engrossed Substitute House Bill No. 1761.

MOTION

On motion of Senator Nelson, the change in the Conference Committee appointment was confirmed.

MOTION

On motion of Senator Jesernig, Senator Loveland was excused.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5342 with the following amendment(s):

On page 1, at the beginning of line 9, insert "(1)"

On page 1, line 14, after "year." insert the following:

"(2)"

On page 1, line 16, after "alcohol" insert "receiving the exemption under subsection (1) of this section and"

On page 2, at the beginning of line 3, insert "(3)", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5342.

POINT OF INQUIRY

Senator Anderson: "Senator Vognild, reading the House amendment--we have a synopsis in our book--it says that the creditor exemption is only available for alcohol manufactured by small companies. So, we are companies instead of amount now?"

Senator Vognild: "Senator, when the bill left here, it said 'companies' and that is the way that Senator Prince, who was very concerned with this, and some other people who were concerned--about three companies in this state--that manufactured small amounts and they can continue to receive their credits and that is the language agreed upon before it left here."

Senator Anderson: "Senator Vognild, currently, the Georgia-Pacific Corporation in Bellingham has been manufacturing alcohol or gasohol. Are they exempted under this bill?"

Senator Vognild: "It is my understanding that they are exempt--pardon me--they are not exempt, it is my understanding they are eligible for the credit which is given under this bill."

POINT OF INQUIRY

Senator Nelson: "Senator Vognild, with the House amendments to this bill, what now becomes the proposed revenue that the state will receive from the elimination of this exemption? Has it changed based on the House amendment, in any way? Is it still something around forty million dollars?"

Senator Vognild: "Yes, the House amendment has not changed it. The full repeal was in the neighborhood of forty-two million dollars. It was estimated that when the bill passed here that there would be about a two to two and a half million exemption still out there, so the anticipated revenue should be in the neighborhood of thirty-nine million now."

Senator Nelson: "Which would be equivalent to roughly two pennies of gas tax money?"

Senator Vognild: "Not quite two pennies. A penny generates about twenty-six million a year or so, so it would be about one and one-half or one and three quarter."

Senator Nelson: "OK, so it is in essence passed on, in most cases, to the consumer at the pump?"

Senator Vognild: "That is correct, Senator, there is one peculiar thing about this particular revenue scheme and that is one-half of this goes to local government, so only one-half of this would accrue to the state."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5342.

The motion by Senator Vognild carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 5342.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5342, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5342, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 13; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, McCaslin, McDonald, Nelson, Newhouse, Roach, Sellar, Smith, L. and von Reichbauer - 13.

Absent: Senator Rinehart - 1.

Excused: Senators Loveland, Sheldon, Talmadge and West - 4.

ENGROSSED SENATE BILL NO. 5342, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5704 with the following amendment(s):

On page 2, beginning on line 15, after "person" strike all material through "by" on line 17, and insert ", with intent to defraud a cardholder, credit card issuer, or financial institution"

On page 2, line 18, after "(a)" strike "Presenting to or depositing with, or causing" and insert "Presents to or deposits with, or causes"

On page 2, line 22, after "(b) strike "Employing, soliciting, or otherwise causing" and insert "Employs, solicits, or otherwise causes"

On page 2, line 27, after "(c) strike "Employing, soliciting, or otherwise causing" and insert "Employs, solicits, or otherwise causes", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5704 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5704 and the House amendments thereto: Senators Adam Smith, McCaslin and Quigley.

MOTION

On motion of Senator Adam Smith, the Conference Committee appointments were confirmed.

PERSONAL PRIVILEGE

Senator Amondson: "A point of personal privilege, Mr. President. Would it be offensive to you or to this body if we removed our coat? It is a little warm in here."

REPLY BY THE PRESIDENT

President Pritchard: "I think we are going to stick with the rule. I would want to talk to the people on both sides of the aisle and have leadership to talk it over for us to make a change. The rule has been that gentlemen wear coats. I realize that if there was a strong feeling on a large number of people--Senator McCaslin do you have a feeling on this subject?"

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. You asked if we checked with the other side, I'd like your permission to talk with Senator Jesernig concerning the temperature on the floor and whether or not Senators should be--what is the word I am looking for--cajoled, forced, mandated, that we wear coats, while all the wonderful ladies here have no ties on. They do

have blouses, if that is the correct pronunciation--necklaces--and I just think it would be fair. I know you are always fair, Mr. President, to the whole body, so I would appreciate an affirmative ruling."

PERSONAL PRIVILEGE

Senator Moore: "On a matter of personal privilege, also, Mr. President. Although I have been known to wear unique ties on occasion, I hold this building in great awe. I was here, believe it or not, when it was built and I know you can very well believe it, Senator von Reichbauer. I really feel strongly that this building deserves the dignity of wearing a coat. I will also wear mine, no matter how hot it gets. Thank you."

REPLY BY THE PRESIDENT

President Pritchard: "Of course what I would like, Senator Moore, is to have the temperature right so that people would feel comfortable. I am always amazed that on the same day I can have one member complain about how cold it is out in the seats here complaining that it is too cold and another Senator comes along and says that it is too hot. Senator Hargrove would like to get in on the discussion and Senator what have you got to say?"

PERSONAL PRIVILEGE

Senator Hargrove: "A point of personal privilege, Mr. President. I think that if you want to have everybody feel comfortable and get rid of the heat, we are going to have to get rid of a lot of these bills."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. Obviously, ladies and gentlemen, the acoustics are poor in here. Senator Moore we did not ask you to remove your coat; we asked if we could remove ours."
Further debate ensued.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. The reason that Senator Wojahn feels like she in a wind tunnel is that she sits directly across from Senator McCaslin. Senator McCaslin isn't thinking right today. He is getting older and today is his birthday."

PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege, Mr. President. Yes, I am a little surprised. I thought that we have not been able to demonstrate yet that there is any variance in the temperature. To me it seems quite normal, and I always thought it was not the other gender that got the hot flashes."

REPLY BY THE PRESIDENT

President Pritchard: "Well, the President will take all these requests under advisement and I think it is time we go back to a Message from the House."

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5736 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.04.030 and 1989 c 189 s 1 are each amended to read as follows:

The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment, including care provided by physicians' assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and

18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

The director shall appoint an associate medical director for chiropractic. The associate medical director must be eligible to be licensed under chapter 18.25 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 51.36 RCW to read as follows:

(1) The health services that are available to an injured worker under RCW 51.36.010 include chiropractic treatment in appropriate cases within the scope of practice under chapter 18.25 RCW. As appropriate, and subject to the requirements for examinations of workers specified in this title, a worker may be required by the department to undergo chiropractic examination by a chiropractor licensed under chapter 18.25 RCW for the purpose of assisting the department in making determinations for the closure of a claim, in assessing the necessity and appropriateness of chiropractic care, or in making other determinations within the scope of chiropractic practice related to the worker's industrial injury.

(2) The department may establish treatment and utilization standards for chiropractic treatment in consultation with representatives of the chiropractic profession. The standards, if any, may be developed in conjunction with the department of health. The standards should include some or all of the following:

(a) Standards designed to assure quality treatment and to maximize recovery from the industrial injury;

(b) Standards designed to contain costs, consistent with assured access to medically necessary treatment;

(c) Standards that permit review of an injured worker's progress toward recovery after a stated number of chiropractic treatments. The standards may require review of chiropractic treatment based on a specified number of treatments, but the standards may not require termination of treatment based solely on the number of treatments;

(d) Standards for requesting consultation with chiropractors by the department or other health services providers on the necessity or appropriateness of chiropractic care or other subjects within the chiropractic scope of practice.

Sec. 4. RCW 51.32.112 and 1988 c 114 s 2 are each amended to read as follows:

(1) The department shall develop standards for the conduct of special medical examinations to determine permanent disabilities, including, but not limited to:

(a) The qualifications of persons conducting the examinations;

(b) The criteria for conducting the examinations, including guidelines for the appropriate treatment of injured workers during the examination; and

(c) The content of examination reports.

(2) Within the appropriate scope of practice, chiropractors licensed under chapter 18.25 RCW may conduct special medical examinations to determine permanent disabilities in consultation with physicians licensed under chapter 18.57 or 18.71 RCW. The department, in its discretion, may request that a special medical examination be conducted by a single chiropractor if the department determines that the sole issues involved in the examination are within the scope of practice under chapter 18.25 RCW. However, nothing in this section authorizes the use as evidence before the board of a chiropractor's determination of the extent of a worker's permanent disability if the determination is not requested by the department.

(3) The department shall investigate the amount of examination fees received by persons conducting special medical examinations to determine permanent disabilities, including total compensation received for examinations of department and self-insured claimants, and establish compensation guidelines and compensation reporting criteria.

~~((3))~~ (4) The department shall investigate the level of compliance of self-insurers with the requirement of full reporting of claims information to the department, particularly with respect to medical examinations, and develop effective enforcement procedures or recommendations for legislation if needed.

Sec. 5. RCW 51.36.100 and 1986 c 200 s 1 are each amended to read as follows:

The legislature finds and declares it to be in the public interest of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of medical, chiropractic, dental, vocational, and other health services to industrially injured workers pursuant to Title 51 RCW. In order to effectively accomplish such purpose and to assure that the industrially injured worker receives such services as are paid for by the state of Washington, the acceptance by the industrially injured worker of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the director of the department of labor and industries or the director's authorized representative to inspect and audit all records in connection with the provision of such services.

Sec. 6. RCW 51.36.110 and 1986 c 200 s 2 are each amended to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

POINT OF ORDER

Senator Wojahn: "A point of order, Mr. President. I believe this particular amendment to the Senate Bill expands the scope and object of this particular bill. In the first place, it requires that chiropractors do disability rating exams that determine personal permanent disability awards and pensions which expands what they are able to do now and, also, it prohibits the department from adopting standards that terminate chiropractic treatments based on the number of chiropractic treatments. The third thing that it does, it authorizes the department to develop treatment and utilization standards, but only in consultation with the chiropractic profession, which vastly expands the scope of this bill."

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5736.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5799 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 58.17.280 and 1969 ex.s. c 271 s 29 are each amended to read as follows:

Any city, town or county ((may)) shall, by ordinance, regulate the procedure whereby short subdivisions, subdivisions, streets, lots and blocks are named and numbered. A lot numbering system and a house address system, however, shall be provided by the municipality for short subdivisions and subdivisions and must be clearly shown on the short plat or final plat at the time of approval.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate concurred in the House amendment to Senate Bill No. 5799.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5799, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5799, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Loveland and Talmadge - 2.

SENATE BILL NO. 5799, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5829 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.146.005 and 1987 c 391 s 1 are each amended to read as follows:

The legislature finds and declares that the brokering of residential real estate loans substantially affects the public interest. The practices of mortgage brokers have had significant impact on the citizens of the state and the banking and real estate industries. It is the intent of the legislature to establish a temporary state system of licensure in addition to rules of practice and conduct of mortgage brokers to promote honesty and fair dealing with citizens and to preserve public confidence in the lending and real estate community.

Sec. 2. RCW 19.146.010 and 1987 c 391 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) "Computer loan origination systems" or "CLO system" means the real estate mortgage financing information system defined by rule of the director.

(3) "Department" means the department of licensing.

(4) "Director" means the director of licensing.

(5) "Loan originator" means a natural person employed, either directly or indirectly, by a licensed mortgage broker, or a natural person who represents a licensed mortgage broker, in the performance of any acts specified in subsection (7) of this section.

(6) "Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms at which it will make a loan available to that borrower.

(7) "Mortgage broker" means ~~(every)~~ any person who for compensation or gain, or in the expectation of compensation ~~((either directly or indirectly makes, negotiates, or offers to make or negotiate a residential mortgage loan))~~ or gain, directly or indirectly negotiates, places, assists in placement, finds, or offers to negotiate, place, assist in placement, or find residential mortgage loans for others.

~~((3))~~ (8) "Person" means a natural person, corporation, company, partnership, or association.

~~((4))~~ (9) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

~~((5))~~ (10) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services to the mortgage broker in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

Sec. 3. RCW 19.146.020 and 1987 c 391 s 4 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the following are exempt from all provisions of this chapter:

~~((1))~~ (a) Any person doing business under the laws of this state or the United States relating to commercial banks, bank holding companies, ~~(mutual)~~ savings banks, trust companies, savings and loan associations, credit unions, consumer ~~(finance companies, industrial)~~ loan companies, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof;

~~((2))~~ (b) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

~~((3))~~ (c) Any person doing any act under order of any court;

~~((4))~~ (d) Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;

~~((5))~~ (e) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

~~((6))~~ (f) Any mortgage broker approved and subject to auditing by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation;

~~((7))~~ (g) Any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act, 12 U.S.C. Sec. 1701, as now or hereafter amended; ~~(and~~

~~((8))~~ (h) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality of any of the entities in this subsection (1)(h); and

(i) A real estate broker who provides information only in connection with a CLO system, who may receive a fee for such information in an amount approved by the director and who conforms to all rules of the director with respect to the providing of such service.

(2) Those persons otherwise exempt under subsection (1) (f), (g), and (i) of this section must comply with section 4 of this act.

NEW SECTION. Sec. 4. It is unlawful for a loan originator, mortgage broker required to be licensed under this chapter, or mortgage broker otherwise exempted from this chapter under RCW 19.146.020(1) (f), (g), or (i) in connection with a residential mortgage loan to:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders;

(2) Engage in any conduct that operates as a fraud upon or unfair or deceptive practice toward any person;

(3) Obtain property by fraud or misrepresentation;

(4) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting from a person exempt from licensing under RCW 19.146.020(1) (f) or (g) or a lender with whom the mortgage broker maintains a written correspondent or loan brokerage agreement under RCW 19.146.040;

(6) Fail to make disclosures to loan applicants and noninstitutional investors as required by RCW 19.146.030 and any other applicable state or federal law;

(7) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan;

(8) Make any false statement in connection with any reports filed by a licensee, or in connection with any examination of the licensee's business;

(9) Make any payment, directly or indirectly, to any fee appraiser third party of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(10) Fail to include the words "licensed mortgage broker" in all advertising for the broker's services that are directed at the general public if the person is required to be licensed under this chapter;

(11) Fail to comply with the requirements of the truth-in-lending act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended, in all advertising of residential mortgage loans.

NEW SECTION. Sec. 5. (1) A person may not engage in the business of a mortgage broker, except as an employee of a person licensed or exempt from licensing, without first obtaining and maintaining a license under this chapter.

(2) A person may not bring a suit or action for the collection of compensation as a mortgage broker unless the plaintiff alleges and proves that he or she was a duly licensed mortgage broker, or exempt from the license requirement of this chapter, at the time of offering to perform or performing any such an act or service regulated by this chapter. This subsection does not apply to suits or actions for the collection or compensation for services performed prior to the effective date of this section.

NEW SECTION. Sec. 6. (1) Application for a mortgage broker license under this chapter shall be in writing and in the form prescribed by the director. Unless waived by the director, the application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the applicant, and any other names, dates of birth, or social security numbers previously used by the applicant;

(b) If the applicant is a partnership or association, the name, address, date of birth, and social security number of each general partner or principal of the association, and any other names, dates of birth, or social security numbers previously used by the members;

(c) If the applicant is a corporation, the name, address, date of birth, and social security number of each officer, director, registered agent, and each principal stockholder, and any other names, dates of birth, or social security numbers previously used by the officers, directors, registered agents, and principal stockholders;

(d) The street address, county, and municipality where the principal business office is to be located;

(e) Submission of a complete set of fingerprints taken by an authorized law enforcement officer; and

(f) Such other information regarding the applicant's background, financial responsibility, experience, character, and general fitness as the director may require by rule.

(2) At the time of filing an application for a license under this chapter, each applicant shall pay to the director the appropriate license fee in an amount determined by rule of the director in accordance with RCW 43.24.086 to be sufficient to cover, but not exceed, the department's costs in administering this chapter. The director shall deposit the moneys in the mortgage broker fund created under section 19 of this act.

(3)(a) Each applicant for a mortgage broker's license shall file and maintain a surety bond, in an amount of forty thousand dollars or such lower amount the director deems adequate to protect the public interest, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's violation of any provision of this chapter or rules adopted under this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including, but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090. The applicant may obtain the bond directly from the surety or through a group bonding arrangement involving a professional organization comprised of mortgage brokers if the arrangement provides at least as much coverage as is required under this subsection.

(b) In lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.

(c) In lieu of the surety bond or compliance with (b) of this subsection, an applicant may obtain insurance or coverage from an association comprised of mortgage brokers that is organized as a mutual corporation for the sole purpose of insuring or self-insuring claims that may arise from a violation of this chapter. An applicant may only substitute coverage under this subsection for the requirements of (a) or (b) of this subsection if the director, with the consent of the insurance commissioner, has authorized such association to organize a mutual corporation under such terms and conditions as may be imposed by the director to ensure that the corporation is operated in a financially responsible manner to pay any claims within the financial responsibility limits specified in (a) of this subsection.

NEW SECTION. Sec. 7. (1) The director shall issue and deliver a mortgage broker license to an applicant if, after investigation, the director makes the following findings:

(a) The applicant has paid the required license fees;

(b) The applicant has complied with section 6 of this act;

(c) The applicant has not had a license issued under this chapter or any similar state statute suspended or revoked within five years of the filing of the present application;

(d) The applicant has not been convicted of a felony within seven years of the filing of the present application;

(e) The applicant has at least two years of experience in the residential mortgage loan industry; and

(f) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter.

(2) If the director does not find the conditions of subsection (1) of this section have been met, the director shall not issue the license. The director shall notify the applicant of the denial and return to the applicant the bond or approved alternative and any remaining portion of the license fee that exceeds the departments actual cost to investigate the license.

(3) The director may delay the effective date of section 5 of this act for an additional thirty days with respect to an applicant for a mortgage broker license for the purpose of processing the application when the applicant has filed a completed application by October 31, 1993.

(4) A license issued pursuant to this chapter is valid from the date of issuance.

(5) A licensee may surrender a license by delivering to the director written notice of surrender, but the surrender does not affect the licensee's civil or criminal liability arising from acts or omissions occurring before such surrender.

NEW SECTION. Sec. 8. (1) The director shall enforce all laws and rules relating to the licensing of mortgage brokers, grant or deny licenses to mortgage brokers, and hold hearings. The director may impose any one or more of the following sanctions: Suspend or revoke licenses, deny applications for licenses, or fine violators under this chapter. In addition, the director may issue an order directing a licensee or person subject to this chapter to cease and desist from conducting business in a manner that is injurious to the public or violates any provision of this chapter.

(2) The director may take those actions specified in subsection (1) of this section if the director finds any of the following:

(a) The licensee has failed to pay a fee due the state of Washington, to maintain in effect the bond or approved alternative required under this chapter, or to comply with any specific order or demand of the director lawfully made and directed to the licensee in accordance with this chapter; or

(b) The licensee or person subject to this chapter has violated any provision of this chapter or a rule adopted under this chapter; or

(c) The licensee made false statements on the application or omitted material information that, if known, would have allowed the director to deny the application for the original license.

(3) The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions.

NEW SECTION. Sec. 9. In accordance with the administrative procedure act, chapter 34.05 RCW, the director may issue rules to govern the activities of licensed mortgage brokers consistent with this chapter.

NEW SECTION. Sec. 10. The proceedings for denying license applications, issuing cease and desist orders, and suspending or revoking licenses issued pursuant to this chapter and any appeal therefrom or review thereof shall be governed by the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 11. For the purposes of investigating complaints arising under this chapter, the director may at any time, either personally or by a designee, examine the business, including but not limited to the books, accounts, records, and files used therein, of every licensee and of every person engaged in the business of mortgage brokering, whether such a person shall act or claim to act under or without the authority of this chapter. For that purpose the director and designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons. The director or designated person may require the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or subject matter of any such investigation.

Sec. 12. RCW 19.146.030 and 1987 c 391 s 5 are each amended to read as follows:

(1) Upon receipt of a loan application and before the receipt of any moneys from a borrower, a mortgage broker shall provide to each borrower a written notice indicating the number of the lenders with whom it maintains a written correspondent or loan brokerage agreement, unless exempt from licensing under this chapter, and make a full written disclosure to each borrower containing an itemization and explanation of all fees and costs that the borrower is required to pay in connection with obtaining a residential mortgage loan. A good faith estimate of a fee or cost shall be provided if the exact amount of the fee or cost is not determinable.

(2) The written disclosure shall contain the following information:

~~((1))~~ (a) The annual percentage rate, finance charge, amount financed, total amount of all payments, number of payments, amount of each payment, amount of points or prepaid interest and the conditions and terms under which any loan terms may change between the time of disclosure and closing of the loan; and if a variable rate, the circumstances under which the rate may increase, any limitation on the increase, the effect of an increase, and an example of the payment terms resulting from an increase. Disclosure in compliance with the requirements of the Truth-in-Lending Act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

~~((2))~~ (b) The itemized costs of any credit report, appraisal, title report, title insurance policy, mortgage insurance, escrow fee, property tax, insurance, structural or pest inspection, and any other third-party provider's costs associated with the residential mortgage loan. Disclosure through good faith estimates of settlement services and special information booklets in compliance with the requirements of the Real Estate Settlement Procedures Act, 12 U.S.C. Sec. 2601, and Regulation X, 24 C.F.R. Sec. 3500, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

~~((3))~~ (c) If applicable, the cost, terms, duration, and conditions of ~~((an agreement to lock-in or commit the mortgage broker or lender to a specific interest rate or other financing term for any period of time up to and including the time the loan is closed))~~ a lock-in agreement and whether a lock-in agreement has been entered;

~~((4))~~ (d) A statement that if the borrower is unable to obtain a loan for any reason, the mortgage broker must, within five days of a written request by the borrower, give copies of any appraisal, title report, or credit report paid for by the borrower to the borrower, and transmit the appraisal, title report, or credit report to any other mortgage broker or lender to whom the borrower directs the documents to be sent;

~~((5))~~ (e) The name of the lender and the nature of the business relationship between the lender providing the residential mortgage loan and the mortgage broker, if any: PROVIDED, That this disclosure may be made at any time up to the time the borrower accepts the lender's commitment; and

~~((6))~~ (f) A statement providing that moneys paid by the borrower to the mortgage broker for third-party provider services are held in a trust account and any moneys remaining after payment to third-party providers will be refunded.

A violation of the Truth-in-Lending Act, Regulation Z, the Real Estate Settlement Procedures Act, and Regulation X is a violation of this section for purposes of this chapter.

Sec. 13. RCW 19.146.070 and 1987 c 391 s 9 are each amended to read as follows:

(1) Except as otherwise permitted by this section, a mortgage broker shall not receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan unless a borrower actually obtains a loan from a lender on the terms and conditions agreed upon by the borrower and mortgage broker.

(2) A mortgage broker may:

(a) If the mortgage broker has obtained for the borrower a written commitment from a lender for a loan on the terms and conditions agreed upon by the borrower and the mortgage broker, and the borrower fails to close on the loan through no fault of the mortgage broker, charge a fee not to exceed three hundred dollars for services rendered, preparation of documents, or transfer of

documents in the borrower's file which were prepared or paid for by the borrower if the fee is not otherwise prohibited by the Truth-in-Lending Act, 15 U.S.C. Sec. 1601, and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended; or

(b) Solicit or receive fees for third party provider goods or services in advance. Fees for any goods or services not provided must be refunded to the borrower and the mortgage broker may not charge more for the goods and services than the actual costs of the goods or services charged by the third party provider.

~~((3) A mortgage broker may not:~~

~~(a) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower; or~~

~~(b) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting.)~~

NEW SECTION. Sec. 14. (1) Any person injured by a violation of this chapter may bring an action against the surety bond or approved alternative of the licensed mortgage broker who committed the violation or who employed the loan originator committing the violation.

(2) A person who is damaged by the licensee's violation of this chapter, or rules adopted under this chapter, may bring suit upon the surety bond or approved alternative in the superior court of any county in which jurisdiction over the licensee may be obtained. Jurisdiction shall be exclusively in the superior court. Any such action must be brought not later than one year after the alleged violation of this chapter or rules adopted under this chapter. In the event valid claims against a bond or deposit exceed the amount of the bond or deposit, each claimant shall only be entitled to a pro rata amount, based on the amount of the claim as it is valid against the bond or deposit, without regard to the date of filing of any claim or action. A judgment arising from a violation of this chapter or rule adopted under this chapter shall be entered for actual damages and in no case be less than the amount paid by the borrower to the licensed mortgage broker plus reasonable attorneys' fees and costs. In no event shall the surety bond or approved alternative provide payment for any trebled or punitive damages.

(3) The remedies provided under this section are cumulative and nonexclusive and do not affect any other remedy available at law.

NEW SECTION. Sec. 15. A licensed mortgage broker is liable for any conduct violating this chapter by a loan originator or other licensed mortgage broker while employed by the broker. In addition, a branch office manager is liable for any conduct violating this chapter by a loan originator or other licensed mortgage broker employed at the branch office.

NEW SECTION. Sec. 16. No license issued under the provisions of this chapter shall authorize any person other than the person to whom it is issued to do any act by virtue thereof nor to operate in any other manner than under his or her own name except:

(1) A licensed mortgage broker may operate or advertise under a name other than the one under which the license is issued by obtaining the written consent of the director to do so; and

(2) A broker may establish one or more branch offices under a name or names different from that of the main office if the name or names are approved by the director, so long as each branch office is clearly identified as a branch or division of the main office. No broker may establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the office, if any, and in any advertisement or on any letterhead of any stationery or any forms, or signs used by the mortgage firm on which either the name of the main or branch offices appears.

NEW SECTION. Sec. 17. Every licensed mortgage broker must have and maintain an office in this state accessible to the public which shall serve as his or her office for the transaction of business. Any office so established must comply with the zoning requirements of city or county ordinances and the broker's license must be prominently displayed therein. In addition, any branch office must comply with the zoning requirements of city or county ordinances.

NEW SECTION. Sec. 18. A licensed mortgage broker may apply to the director for authority to establish one or more branch offices under the same or different name as the main office upon the payment of a fee as prescribed by the director by rule. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have a branch manager who shall be a licensed mortgage broker authorized by the mortgage broker to perform the duties of a branch manager.

NEW SECTION. Sec. 19. All moneys collected under this chapter shall be deposited in the mortgage brokers' licensing account hereby created in the state treasury. Expenditures from the account, subject to appropriation, may be used solely for department costs in administering this chapter.

Sec. 20. RCW 19.146.110 and 1987 c 391 s 13 are each amended to read as follows:

Any person who violates any provision of ~~((RCW 19.146.005 through 19.146.040 or 19.146.060 through 19.146.100))~~ this chapter other than RCW 19.146.050 or any rule or order of the director shall be guilty of a misdemeanor punishable under chapter 9A.20 RCW. Any person who violates RCW 19.146.050 shall be guilty of a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 21. (1) There is established the mortgage brokerage commission consisting of five commission members who shall act in an advisory capacity to the director on mortgage brokerage issues.

(2) The director shall appoint the members of the commission, weighing the recommendations from professional organizations representing mortgage brokers. At least three of the commission members shall be mortgage brokers required to apply for a mortgage brokers license under this chapter and at least one shall be exempt from licensure under RCW 19.146.020(1) (f) or (g). No commission member shall be appointed who has had less than five years' experience in the business of residential mortgage lending. In addition, the attorney general, or a designee, and the director, or a designee, shall serve as ex officio, nonvoting members of the commission. Voting members of the commission shall serve for two-year terms with three of the initial commission members serving one-year terms. The department shall provide staff support to the commission.

(3) Members of the commission shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060. All costs and expenses associated with the commission shall be paid from the mortgage brokers' licensing account created in section 19 of this act.

(4)(a) The commission shall advise the director on the characteristics and needs of the mortgage brokerage profession. In addition to its advisory capacity, the commission shall review all state and federal provisions governing mortgage brokers and shall prepare a report:

(i) Summarizing state and federal statutes and regulations governing mortgage brokers;
(ii) Identifying the type and magnitude of complaints arising with regard to the practices of mortgage brokers operating in this state;

(iii) Reviewing the detrimental and beneficial effects of state licensing, bonding, training, experience, and educational requirements for mortgage brokers;

(iv) Considering the appropriate location within state government to exercise regulatory authority and administer a licensing program; and

(v) Containing recommended legislation that adopts ongoing state licensing requirements for mortgage brokers.

(b) In preparing its report, the commission shall solicit comments from the mortgage broker industry, the department of licensing, the attorney general's office, other state regulators, and residential mortgage loan consumers. The committee shall submit its report to the labor and commerce committee of the senate and the financial institutions and insurance committee of the house of representatives by December 1, 1993.

NEW SECTION. Sec. 22. The director shall take steps and adopt rules necessary to implement the sections of this act by their effective dates.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. Sections 4 through 11, 14 through 19, and 21 of this act are each added to chapter 19.146 RCW.

NEW SECTION. Sec. 25. (1) If the powers, duties, and functions of the division of banking and the division of savings and loan are transferred into a new department, the powers, duties, and functions of the department relating to the administration of chapter 19.146 RCW shall be transferred to the new department. In such event, all references to the director or the department of licensing shall be construed to mean the new department or its director.

(2) In the event that the new department is created, all reports, documents, surveys, books, records, files, papers, or other written or electronically stored material in the possession of the department of licensing pertaining to the powers, functions, and duties transferred under subsection (1) of this section shall be delivered to the custody of the new department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of licensing in carrying out the powers, functions, and duties transferred by subsection (1) of this section shall be made available to the new department if such property was purchased from funds deposited in the mortgage brokers' licensing account. All funds contained in the mortgage brokers' licensing account shall be transferred to the appropriate account of the new department for administration of chapter 19.146 RCW and shall be used solely for the costs of administering this chapter. In the event any dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and powers transferred under subsection (1) of this section, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 26. (1) Sections 2 through 4, 9, 13, and 21 through 23 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 6 through 8, 10, 18, and 19 of this act shall take effect September 1, 1993.

(3) Sections 1, 5, 11, 12, 14 through 17, and 20 of this act shall take effect October 31, 1993. However, the effective date of section 5 of this act may be delayed thirty days upon an order of the director of licensing under section 7(3) of this act.

NEW SECTION. Sec. 27. This act shall expire October 31, 1994, except for section 21 of this act. However, if a licensing program for mortgage brokers is not extended past October 31, 1994, section 21 of this act also shall expire on October 31, 1994.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 5829.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5829, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5829, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senators Hargrove and Rinehart - 2.

Excused: Senator Loveland - 1.

SUBSTITUTE SENATE BILL NO. 5829, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Bluechel was excused.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5407 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.650 and 1991 c 199 s 408 are each amended to read as follows:

(1) Any person who proposes to set fires in the course of

(a) weed abatement,

(b) instruction in methods of fire fighting (~~((except forest fires))~~), except forest fire training, or

(c) agricultural activities(;) shall(~~(-prior to carrying out the same;)~~) obtain a permit from an air pollution control authority (~~(or)~~)the department of ecology, (as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in RCW 70.94.660) or a local entity delegated permitting authority under RCW 70.94.654. General permit criteria of state-wide applicability (~~(for ruling on such permits)~~) shall be established by the department, by rule, after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both. All permits (~~(so issued)~~) shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise in which the applicant is engaged, or both. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in this section shall relieve the applicant from obtaining permits, licenses, or other approvals required by any other law. An application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, shall be acted upon within seven days from the date such application is filed. The department of ecology and local air authorities shall provide convenient methods for issuance and oversight of agricultural burning permits. The department and local air authorities shall, through agreement, work with counties and cities to provide convenient methods for granting permission for agricultural burning, including telephone, facsimile transmission, issuance from local city or county offices, or other methods.

(2) (~~(Except as provided in RCW 70.94.780)~~) Permit fees shall be assessed for (outdoor) burning under this section and shall be collected by the department of ecology ((or)) the appropriate local air authority, or a local entity delegated permitting authority pursuant to RCW 70.94.654 at the time the permit is issued. All fees collected shall be deposited in the air pollution control account created in RCW 70.94.015, except for that portion of the fee necessary to cover local costs of administering a permit issued under this section. Fees shall be set by rule by the permitting agency at the level determined by the task force created by subsection (4) of this section, but shall not exceed two dollars and fifty cents per acre to be burned. After fees are established by rule, any increases in such fees shall be limited to annual inflation adjustments as determined by the state office of the economic and revenue forecast council.

(3) Conservation districts and the Washington State University agricultural extension program in conjunction with the department shall develop public education material for the agricultural community identifying the health and environmental (~~(affects effects))~~ effects of agricultural outdoor burning and providing technical assistance in alternatives to agricultural outdoor burning.

(4) An agricultural burning practices and research task force shall be established under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair; one representative of eastern Washington local air authorities; three representatives of the agricultural community from different agricultural pursuits; one representative of the department of agriculture; two representatives from universities or colleges knowledgeable in agricultural issues; one representative of the public health or medical community; and one representative of the conservation districts. The task force shall identify best management practices for reducing air contaminant emissions from agricultural activities and provide such information to the department and local air authorities. The task force shall determine the level of fees to be assessed by the permitting agency pursuant to subsection (2) of this section, based upon the level necessary to cover the costs of administering and enforcing the permit programs, to provide funds for research into alternative methods to reduce emissions from such burning, and to the extent possible be consistent with fees charged for such burning permits in neighboring states. The fee level shall provide, to the extent possible, for lesser fees for permittees who use best management practices to minimize air contaminant emissions. The task force shall identify research needs related to minimizing emissions from agricultural burning and alternatives to such burning. Further, the task force shall make recommendations to the department on priorities for spending funds provided through this chapter for research into alternative methods to reduce emissions from agricultural burning.

Sec. 2. RCW 70.94.654 and 1991 c 199 s 409 are each amended to read as follows:

(1) Whenever the department of ecology shall find that any fire protection agency, county, or conservation district which is outside the jurisdictional boundaries of an activated air pollution control authority is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 and desirous of doing so, the department of ecology may delegate powers necessary for the issuance or enforcement, or both, of permits for any or all of the kinds of burning to the fire protection agency, county, or conservation district. Such delegation may be withdrawn by the department of ecology upon its finding that the fire protection agency, county, or conservation district is not effectively administering the permit program.

(2) A local air authority may delegate authority to issue and enforce permits for burning under RCW 70.94.650 to any fire protection agency, county, or conservation district within the jurisdictional boundaries of the local air authority. A local air authority may withdraw delegation if the local air authority finds that the fire protection agency, county, or conservation district is not effectively administering the permit program.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5407 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5407 and the House amendment thereto: Senators Fraser, Barr and Loveland.

MOTION

On motion of Senator Fraser, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 8, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5176 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The supervisor of banking and the supervisor of savings and loan in conjunction with the state treasurer's office and the department of social and health services shall study methods by which the state of Washington can facilitate the movement of funds to individuals who receive public assistance including but not limited to: Methods to limit the fees charged by financial institutions and other entities for the cashing of government checks and warrants; methods to ensure that presenters of government checks and warrants are properly identified; methods to encourage the offering by financial institutions of low cost checking accounts; and methods to encourage the development and use of debit cards and similar automated systems for the transfer of government funds to persons receiving public assistance. The supervisor of banking and supervisor of savings and loan shall report their findings and recommendations to the legislature by January 1, 1994.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 5176.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5176, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5176, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Sheldon and Smith, L. - 14.

Absent: Senator Rinehart - 1.

Excused: Senators Bluechel and Loveland - 2.

SUBSTITUTE SENATE BILL NO. 5176, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Rinehart was excused.

MESSAGE FROM THE HOUSE

April 7, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5688 with the following amendment(s):

On page 3, line 20, strike "and"

On page 3, line 21, after "violation" insert "; and

(f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and has not received substantial economic benefits from the violation"

On page 4, after line 33, insert the following:

"NEW SECTION. Sec. 3. The following portions of this act shall take effect on January 1, 1994: subsections (1) and (3) through (7) of section 2.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5688.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5688, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5688, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Barr - 1.

Excused: Senators Bluechel and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5688, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5838 with the following amendment(s):

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that meeting future energy demands within the state will require the siting of new generating facilities, renewable resources, transmission facilities, and natural gas pipelines. The legislature further finds that current siting processes, designed to accommodate large thermal power plants, do not allow efficient development of current energy supply options. The legislature further finds that a comprehensive review and revision of siting policy is needed to ensure timely development of adequate, environmentally sound energy resources at an affordable cost.

NEW SECTION. Sec. 2. There is created an energy siting process review committee. The committee shall review the siting processes currently applicable to energy facilities, including: (1) Major thermal power plants; (2) natural gas-fired combustion turbines; (3) cogeneration plants; (4) hydroelectric facilities; (5) other renewable resources, including wind, solar, geothermal, and biomass energy; (6) natural gas pipelines; and (7) electric transmission lines. The committee shall recommend changes to statutes, rules, and policies that will reduce the cost and allow timely siting of new resources while preserving environmental quality, recognizing and ensuring coordination with applicable federal licensing and permitting authorities, promoting energy system reliability, allowing public review and comment, and ensuring an appropriate role for local government.

NEW SECTION. Sec. 3. The energy siting process review committee shall consist of fifteen members, as follows:

(1) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(2) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and

(3) Eleven members appointed by the governor, representing the following interests:

(a) One member representing cities;

(b) One member representing counties;

(c) One member representing publicly owned electric utilities;

(d) One member representing investor-owned electric utilities;

(e) One member representing natural gas local distribution utilities;

(f) One member representing natural gas pipeline companies;

(g) One member representing environmental organizations;

(h) One member representing independent power producers; and

(i) Three members representing citizens at large.

Members appointed by the governor shall represent the various geographical regions of the state.

The chairperson shall be selected by the governor from the citizen members of the committee.

Members appointed by the governor shall receive no compensation for their services but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed for expenses as provided in RCW 44.04.120.

NEW SECTION. Sec. 4. The state energy office shall provide staff support to the energy siting process review committee.

NEW SECTION. Sec. 5. The energy siting process review committee shall report its findings and recommendations, including proposed legislation, to the governor and appropriate standing committees of the legislature no later than December 1, 1993.

NEW SECTION. Sec. 6. This act shall expire June 30, 1994.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Sutherland, the Senate concurred in the House amendment to Senate Bill No. 5838.
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5838, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5838, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Bluechel and Rinehart - 2.

SENATE BILL NO. 5838, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5963 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.05.010 and 1969 ex.s. c 39 s 1 are each amended to read as follows:

The legislature finds that ((anticipated revenues available for state highways for the foreseeable future will fall substantially short of the amount required to satisfy all of the state highway needs. It is the purpose of this chapter to establish a policy of priority programming for highway development having as its basis the rational selection of projects according to factual need, systematically scheduled to carry out defined objectives within limits of money and manpower, and fixed in advance with reasonable flexibility to meet changed conditions)) solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits and which are systematically scheduled to carry out defined objectives within available revenue.

The priority programming system shall ensure preservation of the existing state highway system, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system shall implement the state-owned highway component of the state-wide multimodal transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions which address identified state highway system deficiencies.

The priority programming system for improvements shall incorporate a broad range of solutions that are identified in the state-wide multimodal transportation plan as appropriate to address state highway system deficiencies including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

Sec. 2. RCW 47.05.021 and 1987 c 505 s 50 are each amended to read as follows:

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) ~~((Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated "local access" highways.~~

~~(3))~~ In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

- (b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;
- (c) Feasibility of the route, including availability of alternate routes within and without the state;
- (d) Directness of travel and distance between points of economic importance;
- (e) Length of trips;
- (f) Character and volume of traffic;
- (g) Preferential consideration for multiple service which shall include public transportation;
- (h) Reasonable spacing depending upon population density; and
- (i) System continuity.

(3) The transportation commission shall designate a system of state highways that have state-wide significance. This state-wide system shall include interstate highways and other state-wide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This state-wide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods. The first report is due by December 15, 1993, and biennially thereafter.

Sec. 3. RCW 47.05.030 and 1987 c 179 s 2 are each amended to read as follows:

The transportation commission shall adopt ((and periodically revise, after consultation with the legislative transportation committee,)) a comprehensive six-year ((program and financial plan for highway improvements specifying program objectives for each of the highway categories, "A," "B," "C," and "H," defined in this section, and within the framework of estimated funds for such period. The program and plan shall be based upon the improvement needs for state highways as determined by the department from time to time.

With such reasonable deviations as may be required to effectively utilize the estimated funds and to adjust to unanticipated delays in programmed projects, the commission shall allocate the estimated funds among the following described categories of highway improvements, so as to carry out the commission's program objectives:

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations, and improvements designated in subsections (2) through (4) of this section).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.

(4) Category H shall consist of those improvements necessary to sustain the structural and operational integrity of existing bridges on the highway system (other than bridges on the interstate system or bridge work included in another category because of its association with a highway project in such category).

Projects which are financed one hundred percent by federal funds or other agency funds shall, if the commission determines that such work will improve the state highway system, be managed separately from the above categories)) investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The needs analysis process shall ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program shall be revised biennially, effective on July 1st of odd-numbered years. The investment program shall be based upon the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program shall consist of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The comprehensive six-year investment program for preservation shall identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program shall consist of investments needed to address identified deficiencies on the state highway system to improve mobility, safety, support for the economy, and protection of the environment. The six-year investment program for improvements shall identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

Sec. 4. RCW 47.05.035 and 1987 c 179 s 3 are each amended to read as follows:

((1) The transportation commission, in preparing the comprehensive six-year program and financial plan for highway improvements, shall allocate the estimated funds among categories A, B, C, and H)) In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

((a)) (1) The relative needs in each of the ((categories of improvements)) programs and the system performance levels that can be achieved by meeting these needs;

((b)) (2) The need to provide adequate funding for ((category A improvements)) preservation to protect the state's investment in its existing highway system;

((c)) (3) The continuity of future ((highway)) transportation development ((of all categories of improvements)) with those improvements previously programmed; and

~~((d)) (4) The availability of ((special categories of federal)) dedicated funds for a specific type of work.
((2) The commission in preparing the comprehensive six-year program and financial plan shall establish program objectives for each of the highway categories, A, B, C, and H.)~~

Sec. 5. RCW 47.05.051 and 1987 c 179 s 5 are each amended to read as follows:

~~((4)) The comprehensive six-year investment program ((and financial plan for each category of highway improvements)) shall be based upon ((a)) the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection ((system within the program objectives established for each category-- The commission using the criteria set forth in RCW 47.05.030, as now or hereafter amended, shall determine the category of each highway improvement.~~

~~(2) Selection of specific category A and H projects for the six-year)) systems that incorporate the following criteria:~~

~~(1) Priority programming for the preservation program shall take into account the ((criteria set forth in subsection (4) of this section.~~

~~(3) Selection of specific category B projects for the six-year program shall be based on commission established priorities for completion and preservation of the interstate system.~~

~~(4) In selecting each category A and H project as provided in subsection (2) of this section, the following criteria (i) following, not necessarily in order of importance (i) shall be taken into consideration:~~

~~(a) Its);~~

~~(a) Extending the service life of the existing highway system;~~

~~(b) Ensuring the structural ability to carry loads imposed upon ((it)) highways and bridges;~~

~~((b) Its capacity to move traffic at reasonable speeds without undue congestion;~~

~~(c) Its adequacy of alignment and related geometrics;~~

~~(d) Its accident experience; and~~

~~(e) Its fatal accident experience.~~

~~(5)) and~~

~~(c) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select ((category A, B, and H improvements)) preservation projects to be included in the six-year program.~~

~~((6) Selection of specific category C projects for the six-year program shall be based on the priority of each highway section proposed to be improved in relation to other highway sections within the state with full regard to the structural, geometric, safety, and operational adequacy of the existing highway section taking into account the following:~~

~~(a)) (2) Priority programming for the improvement program shall take into account the following:~~

~~(a) Support for the state's economy, including job creation and job preservation;~~

~~(b) The cost-effective movement of people and goods;~~

~~(c) Accident and accident risk reduction;~~

~~(d) Protection of the state's natural environment;~~

~~(e) Continuity ((ef)) and systematic development of the highway transportation network;~~

~~((b) Coordination with the development of other modes of transportation;~~

~~(c) The stated long range goals of the local area and its transportation plan;~~

~~(d) Its potential social, economic, and environmental impacts)) (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW;~~

~~(g) Consistency with regional transportation plans developed under chapter 47.80 RCW;~~

~~((e)) (h) Public views concerning proposed improvements;~~

~~((f)) (i) The conservation of energy resources ((and the capacity of the transportation corridor to move people and goods safely and at reasonable speeds)); ((and~~

~~(g)) (j) Feasibility of financing the full proposed improvement;~~

~~(k) Commitments established in previous legislative sessions;~~

~~(l) Relative costs and benefits of candidate programs;~~

~~(m) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; and~~

~~(n) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~((7)) (3) The commission ((in selecting any project for improvement in categories A, B, C, or H)) may depart from the priority ((of projects so)) programming established under subsections (1) and (2) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program((:)); (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations((:)); (c) as may be required to coordinate with federal, local, or other state agency construction projects((:)); (d) to take advantage of some substantial financial benefit that may be available((:)); (e) for continuity of route development((:)); or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority ((of projects.~~

~~(8) The comprehensive six-year program and financial plan for highway improvements shall be revised biennially pursuant to RCW 47.05.040 as now or hereafter amended. The adopted program and plan shall be extended for an additional two years, to six years in the future, effective on July 1st of each odd-numbered year).~~

NEW SECTION. Sec. 6. A new section is added to chapter 47.05 RCW to read as follows:

The provisions of chapter ..., Laws of 1993 (this act) modifying procedures for priority programming for highway development as set forth in chapter 47.05 RCW, first apply to the comprehensive six-year state highway investment program for the periods 1995 to 2001. For the transition biennium ending June 30, 1995, the commission may deviate from the modified procedures prescribed by chapter ..., Laws of 1993 (this act).

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) RCW 47.05.040 and 1987 c 179 s 4, 1979 ex.s. c 122 s 4, 1977 ex.s. c 235 s 15, 1975 1st ex.s. c 143 s 3, 1973 2nd ex.s. c 12 s 5, 1969 ex.s. c 39 s 4, & 1963 c 173 s 4;
(2) RCW 47.05.055 and 1979 ex.s. c 122 s 6 & 1975 1st ex.s. c 143 s 6;
(3) RCW 47.05.070 and 1991 c 358 s 5, 1983 1st ex.s. c 53 s 31, 1979 ex.s. c 122 s 7, 1977 ex.s. c 151 s 45, 1973 2nd ex.s. c 12 s 7, & 1963 c 173 s 7; and
(4) RCW 47.05.085 and 1985 c 400 s 4.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Substitute Senate Bill No. 5963.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5963, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5963, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Absent: Senator Deccio - 1.

Excused: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5963, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5736 and the pending House striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Substitute Senate Bill No. 5736 is a measure which adds chiropractic care to the list of care that must be provided to injured workers under the state industrial insurance laws and provides direction to the Department of Labor and Industries in authorizing such treatment.

"The amendment by the House of Representatives would add chiropractic care to the list of care provided under the state industrial insurance laws and places requirements and directions for the Department of Labor and Industries in its authorization of chiropractic treatment.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The House striking amendment to Substitute Senate Bill No. 5736 was ruled in order.

MOTION

Senator Moore moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5736.

Debate ensued.

Senator Jesernig demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Jesernig, further consideration of Substitute Senate Bill No. 5736 was deferred.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5879 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.687 and 1987 c 330 s 745 are each amended to read as follows:

(1) (~~After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, in which the child is~~

a passenger, shall have the child properly secured in a manner approved by the state patrol. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age. Whenever a child who is less than six years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, with the exception of (a) for hire vehicles as defined in RCW 46.72.010(1); (b) motor vehicles designed to transport sixteen or more passengers, including the driver; and (c) auto transportation companies, the driver of the vehicle shall keep the child properly restrained as follows:

(i) If the child weighs less than forty pounds or is less than four years of age, the child shall be properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(ii) If the child is less than six but weighs at least forty pounds or is at least four years of age, the child shall be restrained either as specified in (i) of this subsection or with a safety belt properly adjusted and fastened around the child's body.

~~(2) ((During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984,))~~ A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Adam Smith moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5879. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Adam Smith that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5879.

The motion by Senator Adam Smith failed on a rising vote and the Senate did not concur in the House amendment to Engrossed Senate Bill No. 5879.

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5879 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1021 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate insists on its position regarding the Senate amendment(s) to Substitute House Bill No. 1021 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1275 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate insists on its position regarding the Senate amendment(s) to Substitute House Bill No. 1275 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1490 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate receded from its amendment(s) to House Bill No. 1490.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1490, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1490, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Voting nay: Senator Newhouse - 1.

Absent: Senator McCaslin - 1.

Excused: Senator Rinehart - 1.

HOUSE BILL NO. 1490, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1741 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate receded from its amendment(s) to Substitute House Bill No. 1741.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1741, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1741, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators McCaslin and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 1741, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1122 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate refuses to recede from its amendment(s) to Substitute House Bill No. 1122 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1122 and the Senate amendment(s) thereto: Senators Fraser, Barr and Loveland.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate insists on its position regarding the Senate amendment(s) to Engrossed Substitute House Bill No. 1374 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1384 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate receded from its amendment(s) to House Bill No. 1384.
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1384, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1384, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 46.

Absent: Senator Moore - 1.

Excused: Senators McCaslin and Rinehart - 2.

HOUSE BILL NO. 1384, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate insists on its position regarding the Senate amendment(s) to Engrossed Substitute House Bill No. 2067 and once again asks the House to concur therein.

MOTION

At 3:08 p.m., on motion of Senator Jesernig, the Senate recessed until 4:00 p.m.

The Senate was called to order at 5:17 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 20, 1993

GA 9118 VERNON E. STONER, appointed January 13, 1993, for a term ending at the Governor's pleasure, as Commissioner of the Employment Security Department.
Reported by Committee on Labor and Commerce Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9140 PHIL BOGUCH, reappointed January 29, 1993, for a term ending August 2, 1997, as a member of the Lottery Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9142 BRUCE F. BRENNAN, reappointed January 29, 1993, for a term ending February 21, 1995, as a member of the Apprenticeship Council.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9180 JAMES S. HATTORI, appointed January 29, 1993, for a term ending August 2, 1993, as Chair of the Lottery Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9265 MARK BROWN, appointed February 15, 1993, for a term ending at the Governor's pleasure, as Director of the Department of Labor and Industries.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9295 THE REVEREND LEO BROWN, reappointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9296 DONNA E. DILGER, reappointed March 11, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9298 HARLAN DOUGLAS, reappointed February 23, 1993, for a term ending June 30, 1993, as a member of the Housing Finance Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9299 ARDITH DIVINE, appointed March 10, 1993, for a term ending June 30, 1997, as a member of the Gambling Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9300 RON FOREST, appointed February 24, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9301 KEVIN M. HUGHES, appointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.
Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9303 LARRY KOWBEL, reappointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, McAuliffe, Newhouse, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9308 WANDA MOSBARGER, appointed March 10, 1993, for a term ending June 30, 1994, as a member of the Gambling Commission.

Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Fraser, McAuliffe, Newhouse, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9309 JOSEPHINE V. TAMAYO MURRAY, appointed February 23, 1993, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Cantu, Newhouse, Prince, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

April 20, 1993

GA 9343 D. E. CHILLBERG, appointed January 27, 1993, for a term ending June 30, 1995, as Chair of the Housing Finance Commission.

Reported by Committee on Labor and Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Cantu, McAuliffe, Newhouse, Sutherland, Vognild, and Wojahn.

Passed to Committee on Rules.

MOTION

On motion of Senator Jesernig, the Senate advanced to the fourth order of business.

MOTION

On motion of Senator Loveland, Senators Niemi and Sheldon were excused.

MESSAGE FROM THE HOUSE

April 14, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5360 with the following amendment(s):

On page 1, beginning on line 16, after "required" strike all material through "proficiency" on line 17

On page 2, line 37, after "list by" strike "court staff" and insert "the court clerk"

On page 3, line 1, after "(2)" strike "Court staff shall be required to obtain" and insert "All court clerks shall obtain"

On page 3, beginning on line 14, after "brochures to" strike "the staff of all courts" and insert "all court clerks"

On page 3, after line 16, insert the following:

"(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks."

On page 2, beginning on line 33, after "order," strike all material through "order," on line 35, and insert "and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.""

On page 3, after line 16, insert the following:

"(4) The administrator for the courts shall arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into Spanish, Vietnamese, Laotian, Cambodian, and Chinese, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1995."

On page 5, after line 37 insert:

"NEW SECTION. Sec. 4. If specific funding for section 2 subsection (4) of this act, referencing this act by bill, section and subsection number, is not provided by June 30, 1993, in the omnibus appropriations act, section 2 subsection (4) is null and void."

Renumber the remaining section consecutively and correct internal references accordingly.

On page 5, after line 37, insert the following:

"Sec. 4. RCW 7.69.020 and 1985 c 443 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Survivor" or "survivors" of a victim of crime means a spouse, child, parent, legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

(3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.

(4) "Victim impact statement" means a statement submitted to the court by the victim or a survivor, individually or with the assistance of the prosecuting attorney if assistance is requested by the victim or survivor, which may include but is not limited to information assessing the financial, medical, social, and psychological impact of the offense upon the victim or survivors.

(5) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

(6) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.

Sec. 5. RCW 7.69.030 and 1985 c 443 s 3 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

~~((2))~~ (3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

~~((3))~~ (4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

~~((4))~~ (5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

~~((5))~~ (6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

~~((6))~~ (7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

~~((7))~~ (8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

~~((8))~~ (9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

~~((9))~~ (10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

~~((10))~~ (12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

~~((14))~~ (13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

~~((12))~~ (14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; and

~~((13))~~ (15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.

Sec. 6. RCW 7.69A.020 and 1992 c 188 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Child" means any living child under the age of eighteen years.

(3) "Victim" means a living person against whom a crime has been committed.

(4) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

(5) "Family member" means child, parent, or legal guardian.

(6) "Advocate" means any person, including a family member not accused of a crime, who provides support to a child victim or child witness during any legal proceeding.

(7) "Court proceedings" means any court proceeding conducted during the course of the prosecution of a crime committed against a child victim, including pretrial hearings, trial, sentencing, or appellate proceedings.

(8) "Identifying information" means the child's name, address, location, and photograph, and in cases in which the child is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

(9) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.

Sec. 7. RCW 7.69A.030 and 1985 c 394 s 3 are each amended to read as follows:

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. The enumeration of rights shall not be construed to create substantive rights and duties, and the

application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights:

(1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.

(2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.

(3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.

~~((3))~~ (4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.

~~((4))~~ (5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.

~~((5))~~ (6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.

~~((6))~~ (7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

~~((7))~~ (8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.

~~((8))~~ (9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.

~~((9))~~ (10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.

(11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county."

Renumber the remaining sections consecutively and correct any internal references accordingly., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendments to Substitute Senate Bill No. 5360.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5360, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 44.

Absent: Senators Nelson, Pelz and Wojahn - 3.

Excused: Senators Niemi and Sheldon - 2.

SUBSTITUTE SENATE BILL NO. 5360, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502 with the following amendment(s):

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the extraction of minerals through surface mining has historically included regulatory involvement by both state and local governments.

It is the intent of the legislature to clarify that surface mining is an appropriate land use, subject to reclamation authority exercised by the department of natural resources and land use and operation regulatory authority by counties, cities, and towns.

Sec. 2. RCW 78.44.010 and 1970 ex.s. c 64 s 2 are each amended to read as follows:

The legislature recognizes that the extraction of minerals by surface mining is ~~((a basic and))~~ an essential activity making an important contribution to the economic well-being of the state and nation. ~~((At the same time, proper reclamation of surface))~~ It is not possible to extract minerals without producing some environmental impacts. At the same time, comprehensive regulation of mining and thorough reclamation of mined lands is necessary to prevent ~~((undesirable land and water))~~ or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biologic, and social conditions are significantly different, and reclamation specifications must vary accordingly. ~~((It is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials, and the very character of many types of surface mining operations precludes complete restoration of the land to its original condition. However, the legislature finds that reclamation of surface mined lands as provided in this chapter will allow the mining of valuable minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.))~~ Therefore, the legislature finds that a balance between appropriate environmental regulation and the production and conservation of minerals is in the best interests of the citizens of the state.

Sec. 3. RCW 78.44.020 and 1970 ex.s. c 64 s 3 are each amended to read as follows:

The purposes ~~of~~ of this chapter ~~((is))~~ are to:

(1) Provide that the usefulness, productivity, and scenic values of all lands and waters involved in surface mining within the state will receive the greatest practical degree of protection and ~~((restoration. It is a further purpose of this chapter to provide a means of cooperation between private and governmental entities in carrying this chapter into effect))~~ reclamation at the earliest opportunity following completion of surface mining;

(2) Provide for the greatest practical degree of state-wide consistency in the regulation of surface mines;

(3) Apportion regulatory authority between state and local governments in order to minimize redundant regulation of mining;

(4) Ensure that reclamation is consistent with local land use plans; and

(5) Ensure the power of local government to regulate land use and operations pursuant to section 16 of this act.

NEW SECTION. Sec. 4. DEFINITIONS. Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved subsequent use" means the post surface-mining land use contained in an approved reclamation plan and approved by the local land use authority.

(2) "Completion of surface mining" means the cessation of mining and directly related activities in any segment of a surface mine that occurs when essentially all minerals that can be taken under the terms of the reclamation permit have been depleted except minerals required to accomplish reclamation according to the approved reclamation plan.

(3) "Department" means the department of natural resources.

(4) "Determination" means any action by the department including permit issuance, reporting, reclamation plan approval or modification, permit transfers, orders, fines, or refusal to issue permits.

(5) "Disturbed area" means any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas.

Disturbed areas do not include:

(a) Surface mine access roads unless these have characteristics of topography, drainage, slope stability, or ownership that, in the opinion of the department, make reclamation necessary; and

(b) Lands that have been reclaimed to all standards outlined in this chapter, rules of the department, any applicable SEPA document, and the approved reclamation plan.

(6) "Miner" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, including every public or governmental agency engaged in mining from the surface.

(7) "Minerals" means clay, coal, gravel, industrial minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

(8) "Operations" means all mine-related activities, exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances, or other state laws.

Operations specifically include:

(a) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;

(b) Blasting, equipment maintenance, sorting, crushing, and loading;

(c) On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;

(d) Transporting minerals to and from the mine, on site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

(9) "Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

(10) "Permit holder" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or governmental agency engaged in surface mining and/or the operation of surface mines, whether individually, jointly, or through subsidiaries, agents, employees, operators, or contractors who holds a state reclamation permit.

(11) "Reclamation" means rehabilitation for the appropriate future use of disturbed areas resulting from surface mining including areas under associated mineral processing equipment and areas under stockpiled materials. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective shall be to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation.

(12) "Reclamation setbacks" include those lands along the margins of surface mines wherein minerals and overburden shall be preserved in sufficient volumes to accomplish reclamation according to the approved plan and the minimum reclamation standards. Maintenance of reclamation setbacks may not preclude other mine-related activities within the reclamation setback.

(13) "Recycling" means the reuse of minerals or rock products.

(14) "Screening" consists of vegetation, berms or other topography, fencing, and/or other screens that may be required to mitigate impacts of surface mining on adjacent properties and/or the environment.

(15) "Segment" means any portion of the surface mine that, in the opinion of the department:

(a) Has characteristics of topography, drainage, slope stability, ownership, mining development, or mineral distribution, that make reclamation necessary;

(b) Is not in use as part of surface mining and/or related activities; and

(c) Is larger than seven acres and has more than five hundred linear feet of working face except as provided in a segmental reclamation agreement approved by the department.

(16) "SEPA" means the state environmental policy act, chapter 43.21C RCW and rules adopted thereunder.

(17)(a) "Surface mine" means any area or areas in close proximity to each other, as determined by the department, where extraction of minerals from the surface results in:

(i) More than three acres of disturbed area;

(ii) Mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or

(iii) More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.

(b) Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the size or height thresholds listed in (a) of this subsection.

(c) Surface mining shall exclude excavations or grading used:

(i) Primarily for on-site construction, on-site road maintenance, or on-site landfill construction;

(ii) For the purpose of public safety or restoring the land following a natural disaster;

(iii) For the purpose of removing stockpiles;

(iv) For forest or farm road construction or maintenance on-site or on contiguous lands;

(v) For sand authorized by RCW 43.51.685; and

(vi) For underground mines.

(18) "Topsoil" means the naturally occurring upper part of a soil profile, including the soil horizon that is rich in humus and capable of supporting vegetation together with other sediments within four vertical feet of the ground surface.

NEW SECTION. Sec. 5. SEGMENTAL RECLAMATION. The permit holder shall reclaim each segment of the mine within two years of completion of surface mining on that segment except as provided in a segmental reclamation agreement approved in writing by the department. The primary objective of a segmental reclamation agreement should be to enhance final reclamation.

Sec. 6. RCW 78.44.040 and 1984 c 215 s 2 are each amended to read as follows:

The department of natural resources is charged with the administration of reclamation under this chapter. In order to implement ~~((the chapter's terms and provisions))~~ and enforce this chapter, the department, under the ~~((provisions of the))~~ administrative procedure act (chapter 34.05 RCW), ~~((as now or hereafter amended,))~~ may from time to time ~~((promulgate))~~ adopt those rules ~~((and regulations))~~ necessary to carry out the purposes of this chapter.

Sec. 7. RCW 78.44.050 and 1970 ex.s. c 64 s 6 are each amended to read as follows:

The department shall have the exclusive authority to regulate surface mine reclamation except that, by contractual agreement, the department may delegate some or all of its enforcement authority to a county, city, or town. All counties, cities, or towns shall have the authority to zone surface mines and adopt ordinances regulating operations pursuant to section 16 of this act, except that county, city, or town operations ordinances may be preempted by the department during the emergencies outlined in section 27 of this act and related rules.

This chapter shall not ~~((affect))~~ alter or preempt any ~~((of the))~~ provisions of the state fisheries laws (Title 75 RCW), the state water allocation and use laws (chapters 90.03 and 90.44 RCW), the state water pollution control laws ~~((Title 90))~~ chapter 90.48 RCW, the state ~~((game))~~ wildlife laws (Title 77 RCW), ~~((or any other state laws, and shall be cumulative and nonexclusive))~~ state noise laws or air quality laws (Title 70 RCW), shoreline management (chapter 90.58 RCW), the state environmental policy act (chapter 43.21C RCW), state growth management (chapter 36.70A RCW), state drinking water laws (chapters 43.20 and 70.119A RCW), or any other state statutes.

Sec. 8. RCW 78.44.060 and 1970 ex.s. c 64 s 7 are each amended to read as follows:

The department shall have the authority to conduct ~~((or))~~, authorize, and/or participate in investigations, research, experiments, and demonstrations, and to collect and disseminate information relating to surface mining and reclamation of surface mined lands.

Sec. 9. RCW 78.44.070 and 1970 ex.s. c 64 s 8 are each amended to read as follows:

The department may cooperate with other governmental and private agencies ~~((in this state and other states))~~ and agencies of the federal government, and may reasonably reimburse them for any services the department requests that they provide. The department may also receive any federal funds, state funds and any other funds and expend them for reclamation of land affected by surface mining and for purposes enumerated in RCW 78.44.060.

NEW SECTION. Sec. 10. SURFACE MINING RECLAMATION ACCOUNT. The surface mining reclamation account is created in the state treasury. Annual mining fees, funds received by the department from state, local, or federal agencies for research purposes, as well as other mine-related funds and fines received by the department shall be deposited into this account. The surface mine reclamation account may be used by the department only to:

- (1) Administer its regulatory program pursuant to this chapter;
- (2) Undertake research relating to surface mine regulation, reclamation of surface mine lands, and related issues; and
- (3) Cover costs arising from appeals from determinations made under this chapter.

Fines, interest, and other penalties collected by the department under the provisions of this chapter shall be used to reclaim surface mines abandoned prior to 1971.

NEW SECTION. Sec. 11. RECLAMATION PERMITS REQUIRED--APPLICATIONS. After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from the department. Operating permits issued by the department between January 1, 1971, and June 30, 1993, shall be considered reclamation permits provided such permits substantially meet the protections, mitigations, and reclamation goals of sections 12 and 20 of this act within five years after the effective date of this section. State agencies and local government shall be exempt from this time limit for inactive sites. Prior to the use of an inactive site, the reclamation plan must be brought up to current standards. A separate permit shall be required for each noncontiguous surface mine. The reclamation permit shall consist of the permit forms and any exhibits attached thereto. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by the department.

Prior to receiving a reclamation permit, an applicant must submit an application on forms provided by the department that shall contain the following information and shall be considered part of the reclamation permit:

- (1) Name and address of the legal landowner, or purchaser of the land under a real estate contract;

(2) The name of the applicant and, if the applicants are corporations or other business entities, the names and addresses of their principal officers and resident agent for service of process;

(3) A reasonably accurate description of the minerals to be surface mined;

(4) Type of surface mining to be performed;

(5) Estimated starting date, date of completion, and date of completed reclamation of surface mining;

(6) Size and legal description of the permit area and maximum lateral and vertical extent of the disturbed area;

(7) Expected area to be disturbed by surface mining during (a) the next twelve months, and (b) the following twenty-four months;

(8) Any applicable SEPA documents; and

(9) Other pertinent data as required by the department.

The reclamation permit shall be granted for the period required to deplete essentially all minerals identified in the reclamation permit on the land covered by the reclamation plan. The reclamation permit shall be valid until the reclamation is complete unless the permit is canceled by the department.

NEW SECTION. Sec. 12. RECLAMATION PLANS. An applicant shall provide a reclamation plan and copies acceptable to the department prior to obtaining a reclamation permit. The department shall have the sole authority to approve reclamation plans. Reclamation plans or modified reclamation plans submitted to the department after June 30, 1993, shall meet or exceed the minimum reclamation standards set forth in this chapter and by the department in rule. Each applicant shall also supply copies of the proposed plans and final reclamation plan approved by the department to the county, city, or town in which the mine will be located. The department shall solicit comment from local government prior to approving a reclamation plan. The reclamation plan shall include:

(1) A written narrative describing the proposed mining and reclamation scheme with:

(a) A statement of a proposed subsequent use of the land after reclamation that is consistent with the local land use designation. Approval of the reclamation plan shall not vest the proposed subsequent use of the land;

(b) If the permit holder is not the sole landowner, a copy of the conveyance or a written statement that expressly grants or reserves the right to extract minerals by surface mining methods;

(c) A simple and accurate legal description of the permit area and disturbed areas;

(d) The maximum depth of mining;

(e) A reasonably accurate description of the minerals to be mined;

(f) A description of the method of mining;

(g) A description of the sequence of mining that will provide, within limits of normal procedures of the industry, for completion of surface mining and associated disturbance on each portion of the permit area so that reclamation can be initiated at the earliest possible time on each segment of the mine;

(h) A schedule for progressive reclamation of each segment of the mine;

(i) Where mining on flood plains or in river or stream channels is contemplated, a thoroughly documented hydrogeologic evaluation that will outline measures that would protect against or would mitigate avulsion and erosion as determined by the department;

(j) Where mining is contemplated within critical aquifer recharge areas, special protection areas as defined by chapter 90.48 RCW and implementing rules, public water supply watersheds, sole source aquifers, wellhead protection areas, and designated aquifer protection areas as set forth in chapter 36.36 RCW, a thoroughly documented hydrogeologic analysis of the reclamation plan may be required; and

(k) Additional information as required by the department including but not limited to: The positions of reclamation setbacks and screening, conservation of topsoil, interim reclamation, revegetation, postmining erosion control, drainage control, slope stability, disposal of mine wastes, control of fill material, development of wetlands, ponds, lakes, and impoundments, and rehabilitation of topography.

(2) Maps of the surface mine showing:

(a) All applicable data required in the narrative portion of the reclamation plan;

(b) Existing topographic contours;

(c) Contours depicting specifications for surface gradient restoration appropriate to the proposed subsequent use of the land and meeting the minimum reclamation standards;

(d) Locations and names of all roads, railroads, and utility lines on or adjacent to the area;

(e) Locations and types of proposed access roads to be built in conjunction with the surface mining;

(f) Detailed and accurate boundaries of the permit area, screening, reclamation setbacks, and maximum extent of the disturbed area; and

(g) Estimated depth to ground water and the locations of surface water bodies and wetlands both prior to and after mining.

(3) At least two cross sections of the mine including all applicable data required in the narrative and map portions of the reclamation plan.

(4) Evidence that the proposed surface mine has been approved under local zoning and land use regulations.

(5) Written approval of the reclamation plan by the landowner for mines permitted after June 30, 1993.

(6) Other supporting data and documents regarding the surface mine as reasonably required by the department.

If the department refuses to approve a reclamation plan in the form submitted by an applicant or permit holder, it shall notify the applicant or permit holder stating the reasons for its determination and describe such additional requirements to the applicant or permit holder's reclamation plan as are necessary for the approval of the plan by the department. If the department refuses to approve a complete reclamation plan within one hundred twenty days, the miner or permit holder may appeal this determination under the provisions of this chapter.

Only insignificant deviations may occur from the approved reclamation plan without prior written approval by the department for the proposed change.

The department retains the authority to require that the reclamation plan be updated to the satisfaction of the department at least every ten years.

NEW SECTION. Sec. 13. JOINT RECLAMATION PLANS. Where two or more surface mines join along a common boundary, the department may require submission of a joint reclamation plan in order to provide for optimum reclamation or to avoid waste of mineral resources. Such joint reclamation plans may be in the form of a single collaborative plan submitted by all affected permit holders or as individual reclamation plans in which the schedule of reclamation, finished contours, and revegetation match reclamation plans of adjacent permit holders.

NEW SECTION. Sec. 14. FEES. (1) An applicant for a public or private reclamation permit shall pay an application fee to the department before being granted a surface mining permit. The amount of the application fee shall be six hundred fifty dollars.

(2) After June 30, 1993, each public or private permit holder shall pay an annual permit fee of six hundred fifty dollars. The annual permit fee shall be payable to the department on the first anniversary of the permit date and each year thereafter. Annual fees paid by a county for small mines used exclusively for public works projects shall be paid on those small mines from which the county elects to extract minerals in the next calendar year and shall not exceed one thousand dollars.

(3) After July 1, 1995, the department may modify annual permit fees by rule if:

(a) The total annual permit fees are reasonably related to the approximate costs of administering the department's surface mining regulatory program;

(b) The annual fee does not exceed five thousand dollars; and

(c) The mines are small mines in remote areas that are used primarily for public service, then lower annual permit fees may be established.

(4) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fee may constitute grounds for an order to suspend surface mining or cancellation of the reclamation permit as provided in this chapter.

(5) All fees collected by the department shall be deposited into the surface mining reclamation account.

(6) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to such county, city, or town.

NEW SECTION. Sec. 15. PERFORMANCE SECURITY. The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed and furnished by the department. A public or governmental agency shall not be required to post performance security nor shall a permit holder be required to post surface mining performance security with more than one state, local, or federal agency.

This performance security may be:

(1) Bank letters of credit acceptable to the department;

(2) A cash deposit;

(3) Negotiable securities acceptable to the department;

(4) An assignment of a savings account;

(5) A savings certificate in a Washington bank on an assignment form prescribed by the department;

(6) Assignments of interests in real property within the state of Washington; or

(7) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules adopted under it.

The department shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and

based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved.

The department may increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate.

Liability under the performance security shall be maintained until reclamation is completed according to the approved reclamation plan to the satisfaction of the department unless released as hereinafter provided. Liability under the performance security may be released only upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

Any interest or appreciation on the performance security shall be held by the department until reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder; except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security.

No other state agency or local government shall require performance security for the purposes of surface mine reclamation and only one agency of government shall require and hold the performance security. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of surface mines straddling boundaries between federally controlled and other lands within Washington state.

Notwithstanding any other provision of this section, nothing shall preclude the department of ecology from requiring a separate performance security for metallic minerals or uranium surface mines under any authority if any that may be presently vested in the department of ecology relating to such mines.

NEW SECTION. Sec. 16. A new section is added to chapter 36.70A RCW to read as follows:

(1) Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in section 4 of this act, shall be established as an allowed use in local development regulations subject to the permit process described in this section.

The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.

Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

For purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land.

(2)(a) Counties, cities, and towns may only regulate surface mining operations by ordinance and only in accordance with the requirements and limitations of this subsection.

(b) Local surface mining operating standards shall:

(i) Address only:

(A) Traffic;

(B) Light emission;

(C) Visual screening;

(D) Noise emission; and

(E) Other significant or substantial mining impacts that are not covered by a subject area of regulation embodied in any other state or federal law, including among others the subject areas pertaining to water allocation, use, and control and fisheries and wildlife habitat set forth in section 19 of this act.

(ii) Be performance-based, objective standards that:

(A) Are directly and proportionately related to limiting surface mining impacts;

(B) Are reasonable and generally capable of being achieved;

(C) Take into account existing and available technologies; and

(D) May be met by any lawful means selected by the applicant or operator that, in the judgment of the county, city, or town, achieve compliance with the standard.

(iii) Limit application and monitoring fees to the amount necessary to pay the costs of administering, processing, monitoring, and enforcing the regulation of surface mining in accordance with this section.

(iv) Except as otherwise provided in this section, implement the ordinance through an operating plan review and approval process. Such approval process shall:

(A) Require submittal of sufficient, complete, and accurate information, as specified by the local ordinance, to allow the decision maker to review the plan for compliance with local standards;

(B) At the option of the county, city, or town, provide for administrative approval subject to appeal or for initial consideration through a public hearing process; and

(C) Require that project-specific conditions or restrictions be based upon written findings of facts demonstrating their need to achieve compliance with local standards.

(v) Subject to subsection (3) of this section, provide that approvals issued will be valid for fifty years.

(3) Operating regulations and amendments thereto adopted pursuant to this section may be applied to lawfully preexisting mining operations only if the local ordinance:

(a) Limits application of subsection (2)(b)(i)(A) of this section relating to traffic to the designation of approved haul routes;

(b) Exempts such preexisting operations from any operating plan review and approval process;

(c) Provides reasonable time periods for compliance with new or amended local operating standards that in no event may be less than one year; and

(d) Includes a variance procedure to allow continuation of existing operations for a nonconforming surface mining operation where strict adherence to a local operating standard would be economically or operationally impractical due to conditions relating to site configuration, topography, or the nature of historic operations.

(4) Nothing in this section precludes a county, city, or town from exercising the express authority delegated to it by a state agency under state law, or from complying with state law when required as a regulated entity.

NEW SECTION. Sec. 17. A surface mining model ordinance advisory committee is hereby created. The committee shall be composed of representatives of local government, state agencies, surface mining interests, and the environmental community. The department of natural resources shall appoint the members of the committee and the department shall staff the committee. This temporary advisory committee shall draft model ordinances for different surface-mining settings and shall assist counties, cities, and towns in developing ordinances. The committee shall complete its work and shall expire by December 31, 1994. Participants on the committee shall pay their own expenses, and the department of natural resources shall fund the department's involvement.

NEW SECTION. Sec. 18. RECLAMATION SETBACKS. Reclamation setbacks shall be as follows unless waived by the department:

(1) The reclamation setback for unconsolidated deposits within mines permitted after June 30, 1993, shall be equal to the maximum anticipated height of the adjacent working face or as determined by the department. Setbacks and buffers may be destroyed as part of final reclamation of each segment if approved by the department.

(2) The minimum reclamation setback for consolidated materials within mines permitted after June 30, 1993, shall be thirty feet or as determined by the department.

(3) An exemption from this section may be granted by the department following a written request. The department may consider submission of a plan for backfilling acceptable to the department, a geotechnical slope-stability study, proof of a dedicated source of fill materials, written approval of contiguous landowners, and other information before granting an exemption.

NEW SECTION. Sec. 19. WATER CONTROL. (1) Water control as regulated by the department shall be limited to those provisions necessary to effect surface mine reclamation and to protect ground and surface water resources after reclamation is complete and shall be consistent with existing water control laws. The department shall solicit recommendations from all agencies with expertise in relevant water control laws when evaluating reclamation plans for surface mines in or near water.

(2) As to surface mining projects, control of surface mine water shall be pursuant to chapter 90.48 RCW; water availability, hydraulic continuity, allocation, and use shall be pursuant to chapters 90.03, 90.44, and 90.54 RCW; regulation of drinking water shall be pursuant to Titles 43 and 70 RCW; and protection of fisheries and wildlife shall be regulated pursuant to Title 75 RCW (fisheries laws) and Title 77 RCW (wildlife laws) as well as chapters 90.03, 90.44, 90.48, and 90.54 RCW, federal storm water regulations, and/or national pollutant discharge elimination system regulations. The department of ecology upon request by a county, city, or town, may consult with the affected parties and incorporate additional site-specific requirements into individual surface mine national pollutant discharge elimination system permits where such requirements are appropriate.

A county, city, or town may regulate the impacts on water through local ordinances and regulations that:

(a) Cover significant or substantial impacts that are not covered by a subject area of regulation embodied in any other state or federal law; or

(b) Implement regulatory and/or enforcement authority that has been expressly authorized to it by a state agency.

NEW SECTION. Sec. 20. RECLAMATION. The need for, and the practicability of, reclamation shall control the type and degree of reclamation in any specific instance. However, the basic objective of reclamation is to reestablish on a continuing basis the vegetative cover, slope stability, water conditions, and safety conditions suitable to the proposed subsequent use consistent with local land use plans for the surface mine site.

Each permit holder shall comply with the minimum reclamation standards in effect on the date the permit was issued and any additional reclamation standards set forth in the approved reclamation plan.

Reclamation activities, particularly those relating to control of erosion and mitigation of impacts of mining to adjacent areas, shall, to the extent feasible, be conducted simultaneously with surface mining, and in any case shall be initiated at the earliest possible time after completion of surface mining on any segment of the permit area.

All reclamation activities shall be completed not more than two years after completion or abandonment of surface mining on each segment of the area for which a reclamation permit is in force.

The department may by contract delegate enforcement of provisions of reclamation plans to counties, cities, and towns. A county, city, or town performing enforcement functions may not impose any additional fees on permit holders.

NEW SECTION. Sec. 21. MINIMUM RECLAMATION STANDARDS. Reclamation of surface mines permitted after June 30, 1993, and reclamation of surface mine segments addressed by reclamation plans modified after June 30, 1994, shall meet the following minimum standards except as waived in writing by the department.

(1) Prior to surface mining, permit holders shall carefully stockpile all topsoil on the site for use in reclamation, or immediately move topsoil to reclaim adjacent segments, except when the approved subsequent use does not require replacing the topsoil. Topsoil needed for reclamation shall not be sold as a mineral nor mixed with sterile soils. Stockpiled materials used as screening shall not be used for reclamation until such time as the appropriate county or municipal government has given its approval.

(2) The department may require that clearly visible, permanent monuments delineating the permit boundaries and maximum extent of the disturbed area be set at appropriate places around the mine site. The permit holder shall maintain the monuments until termination of the reclamation permit.

(3) All minimum reclamation standards may be waived in writing by the department in order to accommodate unique and beneficial reclamation schemes such as parks, swimming facilities, buildings, and wildlife reserves. Such waivers shall be granted only after written approval by the department of a reclamation plan describing the variances to the minimum reclamation standards, receipt of documentation of SEPA compliance, and written approvals from the landowner and by the local land use authority.

(4) All surface-mined slopes shall be reclaimed to the following minimum standards:

(a) In surface mines in soil, sand, gravel, and other unconsolidated materials, all reclaimed slopes shall:

(i) Have varied steepness;

(ii) Have a sinuous appearance in both profile and plan view;

(iii) Have no large rectilinear topographic elements;

(iv) Generally have slopes of between 2.0 and 3.0 feet horizontal to 1.0 foot vertical or flatter except in limited areas where steeper slopes are necessary in order to create sinuous topography and to control drainage;

(v) Not exceed 1.5 feet horizontal to 1.0 foot vertical except as necessary to blend with adjacent natural slopes;

(vi) Be compacted if significant backfilling is required to produce the final reclaimed slopes and if the department determines that compaction is necessary.

(b) Slopes in consolidated materials shall have no prescribed slope angle or height, but where a severely hazardous condition is created by mining and that is not indigenous to the immediate area, the slopes shall not exceed 2.0 feet horizontal to 1.0 foot vertical. Steeper slopes shall be acceptable in areas where evidence is submitted that demonstrates that the geologic or topographic characteristics of the site preclude reclamation of slopes to such angle or height or that such slopes constitute an acceptable subsequent use under local land use regulations.

(c) Surface mines in which the seasonal or permanent water tables have been penetrated, thereby creating swamps, ponds, or lakes useful for recreational, wildlife habitat, water quality control, or other beneficial wetland purposes shall be reclaimed in the following manner:

(i) For slopes that are below the permanent water table in soil, sand, gravel, and other unconsolidated materials, the slope angle shall be no steeper than 1.5 feet horizontal to 1.0 foot vertical;

(ii) Generally, solid rock banks shall be shaped so that a person can escape from the water, however steeper slopes and lack of water egress shall be acceptable in rural, forest, or mountainous areas or where evidence is provided that such slopes would constitute an acceptable subsequent use under local land use regulations;

(iii) Both standpipes and armored spillways or other measures to prevent undesirable overflow or seepage shall be provided to stabilize all such water bodies within the disturbed area; and

(iv) Where lakes, ponds, or swamps are created, the permit holder shall provide measures to establish a beneficial wetland by developing natural wildlife habitat and incorporating such measures as irregular shoreline configurations, sinuous bathymetry and shorelines, varied water depths, peninsulas, islands, and subaqueous areas less than 1.5 foot deep during summer low-water levels. Clay-bearing material placed below water level may be required to avoid creating sterile wetlands.

(d) Final topography shall generally comprise sinuous contours, chutes and buttresses, spurs, and rolling mounds and hills, all of which shall blend with adjacent topography to a reasonable extent. Straight planar slopes and right angles should be avoided.

(e) The floors of mines shall generally grade gently into postmining drainages to preclude sheet-wash erosion during intense precipitation, except where backgrading is appropriate for drainage control, to establish wetlands, or to trap sediment.

(f) Topsoil shall be restored as necessary to promote effective revegetation and to stabilize slopes and mine floors. Where limited topsoil is available, topsoil shall be placed and revegetated in such a way as to ensure that little topsoil is lost to erosion.

(g) Where surface mining has exposed natural materials that may create polluting conditions, including but not limited to acid-forming coals and metalliferous rock or soil, such conditions shall be addressed according to a method approved by the department. The final ground surface shall be graded so that surface water drains away from these materials.

(h) All grading and backfilling shall be made with nonnoxious, noncombustible, and relatively incompactible solids unless the permit holder provides:

(i) Written approval from all appropriate solid waste regulatory agencies; and

(ii) Any and all revisions to such written approval during the entire time the reclamation permit is in force.

(i) Final reclaimed slopes should be left roughly graded, preserving equipment tracks, depressions, and small mounds to trap clay-bearing soil and promote natural revegetation. Where reasonable, final equipment tracks should be oriented in order to trap soil and seeds and to inhibit erosion.

(j) Pit floors should be bulldozed or ripped to foster revegetation.

(5) Drainages shall be graded and contain adequate energy dissipation devices so that essentially natural conditions of water velocity, volume, and turbidity are reestablished within six months of reclamation of each segment of the mine. Ditches and other artificial drainages shall be constructed on each reclaimed segment to control surface water, erosion, and siltation and to direct runoff to a safe outlet. Diversion ditches including but not limited to channels, flumes, tightlines and retention ponds shall be capable of carrying the peak flow at the mine site that has the probable recurrence frequency of once in twenty-five years as determined from data for the twenty-five year, twenty-four hour precipitation event published by the national oceanic and atmospheric administration. The grade of such ditches and channels shall be constructed to limit erosion and siltation. Natural and other drainage channels shall be kept free of equipment, wastes, stockpiles, and overburden.

(6) Impoundment of water shall be an acceptable reclamation technique provided that approvals of other agencies with jurisdiction are obtained and:

(a) Proper measures are taken to prevent undesirable seepage that could cause flooding outside the permitted area or adversely affect the stability of impoundment dikes or adjacent slopes;

(b) Both standpipes and armored spillways or other measures necessary to control overflow are provided.

(7) Revegetation shall be required as appropriate to stabilize slopes, generate new topsoil, reduce erosion and turbidity, mask rectilinear contours, and restore the scenic value of the land to the extent feasible as appropriate to the approved subsequent use. Although the scope of and necessity for revegetation will vary according to the geography, precipitation, and approved subsequent use of the site, the objective of segmental revegetation is to reestablish self-sustaining vegetation and conditions of slope stability, surface water quality, and appearance before release of the reclamation permit. Revegetation shall normally meet the following standards:

(a) Revegetation shall commence during the first proper growing season following restoration of slopes on each segment unless the department has granted the permit holder a written time extension.

(b) In eastern Washington, the permit holder may not be able to achieve continuous ground cover owing to arid conditions or sparse topsoil. However, revegetation shall be as continuous as reasonably possible as determined by the department.

(c) Revegetation generally shall include but not be limited to diverse evergreen and deciduous trees, shrubs, grasses, and deep-rooted ground cover.

(i) For western Washington, nitrogen-fixing species including but not limited to alder, white clover, and lupine should be included in dry areas. In wet areas, tubers, sedges, wetland grasses, willow, cottonwood, cedar, and alder are appropriate.

(ii) In eastern Washington, lupine, white clover, Russian olive, black locust, junipers, and pines are among appropriate plants. In wet areas, cottonwood, tubers, and sedges are appropriate.

(d) The requirements for revegetation may be reduced or waived by the department where erosion will not be a problem in rural areas where precipitation exceeds thirty inches per annum, or where revegetation is inappropriate for the approved subsequent use of the surface mine.

(e) In areas where revegetation is critical and conditions are harsh, the department may require irrigation, fertilization, and importation of clay or humus-bearing soils to establish effective vegetation.

(f) The department may refuse to release a reclamation permit or performance security until it deems that effective revegetation has commenced.

NEW SECTION. Sec. 22. PERMIT TRANSFERS. Reclamation permits shall be transferred to a subsequent permit holder and the department shall release the former permit holder from the duties imposed by this chapter if:

(1) Both permit holders comply with all rules of the department addressing requirements for transferring a permit; and

(2) Unless waived by the department, the mine and all others operated by both the former and subsequent permit holders and their principal officers or owners are in compliance with this chapter and rules.

NEW SECTION. Sec. 23. MODIFICATION OF RECLAMATION PLANS. The department and the permit holder may modify the reclamation plan at any time during the term of the permit for any of the following reasons:

(1) To modify the requirements so that they do not conflict with existing or new laws;

(2) If the department determines that the previously adopted reclamation plan is impossible or impracticable to implement and maintain; or

(3) The previously approved reclamation plan is not accomplishing the intent of this chapter as determined by the department.

Modified reclamation plans shall be reviewed by the department as lead agency under SEPA. Such SEPA analyses shall consider only those impacts relating directly to the proposed modifications. Copies of proposed and approved modifications shall be sent to the appropriate county, city, or town.

NEW SECTION. Sec. 24. REPORTS. On the anniversary date of the reclamation permit and each year thereafter until reclamation is completed and approved, the permit holder shall file a report of activities completed during the preceding year. The report shall be on a form prescribed by the department.

NEW SECTION. Sec. 25. INSPECTION OF PERMIT AREA. The department may order at any time an inspection of the disturbed area to determine if the miner or permit holder has complied with the reclamation permit, rules, and this chapter.

NEW SECTION. Sec. 26. ORDER TO RECTIFY DEFICIENCIES. The department may issue an order to rectify deficiencies when a miner or permit holder is conducting surface mining in any manner not authorized by:

(1) This chapter;

(2) The rules adopted by the department;

(3) The authorized reclamation plan; or

(4) The reclamation permit.

The order shall describe the deficiencies and shall require that the miner or permit holder correct all deficiencies no later than sixty days from issuance of the order. The department may extend the period for correction for delays clearly beyond the miner or permit holder's control, but only when the miner or permit holder is, in the opinion of the department, making every reasonable effort to comply.

NEW SECTION. Sec. 27. EMERGENCY NOTICE AND ORDER TO RECTIFY DEFICIENCIES--EMERGENCY ORDER TO SUSPEND SURFACE MINING. When the department finds that a permit holder is conducting surface mining in any manner not authorized by:

(1) This chapter;

(2) The rules adopted by the department;

(3) The approved reclamation plan; or

(4) The reclamation permit;

and that activity has created a situation involving an immediate danger to the public health, safety, welfare, or environment requiring immediate action, the department may issue an emergency notice and order to rectify deficiencies, and/or an emergency order to suspend surface mining. These orders shall be effective when entered. The department may take such action as is necessary to prevent or avoid the danger to the public health, safety, welfare, or environment that justifies use of emergency adjudication. The department shall give such notice as is practicable to the permit holder or miner who is required to comply with the order. The order shall comply with the requirements of the administrative procedure act.

Regulations of surface mining operations administered by other state and local agencies shall be preempted by this section to the extent that the time schedule and procedures necessary to rectify the emergency situation, as determined by the department, conflict with such local regulation.

NEW SECTION. Sec. 28. ORDER TO SUSPEND SURFACE MINING. Upon the failure of a miner or permit holder to comply with a department order to rectify deficiencies, the department may issue an order to suspend surface mining when a miner or permit holder is conducting surface mining in any manner not authorized by:

- (1) This chapter;
- (2) The rules adopted by the department;
- (3) The approved reclamation plan;
- (4) The reclamation permit; or
- (5) If the miner or permit holder fails to comply with any final order of the department.

The order to suspend surface mining shall require the miner or permit holder to suspend part or all of the miner's or permit holder's mining operations until the conditions resulting in the issuance of the order have been mitigated to the satisfaction of the department.

The attorney general may take the necessary legal action to enjoin, or otherwise cause to be stopped, surface mining in violation of an order to suspend surface mining.

NEW SECTION. Sec. 29. DECLARATION OF ABANDONMENT. The department may issue a declaration of abandonment when it determines that all surface mining has ceased for a period of one hundred eighty consecutive days not set forth in the permit holder's reclamation plan or when, by reason of inspection of the permit area, or by any other means, the department determines that the mine has in fact been abandoned by the permit holder except that abandonment shall not include normal interruptions of surface mining resulting from labor disputes, economic conditions associated with lack of smelting capacity or availability of appropriate transportation, war, social unrest, demand for minerals, maintenance and repairs, and acts of God.

Following a declaration of abandonment, the department shall require the permit holder to complete reclamation in accordance with this chapter. If the permit holder fails to do so, the department shall proceed to do the necessary reclamation work pursuant to section 31 of this act.

If another miner applies for a permit on a site that has been declared abandoned, the department may, in its discretion, cancel the reclamation permit of the permit holder and issue a new reclamation permit to the applicant. The department shall not issue a new permit unless it determines that such issuance will be an effective means of assuring that the site will ultimately be reclaimed. The applicant must agree to assume the reclamation responsibilities left unfinished by the first miner, in addition to meeting all requirements for issuance of a new permit.

NEW SECTION. Sec. 30. CANCELLATION OF THE RECLAMATION PERMIT. When the department determines that a surface mine has been abandoned, it may cancel the reclamation permit. The permit holder shall be informed of such actions by a department notification of illegal abandonment and cancellation of the reclamation permit.

NEW SECTION. Sec. 31. ORDER TO SUBMIT PERFORMANCE SECURITY--RECLAMATION BY THE DEPARTMENT. The department may, with the staff, equipment, and material under its control, or by contract with others, reclaim the disturbed areas when it finds that reclamation has not occurred in any segment of a surface mine within two years of completion of mining or of declaration of abandonment and the permit holder is not actively pursuing reclamation.

If the department intends to undertake the reclamation, the department shall issue an order to submit performance security requiring the permit holder or surety to submit to the department the amount of moneys posted pursuant to section 15 of this act. If the amount specified in the order to submit performance security is not paid within twenty days after issuance of the notice, the attorney general upon request of the department shall bring an action on behalf of the state in a superior court to recover the amount specified and associated legal fees.

The department may proceed at any time after issuing the order to submit performance security with reclamation of the site according to the approved reclamation plan or according to a plan developed by the department that meets the minimum reclamation standards.

The department shall keep a record of all expenses incurred in carrying out any reclamation project or activity authorized under this section, including:

- (1) Reclamation;
- (2) A reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized; and
- (3) Administrative and legal expenses related to reclamation of the surface mine.

The department shall refund to the surety or permit holder all amounts received in excess of the amount of expenses incurred. If the amount received is less than the expenses incurred, the attorney general, upon request of the department, may bring an action against the permit holder on behalf of the state in the superior court to recover the remaining costs listed in this section.

NEW SECTION. Sec. 32. FINES. Each order of the department may impose a fine or fines in the event that a miner or permit holder fails to obey the order of the department. When a miner or permit holder fails to comply with an order of the

department, the miner or permit holder shall be subject to a civil penalty in an amount not more than ten thousand dollars for each violation plus interest based upon a schedule of fines set forth by the department in rule. Procedures for imposing a penalty and setting the amount of the penalty shall be as provided in RCW 90.48.144. Each day on which a miner or permit holder continues to disobey any order of the department shall constitute a separate violation. If the penalty and interest is not paid to the department after it becomes due and payable, the attorney general, upon the request of the department, may bring an action in the name of the state of Washington to recover the penalty, interest, mitigation for environmental damages, and associated legal fees. Decisions of the department are subject to review by the pollution control hearings board.

All fines, interest, penalties, and other damage recovery costs from mines regulated by the department shall be credited to the surface mining reclamation account.

NEW SECTION. Sec. 33. REFUSAL TO ISSUE PERMITS. The department shall refuse to issue a reclamation permit if it is determined during the SEPA process that the impacts of a proposed surface mine cannot be adequately mitigated.

The department or county, city, or town may refuse to issue any other permit at any other location to any miner or permit holder who fails to rectify deficiencies set forth in an order of the department within the requisite time schedule. However, the department or county, city, or town shall issue all appropriate permits when all deficiencies are corrected at each surface mining site.

Sec. 34. RCW 78.44.150 and 1970 ex.s. c 64 s 16 are each amended to read as follows:

Any ~~((operator))~~ miner or permit holder conducting surface mining within the state of Washington without a valid ~~((operating))~~ reclamation permit shall be guilty of a gross misdemeanor. Surface mining outside of the permitted area shall constitute illegal mining without a valid reclamation permit. Each day of ~~((operation))~~ mining without a valid reclamation permit shall constitute a separate offense.

Sec. 35. RCW 78.44.170 and 1989 c 175 s 166 are each amended to read as follows:

Appeals from department determinations under this chapter shall be made as follows:

Appeals from department determinations made under this chapter shall be made under the provisions of the Administrative Procedure Act (chapter 34.05 RCW), and shall be considered an adjudicative proceeding within the meaning of the Administrative Procedure Act, chapter 34.05 RCW. Only a person aggrieved within the meaning of RCW 34.05.530 has standing and can file an appeal.

Sec. 36. RCW 78.44.910 and 1970 ex.s. c 64 s 22 are each amended to read as follows:

~~((This act shall not direct itself to the reclamation of land mined))~~ Miners and permit holders shall not be required to reclaim any segment where all surface mining was completed prior to January 1, 1971. However, the department shall make an effort to reclaim previously abandoned or completed surface mining segments.

NEW SECTION. Sec. 37. RECLAMATION AWARDS ESTABLISHED. The department shall create reclamation awards in recognition of excellence in reclamation or reclamation research. Such awards shall be presented to individuals, miners, operators, companies, or government agencies performing exemplary surface mining reclamation in the state of Washington. The department shall designate a percent of the state annual fees as funding of the awards.

NEW SECTION. Sec. 38. RECLAMATION SERVICE ESTABLISHED. The department may establish a no-cost consulting service within the department to assist miners, permit holders, local government, and the public in technical matters related to mine regulation, mine operations, and reclamation. The department may prepare concise, printed information for the public explaining surface mining activities, timelines for permits and reviews, laws, and the role of governmental agencies involved in surface mining, including how to contact all regulators. The department shall not be held liable for any negligent advice.

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

- (1) RCW 78.44.030 and 1987 c 258 s 1, 1984 c 215 s 1, & 1970 ex.s. c 64 s 4;
- (2) RCW 78.44.035 and 1987 c 258 s 3;
- (3) RCW 78.44.080 and 1970 ex.s. c 64 s 9;
- (4) RCW 78.44.090 and 1970 ex.s. c 64 s 10;
- (5) RCW 78.44.100 and 1984 c 215 s 3 & 1970 ex.s. c 64 s 11;
- (6) RCW 78.44.110 and 1987 c 258 s 2, 1984 c 215 s 4, & 1970 ex.s. c 64 s 12;
- (7) RCW 78.44.120 and 1984 c 215 s 5, 1977 c 66 s 1, & 1970 ex.s. c 64 s 13;
- (8) RCW 78.44.130 and 1970 ex.s. c 64 s 14;
- (9) RCW 78.44.140 and 1989 c 230 s 1, 1984 c 215 s 6, & 1970 ex.s. c 64 s 15;
- (10) RCW 78.44.160 and 1984 c 215 s 7 & 1970 ex.s. c 64 s 17; and
- (11) RCW 78.44.180 and 1970 ex.s. c 64 s 20.

NEW SECTION. Sec. 40. The code reviser may recodify, as necessary, RCW 78.44.150, 78.44.170, 78.44.175, and 78.44.910 within chapter 78.44 RCW to accomplish the reorganization of chapter 78.44 RCW as intended in this act.

NEW SECTION. Sec. 41. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 42. Sections 4, 5, 10 through 15, 18 through 33, 37, and 38 of this act are each added to chapter 78.44 RCW.

NEW SECTION. Sec. 43. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 44. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Sutherland moved that the Senate do concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5502.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Sutherland that the Senate do concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5502.

The motion by Senator Sutherland carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5502.

MOTION

On motion of Senator Loveland, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5502, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5502, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 43.

Voting nay: Senator Snyder - 1.

Absent: Senators McAuliffe and Wojahn - 2.

Excused: Senators Moore, Niemi and Sheldon - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Spanel, Senator Wojahn was excused.

MESSAGE FROM THE HOUSE

April 18, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5723 with the following amendment(s):

On page 2, line 6, after "act" strike "(;er

(e)" and insert "; or

(c)"

On page 2, line 10, after "remainder))" insert "For family heirlooms, collectibles, antiques, papers, jewelry, photos, or other personal effects that have been held in the possession of the deceased recipient to which a surviving child may otherwise be entitled not to exceed a total fair market value of two thousand dollars", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate concurred in the House amendments to Senate Bill No. 5723.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5723, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5723, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 45.

Excused: Senators Moore, Niemi, Sheldon and Wojahn - 4.

SENATE BILL NO. 5723, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5815 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.505 and 1992 c 211 s 1 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.401(e);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW(~~:- PROVIDED, That~~)). A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission(~~:- PROVIDED FURTHER, That~~)). No personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property(~~:- PROVIDED, That~~)). However:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit

stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession ((of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property)) within ninety days, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation. A perfected security interest of a secured party may be extinguished only after a contested hearing or agreement by the secured party.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession ((of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property)) within ninety days, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. ((The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars.)) The prosecuting attorney shall file the case into a court of competent jurisdiction. The court to which the matter is ((to be removed)) filed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. ((A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW.)) In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the ((administrative law judge or)) court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g)(1) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(2) Each seizing agency shall retain records of forfeited property for at least seven years.

(3) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(4) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(h)(1) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the drug enforcement and education account under RCW 69.50.520.

(2) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (n) of this section.

(3) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(i) Forfeited property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(j) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(k) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(l) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(m) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(n) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (f)(2) of this section, only if:

(l) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(2) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

(i) Only if the funds applied under (2) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

(3) For any claim filed under (2) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(o) The landlord's claim for damages under subsection (n) of this section may not include a claim for loss of business and is limited to:

(1) Damage to tangible property and clean-up costs;

(2) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(3) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (f)(2) of this section;

and

(4) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (h)(2) of this section.

(p) Subsections (n) and (o) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (n) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) A vehicle driven by or under the actual physical control of the owner of the vehicle in violation of RCW 46.61.502 or 46.61.504 is, upon the conviction of the owner when that conviction is the second or subsequent conviction for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, subject to seizure and forfeiture and no property right exists in that vehicle.

A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the violation of RCW 46.61.502 or 46.61.504.

(2) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(3) A seizure under subsection (2) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within ninety days of the seizure, the vehicle is deemed forfeited. A perfected security interest of a secured party may be extinguished only after a contested hearing or agreement by the secured party.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within ninety days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The prosecuting attorney shall file the case into a court of competent jurisdiction. The court to which the matter is filed shall be the district court when the value of the vehicle is within the jurisdictional limit of the district court. In a court hearing between two or more claimants to the vehicle involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the chief law enforcement officer of the seizing agency, the chief law enforcement officer's designee, or the court that the claimant neither knew of nor consented to the violation leading to seizure and is the present lawful owner or is lawfully entitled to possession of the vehicle.

(6) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title.

(7) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(8) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(9) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(10) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(11) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(12) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(13) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

NEW SECTION. Sec. 3. A new section is added to chapter 46.61 RCW to read as follows:

(1) Whenever a person is charged with a violation of RCW 46.61.502 or 46.61.504 and that person has been previously convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, the court shall instruct the person charged of the provisions of section 5 of this act and shall immediately forward notice of the charge to the director.

(2) Upon the conviction or acquittal of the person charged or if a pending charge is otherwise terminated, the court shall immediately forward notice of the conviction, acquittal, or other termination of charge to the director.

NEW SECTION. Sec. 4. A new section is added to chapter 46.12 RCW to read as follows:

Upon receiving notice of a charge under section 3 of this act, the director shall withhold the issuance of a certificate of ownership on a vehicle subject to section 5 of this act unless the applicant is included in the exceptions listed in that section or until receiving notice of acquittal or other termination of the charge under section 3 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 46.12 RCW to read as follows:

It is unlawful to convey, sell, or transfer the ownership of a motor vehicle that was driven by or was under the actual physical control of the owner of the vehicle who has previously been convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period and is currently charged with a violation of RCW 46.61.502 or 46.61.504, except that:

(1) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party; and

(2) A leased vehicle may be transferred to the lessor or to a person designated by the lessor.

Sec. 6. RCW 46.12.270 and 1969 ex.s. c 125 s 3 are each amended to read as follows:

Any person violating ~~((the provisions of))~~ RCW 46.12.250 ~~((or))~~ 46.12.260 ~~((shall be))~~, or section 5 of this act is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5815 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5815 and the House amendment thereto: Senators Adam Smith, West and Quigley.

MOTION

On motion of Senator Adam Smith, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 18, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5837 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND DECLARATIONS. The legislature finds and declares that the issuance by state and local governments of bonds and other obligations, and the investment of moneys in connection with these obligations, involve exposure to changes in interest rates; that a number of financial instruments are available to lower the net cost of these borrowings, to increase the net return on these investments, or to reduce the exposure of state and local governments to changes in interest rates; that these reduced costs and increased returns for state and local governments will benefit taxpayers and ratepayers; and that the legislature desires to provide state and local governments with express statutory authority to take advantage of these instruments. In recognition of the complexity of these financial instruments, the legislature desires that this authority be subject to certain limitations, and be granted for an initial period of two years.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Financial advisor" means a financial services or financial advisory firm:

- (a) With recognized knowledge and experience in connection with the negotiation and execution of payment agreements;
- (b) That is acting solely as financial advisor to the governmental entity in connection with the execution of the payment agreement and the issuance or incurring of any related obligations, and not as a principal, placement agent, purchaser, underwriter, or other similar party, and that does not control, nor is it controlled by or under common control with, any such party;
- (c) That is compensated for its services in connection with the execution of payment agreements, either directly or indirectly, solely by the governmental entity; and
- (d) Whose compensation is not based on a percentage of the notional amount of the payment agreement or of the principal amount of any related obligations.

(2) "Governmental entity" means state government or local government.

(3) "Local government" means any city, county, port district, or public utility district, or any joint operating agency formed under RCW 43.52.360, that has or will have outstanding obligations in an aggregate principal amount of at least one hundred million dollars as of the date a payment agreement is executed or is scheduled by its terms to commence or had at least one hundred million dollars in gross revenues during the preceding calendar year.

(4) "Obligations" means bonds, notes, bond anticipation notes, commercial paper, or other obligations for borrowed money, or lease, installment purchase, or other similar financing agreements or certificates of participation in such agreements.

(5) "Payment agreement" means a written agreement which provides for an exchange of payments based on interest rates, or for ceilings or floors on these payments, or an option on these payments, or any combination, entered into on either a current or forward basis.

(6) "State government" means (a) the state of Washington, acting by and through its state finance committee, (b) the Washington health care facilities authority, (c) the Washington higher education facilities authority, (d) the Washington state housing finance commission, or (e) the state finance committee upon adoption of a resolution approving a payment agreement on behalf of any state institution of higher education as defined under RCW 28B.10.016: PROVIDED, That such approval shall not constitute the pledge of the full faith and credit of the state, but a pledge of only those funds specified in the approved agreement.

NEW SECTION. Sec. 3. AUTHORITY TO ENTER INTO PAYMENT AGREEMENTS. (1) Subject to subsections (2) and (3) of this section, any governmental entity may enter into a payment agreement in connection with, or incidental to, the issuance, incurring, or carrying of specific obligations, for the purpose of managing or reducing the governmental entity's exposure to fluctuations or levels of interest rates. No governmental entity may carry on a business of acting as a dealer in payment agreements.

(2) No governmental entity may enter into a payment agreement under this chapter unless it first:

(a) Finds and determines, by ordinance or resolution, that the payment agreement, if fully performed by all parties thereto, will (i) reduce the amount or duration of its exposure to changes in interest rates; or (ii) result in a lower net cost of borrowing with respect to the related obligations, or a higher net rate of return on investments made in connection with, or incidental to, the issuance, incurring, or carrying of those obligations;

(b) Obtains, on or prior to the date of execution of the payment agreement, a written certification from a financial advisor that (i) the terms and conditions of the payment agreement and any ancillary agreements, including without limitation, the interest rate or rates and any other amounts payable thereunder, are commercially reasonable in light of then existing market conditions; and (ii) the finding and determination contained in the ordinance or resolution required by (a) of this subsection is reasonable.

(3) Prior to selecting the other party to a payment agreement, a governmental entity shall solicit and give due consideration to proposals from at least two entities that meet the criteria set forth in section 4(2) of this act. Such solicitation and consideration shall be conducted in such manner as the governmental entity shall determine is reasonable.

NEW SECTION. Sec. 4. PAYMENT AGREEMENTS--TERMS. (1) Subject to subsections (2), (3), and (4) of this section, payment agreements entered into by any governmental entity may include those payment, term, security, default, remedy, termination, and other terms and conditions, and may be with those parties, as the governmental entity deems reasonably necessary or desirable.

(2) No governmental entity may enter into a payment agreement under this chapter unless:

(a) The other party to the agreement has a rating from at least two nationally recognized credit rating agencies, as of the date of execution of the agreement, that is within the two highest long-term investment grade rating categories, without regard to subcategories, or the payment obligations of the party under the agreement are unconditionally guaranteed by an entity that then has the required ratings; or

(b)(i) The other party to the agreement has a rating from at least two nationally recognized credit rating agencies, as of the date of execution of the agreement, that is within the three highest long-term investment grade rating categories, without regard to subcategories, or the payment obligations of the party under the agreement are unconditionally guaranteed by an entity that has the required ratings; and

(ii) The payment obligations of the other party under the agreement are collateralized by direct obligations of, or obligations the principal and interest on which are guaranteed by, the United States of America, that (A) are deposited with the governmental entity or an agent of the governmental entity; and (B) maintain a market value of not less than one hundred two percent of the net market value of the payment agreement to the governmental entity, as such net market value may be defined and determined from time to time under the terms of the payment agreement.

(3) No governmental entity may enter into a payment agreement with a party who qualifies under subsection (2)(a) of this section unless the payment agreement provides that, in the event the credit rating of the other party or its guarantor falls below the level required by subsection (2)(a) of this section, such party will comply with the collateralization requirements contained in subsection (2)(b) of this section.

(4) No governmental entity may enter into a payment agreement unless:

(a) The notional amount of the payment agreement does not exceed the principal amount of the obligations with respect to which the payment agreement is made; and

(b) The term of the payment agreement does not exceed the final term of the obligations with respect to which the payment agreement is made.

NEW SECTION. Sec. 5. PAYMENT AGREEMENTS--PAYMENTS--CREDIT ENHANCEMENTS. (1) Subject to any covenants or agreements applicable to the obligations issued or incurred by the governmental entity, any payments required to be made by the governmental entity under a payment agreement entered into in connection with the issuance, incurring, or carrying of those obligations may be made from money set aside or pledged to pay or secure the payment of those obligations or from any other legally available source.

(2) Any governmental entity may enter into credit enhancement, liquidity, line of credit, or other similar agreements in connection with, or incidental to, the execution of a payment agreement. The credit enhancement, liquidity, line of credit, or other similar agreement may include those payment, term, security, default, remedy, termination, and other terms and conditions, and may be with those parties, as the governmental entity deems reasonably necessary or desirable.

NEW SECTION. Sec. 6. CALCULATIONS REGARDING PAYMENT OF OBLIGATIONS--STATUS OF PAYMENTS. (1) Subject to any covenants or agreements applicable to the obligations issued or incurred by the governmental entity, if the governmental entity enters into a payment agreement with respect to those obligations, then it may elect to treat the amounts payable from time to time with respect to those obligations as the amounts payable after giving effect to the payment agreement for the purposes of calculating:

(a) Rates and charges to be imposed by a revenue-producing enterprise if the revenues are pledged or used to pay those obligations;

(b) Any taxes to be levied and collected to pay those obligation; and

(c) Payments or debt service on those obligations for any other purpose.

(2) A payment agreement and any obligation of the governmental entity to make payments under the agreement in future fiscal years shall not constitute debt or indebtedness of the governmental entity for purposes of state constitutional and statutory debt limitation provisions if the obligation to make any payments is contingent upon the performance of the other party or parties to the agreement, and no moneys are paid to the governmental entity under the payment agreement that must be repaid in future fiscal years.

NEW SECTION. Sec. 7. EXPIRATION DATE--VALIDITY OF CONTRACTS. (1) Except as provided in subsection (3) of this section, no governmental entity may enter a payment agreement under section 3 of this act after June 30, 1995.

(2) The termination of authority to enter payment agreements after June 30, 1995, shall not affect the validity of any payment agreements or other contracts entered into under section 3 of this act on or before that date.

(3) A governmental entity may enter into a payment agreement under and in accordance with this chapter after June 30, 1995, to replace a payment agreement that relates to specified obligations issued on or before that date and that has terminated before the final term of those obligations.

(4) The state finance committee shall make a report to the appropriate legislative committees on payment agreements authorized in this act. The report shall include the governmental entity entering into a payment agreement, the amount of the agreement, the expected savings resulting from the agreement, the transactions cost, and any other information the state finance committee determines relevant. The report shall be submitted on November 30, 1993, and December 30, 1994.

NEW SECTION. Sec. 8. AUTHORITY CUMULATIVE. The powers conferred by this chapter are in addition to, and not in substitution for, the powers conferred by any existing law, and the limitations imposed by this chapter do not directly or indirectly modify, limit, or affect the powers conferred by any existing law.

NEW SECTION. Sec. 9. LIBERAL CONSTRUCTION. This chapter shall be liberally construed to effect its purposes.

NEW SECTION. Sec. 10. CAPTIONS. Captions used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 11. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. LEGISLATIVE DIRECTIVE. Sections 1 through 11 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Drew, the Senate concurred in the House amendment to Substitute Senate Bill No. 5837.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5837, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5837, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognil, von Reichbauer, West, Williams and Winsley - 43.

Voting nay: Senator Anderson - 1.

Absent: Senator McDonald - 1.

Excused: Senators Moore, Niemi, Sheldon and Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 5837, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5875 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 38.08.040 and 1989 c 19 s 7 are each amended to read as follows:

In event of war, insurrection, rebellion, invasion, tumult, riot, mob, or organized body acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger of the occurrence of any of said events, or at the lawful request of competent state or local authority in support of enforcement of controlled substance statutes, or whenever responsible civil authorities shall, for any reason, fail to preserve law and order, or protect life or property, or the governor believes that such failure is imminent, or in event of public disaster, the governor shall have power to order the organized militia of Washington, or any part thereof, into active service of the state to execute the laws, and to perform such duty as the governor shall deem proper.

NEW SECTION. Sec. 2. A new section is added to chapter 38.08 RCW to read as follows:

(1) The governor, with the consent of congress, is authorized to enter into compacts and agreements for the deployment of the national guard with governors of other states concerning drug interdiction, counter-drug, and demand reduction activities. Article 1, Section 10 of the Constitution of the United States permits a state to enter into a compact or agreement with another state, subject to the consent of congress. Congress, through enactment of Title 4 of the U.S.C. Section 112, encourages the states to enter such compacts for cooperative effort and mutual assistance.

(2) The compact language contained in this subsection is intended to deal comprehensively with the supportive relationships between states in utilizing national guard assets in counter-drug activities.

NATIONAL GUARD MUTUAL ASSISTANCE

COUNTER-DRUG ACTIVITIES COMPACT

ARTICLE I PURPOSE

The purposes of this compact are to:

- (a) Provide for mutual assistance and support among the party states in the utilization of the national guard in drug interdiction, counter-drug, and demand reduction activities.
- (b) Permit the national guard of this state to enter into mutual assistance and support agreements, on the basis of need, with one or more law enforcement agencies operating within this state, for activities within this state, or with a national guard of one or more other states, whether said activities are within or without this state in order to facilitate and coordinate efficient, cooperative enforcement efforts directed toward drug interdiction, counter-drug activities, and demand reduction.
- (c) Permit the national guard of this state to act as a receiving and a responding state as defined within this compact and to ensure the prompt and effective delivery of national guard personnel, assets, and services to agencies or areas that are in need of increased support and presence.
- (d) Permit and encourage a high degree of flexibility in the deployment of national guard forces in the interest of efficiency.
- (e) Maximize the effectiveness of the national guard in those situations that call for its utilization under this compact.
- (f) Provide protection for the rights of national guard personnel when performing duty in other states in counter-drug activities.
- (g) Ensure uniformity of state laws in the area of national guard involvement in interstate counter-drug activities by incorporating said uniform laws within the compact.

ARTICLE II ENTRY INTO FORCE AND WITHDRAWAL

- (a) This compact shall enter into force when enacted into law by any two states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.
- (b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states.

ARTICLE III MUTUAL ASSISTANCE AND SUPPORT

- (a) As used in this article:
 - (1) "Drug interdiction and counter-drug activities" means the use of national guard personnel, while not in federal service, in any law enforcement support activities that are intended to reduce the supply or use of illegal drugs in the United States. These activities include, but are not limited to:
 - (i) Providing information obtained during either the normal course of military training or operations or during counter-drug activities, to federal, state, or local law enforcement officials that may be relevant to a violation of any federal or state law within the jurisdiction of such officials;
 - (ii) Making available any equipment, including associated supplies or spare parts, base facilities, or research facilities of the national guard to any federal, state, or local civilian law enforcement official for law enforcement purposes, in accordance with other applicable law or regulation;
 - (iii) Providing available national guard personnel to train federal, state, or local civilian law enforcement in the operation and maintenance of equipment, including equipment made available above, in accordance with other applicable law;
 - (iv) Providing available national guard personnel to operate and maintain equipment provided to federal, state, or local law enforcement officials pursuant to activities defined and referred to in this compact;
 - (v) Operation and maintenance of equipment and facilities of the national guard or law enforcement agencies used for the purposes of drug interdiction and counter-drug activities;
 - (vi) Providing available national guard personnel to operate equipment for the detection, monitoring, and communication of the movement of air, land, and sea traffic, to facilitate communications in connection with law enforcement programs, to provide transportation for civilian law enforcement personnel, and to operate bases of operations for civilian law enforcement personnel;

(vii) Providing available national guard personnel, equipment, and support for administrative, interpretive, analytic, or other purposes;

(viii) Providing available national guard personnel and equipment to aid federal, state, and local officials and agencies otherwise involved in the prosecution or incarceration of individuals processed within the criminal justice system who have been arrested for criminal acts involving the use, distribution, or transportation of controlled substances as defined in 21 U.S.C. Sec. 801 et seq., or otherwise by law, in accordance with other applicable law.

(2) "Demand reduction" means providing available national guard personnel, equipment, support, and coordination to federal, state, local, and civic organizations, institutions and agencies for the purposes of the prevention of drug abuse and the reduction in the demand for illegal drugs.

(3) "Requesting state" means the state whose governor requested assistance in the area of counter-drug activities.

(4) "Responding state" means the state furnishing assistance, or requested to furnish assistance, in the area of counter-drug activities.

(5) "Law enforcement agency" means a lawfully established federal, state, or local public agency that is responsible for the prevention and detection of crime and the enforcement of penal, traffic, regulatory, game, immigration, postal, customs, or controlled substances laws.

(6) "Official" means the appointed, elected, designated, or otherwise duly selected representative of an agency, institution, or organization authorized to conduct those activities for which support is requested.

(7) "Mutual assistance and support agreement" or "agreement" means an agreement between the national guard of this state and one or more law enforcement agencies or between the national guard of this state and the national guard of one or more other states, consistent with the purposes of this compact

(8) "Party state" refers to a state that has lawfully enacted this compact.

(9) "State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(b) Upon the request of a governor of a party state for assistance in the area of interdiction and counter-drug, and demand reduction activities, the governor of a responding state shall have authority under this compact to send without the borders of his or her state and place under the temporary operational control of the appropriate national guard or other military authorities of the requesting state, for the purposes of providing such requested assistance, all or any part of the national guard forces of his or her state as he or she may deem necessary, and the exercise of his or her discretion in this regard shall be conclusive.

(c) The governor of a party state may, within his or her discretion, withhold the national guard forces of his or her state from such use and recall any forces or part or member thereof previously deployed in a requesting state.

(d) The national guard of this state is hereby authorized to engage in interdiction and counter-drug activities and demand reduction.

(e) The adjutant general of this state, in order to further the purposes of this compact, may enter into a mutual assistance and support agreement with one or more law enforcement agencies of this state, including federal law enforcement agencies operating within this state, or with the national guard of one or more other party states to provide personnel, assets, and services in the area of interdiction and counter-drug activities and demand reduction. However, no such agreement may be entered into with a party that is specifically prohibited by law from performing activities that are the subject of the agreement.

(f) The agreement must set forth the powers, rights, and obligations of the parties to the agreement, where applicable, as follows:

(1) Its duration;

(2) The organization, composition, and nature of any separate legal entity created thereby;

(3) The purpose of the agreement;

(4) The manner of financing the agreement and establishing and maintaining its budget;

(5) The method to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(6) Provision for administering the agreement, which may include creation of a joint board responsible for such administration;

(7) The manner of acquiring, holding, and disposing of real and personal property used in this agreement, if necessary;

(8) The minimum standards for national guard personnel implementing the provisions of this agreement;

(9) The minimum insurance required of each party to the agreement, if necessary;

(10) The chain of command or delegation of authority to be followed by national guard personnel acting under the provisions of the agreement;

(11) The duties and authority that the national guard personnel of each party state may exercise; and

(12) Any other necessary and proper matters.

Agreements prepared under the provisions of this section are exempt from any general law pertaining to intergovernmental agreements.

(g) As a condition precedent to an agreement becoming effective under this part, the agreement must be submitted to and receive the approval of the office of the attorney general of Washington. The attorney general of the state of Washington may delegate his or her approval authority to the appropriate attorney for the Washington national guard subject to those conditions which he or she decides are appropriate. The delegation must be in writing and is subject to the following:

(1) The attorney general, or his or her agent as stated above, shall approve an agreement submitted to him or her under this part unless he or she finds that it is not in proper form, does not meet the requirements set forth in this part, or otherwise does not conform to the laws of Washington. If the attorney general disapproves an agreement, he or she shall provide a written explanation to the adjutant general of the Washington national guard; and

(2) If the attorney general, or his or her authorized agent as stated above, does not disapprove an agreement within thirty days after its submission to him or her, it is considered approved by him or her.

(h) Whenever national guard forces of any party state are engaged in the performance of duties, in the area of drug interdiction, counter-drug, and demand reduction activities, pursuant to orders, they shall not be held personally liable for any acts or omissions which occur during the performance of their duty.

ARTICLE IV RESPONSIBILITIES

(a) Nothing in this compact shall be construed as a waiver of any benefits, privileges, immunities, or rights otherwise provided for national guard personnel performing duty pursuant to Title 32 of the United States Code nor shall anything in this compact be construed as a waiver of coverage provided for under the Federal Tort Claims Act. In the event that national guard personnel performing counter-drug activities do not receive rights, benefits, privileges, and immunities otherwise provided for national guard personnel as stated above, the following provisions shall apply:

(1) Whenever national guard forces of any responding state are engaged in another state in carrying out the purposes of this compact, the members thereof so engaged shall have the same powers, duties, rights, privileges, and immunities as members of national guard forces of the requesting state. The requesting state shall save and hold members of the national guard forces of responding states harmless from civil liability, except as otherwise provided herein, for acts or omissions that occur in the performance of their duty while engaged in carrying out the purposes of this compact, whether responding forces are serving the requesting state within the borders of the responding state or are attached to the requesting state for purposes of operational control.

(2) Subject to the provisions of paragraphs (3), (4), and (5) of this Article, all liability that may arise under the laws of the requesting state or the responding states, on account of or in connection with a request for assistance or support, shall be assumed and borne by the requesting state.

(3) Any responding state rendering aid or assistance pursuant to this compact shall be reimbursed by the requesting state for any loss or damage to, or expense incurred in the operation of, any equipment answering a request for aid, and for the cost of the materials, transportation, and maintenance of national guard personnel and equipment incurred in connection with such request, provided that nothing herein contained shall prevent any responding state from assuming such loss, damage, expense, or other cost.

(4) Unless there is a written agreement to the contrary, each party state shall provide, in the same amounts and manner as if they were on duty within their state, for pay and allowances of the personnel of its national guard units while engaged without the state pursuant to this compact and while going to and returning from such duty pursuant to this compact.

(5) Each party state providing for the payment of compensation and death benefits to injured members and the representatives of deceased members of its national guard forces in case such members sustain injuries or are killed within their own state shall provide for the payment of compensation and death benefits in the same manner and on the same terms in the event such members sustain injury or are killed while rendering assistance or support pursuant to this compact. Such benefits and compensation shall be deemed items of expense reimbursable pursuant to paragraph (3) of this Article.

(b) Officers and enlisted personnel of the national guard performing duties subject to proper orders pursuant to this compact shall be subject to and governed by the provisions of their home state code of military justice whether they are performing duties within or without their home state. In the event that any national guard member commits, or is suspected of committing, a criminal offense while performing duties pursuant to this compact without his or her home state, he or she may be returned immediately to his or her home state and said home state shall be responsible for any disciplinary action to be taken. However, nothing in this section shall abrogate the general criminal jurisdiction of the state in which the offense occurred.

**ARTICLE V
DELEGATION**

Nothing in this compact shall be construed to prevent the governor of a party state from delegating any of his or her responsibilities or authority respecting the national guard, provided that such delegation is otherwise in accordance with law. For purposes of this compact, however, the governor shall not delegate the power to request assistance from another state.

**ARTICLE VI
LIMITATIONS**

Nothing in this compact shall:

- (a) Authorize or permit national guard units or personnel to be placed under the operational control of any person not having the national guard rank or status required by law for the command in question.
- (b) Deprive a properly convened court of jurisdiction over an offense or a defendant merely because of the fact that the national guard, while performing duties pursuant to this compact, was utilized in achieving an arrest or indictment.

**ARTICLE VII
CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any state or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment to Senate Bill No. 5875.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5875, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5875, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 45.

Excused: Senators Moore, Niemi, Sheldon and Wojahn - 4.

SENATE BILL NO. 5875, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:48 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Wednesday, April 21, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDREDTH DAY, APRIL 20, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 21, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Cantu, Drew, Loveland, Niemi, Quigley, Sheldon, Linda Smith and Snyder. On motion of Senator Oke, Senators Cantu and Linda Smith were excused. On motion of Senator Spanel, Senators Loveland, Niemi, Quigley and Snyder were excused.

The Sergeant at Arms Color Guard, consisting of Pages Russ Johnson and Chad Engstrom, presented the Colors. Dr. Morris Belling of the Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 12, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

James D. Avers, reappointed April 12, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 13, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jay W. Kim, appointed for a term beginning May 4, 1993, and ending September 30, 1997, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 13, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Warren D. Starr, appointed April 13, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 14, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Ricardo R. Garcia, appointed April 14, 1993, for a term ending September 30, 1996, as a member of the Board of
Trustees for Yakima Community College District No. 16.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House concurred in the Senate amendments to HOUSE BILL NO. 1025 and passed the bill as amended by the
Senate.

ALAN THOMPSON, Chief Clerk

April 20, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the
Senate:

SUBSTITUTE HOUSE BILL NO. 1013,
SUBSTITUTE HOUSE BILL NO. 1014,
HOUSE BILL NO. 1015,
SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,
SUBSTITUTE HOUSE BILL NO. 1129,
SUBSTITUTE HOUSE BILL NO. 1140,
HOUSE BILL NO. 1168,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
HOUSE BILL NO. 1246,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1318,
SUBSTITUTE HOUSE BILL NO. 1469,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
SUBSTITUTE HOUSE BILL NO. 1566,
SUBSTITUTE HOUSE BILL NO. 1602,
ENGROSSED HOUSE BILL NO. 1617,
SUBSTITUTE HOUSE BILL NO. 1667,
HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1727.

MARILYN SHOWALTER, Deputy Chief Clerk

April 20, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the
Senate:

SUBSTITUTE HOUSE BILL NO. 1733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1766,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1801,
SUBSTITUTE HOUSE BILL NO. 1802,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806,
ENGROSSED HOUSE BILL NO. 1845,
SUBSTITUTE HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1907,
HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,

SUBSTITUTE HOUSE BILL NO. 1948,
HOUSE BILL NO. 2008,
SUBSTITUTE HOUSE BILL NO. 2023,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4003.

MARILYN SHOWALTER, Deputy Chief Clerk

April 20, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1072,
SUBSTITUTE HOUSE BILL NO. 1118,
SUBSTITUTE HOUSE BILL NO. 1169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1444,
ENGROSSED HOUSE BILL NO. 1456,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500,
ENGROSSED HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1520.

MARILYN SHOWALTER, Deputy Chief Clerk

April 20, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1545,
SUBSTITUTE HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1635,
HOUSE BILL NO. 1645,
SUBSTITUTE HOUSE BILL NO. 1721,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734.

MARILYN SHOWALTER, Deputy Chief Clerk

April 20, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1006,
ENGROSSED HOUSE BILL NO. 1007,
ENGROSSED HOUSE BILL NO. 1107,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1428,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403.

ALAN THOMPSON, Chief Clerk

April 20, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5888, and the same is herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5176,
SENATE BILL NO. 5241,
SENATE BILL NO. 5245,
ENGROSSED SENATE BILL NO. 5260,

SUBSTITUTE SENATE BILL NO. 5270,
ENGROSSED SENATE BILL NO. 5280,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5330,
ENGROSSED SENATE BILL NO. 5342,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SENATE BILL NO. 5508,
SECOND SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5528,
ENGROSSED SENATE BILL NO. 5534,
ENGROSSED SENATE BILL NO. 5545,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5584,
SENATE BILL NO. 5635,
SUBSTITUTE SENATE BILL NO. 5686,
SUBSTITUTE SENATE BILL NO. 5688,
SENATE BILL NO. 5838.

INTRODUCTION AND FIRST READING

SCR 8410 by Senators Gaspard, Vognild and Newhouse

Creating a legislative task force on workers' compensation.

MOTION

On motion of Senator Jesernig, the rules were suspended and Senate Concurrent Resolution No. 8410 was advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE HOUSE

April 16, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5300 with the following amendment(s):

On page 2, line 9, after "appointed" insert "from the majority party"

On page 3, line 22, after "agencies," insert "representatives of the private sector and the nonprofit sector with an interest in economic development," and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate concurred in the House amendments to Senate Bill No. 5300.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5300, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5300, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 4; Absent, 3; Excused, 6.

Voting yea: Senators Amondson, Barr, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Skratek, Smith, A., Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Anderson, McCaslin, Rinehart and Talmadge - 4.

Absent: Senators Bauer, Drew and Sheldon - 3.

Excused: Senators Cantu, Loveland, Niemi, Quigley, Smith, L. and Snyder - 6.

SENATE BILL NO. 5300, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the sixth order of business to consider Senate Bill No. 5977.

SECOND READING

SENATE BILL NO. 5977, by Senator Rinehart (by request of Office of Financial Management)

Verifying initiative and referendum petitions.

The bill was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Spanel, how is this bill fitting into the budget process? In discussion of the bill that we have had so far--because we did not have a public hearing and we have been just trying to find out as much as we can about the bill by reading it--it should have some fiscal implications. Could you share with us what the anticipated cost savings are and how we will come about those cost savings?"

Senator Spanel: "The bill will reduce the cost for the 1993 budget to the Secretary of State's Office by one hundred twenty-six thousand dollars and it is assumed in the budget."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5977.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 12; Absent, 3; Excused, 4.

Voting yea: Senators Amondson, Bluechel, Deccio, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Spanel, Sutherland, Talmadge, Vognilid, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Anderson, Barr, Cantu, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Prince, Roach, von Reichbauer and West - 12.

Absent: Senators Bauer, Drew and Moore - 3.

Excused: Senators Loveland, Quigley, Smith, L. and Snyder - 4.

SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

MOTION

At 9:27 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 10:30 a.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338,
SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5075,
SENATE BILL NO. 5107,

SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5343,
SENATE BILL NO. 5349,
SENATE BILL NO. 5371,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5379,
SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5404,
SENATE BILL NO. 5441,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
SENATE BILL NO. 5695,
SENATE BILL NO. 5791, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5360,
SENATE BILL NO. 5799,
SUBSTITUTE SENATE BILL NO. 5829,
SUBSTITUTE SENATE BILL NO. 5837,
SENATE BILL NO. 5875,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5888,
SUBSTITUTE SENATE BILL NO. 5963.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House concurs in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1350 to page 4, line 33; the Speaker has ruled the Senate amendment(s) to page 5, line 11, and page 1, line 3, beyond the scope and object of the bill and the House asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate receded from its amendments on page 5, line 11, and page 1, line 3, to Substitute House Bill No. 1350.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1350, as amended by the Senate on page 4, line 33, but without the Senate amendments on page 5, line 11, and page 1, line 3.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1350, as amended by the Senate on page 4, line 33, but without the Senate amendments on page 5, line 11, and page 1, line 3, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1350, as amended by the Senate on page 4, line 33, but without the Senate amendments on page 5, line 11, and page 1, line 3, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 1644 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate receded from its amendment(s) to House Bill No. 1644.
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1644, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1644, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Niemi, Owen, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 31.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L. and von Reichbauer - 16.

Excused: Senators Moore and Pelz - 2.

HOUSE BILL NO. 1644, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Loveland, Senator Moore was excused.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 1648 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

MOTION

Senator Haugen moved that the Senate do recede from its amendment(s) to House Bill No. 1648.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate do recede from its amendment(s) to House Bill No. 1648.

The motion by Senator Haugen carried and the Senate receded from its amendment(s) to House Bill No. 1648.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1648, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1648, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Barr, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L. and West - 16.

Excused: Senator Moore - 1.

HOUSE BILL NO. 1648, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1673 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate refuses to recede from its amendment(s) to Substitute House Bill No. 1673, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1175 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Jacobsen and Brough.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Pelz, the Senate grants the request of the House for a conference on Engrossed House Bill No. 1175 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1175 and the Senate amendment(s) thereto: Senators Pelz, Roach and McAuliffe.

MOTION

On motion of Senator Pelz, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Cothorn and Brough.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McAuliffe, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1209 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1209 and the Senate amendment(s) thereto: Senators Pelz, Hochstatter and McAuliffe.

MOTION

On motion of Senator McAuliffe, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Locke, Wineberry and Wood.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1307 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1307 and the Senate amendment(s) thereto: Senators Sheldon, Erwin and Williams.

MOTION

On motion of Senator Skratek, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sommers, Pruitt and Reams.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate refuses to grant the request of the House for a conference on Engrossed Substitute House Bill No. 1372, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Leonard and Brough.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Vognild, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1512 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1512 and the Senate amendment(s) thereto: Senators Talmadge, Roach and Hargrove.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1931 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Fisher, Zellinsky and Schmidt.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate grants the request of the House for a conference on Substitute House Bill No. 1931 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1931 and the Senate amendment(s) thereto: Senators Vognild, Drew and Nelson.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 9, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5357 with the following amendment(s):

On page 1, line 10, after "the" strike all material through "act." on line 13 and insert "contract, health benefits that are similar to those provided for school employees who would otherwise perform the work, but in no case are such health benefits required to be greater than the benefits provided for basic health care services under chapter 70.47 RCW.

(2) Decisions to enter into contracts for services by a school district or educational service district may only be made: (a) after the affected district has conducted a feasibility study determining the potential costs and benefits, including the impact on district employees who would otherwise perform the work, that would result from contracting for the services; (b) after the decision to contract for the services has been reviewed and approved by the superintendent of public instruction; and (c) subject to any applicable requirements for collective bargaining. The factors to be considered in the feasibility study shall be developed in consultation with representatives of the affected employees and may include both long-term and short-term effects of the proposal to contract for services.

(3) This section applies only if the contract would be for services that are being performed by classified school employees as of the effective date of this act."

Renumber the remaining subsections consecutively and correct internal references accordingly., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate concurred in the House amendment to Substitute Senate Bill No. 5357.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5357, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5357, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L. and West - 18.

Excused: Senator Moore - 1.

SUBSTITUTE SENATE BILL NO. 5357, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5781 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the proportion of the state budget dedicated to postsecondary educational programs has decreased for two decades. At the same time, major technological, economic, and demographic changes have exacerbated the need for improved training and education to maintain a high-quality, competitive work force, and a well-educated populace to meet the challenges of the twenty-first century. Therefore, the legislature finds that there is increasing need for postsecondary educational opportunities for citizens of the state of Washington.

The legislature declares that the policy of the state of Washington shall be to improve the access to, and the quality of, this state's postsecondary educational system. The budgetary policy of the state of Washington shall be to provide a level of protection and commitment to the state's postsecondary educational system commensurate with the responsibility of this state to the educational and professional improvement of its citizens and work force.

NEW SECTION. Sec. 2. It is the policy of the state of Washington that the essential requirements level budget calculation for institutions of higher education include enrollment levels necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The participation rate shall be based on the state's estimated population ages seventeen and above by appropriate age groups.

NEW SECTION. Sec. 3. It is the policy of the state of Washington that the governor and legislature, in their budget deliberations, consider adding sufficient incremental enrollment increases to achieve, by the year 2010, the goals, by educational sector, adopted by the higher education coordinating board in its enrollment plan entitled "Design for the 21st Century: Expanding Higher Education Opportunities in Washington." In the biennial operating budget documents submitted to the legislature, the governor shall display information on the number of additional students necessary and the amount of money needed to fund these incremental enrollment increases.

NEW SECTION. Sec. 4. The participation rate used to calculate enrollment levels under sections 2 and 3 of this act shall be based on fall enrollment reported in the higher education enrollment report as maintained by the office of financial management, fall enrollment as reported in the management information system of the state board for community and technical colleges, and the corresponding fall population forecast by the office of financial management. Formal estimates of the state participation rates and enrollment levels necessary to fulfill the requirements of sections 2 and 3 of this act shall be determined by the office of financial management as part of its responsibility to develop and maintain student enrollment forecasts for colleges and universities under RCW 43.62.050. Formal estimates of the state participation rates and enrollment levels required by this section shall be based on procedures and standards established by a technical work group consisting of staff from the higher education coordinating board, the state board for community and technical colleges, the fiscal and higher education committees of the house of representatives and the senate, and the office of financial management. Formal estimates of the state participation rates and enrollment levels required by this section shall be submitted to the fiscal committees of the house of representatives and senate on or before November 15th of each even-numbered year. The higher education coordinating board shall periodically review the enrollment goals set forth in sections 2 and 3 of this act and submit recommendations concerning modification of these goals to the governor and to the higher education committees of the house of representatives and the senate.

NEW SECTION. Sec. 5. It is the policy of the state of Washington that financial need not be a barrier to participation in the state higher education system. In order to implement that policy, the higher education coordinating board shall restructure the state's financial aid programs into a comprehensive program known as college promise. In restructuring the programs, the board shall follow these goals:

(1) For all need-based financial aid programs under RCW 28B.10.790 through 28B.10.824 and chapters 28B.12 and 28B.101 RCW:

(a) Through a mix of federal, state, and other resources:

(i) Limit the debt of an undergraduate student to no more than one-half of a student's cost of attendance; and

(ii) Provide more self-help opportunities than grant aid to middle-income students, and approximately equal amounts of self-help opportunities and grant aid to low-income and lower middle-income students. Self-help opportunities include work study and loans;

(b) In determining eligibility for state financial aid programs, shelter home equity on a family's principal place of residence, and shelter a reasonable portion of savings and farm or business net worth, each insofar as is permissible under state and federal law;

(c) Consistent with federal law, simplify the financial aid application process;

(d) Strive to preserve a range of educational options for needy students, including choice of institutions and programs;

(e) Recognize otherwise unfunded equipment and assistance needed to accommodate students with disabilities

reasonably;

(f) Deliver clear and timely information to current and future postsecondary students about the costs of attending college and available financial aid; and

(g) Classify needy students by family income levels based on the state's median income for a family of four, adjusted annually for family size and changes in the state's median income. The classification system shall be as follows:

(i) Low income means zero to fifty percent of the state's median income;

(ii) Lower middle income means fifty-one to seventy-five percent of the state's median income; and

(iii) Middle income means seventy-six to one hundred twenty-five percent of the state's median income.

(2) For the state need grant program under RCW 28B.10.790 through 28B.10.824: As funds are available, expand the program to include new populations of resident students in the following priority order, ensuring that undergraduate students with the most demonstrated financial need receive full grants before less needy students receive any grant:

(a) Low-income undergraduates;

(b) Lower middle-income undergraduates;

(c) Middle-income undergraduates; and

(d) Resident graduate and professional students, following the income priorities established for undergraduate students.

(3) For the state work study program under chapter 28B.12 RCW: Increase employment opportunities including off-campus job opportunities with off-campus community service employers.

(4) For students whose parents did not complete a higher education degree or certificate: Determine the feasibility of providing grants to needy first generation scholars.

Sec. 6. RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2)~~((a))~~) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary ~~((by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act))~~. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

~~((b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.~~

~~(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.~~

~~(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.)~~

(3) The state board for community and technical colleges ~~((education))~~ shall ensure compliance with this section.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 28B.10 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5781 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5781 and the House amendment thereto: Senators Bauer, Prince and Drew.

MOTION

On motion of Senator Bauer, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5836 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds a need to redefine the relationship between the state and its postsecondary education institutions through a compact based on trust, evidence, and a new alignment of responsibilities. As the proportion of the state budget dedicated to postsecondary education programs has continued to decrease and the opportunity for this state's citizens to participate in such programs also has declined, the state institutions of higher education have increasingly less flexibility to respond to emerging challenges through innovative management and programming. The legislature finds that this state has not provided its institutions of higher education with the ability to effectively achieve state-wide goals and objectives to increase access to, improve the quality of, and enhance the accountability for its postsecondary education system.

Therefore, the legislature declares that the policy of the state of Washington is to create an environment in which the state institutions of higher education have the authority and flexibility to enhance attainment of state-wide goals and objectives for the state's postsecondary education system through decisions and actions at the local level. The policy shall have the following attributes:

(1) The accomplishment of equitable and adequate enrollment by significantly raising enrollment lids, adequately funding those increases, and providing sufficient financial aid for needy students;

(2) The development and use of a new definition of quality measured by effective operations and clear results; the efficient use of funds to achieve well-educated students;

(3) The attainment of a new resource management relationship that removes the state from micromanagement, allows institutions greater management autonomy to focus resources on essential functions, and encourages innovation; and

(4) The development of a system of coordinated planning and sufficient feedback to assure policymakers and citizens that students are succeeding and resources are being prudently deployed.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

(1) At the local level, the higher education institutional responsibilities include but are not limited to:

(a) Development and provision of strategic plans under the guidelines established by the higher education coordinating board. In developing their strategic plans, the research universities shall consider the feasibility of significantly increasing the number of evening graduate classes;

(b) For the four-year institutions of higher education, timely provision of information required by the higher education coordinating board to report to the governor, the legislature, and the citizens;

(c) Provision of local student financial aid delivery systems to achieve both state-wide goals and institutional objectives in concert with state-wide policy; and

(d) Operating as efficiently as feasible within institutional missions and goals.

(2) At the state level, the higher education coordinating board shall be responsible for:

(a) Delineation and coordination of strategic plans to be prepared by the institutions;

(b) Preparation of reports to the governor, the legislature, and the citizens on program accomplishments and use of resources by the institutions;

(c) Administration and policy implementation for state-wide student financial aid programs; and

(d) Assistance to institutions in improving operational efficiency through measures that include periodic review of program efficiencies.

(3) At the state level, on behalf of community colleges and technical colleges, the state board for community and technical colleges shall coordinate and report on the system's strategic plans and shall provide any information required of its colleges by the higher education coordinating board.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.80 RCW to read as follows:

In cooperation with institutions of higher education, the state board for community and technical colleges, and appropriate state and local agencies, the higher education coordinating board may identify methods to reduce administrative barriers to efficient institutional operations. These methods may include waivers of statutory requirements and administrative rules. The higher education coordinating board shall report to the governor and appropriate legislative committees its recommendations for any statutory changes necessary to enhance institutional efficiencies. In cooperation with affected institutions, the board shall work with appropriate agencies to reduce administrative barriers that do not require statutory changes.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the four-year institutions of higher education, shall conduct a study of higher education system operations to identify efficiencies to increase access to, improve the quality of, and reduce the cost of higher education. This study shall include but not be limited to:

(1) Examining potential unnecessary duplicative and low-productivity programs for possible consolidation or termination;

(2) Developing criteria for and conducting an evaluation of faculty productivity;

(3) Reviewing and developing recommendations on appropriate institutional roles for providing remedial instruction;

(4) Exploring the potential for greater use of the public higher education system physical plant and other resources through such means as expanded operations during summer terms, evenings, and weekends;

(5) Initiating pilot projects to test the effectiveness of actions such as variable tuition rates and faculty salary incentives; and

(6) Identifying ways for institutions to share resources, faculty, and curricula through collaboration with other public and private postsecondary institutions and common school districts in their service areas to increase student opportunities and reduce costs. Analyses shall include clear articulation of functions among institutions, means to reduce duplication, and policies to facilitate student movement among institutions.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the state board for community and technical colleges and the institutions of higher education, shall report regularly to the legislature and the citizens the accomplishments of, expenditures for, and requirements of the postsecondary educational system in the state of Washington. The state board for community and technical colleges and the state institutions of higher education shall report uniformly to the higher education coordinating board, on an annual basis, the information necessary to prepare the report. Independent colleges and universities are encouraged to cooperate with this effort and to provide to the board information in a uniform format developed by the board, in cooperation with the institutions. Examples of performance measures that could be included are:

(1) Retention and graduation rates;

(2) Average time to a degree;

(3) Credit hours per degree awarded;

(4) Degrees awarded by discipline and by level;

(5) Multiple degrees;

(6) Measures taken to reduce duplicative courses, programs, and requirements;

(7) Student-faculty contact hours;

(8) Placement rates;

(9) Success in recruiting and graduating underrepresented groups; and

(10) Various fiscal and management measures.

Sec. 6. RCW 28B.80.330 and 1985 c 370 s 4 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions, the community and technical college system, and when appropriate the ~~((commission for vocational education))~~ work force training and education

coordinating board, the superintendent of public instruction for the vocational-technical institutes, and the independent higher educational institutions:

(1) Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;

(2) Identify the state's higher education goals, objectives, and priorities;

(3) Prepare a comprehensive master plan which includes but is not limited to:

(a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled workforce; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;

(b) Recommendations on enrollment and other policies and actions to meet those needs;

(c) Guidelines for continuing education, adult education, public service, and other higher education programs.

The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.

The plan shall be updated (~~(biennially)~~) every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the (~~(biennial)~~) updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;

(4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before October 15 of each even-numbered year, and to the legislature by January 1 of each odd-numbered year;

(5) Recommend legislation affecting higher education;

(6) Recommend tuition and fees policies and levels based on comparisons with peer institutions;

(7) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;

(8) Prepare recommendations on merging or closing institutions; and

(9) Develop criteria for identifying the need for new baccalaureate institutions.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5836 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5836 and the House amendment thereto: Senators Bauer, Prince and Jesernig.

MOTION

On motion of Senator Bauer, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 15, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5972 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1995.

Any bill enacted during the 1993 legislative session requiring expenditure from a transportation-related fund or account that was not heard by either of the transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION
Highway Safety Fund--State Appropriation \$ 212,000

Highway Safety Fund--Federal Appropriation \$ 2,545,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 900,000
TOTAL APPROPRIATION \$ 3,657,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the public safety and education account shall be used solely to fund community DWI task forces. Funding from the public safety and education account for any community DWI task force may not exceed fifty percent of total expenditures in support of that task force.

(2) It is the intent of the legislature that the Washington traffic safety commission be abolished as of July 1, 1994. The office of the governor shall submit to the legislative transportation committee by December 15, 1993, a plan for transferring the responsibilities of the Washington traffic safety commission to an existing transportation agency. The appropriations from the highway safety fund--state and highway safety fund--federal represent funding necessary to operate the agency for fiscal year 1994 only.

(3) \$175,000 of the highway safety fund--federal appropriation may be used only to fund the law and justice program. As of July 1, 1993, the law and justice program shall be transferred from the department of licensing to the Washington traffic safety commission.

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State
Appropriation \$ 218,000

NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation
Account--State Appropriation \$ 24,247,000
Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ 61,838,000
Motor Vehicle Fund--Private Local Appropriation \$ 508,000
Motor Vehicle Fund--State Appropriation \$ 1,331,000
TOTAL APPROPRIATION \$ 87,924,000

NEW SECTION. Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ 184,000,000
Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 26,322,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,500,000
TOTAL APPROPRIATION \$ 211,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement board shall present to the legislative transportation committee by December 15, 1993, proposed legislation and an action plan to address the recommendations identified in the 1992 evaluation of the transportation improvement board by the subcommittee on transportation boards and commissions of the legislative transportation committee.

(2) The transportation improvement board shall on a quarterly basis present to the legislative transportation committee and the office of financial management an analysis of project cost changes as they apply to overall project costs, for projects funded from the transportation improvement account and the urban arterial trust account. The initial report, due October 31, 1993, shall compare cost estimates at the time of project approval to present estimate or final cost for all urban arterial trust account projects selected from 1989 forward and for all transportation improvement account projects. The board shall provide an update to the report each quarter thereafter citing the amount and reason for additional changes in actual or estimated costs for any project.

(3) \$50,000,000 of the transportation improvement account--state appropriation in this section is conditioned on the enactment of Senate Bill No. 5969, authorizing bond sales for projects funded from the transportation improvement account.

NEW SECTION. Sec. 6. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 143,616,000
Motor Vehicle Fund--State Patrol Highway Account--
Federal Appropriation \$ 3,218,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 788,000
TOTAL APPROPRIATION \$ 147,622,000

The appropriations in this section are subject to the following conditions and limitations:

Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--INVESTIGATIVE SERVICES BUREAU

General Fund--Public Safety &
Education Account--State Appropriation \$ 22,757,000
General Fund--Death Investigations Account--State
Appropriations \$ 24,000
General Fund--Private/Local Appropriation \$ 184,000
General Fund--Federal Appropriation \$ 1,037,000
TOTAL APPROPRIATION \$ 24,002,000

NEW SECTION. Sec. 8. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 57,374,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 4,490,000
TOTAL APPROPRIATION \$ 61,864,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation \$ 46,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 414,000
Highway Safety Fund--State Appropriation \$ 5,523,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 96,000
Motor Vehicle Fund--State Appropriation \$ 4,379,000
TOTAL APPROPRIATION \$ 10,458,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation \$ 221,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 247,000
Highway Safety Fund--State Appropriation \$ 5,131,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 50,000
Motor Vehicle Fund--State Appropriation \$ 9,869,000
TOTAL APPROPRIATION \$ 15,518,000

Contained in this appropriation is \$10,000,000 for the licensing application migration project (LAMP), of which \$6,000,000 is motor vehicle fund--state and \$4,000,000 highway safety fund--state. Of the \$10,000,000 appropriation \$500,000 is provided solely as a contingency amount. The appropriation for LAMP is conditioned upon compliance with section 51 of this act. If section 51 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ 49,076,000
General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000
General Fund--Wildlife Account--State Appropriation \$ 520,000
Department of Licensing Services Account--
State Appropriation \$ 676,000
TOTAL APPROPRIATION \$ 50,298,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety &
Education Account--State Appropriation \$ 4,396,000
Highway Safety Fund--State Appropriation \$ 51,929,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,300,000
TOTAL APPROPRIATION \$ 57,625,000

\$400,000 of the highway safety fund - motorcycle safety education account appropriation in this section is provided solely to enhance the motorcycle testing program. If Senate Bill No. 5101 is not enacted during the 1993 legislative session, the \$400,000 appropriation is null and void.

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,644,000

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 410,000

NEW SECTION. Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 373,000

NEW SECTION. Sec. 16. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,637,000

The Washington state transportation commission shall make recommendations on the facility, operations, and funding components of implementing passenger-only service from Seattle/Vashon/Southworth and Seattle/Kingston. Such recommendations shall be submitted to the governor and the legislative transportation committee on or before September 30, 1993.

NEW SECTION. Sec. 17. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 569,000

The appropriation in this section assumes that as of January 1, 1994, commission staff shall be reduced from four full-time equivalent to two full-time equivalent and that the appropriation shall expire on April 1, 1994.

Sec. 18. RCW 47.86.030 and 1992 c 190 s 3 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, ((1994)) 1993, with completed reports to be presented to the legislative transportation committee on the dates as provided in subsection (3) of this section.

(3) A report on the following work program projects by December 1, 1992:

(a) Evaluation of the importance of air transportation in the economic and social vitality of the state including costs and effects of delay of air capacity expansion;

(b) Air transportation demand, aviation industry trends, and air capacity in Washington through 2020;

(c) A review of the final draft of the Puget Sound air transportation committee's flight plan assessments of air capacity and demand.

(4) A transportation systems planning evaluation of air transportation planning options in Washington by July 1, 1993.

(5) The work program project reports as provided in subsection (3) of this section and the policy recommendations of the commission shall be transmitted to regional transportation planning organizations created pursuant to chapter 47.80 RCW. Each regional transportation planning organization shall consider the commission's project reports and policy recommendations when adopting its regional transportation plan and in its review of local comprehensive plans for consistency with the regional transportation plans.

(6) A review of the environmental, social, and economic costs associated with Washington state's air transportation system. The commission shall review and comment upon the effectiveness and reasonableness of current or planned practices to mitigate the adverse environmental effects of operating, developing, or expanding the state's air transportation system.

NEW SECTION. Sec. 19. Effective April 1, 1994, the following acts or parts of acts are each repealed:

(1) RCW 47.86.010 and 1990 c 298 s 39;

(2) RCW 47.86.020 and 1990 c 298 s 40;

(3) RCW 47.86.030 and 1993 c . . . s 18 (section 18 of this act), 1992 c 190 s 3, 1991 c 231 s 7, & 1990 c 298 s 41;

(4) RCW 47.86.035 and 1992 c 190 s 1;

(5) RCW 47.86.040 and 1990 c 298 s 42;

(6) RCW 47.86.050 and 1990 c 298 s 43;

(7) RCW 47.86.060 and 1990 c 298 s 44;

(8) RCW 47.86.900 and 1990 c 298 s 45; and

(9) RCW 47.86.901 and 1990 c 298 s 47.

NEW SECTION. Sec. 20. FOR THE WASHINGTON STATE ENERGY OFFICE

Motor Vehicle Fund--State Appropriation \$ 210,000

The Washington state energy office shall update the petroleum data book by January 15, 1994, and shall update the state gasoline prices study by January 15, 1995.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 418,000

The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee on December 15th of each year.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 140,937,000

Motor Vehicle Fund--Federal Appropriation \$ 98,040,000

Motor Vehicle Fund--Local Appropriation \$ 3,460,000

TOTAL APPROPRIATION \$ 242,437,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(2) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(3) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation \$ 115,245,000
Motor Vehicle Fund--Federal Appropriation \$ 446,000,000
Motor Vehicle Fund--Local Appropriation \$ 4,000,000
TOTAL APPROPRIATION \$ 565,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$50,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000 as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) Up to \$60,000,000 of the motor vehicle fund--state appropriation in this section is provided to expedite high occupancy vehicle lane construction on the interstate system, of which \$30,000,000 may not be allotted by the office of financial management for fiscal year 1995 until a written progress report for the entire HOV lane construction program is submitted by the department of transportation to the house and senate transportation committees by January 1, 1994 and adopted by the legislature during the 1994 legislative session. Up to \$20,000,000 of this appropriation is provided from bond sale proceeds authorized in Senate Bill No. 5970.

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation \$ 41,805,000
Motor Vehicle Fund--Federal Appropriation \$ 66,948,000
Motor Vehicle Fund--Local Appropriation \$ 5,000,000
Transportation Fund--State Appropriation \$ 39,459,000
Special Category C--State Appropriation \$ 166,833,000
Puyallup Tribal Settlement Account--
State Appropriation \$ 44,024,000
Puyallup Tribal Settlement Account--
Private Local Appropriation \$ 6,000,000
TOTAL APPROPRIATION \$ 370,069,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$32,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$11,000,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(3) The special category C fund--state appropriation of \$166,833,000 includes \$108,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5343 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) Up to \$70,484,000 of the motor vehicle fund--state and \$14,948,000 of the motor vehicle fund--federal appropriations provided for in this section are for regular category C projects that will be advertised by June 30, 1993.

(5) Up to \$2,000,000 of the motor vehicle fund--state appropriation and \$5,000,000 of the motor vehicle fund--local appropriation contained in this section is provided solely for the construction of rest areas provided local and/or private contributions

of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services. This appropriation provides for construction of the North Fork Ridge rest area on state route 504, the Sherman Pass rest area on state route 20, and the state route 12 Montesano westbound rest area, which replaces Elma westbound rest area.

NEW SECTION. Sec. 25. If Substitute Senate Bill No. 5963 becomes law, the department of transportation, in consultation with the legislative transportation committee, shall develop a plan to implement the requirements of such legislation that includes program performance and monitoring procedures. The implementation plan shall be submitted to the house and senate transportation committees on or before January 1, 1994.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation \$ 31,221,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Transportation Capital Facilities
Account--State Appropriation \$ 40,480,000
TOTAL APPROPRIATION \$ 72,101,000

Up to \$750,000 of the motor vehicle fund--transportation capital facilities account--state appropriation is provided to implement the Americans with Disabilities Act (P.L. 101-336 42 U.S.C. Sec. 12101 et seq.).

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F

General Fund--Aeronautics Account--State
Appropriation \$ 3,106,000
General Fund--Aeronautics Account--Federal
Appropriation \$ 652,000
General Fund--Search and Rescue Account--State
Appropriation \$ 130,000
TOTAL APPROPRIATION \$ 3,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The aeronautics account appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, and federal inspections.

(2) The search and rescue account--state appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G

Motor Vehicle Fund--Economic Development Account--
State Appropriation \$ 5,020,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation \$ 51,027,000
Motor Vehicle Fund--Federal Appropriation \$ 71,000,000
Motor Vehicle Fund--Local Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 123,027,000

(1) The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program.

(2) Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided solely for rehabilitation of state-owned moveable bridges.

(3) Up to \$6,000,000 of the motor vehicle fund--state appropriation is for enhanced bridge inspections.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 239,492,000
Motor Vehicle Fund--Local Appropriation \$ 4,690,000
TOTAL APPROPRIATION \$ 244,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$300,000 of the motor vehicle fund--state appropriation is provided to develop and implement a roadside vegetation management plan to comply with the Puget Sound water quality authority management plan. Emphasis shall be placed on nonchemical vegetation control.

(2) Up to \$910,000 of the motor vehicle fund--state appropriation is provided for additional maintenance to prevent mechanical and electrical problems on floating bridges, maintenance on the Lacey V. Murrow floating bridge, and compliance with department of labor and industries maintenance regulations.

(3) Up to \$600,000 of the motor vehicle fund--state appropriation is provided for testing and disposal of hazardous materials and for interjurisdictional and/or interagency development of eight treatment facilities.

(4) Up to \$800,000 of the motor vehicle fund--state appropriation is provided for more frequent catch basin cleaning and for treatment and disposal of waste.

(5) Up to \$2,411,000 of the motor vehicle fund--state appropriation is provided to expedite and enhance traffic signal improvements.

(6) It is the intent of the legislature that the legislative transportation committee study the impact upon the department of transportation of the utilities accommodation policy, requiring the removal of power poles, guy lines, and junction boxes adjacent to state highways. The committee shall report its findings to the legislature no later than November 15, 1995. No additional moneys are appropriated in this section for the purpose of doing additional utility clear zone work.

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R

Motor Vehicle Fund--State Appropriation \$ 2,894,000

Motor Vehicle Fund--Federal Appropriation \$ 33,400,000

Motor Vehicle Fund--Local Appropriation \$ 28,892,000

TOTAL APPROPRIATION \$ 65,186,000

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 1,109,000

Motor Vehicle Fund--State Appropriation \$ 52,475,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 1,105,000

Transportation Fund--State Appropriation \$ 897,000

TOTAL APPROPRIATION \$ 55,586,000

Up to \$526,000 of the transportation fund--state appropriation is provided for the implementation of Substitute House Bill No. 1006.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Motor Vehicle Fund--State Appropriation \$ 16,626,000

Motor Vehicle Fund--Federal Appropriation \$ 16,314,000

High Capacity Transportation Account--

State Appropriation \$ 17,500,000

Transportation Fund--State Appropriation \$ 44,216,000

Transportation Fund--Federal Appropriation \$ 5,852,000

Transportation Fund--Local Appropriation \$ 100,000

Central Puget Sound Public Transportation Account--

State Appropriation \$ 21,100,000

Public Transportation Systems Account--State

Appropriation \$ 5,500,000

For planning and research:

TOTAL APPROPRIATION \$ 127,208,000

The appropriations in this section are for public transportation and rail programs and are subject to the following conditions and limitations:

(1) Up to \$31,000,000 of the transportation fund--state appropriation is provided for administrative costs, operating subsidies for contracted AMTRAK 403(b) service, and for capital projects to improve train speeds and service.

(2) Up to \$9,200,000 of the transportation fund--state appropriation is provided for state participation in the planning and construction of passenger rail depots and other passenger intermodal facilities.

(3) The central Puget Sound public transportation account--state appropriation and the public transportation systems account--state appropriation shall be distributed to local transit agencies based on the allocation process defined in Substitute House Bill No. 2036. These appropriations are null and void if Substitute House Bill No. 2036 is not enacted by the legislature.

(4) Of the \$3,400,000 transportation fund--state appropriation provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) Up to \$500,000 of the motor vehicle fund--state appropriation contained in this section is provided solely for the cross Sound investment program.

(6) Up to \$1,500,000 of the transportation fund--state appropriation contained in this section is provided solely for the rural mobility program.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T--CAPITAL

Essential Rail Assistance Account--State

Appropriation \$ 1,000,000

Essential Rail Banking Account--State

Appropriation \$ 1,100,000

TOTAL APPROPRIATION \$ 2,100,000

The appropriations in this section are provided for the purposes authorized in chapter 47.76 RCW.

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation \$ 30,124,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 2,000,000
TOTAL APPROPRIATION \$ 32,124,000

The appropriations in this section are to provide for costs billed to the department for the services or other state agencies as follows:

- (1) Archives and records management, \$258,000 motor vehicle fund--state appropriation;
- (2) Attorney general tort claims support, \$4,692,000 motor vehicle fund--state appropriation;
- (3) Office of the state auditor, \$793,000 motor vehicle fund--state appropriation;
- (4) Department of general administration facility and services, \$3,406,000 motor vehicle fund--state appropriation;
- (5) Department of personnel, \$3,088,000 motor vehicle fund--state appropriation;
- (6) Self-insurance liability premiums and administration, \$15,824,000 motor vehicle fund--state appropriation;
- (7) Department of general administration for capital projects on the transportation Olympia headquarters building and for maintenance work on the department of transportation/plaza parking garage, \$1,704,000 motor vehicle fund--state appropriation;
- (8) Office of minority and women's business enterprises, \$359,000 motor vehicle fund--state appropriation;
- (9) Marine division self-insurance liability premiums and administration \$2,000,000 motor vehicle fund--Puget Sound ferry operations account--state appropriation.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 235,746,000
Motor Vehicle Fund--Puget Sound Capital Construction
Account--Federal Appropriation \$ 32,237,000
Motor Vehicle Fund--Puget Sound Capital Construction
Account--Private/Local Appropriation \$ 900,000
TOTAL APPROPRIATION \$ 268,883,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 4) for the 1993-95 budget. The department shall reconcile the 1991-93 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.
- (2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$116,126,000 in proceeds from the sale of bonds authorized by RCW 47.60.800. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.
- (3) The appropriation in this section provides for the construction, in the state of Washington, of new jumbo ferry vessels in accordance with the requirements of Substitute House Bill No. 1635. The transportation commission shall provide progress reports to the legislative transportation committee and the governor regarding the implementation of Substitute House Bill No. 1635.
- (4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Marine Operating Fund--State Appropriation \$ 237,309,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is based on the budgeted expenditure of \$27,123,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.
- (2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$159,183,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

- (3) The appropriation in this section includes \$250,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

- (4) The appropriation in this section includes \$154,000 for support of Clinton terminal agent expenses, but shall be expended only upon the construction of a new Clinton terminal.

(5) The appropriation in this section includes \$359,000 to provide, during the summer, eight hours of Issaquah vessel class service on the Edmonds/Kingston route. This amount shall be expended only if the super class vessel refurbishment program impacts super class vessel service on this route.

(6) The appropriation in this section includes \$185,000 to assess the ability of enhancing vessel maintenance for those routes that require extensive service schedules throughout the year by placing additional oiler staff hours on two routes during the 1993-94 fiscal year. The results of this maintenance approach shall be reported to the legislative transportation committee and the office of financial management by December 1, 1993.

(7) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 8,594,000
Motor Vehicle Fund--Federal Appropriation \$ 161,033,000
Motor Vehicle Fund--Local Appropriation \$ 5,086,000
Transfer Relief Account--State Appropriation \$ 3,920,000
TOTAL APPROPRIATION \$ 178,633,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$1,000,000 of the motor vehicle fund--state appropriation is provided for the completion of the cost responsibility study or other studies. The cost responsibility study shall be performed in conjunction with the office of financial management, the transportation commission, the legislative transportation committee, public transportation agencies, and cities and counties. The cost responsibility study shall include but not be limited to analysis and recommendations regarding:

(a) Damage to, use of, and benefit from the state's transportation systems;

(b) Whether the users and beneficiaries of the states' transportation systems are paying an appropriate share of the costs;
and

(c) Alternative methods of cost recovery and taxation including user and beneficiary based methods.

The study shall be completed by July 1, 1994.

(2) Up to \$6,774,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$570,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--RV Account--State Appropriation
For transfer to the Motor Vehicle Fund \$ 427,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation
For transfer to the Transportation Capital Facilities
Account--State Appropriation \$ 40,480,000

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION EMERGENCY PROJECTS--PROGRAM

A
Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5370.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION FEDERAL MATCH PROJECTS--

PROGRAM Z
Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5371. The state finance committee shall administer the repayment of loans authorized in Senate Bill No. 5371.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation
For transfer to the Transportation Equipment Account \$ 2,600,000

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--Highway Construction
Stabilization Account
For transfer to the Motor Vehicle Fund \$ 33,000,000

The transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 45. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 46. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 47. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 48. A new section is added to chapter 46.01 RCW to read as follows:

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

NEW SECTION. Sec. 49. FOR THE WASHINGTON STATE PATROL--CAPITAL

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 9,645,000

Motor Vehicle Fund--State Appropriation \$ 740,000

Highway Safety Fund--State Appropriation \$ 740,000

TOTAL APPROPRIATION \$ 11,125,000

The appropriations in this section are provided for the following projects:

WSP/DOL/DOT Dist Office--Tacoma

Everett Dist Hdqtrs Building

Minor Works Preservation

Shelton Trng Acad Restroom Repair

Replace Underground Storage Tanks

Replace Rattlesnake Ridge Communication Site

Shelton Academy Property Acquisition

Vancouver Cve Inspection Station

Mt. Vernon Comm Site Construction

Spokane Cve Inspection Station

Replace Scale Mechanism SeaTac South

Yakima District Hdqtrs Predesign

I-90 Port of Entry Weigh Station

Smokey Point Weigh Station Design

Morton Detachment Property Acquisition

Longview Vin Lane Construction Property Acquisition

NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF LICENSING--CAPITAL

Highway Safety Fund--State Appropriation \$ 61,000

Motor Vehicle Fund--State Appropriation \$ 20,000

TOTAL APPROPRIATION \$ 81,000

The appropriations in this section are provided for the following projects:

Longview Customer Service Center

North Spokane Customer Service Center

Vancouver Customer Service Center

NEW SECTION. Sec. 51. In addition to compliance with the requirements of RCW 43.105.190, titled "Major information technology projects standards and policies," agencies shall comply with the following requirements: For projects funded through the transportation budget, the agency and the department of information services shall provide the office of financial management, the legislative transportation committee, and the information services board with a written bi-monthly project oversight and risk assessment report for designated projects. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

NEW SECTION. Sec. 52. The legislature supports the proposed reduction by the governor of state agency, middle management level employees and recognizes that such reduction is essential to achieve more efficient and effective delivery of state services. Further, the legislature finds that employee reductions in agencies providing state transportation programs and services are necessary to the extent such reductions do not jeopardize transportation program and service delivery.

NEW SECTION. Sec. 53. To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the

respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 54. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 55. The commission for efficiency and accountability in Washington state government shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine the cost allocation for actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles and represent a pro rata share in relation to all other agencies.

NEW SECTION. Sec. 56. Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

- (1) Scheduled increment increases to any employee classified under chapter 41.06 RCW;
- (2) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch;
- (3) Salary increases to the agency officials listed in RCW 43.03.028 and 47.01.041.

The office of financial management shall reduce allotments to all transportation agencies to reflect the elimination of these salary increases.

NEW SECTION. Sec. 57. The department of licensing shall review the pricing of fees related to the licensing and operation of motor vehicles to determine whether any such fees should be eliminated to reduce costs, whether the pricing of any fees should be adjusted to cover costs of administration or to be more equitable, and whether any other related modifications may be justified, and make recommendations to the governor and the legislative transportation committee by October 15, 1993, as to any price-setting policies or guidelines, pricing changes, or other statutory modifications pertaining to such fees.

Sec. 58. 1991 sp.s. c 15 s 4 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State
Appropriation \$ ((485,000))

202,000

((No more than \$80,000 may be expended for attorney general fees.))

Sec. 59. 1992 c 166 s 8 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ ((45,695,000))

46,089,500

General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 25,000

General Fund--Wildlife Account--State
Appropriation \$ 504,000

TOTAL APPROPRIATION \$ ((46,224,000))

46,618,500

Sec. 60. 1992 c 166 s 9 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--
State Appropriation \$ 4,394,000

Highway Safety Fund--State Appropriation \$ ((48,256,000))

48,405,078

Highway Safety Fund--Motorcycle Safety Education Account--
State Appropriation \$ 884,000

TOTAL APPROPRIATION \$ ((53,534,000))

53,683,078

Sec. 61. 1992 c 166 s 20 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ ((217,750,000))

221,550,000

Motor Vehicle Fund--Local Appropriation \$ 750,000

TOTAL APPROPRIATION \$ ((218,500,000))

222,300,000

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner.

NEW SECTION. Sec. 62. Sections 1 through 18 and 20 through 61 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5972 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5972 and the House amendment thereto: Senators Vognild, Nelson and Loveland.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MOTION

At 11:13 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:13 p.m. by President Pro Tempore Wojahn.

MOTION

At 1:13 p.m., on motion of Senator Gaspard, the Senate recessed until 1:45 p.m..

The Senate was called to order at 1:57 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1260 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Linville and Horn.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate refuses to grant the request of the House for a conference on Substitute House Bill No. 1260, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5300,
SUBSTITUTE SENATE BILL NO. 5357,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502,
SENATE BILL NO. 5723.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1708 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Cothorn and Brough.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate grants the request of the House for a conference on Engrossed House Bill No. 1708 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1708 and the Senate amendment(s) thereto: Senators Pelz, Hochstatter and McAuliffe.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1748 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Shin and Brumsickle.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate grants the request of the House for a conference on Engrossed House Bill No. 1748 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1748 and the Senate amendment(s) thereto: Senators Bauer, Prince and Drew.

MOTION

On motion of Senator Bauer, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2055 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Anderson, King and Reams.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate grants the request of the House for a conference on Substitute House Bill No. 2055 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2055 and the Senate amendment(s) thereto: Senators Owen, Oke and Hargrove.

MOTION

On motion of Senator Owen, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 21, 1993

GA 9276 BETTY J. NARVER, appointed January 29, 1993, for a term ending at the Governor's pleasure, as Chair of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

April 21, 1993

GA 9297 RALPH DiSIBIO, appointed March 10, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

April 21, 1993

GA 9307 VICKIE McNEILL, reappointed March 10, 1993, for a term ending June 30, 1995, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

April 21, 1993

GA 9312 GAY V. SELBY, reappointed March 10, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

April 21, 1993

GA 9314 DAVID TANG, reappointed March 10, 1993, for a term ending June 30, 1996, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

April 21, 1993

GA 9321 JUDITH WISEMAN, reappointed March 12, 1993, for a term ending June 30, 1993, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

April 21, 1993

GA 9341 RICHARD R. SONSTELIE, appointed March 26, 1993, for a term ending at the Governor's pleasure, as Chair of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bauer, Chairman; Drew, Vice Chairman; Cantu, Jesernig, Prince, Quigley, Sheldon, von Reichbauer, and West.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO. 4021, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4021 by Representatives Talcott, Campbell, Horn, Brough, Dyer, Silver, Ballard, Chandler and Foreman

Saluting the members of I Corps.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, House Joint Memorial No. 4021 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, House Joint Memorial No. 4021 was advanced to third reading, the second reading considered the third and the joint memorial was adopted.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following members of I Corps who were seated on the rostrum: First Corps and Fort Lewis Commander, Lieutenant General Carmen J. Cavezza; Command Sergeant Major Rocky Houser; Fort Lewis non-commissioned officer of the year, Staff Sergeant Michael D. Miracle; and Fort Lewis Soldier of the Year, Specialist Tiffany M. Martin.

With permission of the Senate, business was suspended to permit Commander Cavezza to address the Senate.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate refuses to recede from its amendment(s) to Engrossed Substitute House Bill No. 1562 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1562 and the Senate amendment(s) thereto: Senators Pelz, Newhouse and Prentice.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following HOUSE BILLS and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071.

ALAN THOMPSON, Chief Clerk

April 21, 1993

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5056,
SENATE BILL NO. 5079,
SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5124,
SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,
SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5443,
SENATE BILL NO. 5883,
SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5911,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SENATE BILL NO. 5917,
SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016,
SENATE JOINT MEMORIAL NO. 8021, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818 and asks the Senate to recede therefrom., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTIONS

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1818 was returned to second reading and read the second time.

Senator Skratek moved that the Senate reconsider the vote by which the Committee on Trade, Technology and Economic Development striking amendment was adopted April 13, 1993.

The President declared the question before the Senate to be the motion by Senator Skratek to reconsider the vote by which the Committee on Trade, Technology and Economic Development striking amendment to Engrossed Substitute House Bill No. 1818 was adopted.

The motion carried for reconsideration of the Committee on Trade, Technology and Economic Development striking amendment to Engrossed Substitute House Bill No. 1818.

MOTION

On motion of Senator Skratek, the following amendment to the Committee on Trade, Technology and Economic Development striking amendment, on reconsideration, was adopted:

On page 1, line 24, after "with" insert "or notification of"

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development amendment, as amended on reconsideration, to Engrossed Substitute House Bill No. 1818.

The Committee on Trade, Technology and Economic Development striking amendment, as amended on reconsideration, to Engrossed Substitute House Bill No. 1818 was adopted.

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1818, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1818, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1818, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 48.

Absent: Senator Snyder - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5702 with the following amendment(s):

On page 8, beginning on line 18, after "relocate" strike all material through "spouse" on line 19, and insert "for the spouse's employment that is outside the existing labor market area"

On page 7, beginning on line 25, after "left" strike "the most recent"

On page 8, beginning on line 3, after "left" strike "the most recent"

On page 8, line 22, after "left" strike "the most recent"

On page 9, line 14, after "left" strike "the most recent"

On page 9, beginning on line 30, after "her" strike "most recent"

On page 10, line 24, after "her" strike "most recent"

On page 8, beginning on line 21, strike all of subsection (3) and insert the following:

"(3) In determining under this section whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment."

On page 9, beginning on line 14, after "work" strike "without good cause"

On page 9, line 25, after "(2)" insert "(b) or"

On page 11, beginning on line 32, after "wage" strike all material through "dollars" on line 36 and insert "—The computation for this ratio shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded: ~~PROVIDED FURTHER, That for benefit years beginning before July 7, 1985, the maximum amount payable weekly shall not exceed one hundred eighty-five dollars)~~"

On page 15, line 6, after "contingency" strike "account" and insert "fund"

On page 15, line 7, after "RCW" strike "50.20.190(3)" and insert "50.20.190(6)"

On page 23, line 27, after "(f)" strike all material through "(g)" on line 34 and insert "~~((i) Benefits paid to an individual as the result of a determination by the commissioner that no stoppage of work exists, pursuant to RCW 50.20.090, shall not be charged to the experience rating account of any contribution paying employer.~~

~~((ii) Benefits paid to an individual under RCW 50.20.090(1) for weeks of unemployment ending before February 20, 1987, shall not be charged to the experience rating account of any base year employer.~~

(g))"

On page 24, line 1, strike "(h)" and insert "((h)) (g)"

On page 24, line 6, strike "(j)" and insert "(3)(a)"

On page 25, beginning on line 10, after "between" strike all material through "granted" on line 20 and insert "the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW."

(b) The employer (~~(petitions for)~~ requesting relief of charges(~~(; and~~

~~(ii) The commissioner approves granting relief of charges)) under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted"~~

On page 30, line 11, after "effect" strike "July 3, 1993" and insert "immediately"

On page 30, line 18, after "effective" insert "as"

On page 30, line 22, after "4," strike "5, and 13" and insert "and 5", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5702.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5702, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5702, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 29.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Prince, Roach, Smith, L. and von Reichbauer - 19.

Absent: Senator West - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the following Gubernatorial Appointments were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9273, Aubrey Davis, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF AUBREY DAVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9274, Connie Niva, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF CONNIE NIVA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9275, Lawrence N. Weldon, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF LAWRENCE N. WELDON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9279, Alice B. Tawresey, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF ALICE B. TAWRESEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Vognild, Gubernatorial Appointment No. 9284, Linda Tompkins, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF LINDA TOMPKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, the following Gubernatorial Appointments were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9152, Charlotte Chalker, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF CHARLOTTE CHALKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9161, Wayne H. Ehlers, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF WAYNE H. EHLERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9168, John V. Geraghty, Jr., as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF JOHN V. GERAGHTY, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9171, Warren J. Gilbert, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF WARREN J. GILBERT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9173, Lila Girvin, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF LILA GIRVIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9178, Frederick T. Haley, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF FREDERICK T. HALEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9193, Edward Kelly, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF EDWARD KELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9205, Christina Meserve, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF CHRISTINA MESERVE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9252, Julian Torres, Jr., as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF JULIAN TORRES, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Pelz, the following Gubernatorial Appointments were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately:

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9139, Glen Boccock, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF GLEN BOCOCK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse,

Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9213, John F. Naddy, III, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF JOHN F. NADDY, III

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9229, Bonnie Roth, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF BONNIE ROTH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

MOTION

On motion of Senator Pelz, Gubernatorial Appointment No. 9242, Katherine Steiner, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF KATHERINE STEINER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 49.

CHANGE IN CONFERENCE COMMITTEE APPOINTMENT ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562

MOTION

On motion of Senator Moore, Senator Fraser will replace Senator Pelz as a member of the Conference Committee on Engrossed Substitute House Bill No. 1562.

MOTION

On motion of Senator Moore, the change in the Conference Committee appointment was confirmed.

MOTION

At 3:16 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 5:52 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1858 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 21, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following HOUSE BILLS and passed the bills as amended by the Senate.

SUBSTITUTE HOUSE BILL NO. 1870,

SUBSTITUTE HOUSE BILL NO. 1912,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate advanced to the sixth order of business.

MOTIONS

On motion of Senator Loveland, Senators Hargrove, Quigley and Rinehart were excused.

On motion of Senator Oke, Senators Amondson, Anderson, Prince, Sellar and West were excused.

SECOND READING GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9143, Al Brisbois, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF AL BRISBOIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Voting nay: Senator Pelz - 1.

Excused: Senators Amondson, Anderson, Hargrove, Prince, Quigley, Rinehart, Sellar and West - 8.

MOTION

At 6:00 p.m., on motion of Senator Jesernig, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:48 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Roach, the following resolution was adopted:

SENATE RESOLUTION 1993-8643

By Senator Roach, Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, Rinehart, Sellar, Sheldon, Skratek, A. Smith, L. Smith, Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn

WHEREAS, The Senate and the citizens of the state of Washington empathize with the citizens of South Dakota for the tragic loss of their great Governor George Mickelson; and

WHEREAS, The Senate and the citizens of the state of Washington mourned with the family and the citizens of South Dakota for this sudden loss; and

WHEREAS, The state shared a unique and special relationship with the late Governor; and

WHEREAS, The state of Washington was able to share with the Mickelson family and the people of South Dakota the great athletic ability of Amy Mickelson; and

WHEREAS, The late Governor would frequently attend the University of Washington Womens' Basketball games to see his gifted daughter perform; and

WHEREAS, The state was honored to have the pleasure of the Governor, and the honor of having his daughter distinguish herself on and off the court; and

WHEREAS, The state and the nation now mourn this great loss;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby offer their deepest sympathy to the Mickelson family and to the citizens of the state of South Dakota; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Mickelson family and to the newly appointed Governor of the state of South Dakota.

MOTION

On motion of Senator Jesernig, and there being no objection, all Senator's names will be added as sponsors of Senate Resolution 1993-8643.

MOTION

On motion of Senator Jesernig, the Senate returned to the sixth order of business to consider Engrossed Substitute House Bill No. 2054.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054, by House Committee on Appropriations (originally sponsored by Representatives Peery, Reams, Anderson, Heavey, R. Fisher, G. Cole, Ogden and Lemmon) (by request of Governor Lowry)

Reforming public employment law.

The bill was read the second time.

MOTION

On motion of Senator Moore, the following Committee on Labor and Commerce amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The higher education personnel board and the state personnel board are hereby abolished and their powers, duties, and functions are hereby transferred to the Washington personnel resources board. All references to the director or the higher education personnel board or the state personnel board in the Revised Code of Washington shall be construed to mean the director or Washington personnel resources board.

NEW SECTION. Sec. 2. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education personnel board and the state personnel board shall be delivered to the custody of the Washington personnel resources board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education personnel board and the state personnel board shall be made available to the Washington personnel resources board. All funds, credits, or other assets held by the higher education personnel board and the state personnel board shall be assigned to the Washington personnel resources board.

Any appropriations made to the higher education personnel board and the state personnel board shall, on the effective date of this section, be transferred and credited to the Washington personnel resources board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 3. All employees of the higher education personnel board and the state personnel board are transferred to the jurisdiction of the Washington personnel resources board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington personnel resources board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 4. All rules and all pending business before the higher education personnel board and the state personnel board shall be continued and acted upon by the Washington personnel resources board. All existing contracts and obligations shall remain in full force and shall be performed by the Washington personnel resources board.

NEW SECTION. Sec. 5. The transfer of the powers, duties, functions, and personnel of the higher education personnel board and the state personnel board shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 6. If apportionments of budgeted funds are required because of the transfers directed by sections 2 through 5 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 7. Nothing contained in sections 1 through 6 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 41.06 RCW to read as follows:

(1) The Washington management service is created. The purpose of the management service is to strive for excellence in the management of the state's resources, attract and retain qualified managers, and establish a management identity in state government unique to the responsibilities of management employees.

(2) Within the management service, the board shall adopt rules that provide for:

- (a) Moving managers among agencies without changing job classifications; and
- (b) Facilitating decentralized and regional administration.

(3) In establishing rules for the management service, the board shall adhere to the following goals:

(a) To develop a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) To establish a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(c) To strengthen management training and career development programs that build critical management knowledge, skills, and abilities; focus on managing and valuing workplace diversity; empower employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promote a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhance mobility and career advancement opportunities;

(d) To permit flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; and achieve affirmative action goals and diversity in the workplace; and

(e) To provide that members of the classified management service may only be reduced, dismissed, suspended, or demoted for cause.

(4) For the purposes of this section, "managers" or "management employees" means employees who:

(a) Formulate policy or direct the work of an agency or subdivision thereof; or

(b) Are responsible to administer and carry out policies and programs of an agency or subdivision thereof; or

(c) Manage, administer, and control a local branch office of an agency or subdivision thereof, including the physical, financial, or personnel resources thereof; or

(d) Have substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets.

NEW SECTION. Sec. 9. A new section is added to chapter 41.06 RCW to read as follows:

(1) Unless the context clearly requires otherwise, as used in this section, "management position" means a position occupied by an employee other than an agency director, assistant director, or any employee occupying an exempt position under RCW 41.06.070(27) who:

(a) Formulates policy or directs the work of an agency or subdivision;

(b) Is responsible to administer policies and programs of an agency;

(c) Manages, administers, and controls a local branch office of an agency or subdivision, including the physical, financial, or personnel resources; or

(d) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets.

(2) Notwithstanding any requirement that at least one in ten promotional registers be open to all persons, the Washington personnel resources board, for purposes of creating any register of employees to fill a management position shall:

(a) Require that any qualified person (i) currently employed by the state of Washington or (ii) any other qualified person to be eligible to seek inclusion on such register;

(b) Require that prior job performance be a consideration in selection to a management position; and

(c) Require that a hiring authority who selects a person other than a current employee of Washington state must submit written justification to the director for such decision. The director shall have five business days from the date of receipt of the written justification in which to disapprove the selection. Disapproval shall be in writing and state the reasons. If the director does not disapprove the selection within the five-day time period authorized under this section, the selection shall be deemed approved.

NEW SECTION. Sec. 10. A new section is added to chapter 41.06 RCW to read as follows:

Each institution of higher education and each related board shall designate an officer who shall perform duties as personnel officer. The personnel officer at each institution or related board shall direct, supervise, and manage administrative and technical personnel activities for the classified service at the institution or related board consistent with policies established by the institution or related board and in accordance with the provisions of this chapter and the rules adopted under this chapter. Institutions may undertake jointly with one or more other institutions to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects. The services of the department of personnel may also be used by the institutions or related boards pursuant to RCW 41.06.080.

The state board for community and technical colleges shall have general supervision and control over activities undertaken by the various community colleges pursuant to this section.

NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW to read as follows:

Rules adopted by the board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

(1) Appointment, promotion, and transfer of employees;

(2) Dismissal, suspension, or demotion of an employee;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Probationary periods of six to twelve months and rejections therein;

(5) Sick leaves and vacations;

- (6) Hours of work;
- (7) Layoffs when necessary and subsequent reemployment;
- (8) Allocation and reallocation of positions within the classification plans;
- (9) Training programs; and
- (10) Maintenance of personnel records.

NEW SECTION. Sec. 12. A new section is added to chapter 41.06 RCW to read as follows:

The board may authorize agency administration and management of the policies and practices created under this chapter. The board shall pursue a policy of flexibility in the administration of this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 41.06 RCW to read as follows:

(1) The legislature recognizes that:

- (a) The labor market and the state government work force are diverse in terms of gender, race, ethnicity, age, and the presence of disabilities.
- (b) The state's personnel resource and management practices must be responsive to the diverse nature of its work force composition.
- (c) Managers in all agencies play a key role in the implementation of all critical personnel policies.

It is therefore the policy of the state to create an organizational culture in state government that respects and values individual differences and encourages the productive potential of every employee.

(2) To implement this policy, the department shall:

(a) In consultation with agencies, employee organizations, and employees, review civil service rules and related agency policies to ensure that they support the state's policy of valuing and managing diversity in the workplace;

(b) In consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop model policies, procedures, and technical information to be made available to such entities for the support of workplace diversity programs, including, but not limited to:

- (i) Voluntary mentorship programs;
- (ii) Alternative testing practices for persons of disability where deemed appropriate;
- (iii) Career counseling;
- (iv) Training opportunities, including management and employee awareness and skills training, English as a second language, and individual tutoring;
- (v) Recruitment strategies;
- (vi) Management performance appraisal techniques that focus on valuing and managing diversity in the workplace; and
- (vii) Alternative work arrangements;

(c) In consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop training programs for all managers to enhance their ability to implement diversity policies and to provide a thorough grounding in all aspects of the state civil service law and merit system rules, and how the proper implementation and application thereof can facilitate and further the mission of the agency.

(3) The department shall coordinate implementation of this section with the office of financial management and institutions of higher education and related boards to reduce duplication of effort.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

Meaningful and effective involvement of employees and their representatives is essential to the efficient and effective delivery of state government services. To accomplish this, agencies shall use joint employee-union-management committees to collaborate on the desired goals of streamlined and flatter organizational structures, continuous improvement in all systems and processes, empowerment of line level employees to solve workplace and system delivery problems, managers functioning as coaches and facilitators, and employee training and development as an investment in the future. In addition, the committees shall be used for improvement of the quality of work life for state employees resulting in more productive and efficient service delivery to the general public and customers of state government.

NEW SECTION. Sec. 15. (1) The legislature recognizes that the most vital asset of state government is the people who design, manage, and implement its programs and deliver its services. The quality and effectiveness of state service depends on many factors, including adequate resources, personal dedication, proper training, skilled and sensitive management, and the removal of artificial barriers to personal and organizational success.

(2) The legislature further recognizes that due to increasing demands on state government requiring new levels of efficiency and effectiveness in service delivery, and the impact of the total system of laws and rules governing recruitment, development, and management of personnel resources in state government, it is imperative to immediately and comprehensively examine all aspects of that system, and make whatever changes are indicated forthwith.

(3) To that end, there is hereby created a study task force composed of the following members: Three members of the house of representatives appointed by the speaker of the house of representatives, three members of the senate appointed by the president of the senate, three members appointed by the governor, and one representative from each employee organization that has at least five hundred dues-paying members employed by the state of Washington. The charge of the task force is to make a comprehensive recommendation to the legislature no later than December 1, 1993, in the form of proposed legislation, regarding the provision of personnel resources in state government. The task force shall address at least the following issues:

(a) Overall organization of the personnel resources apparatus in state government:

(i) Consolidation or decentralization of all personnel services; and

(ii) The appropriate role and degree of control of the governor, the Washington personnel resources board, agency directors, and other elected officials;

(b) Efficiency in management and service delivery:

(i) Identify the principal barriers to, and successes in, effective recruitment, retention, development, and assignment of a quality work force in state service;

(ii) Analyze the extent to which improvement in these areas is best achieved by changes in civil service reform, or from management and organizational initiatives of the governor, agency directors, employee organizations, employees, and other elected officials; and

(iii) Develop principles regarding the purchase of services by state government;

(c) Employee rights and participation:

(i) Identify areas and issues that are appropriately decided cooperatively between classified employees and management through collective bargaining or otherwise, and those areas that are inherently management prerogatives and responsibilities;

(ii) Analyze the full range of collective bargaining or other collaborative process issues, and identify those features that are the most effective and equitable, including grievance procedures, bargaining units, representation, union security, negotiations, and unfair labor practices; and

(d) Any other related issue that comes to light during the course of the study may properly be examined. This list of issues is in no way intended to limit the inquiry and exploration of the task force in its pursuit of its principal charge.

(4) In developing its recommendation the task force shall draw upon the following resources:

(a) Full and frequent consultation with particular interest groups, including state employees and their organizations, managers, and directors at all levels of state service, elected officials, and academic and private sector personnel resource specialists;

(b) The experience of other states, particularly those who have recently made significant changes in this area; and

(c) The experience of private sector organizations that are recognized for innovative and effective accomplishment in this field.

(5) The task force shall meet at least monthly, and shall hold meetings in different regions of the state. Staff services shall be provided by legislative and governor's office staff.

(6) This section shall expire December 31, 1993.

NEW SECTION. Sec. 16. A new section is added to chapter 41.06 RCW to read as follows:

(1) Unless the context clearly requires otherwise, as used in this chapter, "register" means a list of names of persons certified by the director to meet the minimum qualifications necessary for purposes of consideration and potential selection by a hiring authority for employment by the state of Washington.

(2) Inclusion on a register is proof of only the existence of the opinion of the director that a person has met the minimal qualifications for consideration by the hiring authority of the persons on the register for employment by the state of Washington in a job classification. Inclusion on a register shall not, by itself, for any purpose or in any cause of action be evidence that a person has obtained a right to employment.

Sec. 17. RCW 28B.12.060 and 1987 c 330 s 202 are each amended to read as follows:

The higher education coordinating board shall adopt rules ((and regulations)) as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules ((and regulations)) shall include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules ((and regulations)) shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter ((28B.46)) 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the ((higher education)) Washington personnel resources board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 18. RCW 34.05.030 and 1989 c 175 s 2 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the ((state)) Washington personnel resources board((, the higher education personnel board,)) or the personnel appeals board; or

(e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 19. RCW 34.12.020 and 1989 c 175 s 33 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the ((state personnel board, the higher education)) Washington personnel resources board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

Sec. 20. RCW 41.04.340 and 1991 c 249 s 1 are each amended to read as follows:

(1) An attendance incentive program is established for all eligible employees. As used in this section the term "eligible employee" means any employee of the state, other than teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

(2) In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick

leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

(3) At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate may elect to receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(4) Pursuant to this subsection, in lieu of cash remuneration the state may, with equivalent funds, provide eligible employees with a benefit plan providing for reimbursement of medical expenses. The committee for deferred compensation shall develop any benefit plan established under this subsection, but may offer and administer the plan only if (a) each eligible employee has the option of whether to receive cash remuneration or to have his or her employer transfer equivalent funds to the plan; and (b) the committee has received an opinion from the United States internal revenue service stating that participating employees, prior to the time of receiving reimbursement for expenses, will incur no United States income tax liability on the amount of the equivalent funds transferred to the plan.

(5) Remuneration or benefits received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

(6) With the exception of subsection ~~((3))~~ (4) of this section, this section shall be administered, and rules shall be ~~((promulgated))~~ adopted to carry out its purposes, by the ~~((state personnel board and the higher education))~~ Washington personnel resources board for persons subject to chapter ~~((s))~~ 41.06 ~~((and 28B.16))~~ RCW ~~((, respectively, and by their respective personnel authorities for other eligible employees))~~: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

(7) Should the legislature revoke any remuneration or benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

Sec. 21. RCW 41.04.670 and 1990 c 23 s 3 are each amended to read as follows:

The ~~((state personnel board, the higher education))~~ Washington personnel resources board ~~((,))~~ and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; (2) providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave in accordance with RCW 41.04.665(5); (3) establishing procedures to ensure that the program does not significantly increase the cost of providing leave; and (4) providing for the administration of the program and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review.

Sec. 22. RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 s 3 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the ~~((state))~~ Washington personnel resources board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(8) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(9) "Training" means activities designed to develop job-related knowledge and skills of employees.

(10) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

(11) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

(12) "Institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(13) "Related boards" means the state board for community and technical colleges and the higher education personnel board; and such other boards, councils, and commissions related to higher education as may be established.

Sec. 23. RCW 41.06.030 and 1961 c 1 s 3 are each amended to read as follows:

A department of personnel, governed by ~~((a-state))~~ the Washington personnel resources board and administered by a director of personnel, is hereby established as a separate agency within the state government.

Sec. 24. RCW 41.06.070 and 1990 c 60 s 101 are each amended to read as follows:

The provisions of this chapter do not apply to:

- (1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
- (2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
- (3) Officers, academic personnel, and employees of state institutions of higher education~~((,))~~ and the state board for community and technical colleges ~~((education, and the higher education personnel board))~~;
- (4) The officers of the Washington state patrol;
- (5) Elective officers of the state;
- (6) The chief executive officer of each agency;
- (7) In the departments of employment security, fisheries, social and health services, the director and ~~((his))~~ the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;
- (8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
 - (a) All members of such boards, commissions, or committees;
 - (b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;
 - (c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the ~~((chairman))~~ chair of the board, commission, or committee;
 - (d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;
- (9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- (10) Assistant attorneys general;
- (11) Commissioned and enlisted personnel in the military service of the state;
- (12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the ~~((state))~~ Washington personnel resources board or the board having jurisdiction;
- (13) The public printer or to any employees of or positions in the state printing plant;
- (14) Officers and employees of the Washington state fruit commission;
- (15) Officers and employees of the Washington state apple advertising commission;
- (16) Officers and employees of the Washington state dairy products commission;
- (17) Officers and employees of the Washington tree fruit research commission;
- (18) Officers and employees of the Washington state beef commission;
- (19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;
- (20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);
- (21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules ((and regulations)) adopted by the ((state)) Washington personnel resources board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(26) All employees of the marine employees' commission;

(27) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

(28) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards; and

(c) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees' right of appeal to the board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(29) Printing craft employees in the department of printing at the University of Washington;

(30) In addition to the exemptions specifically provided by this chapter, the ((state)) Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed ~~((one hundred eighty-seven))~~ three hundred for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The ((state)) Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (24), (25), and ~~((28))~~ (30) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the ((state)) Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held

permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 25. RCW 41.06.076 and 1980 c 73 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors; one confidential secretary for each of the above-named officers; not to exceed six bureau chiefs; and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the ((state)) Washington personnel resources board.

Sec. 26. RCW 41.06.079 and 1985 c 178 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to RCW 47.01.081, one confidential secretary for each of the above-named officers, up to six transportation district administrators and one confidential secretary for each district administrator, up to six additional new administrators or confidential secretaries designated by the secretary of the department of transportation and approved by the ((state)) Washington personnel resources board pursuant to the provisions of RCW ((41.06.070(26))) 41.06.070(27), the legislative liaison for the department, the state construction engineer, the state aid engineer, the personnel manager, the state project development engineer, the state maintenance and operations engineer, one confidential secretary for each of the last-named five positions, and a confidential secretary for the public affairs administrator. The individuals appointed under this section shall be exempt from the provisions of the state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

Sec. 27. RCW 41.06.093 and 1990 c 14 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the Washington state patrol to confidential secretaries of agency bureau chiefs, or their functional equivalent, and a confidential secretary for the chief of staff: PROVIDED, That each confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the ((state)) Washington personnel resources board.

Sec. 28. RCW 41.06.110 and 1984 c 287 s 69 are each amended to read as follows:

(1) There is hereby created a ((state)) Washington personnel resources board composed of ((three)) five members appointed by the governor, subject to confirmation by the senate. ~~((The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term.))~~ The initial board shall be composed of one member of the state personnel board and one member of the higher education personnel board as those boards existed on June 30, 1993, and three additional members, all of whom shall be appointed by the governor. Of the initial board, two members shall serve one-year terms, two members shall serve two-year terms and one member shall serve a three-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the ((appointment of all of its members)) creation of the board, and annually thereafter, the board shall elect a ((chairman)) chair and ((vice chairman)) vice-chair from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

~~((4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.))~~

Sec. 29. RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 are each amended to read as follows:

The office of director of personnel is hereby established.

(1) (~~Within ninety days after December 8, 1960, a director of personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone; or the governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations the merit system director is eligible.~~

~~(2)) The director of personnel shall be appointed by the governor ((from a list of three names submitted to him by the board with its recommendations. The names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management are eligible to take such examination)). The governor shall consult with, but shall not be obligated by recommendations of the board. The director's appointment shall be subject to confirmation by the senate.~~

~~((3)) (2) The director of personnel is removable for cause by the governor ((with the approval of a majority of the board or by a majority of the board)).~~

~~((4)) (3) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of this chapter and the rules ((and regulations approved and promulgated thereunder. He) adopted under it. The director shall prepare for consideration by the board proposed rules ((and regulations)) required by this chapter. ((His)) The director's salary shall be fixed by the board.~~

~~((5)) (4) The director of personnel may delegate to any agency the authority to perform administrative and technical personnel activities if the agency requests such authority and the director of personnel is satisfied that the agency has the personnel management capabilities to effectively perform the delegated activities. The director of personnel shall prescribe standards and guidelines for the performance of delegated activities. If the director of personnel determines that an agency is not performing delegated activities within the prescribed standards and guidelines, the director shall withdraw the authority from the agency to perform such activities.~~

Sec. 30. RCW 41.06.150 and 1990 c 60 s 103 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to ~~((four))~~ six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and

complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their ~~((widows))~~ surviving spouses by giving such eligible veterans and their ~~((widows))~~ surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the ~~((widow))~~ surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 31. RCW 41.06.155 and 1983 1st ex.s. c 75 s 6 are each amended to read as follows:

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department ~~((in cooperation with the higher education personnel board))~~. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993.

Sec. 32. RCW 41.06.160 and 1985 c 94 s 2 are each amended to read as follows:

In preparing classification and salary schedules as set forth in RCW 41.06.150 as now or hereafter amended the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. For this purpose the department shall undertake comprehensive salary and fringe benefit surveys ~~((to be planned and~~

conducted on a joint basis with the higher education personnel board)), with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall plan and conduct ((on a joint basis with the higher education personnel board)) a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend salary and fringe benefit survey shall be completed and forwarded by September 30 with a recommended state salary schedule to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

In the case of comprehensive salary and fringe benefit surveys, the department shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with(:(

(a)) those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; ((and

(b) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;))

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. ((Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.))

Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.

Sec. 33. RCW 41.06.163 and 1987 c 185 s 9 are each amended to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 41.06.160 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of financial management, employee organizations, and the standing committees for appropriations of the senate and house of representatives six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

- (b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:
- (i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;
 - (ii) Is representative of private and public employment in this state;
 - (iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and
 - (iv) Indicates the methodology to be used in application of survey data to job classes used by state government;
- (c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. ~~((The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board.))~~

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

- (a) Leave time, including vacation, holiday, civil, and personal leave;
- (b) Employer retirement contributions;
- (c) Health and insurance payments, including life, accident, and health insurance, workers' compensation, and sick leave;

and

- (d) Stock options, bonuses, and purchase discounts where appropriate.

Sec. 34. RCW 41.06.186 and 1985 c 461 s 5 are each amended to read as follows:

The Washington personnel resources board shall adopt rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

Sec. 35. RCW 41.06.196 and 1985 c 461 s 6 are each amended to read as follows:

The Washington personnel resources board shall adopt rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under RCW 41.06.186 have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

Sec. 36. RCW 41.06.280 and 1987 c 248 s 4 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "department of personnel service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher learning, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period, including the training requirements in sections 8 and 13 of this act.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and deposited by him in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 37. RCW 41.06.340 and 1969 ex.s. c 215 s 13 are each amended to read as follows:

Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to this chapter as it relates to state civil service employees and the ~~((state))~~ Washington personnel resources board, or its designee, whose final decision shall be appealable to the ~~((state))~~ Washington personnel resources board, which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190.

Sec. 38. RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended to read as follows:

The ((state)) Washington personnel resources board is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280.

Sec. 39. RCW 41.06.450 and 1982 c 208 s 10 are each amended to read as follows:

(1) By January 1, 1983, the Washington personnel resources board shall adopt rules applicable to each agency to ensure that information relating to employee misconduct or alleged misconduct is destroyed or maintained as follows:

(a) All such information determined to be false and all such information in situations where the employee has been fully exonerated of wrongdoing, shall be promptly destroyed;

(b) All such information having no reasonable bearing on the employee's job performance or on the efficient and effective management of the agency, shall be promptly destroyed;

(c) All other information shall be retained only so long as it has a reasonable bearing on the employee's job performance or on the efficient and effective management of the agency.

(2) Notwithstanding subsection (1) of this section, an agency may retain information relating to employee misconduct or alleged misconduct if:

(a) The employee requests that the information be retained; or

(b) The information is related to pending legal action or legal action may be reasonably expected to result.

(3) In adopting rules under this section, the Washington personnel resources board shall consult with the public disclosure commission to ensure that the public policy of the state, as expressed in chapter 42.17 RCW, is adequately protected.

Sec. 40. RCW 41.06.475 and 1986 c 269 s 2 are each amended to read as follows:

The ((state)) Washington personnel resources board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 41. RCW 41.48.140 and 1979 c 152 s 3 are each amended to read as follows:

Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of the ((state)) Washington personnel resources board((, the higher education personnel board,)) or any other state personnel authority to establish sick leave ((regulations)) rules except as may be required under RCW 41.48.120 or 41.48.130: PROVIDED, That each personnel board and personnel authority shall establish the maximum number of working days an employee under its jurisdiction may be absent on account of sickness or accident disability without a medical certificate.

"Personnel authority" as used in this section, means a state agency, board, committee, or similar body having general authority to establish personnel ((regulations)) rules.

Sec. 42. RCW 41.50.804 and 1975-'76 2nd ex.s. c 105 s 17 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 43. RCW 41.56.100 and 1989 c 45 s 1 are each amended to read as follows:

A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative: PROVIDED, That nothing contained herein shall require any public employer to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure and authority to the Washington personnel resources board created by chapter 41.06 RCW. Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the commission. If a public employer implements its last and best offer where there is no contract settlement, allegations that either party is violating the terms of the implemented offer shall be subject to grievance arbitration procedures if and as such procedures are set forth in the implemented offer, or, if not in the implemented offer, if and as such procedures are set forth in the parties' last contract.

Sec. 44. RCW 41.64.090 and 1981 c 311 s 10 are each amended to read as follows:

(1) The board shall have jurisdiction to decide appeals filed on or after July 1, 1981, of employees under the jurisdiction of the ((state)) Washington personnel resources board pursuant to RCW 41.06.170, as now or hereafter amended.

(2) The board shall have jurisdiction to decide appeals filed on or after July 1, 1994, of employees of institutions of higher education and related boards under the jurisdiction of the Washington personnel resources board pursuant to RCW 41.06.170. An appeal under this subsection by an employee of an institution of higher education or a related board shall be held in the county in which the institution is located or the county in which the person was employed when the appeal was filed.

Sec. 45. RCW 42.16.010 and 1983 1st ex.s. c 28 s 1 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, all state officers and employees shall be paid for services rendered from the first day of the month through the fifteenth day of the month and for services rendered from the sixteenth day of the month through the last calendar day of the month. Paydates for these two pay periods shall be established by the director of financial management through the administrative hearing process and the official paydates shall be established six months prior to the beginning of each subsequent calendar year. Under no circumstance shall the paydate be established more than ten days after the pay period in which the wages are earned except when the designated paydate falls on Sunday, in which case the paydate shall not be later than the following Monday. Payment shall be deemed to have been made by the established paydates if: (a) The salary warrant is available at the geographic work location at which the warrant is normally available to the employee; or (b) the salary has been electronically transferred into the employee's account at the employee's designated financial institution; or (c) the salary warrants are mailed at least two days before the established paydate for those employees engaged in work in remote or varying locations from the geographic location at which the payroll is prepared, provided that the employee has requested payment by mail.

The office of financial management shall develop the necessary policies and operating procedures to assure that all remuneration for services rendered including basic salary, shift differential, standby pay, overtime, penalty pay, salary due based on contractual agreements, and special pay provisions, as provided for by law, Washington personnel resources board rules, agency policy or rule, or contract, shall be available to the employee on the designated paydate. Overtime, penalty pay, and special pay provisions may be paid by the next following paydate if the postponement of payment is attributable to: The employee's not making a timely or accurate report of the facts which are the basis for the payment, or the employer's lack of reasonable opportunity to verify the claim.

Compensable benefits payable because of separation from state service shall be paid with the earnings for the final period worked unless the employee separating has not provided the agency with the proper notification of intent to terminate.

One-half of the employee's basic monthly salary shall be paid in each pay period. Employees paid on an hourly basis or employees who work less than a full pay period shall be paid for actual salary earned.

(2) Subsection (1) of this section shall not apply in instances where it would conflict with contractual rights or, with the approval of the office of financial management, to short-term, intermittent, noncareer state employees, to student employees of institutions of higher education, and to liquor control agency managers who are paid a percentage of monthly liquor sales.

Sec. 46. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, (~~the director of the higher education personnel board,~~) the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges (~~(education)~~), state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, (~~higher education personnel board,~~) horse racing commission, state housing finance commission, human rights commission, indeterminate

sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, ~~((personnel board,))~~ board of pilotage ~~((commissioners))~~ commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 47. RCW 43.01.170 and 1992 c 234 s 11 are each amended to read as follows:

In order to ensure that the state derives the expected benefits from the early retirement provisions of chapter 234, Laws of 1992, no state agency may hire persons who retire from state service under the provisions of chapter 234, Laws of 1992 as temporary or project employees, as defined by the ~~((state))~~ Washington personnel resources board for employees covered under chapter 41.06 RCW ~~((and by the higher education personnel board for employees covered under chapter 28B.16 RCW))~~. Exceptions to this section may be granted by written approval from the director of the office of financial management if the director finds that the temporary or project employment of a retiree is necessary to protect the public safety, protect against the loss of federal certification or loss of critical federal funds, or carry out functions so essential to the agency that even temporary suspension or delay of services would have a significant negative impact on the public. At the end of each three-month period in which exceptions are approved, the director shall forward a copy of any approvals, together with justification for the exceptions, to the fiscal committees of the legislature. Each forwarded approval shall include the name of the temporary or project employee, the agency and division or department requesting the employment, duration and cost of the proposed employment, and specific functions and duties to be carried out during the employment. This section shall expire June 30, 1995.

Sec. 48. RCW 43.03.028 and 1991 c 3 s 294 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the ~~((State))~~ Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian-American affairs; the state board for volunteer fire fighters; the transportation improvement board; the public ~~((employees))~~ employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 49. RCW 43.03.305 and 1986 c 155 s 2 are each amended to read as follows:

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of fifteen members appointed by the governor as provided in this section.

(1) Eight of the fifteen commission members shall be selected by lot by the secretary of state from among those registered voters eligible to vote at the general election held in November, 1986, and thereafter from among those registered voters eligible to vote at the time of the selection. One member shall be selected from each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those

for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission.

(2) The remaining seven of the fifteen commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the ~~((chairperson))~~ chair of the ~~((state))~~ Washington personnel resources board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except as provided in subsection (6) of this section, the names of persons selected for appointment to the commission shall be forwarded to the governor not later than February 15, 1987, and not later than the fifteenth day of February every four years thereafter.

(4) Members shall hold office for terms of four years, and no person may be appointed to more than two such terms. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter 42.17 RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

(6) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

Sec. 50. RCW 43.06.410 and 1985 c 442 s 1 are each amended to read as follows:

There is established within the office of the governor the Washington state internship program to assist students and state employees in gaining valuable experience and knowledge in various areas of state government. In administering the program, the governor shall:

(1) Consult with the secretary of state, the director of personnel, ~~((the director of the higher education personnel board,))~~ the commissioner of the employment security department, and representatives of labor;

(2) Encourage and assist agencies in developing intern positions;

(3) Develop and coordinate a selection process for placing individuals in intern positions. This selection process shall give due regard to the responsibilities of the state to provide equal employment opportunities;

(4) Develop and coordinate a training component of the internship program which balances the need for training and exposure to new ideas with the intern's and agency's need for on-the-job work experience;

(5) Work with institutions of higher education in developing the program, soliciting qualified applicants, and selecting participants; and

(6) Develop guidelines for compensation of the participants.

Sec. 51. RCW 43.06.425 and 1985 c 442 s 4 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board ~~((and the higher education personnel board))~~ shall ~~((each))~~ adopt rules to provide that:

(1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

Sec. 52. RCW 43.06.430 and 1985 c 442 s 5 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board shall adopt rules to provide that persons successfully completing an internship under the executive fellows program created under RCW 43.06.420 are eligible for positions in the ~~((career-executive program under RCW 41.06.430))~~ Washington management service in section 9 of this act.

Sec. 53. RCW 43.33A.100 and 1981 c 219 s 3 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the investment officers employed by the investment board shall be established by the ((state)) Washington personnel resources board.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in this 1980 act shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by this 1980 act shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

Sec. 54. RCW 43.43.832 and 1990 c 3 s 1102 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in RCW 43.43.830, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to license or regulate a facility which handles vulnerable adults, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The ((state)) Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

Sec. 55. RCW 43.60A.906 and 1975-'76 2nd ex.s. c 115 s 16 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 56. RCW 43.105.052 and 1992 c 20 s 10 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

- (a) The review of agency acquisition plans and requests; and
- (b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

- (a) Telecommunications services for voice, data, and video;
- (b) Mainframe computing services;
- (c) Support for departmental and microcomputer evaluation, installation, and use;
- (d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;
- (e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department's achievement of state-wide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, ((the higher education personnel board,)) and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 57. RCW 43.131.090 and 1983 1st ex.s. c 27 s 4 are each amended to read as follows:

Unless the legislature specifies a shorter period of time, a terminated state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the Washington personnel resources board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities

have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

Sec. 58. RCW 48.03.060 and 1981 c 339 s 2 are each amended to read as follows:

(1) Examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or ~~((his))~~ the commissioner's examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by him and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) The person examined and liable therefor shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem salary and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the National Association of Insurance Commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the ~~((state))~~ Washington personnel resources board and the expense schedule established by the office of financial management, whichever is higher. Domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by ~~((him))~~ the commissioner.

The commissioner or ~~((his))~~ the commissioner's examiners shall not receive or accept any additional emolument on account of any examination.

Sec. 59. RCW 49.46.010 and 1989 c 1 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by ~~((regulations))~~ rules of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by ~~((regulations))~~ rules of the director. However, those terms shall be defined and delimited by the ~~((state))~~ Washington personnel resources board pursuant to chapter 41.06 RCW ~~((and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions))~~;

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 60. RCW 49.74.020 and 1985 c 365 s 9 are each amended to read as follows:

If the commission reasonably believes that a state agency, an institution of higher education, or the state patrol has failed to comply with an affirmative action rule adopted under RCW ((~~28B.16.100,~~) 41.06.150((~~r~~)) or 43.43.340, the commission shall notify the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol of the noncompliance, as well as the director of personnel ((~~or the director of the higher education personnel board, whichever is appropriate~~)). The commission shall give the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol an opportunity to be heard on the failure to comply.

Sec. 61. RCW 49.74.030 and 1985 c 365 s 10 are each amended to read as follows:

The commission in conjunction with the department of personnel((~~, the higher education personnel board,~~)) or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW ((~~28B.16.100(20),~~) 41.06.150(21)((~~s~~)) and 43.43.340(5), whichever is appropriate.

Sec. 62. RCW 50.13.060 and 1981 c 177 s 1 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (7) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a

legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied.

(6) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(7) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

(8) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel (~~and the higher education personnel board~~) shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

Sec. 63. RCW 70.24.300 and 1988 c 206 s 607 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board(~~(, the higher education personnel board,))~~ and each unit of local government shall determine whether any employees under their jurisdiction have a substantial likelihood of exposure in the course of their employment to the human immunodeficiency virus. If so, the agency or unit of government shall adopt rules requiring appropriate training and education for the employees on the prevention, transmission, and treatment of AIDS. The rules shall specifically provide for such training and education for law enforcement, correctional, and health care workers. The ~~((state))~~ Washington personnel resources board(~~(, the higher education personnel board,))~~ and each unit of local government shall work with the office on AIDS under RCW 70.24.250 to develop the educational and training material necessary for employees.

Sec. 64. RCW 70.87.120 and 1983 c 123 s 13 are each amended to read as follows:

(1) The department shall appoint and employ inspectors, as may be necessary to carry out the provisions of this chapter, under the provisions of the rules adopted by the ~~((state))~~ Washington personnel resources board in accordance with chapter 41.06 RCW.

(2) The department shall cause all conveyances to be inspected and tested at least once each year. Inspectors have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules adopted by the department. The department shall inspect all installations before it issues any initial permit for operation. Permits shall not be issued until the fees required by this chapter have been paid.

(3) If inspection shows a conveyance to be in an unsafe condition, the department shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance that are necessary to render it safe and may also suspend or revoke a permit pursuant to RCW 70.87.125 or order the operation of a conveyance discontinued pursuant to RCW 70.87.145.

(4) The department may investigate accidents and alleged or apparent violations of this chapter.

Sec. 65. RCW 72.01.210 and 1981 c 136 s 69 are each amended to read as follows:

The secretary of corrections shall appoint chaplains for the state correctional institutions for convicted felons; and the secretary of social and health services shall appoint chaplains for the correctional institutions for juveniles found delinquent by the juvenile courts; and the secretary of corrections and the secretary of social and health services shall appoint one or more chaplains for other custodial, correctional and mental institutions under their control. The chaplains so appointed shall have the qualifications and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the ~~((state))~~ Washington personnel resources board.

Sec. 66. RCW 72.02.045 and 1988 c 143 s 2 are each amended to read as follows:

The superintendent of each institution has the powers, duties, and responsibilities specified in this section.

(1) Subject to the rules of the department, the superintendent is responsible for the supervision and management of the institution, the grounds and buildings, the subordinate officers and employees, and the prisoners committed, admitted, or transferred to the institution.

(2) Subject to the rules of the department and the director of the division of prisons or his or her designee and the ((state)) Washington personnel resources board, the superintendent shall appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of all funds and valuable personal property of convicted persons as may be in their possession upon admission to the institution, or which may be sent or brought in to such persons, or earned by them while in custody, or which shall be forwarded to the superintendent on behalf of convicted persons. All such funds shall be deposited in the personal account of the convicted person and the superintendent shall have authority to disburse moneys from such person's personal account for the personal and incidental needs of the convicted person as may be deemed reasonably necessary. When convicted persons are released from the confines of the institution either on parole, transfer, or discharge, all funds and valuable personal property in the possession of the superintendent belonging to such convicted persons shall be delivered to them. In no case shall the state of Washington, or any state officer, including state elected officials, employees, or volunteers, be liable for the loss of such personal property, except upon a showing that the loss was occasioned by the intentional act, gross negligence, or negligence of the officer, official, employee, or volunteer, and that the actions or omissions occurred while the person was performing, or in good faith purporting to perform, his or her official duties. Recovery of damages for loss of personal property while in the custody of the superintendent under this subsection shall be limited to the lesser of the market value of the item lost at the time of the loss, or the original purchase price of the item or, in the case of hand-made goods, the materials used in fabricating the item.

(4) The superintendent, subject to the approval of the director of the division of prisons and the secretary, shall make, amend, and repeal rules for the administration, supervision, discipline, and security of the institution.

(5) When in the superintendent's opinion an emergency exists, the superintendent may promulgate temporary rules for the governance of the institution, which shall remain in effect until terminated by the director of the division of prisons or the secretary.

(6) The superintendent shall perform such other duties as may be prescribed.

Sec. 67. RCW 72.09.220 and 1981 c 136 s 33 are each amended to read as follows:

Nothing contained in sections 1 through 13 and 16 through 23 of this act may be construed to downgrade any rights of any employee under any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 68. RCW 72.19.050 and 1979 c 141 s 226 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules ((and regulations)) of the department, the superintendent shall have the supervision and management of the institution, of the grounds and buildings, the subordinate officers and employees, and of the juveniles received at such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the rules ((and regulations)) of the department and the ((state)) Washington personnel resources board, appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules ((and regulations)) governing the accounting and disposition of all moneys received by such juveniles, not inconsistent with the law, and subject to the approval of the secretary.

Sec. 69. RCW 74.09.150 and 1959 c 26 s 74.09.150 are each amended to read as follows:

All personnel employed in the administration of the medical care program shall be covered by the existing merit system under the ((state)) Washington personnel resources board ((or its successor)).

Sec. 70. RCW 88.46.927 and 1991 c 200 s 436 are each amended to read as follows:

Nothing contained in RCW 88.46.921 through 88.46.926 may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

NEW SECTION. Sec. 71. The following acts or parts of acts are each repealed:

(1) RCW 28B.16.010 and 1969 ex.s. c 36 s 1;

(2) RCW 28B.16.020 and 1985 c 461 s 8, 1985 c 365 s 2, 1983 1st ex.s. c 75 s 1, 1982 1st ex.s. c 53 s 14, 1977 ex.s. c 169 s 41, & 1969 ex.s. c 36 s 2;

(3) RCW 28B.16.030 and 1969 ex.s. c 36 s 3;

(4) RCW 28B.16.040 and 1990 c 60 s 201, 1982 1st ex.s. c 53 s 15, 1977 ex.s. c 94 s 1, & 1969 ex.s. c 36 s 4;

- (5) RCW 28B.16.041 and 1985 c 442 s 9;
- (6) RCW 28B.16.042 and 1985 c 266 s 1;
- (7) RCW 28B.16.043 and 1991 c 238 s 107;
- (8) RCW 28B.16.060 and 1984 c 287 s 63, 1981 c 338 s 19, 1975-'76 2nd ex.s. c 34 s 73, & 1969 ex.s. c 36 s 6;
- (9) RCW 28B.16.070 and 1983 c 23 s 1 & 1969 ex.s. c 36 s 7;
- (10) RCW 28B.16.080 and 1969 ex.s. c 36 s 8;
- (11) RCW 28B.16.090 and 1969 ex.s. c 36 s 9;
- (12) RCW 28B.16.100 and 1990 c 60 s 202;
- (13) RCW 28B.16.101 and 1982 1st ex.s. c 53 s 19 & 1977 ex.s. c 152 s 9;
- (14) RCW 28B.16.105 and 1985 c 461 s 10, 1982 1st ex.s. c 53 s 17, & 1977 ex.s. c 152 s 13;
- (15) RCW 28B.16.110 and 1985 c 94 s 1, 1980 c 11 s 3, 1979 c 151 s 16, 1977 ex.s. c 152 s 10, 1975 1st ex.s. c 122 s 2, & 1969 ex.s. c 36 s 11;
- (16) RCW 28B.16.112 and 1987 c 185 s 3, 1986 c 158 s 4, 1979 c 151 s 17, & 1977 ex.s. c 152 s 11;
- (17) RCW 28B.16.113 and 1977 ex.s. c 152 s 12;
- (18) RCW 28B.16.116 and 1983 1st ex.s. c 75 s 3;
- (19) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;
- (20) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;
- (21) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;
- (22) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;
- (23) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969 ex.s. c 36 s 16;
- (24) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;
- (25) RCW 28B.16.180 and 1973 1st ex.s. c 46 s 3 & 1969 ex.s. c 36 s 17;
- (26) RCW 28B.16.190 and 1969 ex.s. c 36 s 19;
- (27) RCW 28B.16.200 and 1979 c 151 s 18 & 1969 ex.s. c 36 s 20;
- (28) RCW 28B.16.210 and 1969 ex.s. c 36 s 29;
- (29) RCW 28B.16.220 and 1969 ex.s. c 36 s 31;
- (30) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;
- (31) RCW 28B.16.255 and 1985 c 461 s 11;
- (32) RCW 28B.16.265 and 1985 c 461 s 12;
- (33) RCW 28B.16.275 and 1985 c 461 s 13;
- (34) RCW 28B.16.300 and 1990 c 204 s 4;
- (35) RCW 28B.16.900 and 1969 ex.s. c 36 s 18;
- (36) RCW 28B.16.910 and 1969 ex.s. c 36 s 27;
- (37) RCW 28B.16.920 and 1969 ex.s. c 36 s 30;
- (38) RCW 28B.16.930 and 1969 ex.s. c 36 s 28; and
- (39) RCW 41.06.430 and 1990 c 60 s 102 & 1980 c 118 s 7.

NEW SECTION. Sec. 72. RCW 28B.16.240 is recodified as a new section in chapter 41.06 RCW.

NEW SECTION. Sec. 73. RCW 41.06.230, 41.06.240, 41.06.310, and 41.64.900 are each decodified.

NEW SECTION. Sec. 74. Section 70 of this act shall take effect July 1, 1997.

NEW SECTION. Sec. 75. Sections 1 through 69, 71, 72, and 73 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTION

Senator Moore moved that the following amendment by Senators Moore and Gaspard be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The higher education personnel board and the state personnel board are abolished and their powers, duties, and functions are transferred to the Washington personnel resources board. All references to the director or the higher education personnel board or the state personnel board in the Revised Code of Washington shall be construed to mean the director of the Washington personnel resources board or the Washington personnel resources board.

NEW SECTION. Sec. 2. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education personnel board and the state personnel board shall be delivered to the custody of the Washington personnel resources board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property

employed by the higher education personnel board and the state personnel board shall be made available to the Washington personnel resources board. All funds, credits, or other assets held by the higher education personnel board and the state personnel board shall be assigned to the Washington personnel resources board.

Any appropriations made to the higher education personnel board and the state personnel board shall, on the effective date of this section, be transferred and credited to the Washington personnel resources board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 3. All employees of the higher education personnel board and the state personnel board are transferred to the jurisdiction of the Washington personnel resources board. All employees classified under chapter 28B.16 RCW on June 30, 1993, or chapter 41.06 RCW, the state civil service law, are assigned to the Washington personnel resources board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 4. All rules of the higher education personnel board and the state personnel board shall be continued until acted upon by the Washington personnel resources board. All pending business shall be continued until acted upon by the Washington personnel resources board. All existing contracts and obligations shall remain in full force and shall be performed by the Washington personnel resources board.

NEW SECTION. Sec. 5. The transfer of the powers, duties, functions, and personnel of the higher education personnel board and the state personnel board shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 6. If apportionments of budgeted funds are required because of the transfers directed by sections 2 through 5 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 7. Nothing contained in sections 1 through 6 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 41.06 RCW to read as follows:
For purposes of this chapter, "manager" means any employee who:
(1) Formulates state-wide policy or directs the work of an agency or agency subdivision;
(2) Is responsible to administer one or more state-wide policies or programs of an agency or agency subdivision;
(3) Manages, administers, and controls a local branch office of an agency or agency subdivision, including the physical, financial, or personnel resources;
(4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or
(5) Functionally is above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

NEW SECTION. Sec. 9. A new section is added to chapter 41.06 RCW to read as follows:
(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in section 8 of this act. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted by the board for other employees, and to the extent that the rules adopted apply only to managers shall take precedence over rules adopted by the board, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:
(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;
(b) Creation of a compensation system consistent with the policy set forth in RCW 41.06.150(17). The system shall provide flexibility in setting and changing salaries;
(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

NEW SECTION. Sec. 10. A new section is added to chapter 41.06 RCW to read as follows:

Each institution of higher education and each related board shall designate an officer who shall perform duties as personnel officer. The personnel officer at each institution or related board shall direct, supervise, and manage administrative and technical personnel activities for the classified service at the institution or related board consistent with policies established by the institution or related board and in accordance with the provisions of this chapter and the rules adopted under this chapter. Institutions may undertake jointly with one or more other institutions to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects. The services of the department of personnel may also be used by the institutions or related boards pursuant to RCW 41.06.080.

The state board for community and technical colleges shall have general supervision and control over activities undertaken by the various community colleges pursuant to this section.

NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW to read as follows:

Rules adopted by the board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (1) Appointment, promotion, and transfer of employees;
- (2) Dismissal, suspension, or demotion of an employee;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Probationary periods of six to twelve months and rejection of probationary employees;
- (5) Sick leaves and vacations;
- (6) Hours of work;
- (7) Layoffs when necessary and subsequent reemployment;
- (8) Allocation and reallocation of positions within the classification plans;
- (9) Training programs; and
- (10) Maintenance of personnel records.

NEW SECTION. Sec. 12. A new section is added to chapter 41.06 RCW to read as follows:

(1) The legislature recognizes that:

(a) The labor market and the state government work force are diverse in terms of gender, race, ethnicity, age, and the presence of disabilities.

(b) The state's personnel resource and management practices must be responsive to the diverse nature of its work force composition.

(c) Managers in all agencies play a key role in the implementation of all critical personnel policies.

It is therefore the policy of the state to create an organizational culture in state government that respects and values individual differences and encourages the productive potential of every employee.

(2) To implement this policy, the department shall:

(a) In consultation with agencies, employee organizations, employees, institutions of higher education, and related boards, review civil service rules and related policies to ensure that they support the state's policy of valuing and managing diversity in the workplace;

(b) In consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop model policies, procedures, and technical information to be made available to such entities for the support of workplace diversity programs, including, but not limited to:

- (i) Voluntary mentorship programs;
- (ii) Alternative testing practices for persons of disability where deemed appropriate;
- (iii) Career counseling;
- (iv) Training opportunities, including management and employee awareness and skills training, English as a second language, and individual tutoring;

- (v) Recruitment strategies;
- (vi) Management performance appraisal techniques that focus on valuing and managing diversity in the workplace; and
- (vii) Alternative work arrangements;

(c) In consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop training programs for all managers to enhance their ability to implement diversity policies and to provide a thorough grounding in all aspects of the state civil service law and merit system rules, and how the proper implementation and application thereof can facilitate and further the mission of the agency.

(3) The department shall coordinate implementation of this section with the office of financial management and institutions of higher education and related boards to reduce duplication of effort.

NEW SECTION. Sec. 13. A new section is added to chapter 41.06 RCW to read as follows:

Meaningful and effective involvement of employees and their representatives is essential to the efficient and effective delivery of state government services. To accomplish this, agencies shall use joint employee-management committees to collaborate on the desired goals of streamlined organizational structures, continuous improvement in all systems and processes, empowerment of line level employees to solve workplace and system delivery problems, managers functioning as coaches and facilitators, and employee training and development as an investment in the future. If employees are represented by an exclusive bargaining representative, the representative shall select the employee committee members and also be on the committee. In addition, the committees shall be used for improvement of the quality of work life for state employees resulting in more productive and efficient service delivery to the general public and customers of state government. Nothing in this section supplants any collective bargaining process or provision.

Sec. 14. RCW 28B.12.060 and 1987 c 330 s 202 are each amended to read as follows:

The higher education coordinating board shall adopt rules (~~and regulations~~) as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules (~~and regulations~~) shall include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules (~~and regulations~~) shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter (~~28B.16~~) 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the (~~higher education~~) Washington personnel resources board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 15. RCW 34.05.030 and 1989 c 175 s 2 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the ~~((state))~~ Washington personnel resources board, ~~((the higher education personnel board,))~~ the director of personnel, or the personnel appeals board; or

(e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 16. RCW 34.12.020 and 1989 c 175 s 33 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the ~~((state personnel board, the higher education))~~ Washington personnel resources board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

Sec. 17. RCW 41.04.340 and 1991 c 249 s 1 are each amended to read as follows:

(1) An attendance incentive program is established for all eligible employees. As used in this section the term "eligible employee" means any employee of the state, other than teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

(2) In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

(3) At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate may elect to receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(4) Pursuant to this subsection, in lieu of cash remuneration the state may, with equivalent funds, provide eligible employees with a benefit plan providing for reimbursement of medical expenses. The committee for deferred compensation shall develop any benefit plan established under this subsection, but may offer and administer the plan only if (a) each eligible employee has the option of whether to receive cash remuneration or to have his or her employer transfer equivalent funds to the plan; and (b) the committee has received an opinion from the United States internal revenue service stating that participating employees, prior to the time of receiving reimbursement for expenses, will incur no United States income tax liability on the amount of the equivalent funds transferred to the plan.

(5) Remuneration or benefits received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

(6) With the exception of subsection ~~((3))~~ (4) of this section, this section shall be administered, and rules shall be ~~((promulgated))~~ adopted to carry out its purposes, by the ~~((state personnel board and the higher education))~~ Washington personnel resources board for persons subject to chapter ~~((s))~~ 41.06 ~~((and 28B.16))~~ RCW ~~((, respectively, and by their respective personnel authorities for other eligible employees))~~: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

(7) Should the legislature revoke any remuneration or benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

Sec. 18. RCW 41.04.670 and 1990 c 23 s 3 are each amended to read as follows:

The (~~state personnel board, the higher education~~) Washington personnel resources board(~~s~~) and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; (2) providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave in accordance with RCW 41.04.665(5); (3) establishing procedures to ensure that the program does not significantly increase the cost of providing leave; and (4) providing for the administration of the program and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review.

Sec. 19. RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 s 3 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the (~~state~~) Washington personnel resources board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(8) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(9) "Training" means activities designed to develop job-related knowledge and skills of employees.

(10) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

(11) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

(12) "Institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(13) "Related boards" means the state board for community and technical colleges; and such other boards, councils, and commissions related to higher education as may be established.

Sec. 20. RCW 41.06.030 and 1961 c 1 s 3 are each amended to read as follows:

A department of personnel, governed by (~~a state~~) the Washington personnel resources board and administered by a director of personnel, is hereby established as a separate agency within the state government.

Sec. 21. RCW 41.06.070 and 1990 c 60 s 101 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

((1)) (a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

((2)) (b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

((3)) (c) Officers, academic personnel, and employees of (~~state institutions of higher education, the state board for community~~) technical colleges (~~education, and the higher education personnel board~~);

((4)) (d) The officers of the Washington state patrol;

((5)) (e) Elective officers of the state;

((6)) (f) The chief executive officer of each agency;

~~((7))~~ (g) In the departments of employment security, fisheries, social and health services, the director and ~~((his))~~ the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

~~((8))~~ (h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

~~((a))~~ (i) All members of such boards, commissions, or committees;

~~((b))~~ (ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: ~~((i))~~ The secretary of the board, commission, or committee; ~~((ii))~~ the chief executive officer of the board, commission, or committee; and ~~((iii))~~ the confidential secretary of the chief executive officer of the board, commission, or committee;

~~((c))~~ (iii) If the members of the board, commission, or committee serve on a full-time basis: ~~((i))~~ The chief executive officer or administrative officer as designated by the board, commission, or committee; and ~~((ii))~~ a confidential secretary to the ~~((chairman))~~ chair of the board, commission, or committee;

~~((d))~~ (iv) If all members of the board, commission, or committee serve ex officio: ~~((i))~~ The chief executive officer; and ~~((ii))~~ the confidential secretary of such chief executive officer;

~~((9))~~ (i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

~~((10))~~ (j) Assistant attorneys general;

~~((11))~~ (k) Commissioned and enlisted personnel in the military service of the state;

~~((12))~~ (l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the ~~((state personnel))~~ board ~~((or the board having jurisdiction))~~;

~~((13))~~ (m) The public printer or to any employees of or positions in the state printing plant;

~~((14))~~ (n) Officers and employees of the Washington state fruit commission;

~~((15))~~ (o) Officers and employees of the Washington state apple advertising commission;

~~((16))~~ (p) Officers and employees of the Washington state dairy products commission;

~~((17))~~ (q) Officers and employees of the Washington tree fruit research commission;

~~((18))~~ (r) Officers and employees of the Washington state beef commission;

~~((19))~~ (s) Officers and employees of any commission formed under ~~((the provisions of chapter 191, Laws of 1955, and))~~ chapter 15.66 RCW;

~~((20))~~ (t) Officers and employees of the state wheat commission formed under ~~((the provisions of chapter 87, Laws of 1961-))~~chapter 15.63 RCW~~(())~~;

~~((21))~~ (u) Officers and employees of agricultural commissions formed under ~~((the provisions of chapter 256, Laws of 1961-))~~chapter 15.65 RCW~~(())~~;

~~((22))~~ (v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

~~((23))~~ (w) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050:

PROVIDED, HOWEVER, That rules ~~((and regulations))~~ adopted by the ~~((state))~~ Washington personnel resources board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

~~((24))~~ (x) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

~~((25))~~ (y) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

~~((26))~~ (z) All employees of the marine employees' commission;

~~((27))~~ (aa) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

~~((28))~~ (2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic

personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington;

(3) In addition to the exemptions specifically provided by this chapter, the ((state)) Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed ((one hundred eighty-seven)) one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The ((state)) Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections ((24), (25), and (28)) (1) (x) and (y) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsection((s-(40))) (1) (i) through ((22)) (v) of this section, shall be determined by the ((state)) Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 22. RCW 41.06.076 and 1980 c 73 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors; one confidential secretary for each of the above-named officers; not to exceed six bureau chiefs; and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the ((state)) Washington personnel resources board.

Sec. 23. RCW 41.06.079 and 1985 c 178 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to RCW 47.01.081, one confidential secretary for each of the above-named officers, up to six transportation district administrators and one confidential secretary for each district administrator, up to six additional new administrators or confidential secretaries designated by the secretary of the department of transportation and approved by the ((state)) Washington personnel resources board pursuant to the provisions of RCW ((41.06.070(26))) 41.06.070(1)(z), the legislative liaison for the department, the state construction engineer, the state aid engineer, the personnel manager, the state project development engineer, the state maintenance and operations engineer, one confidential secretary for each of the last-named five

positions, and a confidential secretary for the public affairs administrator. The individuals appointed under this section shall be exempt from the provisions of the state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

Sec. 24. RCW 41.06.093 and 1990 c 14 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the Washington state patrol to confidential secretaries of agency bureau chiefs, or their functional equivalent, and a confidential secretary for the chief of staff: PROVIDED, That each confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the ~~((state))~~ Washington personnel resources board.

Sec. 25. RCW 41.06.110 and 1984 c 287 s 69 are each amended to read as follows:

(1) There is hereby created a ~~((state))~~ Washington personnel resources board composed of three members appointed by the governor, subject to confirmation by the senate. ~~((The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years.))~~ The members of the personnel board serving June 30, 1993, shall be the members of the Washington personnel resources board, and they shall complete their terms as under the personnel board. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a ~~((chairman))~~ chair and ~~((vice-chairman))~~ vice-chair from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director ~~((of personnel))~~ shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 26. RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 are each amended to read as follows:

The office of director of personnel is hereby established.

(1) ~~((Within ninety days after December 8, 1960, a director of personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone; or the governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations the merit system director is eligible.~~

~~((2))~~ (2) The director of personnel shall be appointed by the governor ~~((from a list of three names submitted to him by the board with its recommendations. The names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management are eligible to take such examination)).~~ The governor shall consult with, but shall not be obligated by recommendations of the board. The director's appointment shall be subject to confirmation by the senate.

~~((3))~~ (2) The director of personnel ~~((is removable for cause by))~~ shall serve at the pleasure of the governor ~~((with the approval of a majority of the board or by a majority of the board)).~~

~~((4))~~ (3) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of this chapter and the rules ~~((and regulations approved and promulgated thereunder. He))~~ adopted under it. The director shall prepare for consideration by the board proposed rules ~~((and regulations))~~ required by this chapter. ~~((His))~~ The director's salary shall be fixed by the ~~((board))~~ governor.

~~((5))~~ (4) The director of personnel may delegate to any agency the authority to perform administrative and technical personnel activities if the agency requests such authority and the director of personnel is satisfied that the agency has the personnel management capabilities to effectively perform the delegated activities. The director of personnel shall prescribe standards and guidelines for the performance of delegated activities. If the director of personnel determines that an agency is not performing delegated activities within the prescribed standards and guidelines, the director shall withdraw the authority from the agency to perform such activities.

Sec. 27. RCW 41.06.150 and 1990 c 60 s 103 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to ~~((four))~~ six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections ~~((therein))~~ of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;
- (14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;
- (15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;
- (16) Allocation and reallocation of positions within the classification plan;
- (17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;
- (18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their ~~((widows))~~ surviving spouses by giving such eligible veterans and their ~~((widows))~~ surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the ~~((widow))~~ surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 28. RCW 41.06.155 and 1983 1st ex.s. c 75 s 6 are each amended to read as follows:

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department ~~((in cooperation with the higher education personnel board))~~. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993.

Sec. 29. RCW 41.06.160 and 1985 c 94 s 2 are each amended to read as follows:

In preparing classification and salary schedules as set forth in RCW 41.06.150 as now or hereafter amended the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. For this purpose the department shall undertake comprehensive salary and fringe benefit surveys ~~((to be planned and conducted on a joint basis with the higher education personnel board))~~, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall plan and conduct ~~((on a joint basis with the higher education personnel board))~~ a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend salary and fringe benefit survey shall be completed and forwarded by September 30 with a recommended state salary schedule to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

In the case of comprehensive salary and fringe benefit surveys, the department shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with(~~(:~~

~~(a))~~) those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; ~~((and~~

~~(b) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;))~~

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. ~~((Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.))~~

Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.

Sec. 30. RCW 41.06.163 and 1987 c 185 s 9 are each amended to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 41.06.160 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of financial management, employee organizations, and the standing committees for appropriations of the senate and house of representatives six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. ~~((The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board.))~~

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workers' compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

Sec. 31. RCW 41.06.170 and 1981 c 311 s 19 are each amended to read as follows:

(1) The board or director, in the ~~((promulgation))~~ adoption of rules ~~((and regulations))~~ governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board or director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. ~~((The authority shall file a copy of the notice with the director of personnel.))~~

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules ~~((and regulations))~~ of the board, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW ~~((, as now or hereafter amended))~~, or rules ~~((promulgated pursuant thereto))~~ adopted under it, shall have the right to appeal to the personnel appeals board created by RCW 41.64.010 not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal to the personnel appeals board created by RCW 41.64.010 not later than thirty days after the effective date of such action.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the personnel appeals board created by RCW 41.64.010. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

Sec. 32. RCW 41.06.186 and 1985 c 461 s 5 are each amended to read as follows:

The Washington personnel resources board shall adopt rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

Sec. 33. RCW 41.06.196 and 1985 c 461 s 6 are each amended to read as follows:

The Washington personnel resources board shall adopt rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under RCW 41.06.186 have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

Sec. 34. RCW 41.06.280 and 1987 c 248 s 4 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "department of personnel service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter ~~((, except the institutions of higher learning,))~~ shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period, including the training requirements in sections 9 and 12 of this act.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and deposited by him in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 35. RCW 41.06.340 and 1969 ex.s. c 215 s 13 are each amended to read as follows:

Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to this chapter as it relates to state civil service employees and the ~~((state))~~ Washington personnel resources board, or its designee, whose final decision shall be appealable to the ~~((state))~~ Washington personnel resources board, which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190.

Sec. 36. RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280.

Sec. 37. RCW 41.06.450 and 1982 c 208 s 10 are each amended to read as follows:

(1) By January 1, 1983, the Washington personnel resources board shall adopt rules applicable to each agency to ensure that information relating to employee misconduct or alleged misconduct is destroyed or maintained as follows:

(a) All such information determined to be false and all such information in situations where the employee has been fully exonerated of wrongdoing, shall be promptly destroyed;

(b) All such information having no reasonable bearing on the employee's job performance or on the efficient and effective management of the agency, shall be promptly destroyed;

(c) All other information shall be retained only so long as it has a reasonable bearing on the employee's job performance or on the efficient and effective management of the agency.

(2) Notwithstanding subsection (1) of this section, an agency may retain information relating to employee misconduct or alleged misconduct if:

(a) The employee requests that the information be retained; or

(b) The information is related to pending legal action or legal action may be reasonably expected to result.

(3) In adopting rules under this section, the Washington personnel resources board shall consult with the public disclosure commission to ensure that the public policy of the state, as expressed in chapter 42.17 RCW, is adequately protected.

Sec. 38. RCW 41.06.475 and 1986 c 269 s 2 are each amended to read as follows:

The ((state)) Washington personnel resources board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 39. RCW 41.48.140 and 1979 c 152 s 3 are each amended to read as follows:

Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of the ((state)) Washington personnel resources board((, the higher education personnel board,)) or any other state personnel authority to establish sick leave ((regulations)) rules except as may be required under RCW 41.48.120 or 41.48.130: PROVIDED, That each personnel board and personnel authority shall establish the maximum number of working days an employee under its jurisdiction may be absent on account of sickness or accident disability without a medical certificate.

"Personnel authority" as used in this section, means a state agency, board, committee, or similar body having general authority to establish personnel ((regulations)) rules.

Sec. 40. RCW 41.50.804 and 1975-'76 2nd ex.s. c 105 s 17 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 41. RCW 41.64.090 and 1981 c 311 s 10 are each amended to read as follows:

(1) The board shall have jurisdiction to decide appeals filed on or after July 1, 1981, of employees under the jurisdiction of the ((state)) Washington personnel resources board pursuant to RCW 41.06.170, as now or hereafter amended.

(2) The board shall have jurisdiction to decide appeals filed on or after July 1, 1993, of employees of institutions of higher education and related boards under the jurisdiction of the Washington personnel resources board pursuant to RCW 41.06.170. An appeal under this subsection by an employee of an institution of higher education or a related board shall be held in the county in which the institution is located or the county in which the person was employed when the appeal was filed.

Sec. 42. RCW 42.16.010 and 1983 1st ex.s. c 28 s 1 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, all state officers and employees shall be paid for services rendered from the first day of the month through the fifteenth day of the month and for services rendered from the sixteenth day of the month through the last calendar day of the month. Paydates for these two pay periods shall be established by the director of financial management through the administrative hearing process and the official paydates shall be established six months prior to the beginning of each subsequent calendar year. Under no circumstance shall the paydate be established more than ten days after the pay period in which the wages are earned except when the designated paydate falls on Sunday, in which case the paydate shall not be later than the following Monday. Payment shall be deemed to have been made by the established paydates if: (a) The salary warrant is available at the geographic work location at which the warrant is normally available to the employee; or (b) the salary has been electronically transferred into the employee's account at the employee's designated financial institution; or (c) the salary warrants are mailed at least two days before the established paydate for those employees engaged in work in remote or varying locations from the geographic location at which the payroll is prepared, provided that the employee has requested payment by mail.

The office of financial management shall develop the necessary policies and operating procedures to assure that all remuneration for services rendered including basic salary, shift differential, standby pay, overtime, penalty pay, salary due based on contractual agreements, and special pay provisions, as provided for by law, Washington personnel resources board rules, agency

policy or rule, or contract, shall be available to the employee on the designated payday. Overtime, penalty pay, and special pay provisions may be paid by the next following payday if the postponement of payment is attributable to: The employee's not making a timely or accurate report of the facts which are the basis for the payment, or the employer's lack of reasonable opportunity to verify the claim.

Compensable benefits payable because of separation from state service shall be paid with the earnings for the final period worked unless the employee separating has not provided the agency with the proper notification of intent to terminate.

One-half of the employee's basic monthly salary shall be paid in each pay period. Employees paid on an hourly basis or employees who work less than a full pay period shall be paid for actual salary earned.

(2) Subsection (1) of this section shall not apply in instances where it would conflict with contractual rights or, with the approval of the office of financial management, to short-term, intermittent, noncareer state employees, to student employees of institutions of higher education, and to liquor control agency managers who are paid a percentage of monthly liquor sales.

Sec. 43. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, ~~((the director of the higher education personnel board,))~~ the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges ~~((education))~~, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, ~~((higher education personnel board,))~~ horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, ~~((personnel board,))~~ board of pilotage ~~((commissioners))~~ commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 44. RCW 43.01.170 and 1992 c 234 s 11 are each amended to read as follows:

In order to ensure that the state derives the expected benefits from the early retirement provisions of chapter 234, Laws of 1992, no state agency may hire persons who retire from state service under the provisions of chapter 234, Laws of 1992 as temporary or project employees, as defined by the ~~((state))~~ Washington personnel resources board for employees covered under chapter 41.06 RCW ~~((and by the higher education personnel board for employees covered under chapter 28B.16 RCW)).~~

Exceptions to this section may be granted by written approval from the director of the office of financial management if the director finds that the temporary or project employment of a retiree is necessary to protect the public safety, protect against the loss of

federal certification or loss of critical federal funds, or carry out functions so essential to the agency that even temporary suspension or delay of services would have a significant negative impact on the public. At the end of each three-month period in which exceptions are approved, the director shall forward a copy of any approvals, together with justification for the exceptions, to the fiscal committees of the legislature. Each forwarded approval shall include the name of the temporary or project employee, the agency and division or department requesting the employment, duration and cost of the proposed employment, and specific functions and duties to be carried out during the employment. This section shall expire June 30, 1995.

Sec. 45. RCW 43.03.028 and 1991 c 3 s 294 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the ((State)) Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian-American affairs; the state board for volunteer fire fighters; the transportation improvement board; the public ((employees)) employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 46. RCW 43.03.305 and 1986 c 155 s 2 are each amended to read as follows:

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of fifteen members appointed by the governor as provided in this section.

(1) Eight of the fifteen commission members shall be selected by lot by the secretary of state from among those registered voters eligible to vote at the general election held in November, 1986, and thereafter from among those registered voters eligible to vote at the time of the selection. One member shall be selected from each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission.

(2) The remaining seven of the fifteen commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the ((chairperson)) chair of the ((state)) Washington personnel resources board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except as provided in subsection (6) of this section, the names of persons selected for appointment to the commission shall be forwarded to the governor not later than February 15, 1987, and not later than the fifteenth day of February every four years thereafter.

(4) Members shall hold office for terms of four years, and no person may be appointed to more than two such terms. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter 42.17 RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

(6) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

Sec. 47. RCW 43.06.410 and 1985 c 442 s 1 are each amended to read as follows:

There is established within the office of the governor the Washington state internship program to assist students and state employees in gaining valuable experience and knowledge in various areas of state government. In administering the program, the governor shall:

(1) Consult with the secretary of state, the director of personnel, ~~((the director of the higher education personnel board,))~~ the commissioner of the employment security department, and representatives of labor;

(2) Encourage and assist agencies in developing intern positions;

(3) Develop and coordinate a selection process for placing individuals in intern positions. This selection process shall give due regard to the responsibilities of the state to provide equal employment opportunities;

(4) Develop and coordinate a training component of the internship program which balances the need for training and exposure to new ideas with the intern's and agency's need for on-the-job work experience;

(5) Work with institutions of higher education in developing the program, soliciting qualified applicants, and selecting participants; and

(6) Develop guidelines for compensation of the participants.

Sec. 48. RCW 43.06.425 and 1985 c 442 s 4 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board ~~((and the higher education personnel board))~~ shall ~~((each))~~ adopt rules to provide that:

(1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

Sec. 49. RCW 43.06.430 and 1985 c 442 s 5 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board shall adopt rules to provide that persons successfully completing an internship under the executive fellows program created under RCW 43.06.420 are eligible for positions in the career executive program under RCW 41.06.430.

Sec. 50. RCW 43.33A.100 and 1981 c 219 s 3 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the investment officers employed by the investment board shall be established by the ~~((state))~~ Washington personnel resources board.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in this 1980 act shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by this 1980 act shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

Sec. 51. RCW 43.43.832 and 1990 c 3 s 1102 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in RCW 43.43.830, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to license or regulate a facility which handles vulnerable adults, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The ((state)) Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

Sec. 52. RCW 43.60A.906 and 1975-'76 2nd ex.s. c 115 s 16 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 53. RCW 43.105.052 and 1992 c 20 s 10 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

- (a) The review of agency acquisition plans and requests; and
- (b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

- (a) Telecommunications services for voice, data, and video;
- (b) Mainframe computing services;
- (c) Support for departmental and microcomputer evaluation, installation, and use;
- (d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;
- (e) Facilities management services for information technology equipment, equipment repair, and maintenance service;
- (f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;
- (g) Office automation services;
- (h) System development services; and
- (i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan

and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department's achievement of state-wide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, (~~the higher education personnel board,~~) and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 54. RCW 43.131.090 and 1983 1st ex.s. c 27 s 4 are each amended to read as follows:

Unless the legislature specifies a shorter period of time, a terminated state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the Washington personnel resources board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

Sec. 55. RCW 48.03.060 and 1981 c 339 s 2 are each amended to read as follows:

(1) Examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or (~~his~~) the commissioner's examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by him and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) The person examined and liable therefor shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem salary and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the National Association of Insurance Commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the ((state)) Washington personnel resources board and the expense schedule established by the office of financial management, whichever is higher. Domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by ((him)) the commissioner.

The commissioner or ((his)) the commissioner's examiners shall not receive or accept any additional emolument on account of any examination.

Sec. 56. RCW 49.46.010 and 1989 c 1 s 1 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by ((regulations)) rules of the director;
- (3) "Employ" includes to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
 - (a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;
 - (b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;
 - (c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by ((regulations)) rules of the director. However, those terms shall be defined and delimited by the ((state)) Washington personnel resources board pursuant to chapter 41.06 RCW ((and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions));
 - (d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;
 - (e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;
 - (f) Any newspaper vendor or carrier;
 - (g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;
 - (h) Any individual engaged in forest protection and fire prevention activities;
 - (i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;
 - (j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 57. RCW 49.74.020 and 1985 c 365 s 9 are each amended to read as follows:

If the commission reasonably believes that a state agency, an institution of higher education, or the state patrol has failed to comply with an affirmative action rule adopted under RCW ((~~28B.16.100,~~) 41.06.150((~~r~~)) or 43.43.340, the commission shall notify the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol of the noncompliance, as well as the director of personnel ((~~or the director of the higher education personnel board, whichever is appropriate~~)). The commission shall give the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol an opportunity to be heard on the failure to comply.

Sec. 58. RCW 49.74.030 and 1985 c 365 s 10 are each amended to read as follows:

The commission in conjunction with the department of personnel((~~, the higher education personnel board,~~)) or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW ((~~28B.16.100(20),~~) 41.06.150(21)((~~s~~)) and 43.43.340(5), whichever is appropriate.

Sec. 59. RCW 50.13.060 and 1981 c 177 s 1 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (7) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the

department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied.

(6) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(7) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

(8) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel (~~and the higher education personnel board~~) shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

Sec. 60. RCW 70.24.300 and 1988 c 206 s 607 are each amended to read as follows:

The ((state)) Washington personnel resources board(~~(, the higher education personnel board,))~~ and each unit of local government shall determine whether any employees under their jurisdiction have a substantial likelihood of exposure in the course of their employment to the human immunodeficiency virus. If so, the agency or unit of government shall adopt rules requiring appropriate training and education for the employees on the prevention, transmission, and treatment of AIDS. The rules shall specifically provide for such training and education for law enforcement, correctional, and health care workers. The ((state)) Washington personnel resources board(~~(, the higher education personnel board,))~~ and each unit of local government shall work with the office on AIDS under RCW 70.24.250 to develop the educational and training material necessary for employees.

Sec. 61. RCW 70.87.120 and 1983 c 123 s 13 are each amended to read as follows:

(1) The department shall appoint and employ inspectors, as may be necessary to carry out the provisions of this chapter, under the provisions of the rules adopted by the ((state)) Washington personnel resources board in accordance with chapter 41.06 RCW.

(2) The department shall cause all conveyances to be inspected and tested at least once each year. Inspectors have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules adopted by the department. The department shall inspect all installations before it issues any initial permit for operation. Permits shall not be issued until the fees required by this chapter have been paid.

(3) If inspection shows a conveyance to be in an unsafe condition, the department shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance that are necessary to render it safe and may also suspend or revoke a permit pursuant to RCW 70.87.125 or order the operation of a conveyance discontinued pursuant to RCW 70.87.145.

(4) The department may investigate accidents and alleged or apparent violations of this chapter.

Sec. 62. RCW 72.01.210 and 1981 c 136 s 69 are each amended to read as follows:

The secretary of corrections shall appoint chaplains for the state correctional institutions for convicted felons; and the secretary of social and health services shall appoint chaplains for the correctional institutions for juveniles found delinquent by the juvenile courts; and the secretary of corrections and the secretary of social and health services shall appoint one or more chaplains for other custodial, correctional and mental institutions under their control. The chaplains so appointed shall have the qualifications and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the ((state)) Washington personnel resources board.

Sec. 63. RCW 72.02.045 and 1988 c 143 s 2 are each amended to read as follows:

The superintendent of each institution has the powers, duties, and responsibilities specified in this section.

(1) Subject to the rules of the department, the superintendent is responsible for the supervision and management of the institution, the grounds and buildings, the subordinate officers and employees, and the prisoners committed, admitted, or transferred to the institution.

(2) Subject to the rules of the department and the director of the division of prisons or his or her designee and the ((state)) Washington personnel resources board, the superintendent shall appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of all funds and valuable personal property of convicted persons as may be in their possession upon admission to the institution, or which may be sent or brought in to such persons, or earned by them while in custody, or which shall be forwarded to the superintendent on behalf of convicted persons. All such funds shall be deposited in the personal account of the convicted person and the superintendent shall have authority to disburse moneys from such person's personal account for the personal and incidental needs of the convicted person as may be deemed reasonably necessary. When

convicted persons are released from the confines of the institution either on parole, transfer, or discharge, all funds and valuable personal property in the possession of the superintendent belonging to such convicted persons shall be delivered to them. In no case shall the state of Washington, or any state officer, including state elected officials, employees, or volunteers, be liable for the loss of such personal property, except upon a showing that the loss was occasioned by the intentional act, gross negligence, or negligence of the officer, official, employee, or volunteer, and that the actions or omissions occurred while the person was performing, or in good faith purporting to perform, his or her official duties. Recovery of damages for loss of personal property while in the custody of the superintendent under this subsection shall be limited to the lesser of the market value of the item lost at the time of the loss, or the original purchase price of the item or, in the case of hand-made goods, the materials used in fabricating the item.

(4) The superintendent, subject to the approval of the director of the division of prisons and the secretary, shall make, amend, and repeal rules for the administration, supervision, discipline, and security of the institution.

(5) When in the superintendent's opinion an emergency exists, the superintendent may promulgate temporary rules for the governance of the institution, which shall remain in effect until terminated by the director of the division of prisons or the secretary.

(6) The superintendent shall perform such other duties as may be prescribed.

Sec. 64. RCW 72.09.220 and 1981 c 136 s 33 are each amended to read as follows:

Nothing contained in sections 1 through 13 and 16 through 23 of this act may be construed to downgrade any rights of any employee under any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 65. RCW 72.19.050 and 1979 c 141 s 226 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules (~~(and regulations)~~) of the department, the superintendent shall have the supervision and management of the institution, of the grounds and buildings, the subordinate officers and employees, and of the juveniles received at such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the rules (~~(and regulations)~~) of the department and the (~~(state)~~) Washington personnel resources board, appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules (~~(and regulations)~~) governing the accounting and disposition of all moneys received by such juveniles, not inconsistent with the law, and subject to the approval of the secretary.

Sec. 66. RCW 74.09.150 and 1959 c 26 s 74.09.150 are each amended to read as follows:

All personnel employed in the administration of the medical care program shall be covered by the existing merit system under the (~~(state)~~) Washington personnel resources board (~~(or its successor)~~).

Sec. 67. RCW 88.46.927 and 1991 c 200 s 436 are each amended to read as follows:

Nothing contained in RCW 88.46.921 through 88.46.926 may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

NEW SECTION. Sec. 68. The following acts or parts of acts are each repealed:

- (1) RCW 28B.16.010 and 1969 ex.s. c 36 s 1;
- (2) RCW 28B.16.020 and 1985 c 461 s 8, 1985 c 365 s 2, 1983 1st ex.s. c 75 s 1, 1982 1st ex.s. c 53 s 14, 1977 ex.s. c 169 s 41, & 1969 ex.s. c 36 s 2;
- (3) RCW 28B.16.030 and 1969 ex.s. c 36 s 3;
- (4) RCW 28B.16.040 and 1990 c 60 s 201, 1982 1st ex.s. c 53 s 15, 1977 ex.s. c 94 s 1, & 1969 ex.s. c 36 s 4;
- (5) RCW 28B.16.041 and 1985 c 442 s 9;
- (6) RCW 28B.16.042 and 1985 c 266 s 1;
- (7) RCW 28B.16.043 and 1991 c 238 s 107;
- (8) RCW 28B.16.060 and 1984 c 287 s 63, 1981 c 338 s 19, 1975-'76 2nd ex.s. c 34 s 73, & 1969 ex.s. c 36 s 6;
- (9) RCW 28B.16.070 and 1983 c 23 s 1 & 1969 ex.s. c 36 s 7;
- (10) RCW 28B.16.080 and 1969 ex.s. c 36 s 8;
- (11) RCW 28B.16.090 and 1969 ex.s. c 36 s 9;
- (12) RCW 28B.16.100 and 1990 c 60 s 202;
- (13) RCW 28B.16.101 and 1982 1st ex.s. c 53 s 19 & 1977 ex.s. c 152 s 9;
- (14) RCW 28B.16.105 and 1985 c 461 s 10, 1982 1st ex.s. c 53 s 17, & 1977 ex.s. c 152 s 13;
- (15) RCW 28B.16.110 and 1985 c 94 s 1, 1980 c 11 s 3, 1979 c 151 s 16, 1977 ex.s. c 152 s 10, 1975 1st ex.s. c 122 s 2, & 1969 ex.s. c 36 s 11;

- (16) RCW 28B.16.112 and 1987 c 185 s 3, 1986 c 158 s 4, 1979 c 151 s 17, & 1977 ex.s. c 152 s 11;
- (17) RCW 28B.16.113 and 1977 ex.s. c 152 s 12;
- (18) RCW 28B.16.116 and 1983 1st ex.s. c 75 s 3;
- (19) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;
- (20) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;
- (21) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;
- (22) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;
- (23) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969 ex.s. c 36 s 16;
- (24) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;
- (25) RCW 28B.16.180 and 1973 1st ex.s. c 46 s 3 & 1969 ex.s. c 36 s 17;
- (26) RCW 28B.16.190 and 1969 ex.s. c 36 s 19;
- (27) RCW 28B.16.210 and 1969 ex.s. c 36 s 29;
- (28) RCW 28B.16.220 and 1969 ex.s. c 36 s 31;
- (29) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;
- (30) RCW 28B.16.255 and 1985 c 461 s 11;
- (31) RCW 28B.16.265 and 1985 c 461 s 12;
- (32) RCW 28B.16.275 and 1985 c 461 s 13;
- (33) RCW 28B.16.300 and 1990 c 204 s 4;
- (34) RCW 28B.16.900 and 1969 ex.s. c 36 s 18;
- (35) RCW 28B.16.910 and 1969 ex.s. c 36 s 27;

- (36) RCW 28B.16.920 and 1969 ex.s. c 36 s 30; and
- (37) RCW 28B.16.930 and 1969 ex.s. c 36 s 28.

NEW SECTION. Sec. 69. RCW 28B.16.240 is recodified as a new section in chapter 41.06 RCW.

NEW SECTION. Sec. 70. RCW 41.06.230, 41.06.240, 41.06.310, and 41.64.900 are each decodified.

NEW SECTION. Sec. 71. (1) The legislature recognizes that the most vital asset of state government is the people who design, manage, and implement its programs and deliver its services. The quality and effectiveness of state service depends on many factors, including adequate resources, personal dedication, proper training, skilled and sensitive management, and the removal of artificial barriers to personal and organizational success.

(2) The legislature further recognizes that due to increasing demands on state government requiring new levels of efficiency and effectiveness in service delivery, and the impact of the total system of laws and rules governing recruitment, development, and management of personnel resources in state government, it is imperative to immediately and comprehensively examine all aspects of that system, and make whatever changes are indicated forthwith.

(3) To that end, there is hereby created a study task force composed of the following members: Three members of the house of representatives appointed by the speaker of the house of representatives, three members of the senate appointed by the president of the senate, five members appointed by the governor, and one representative from each employee organization that has at least five hundred dues-paying members employed by the state of Washington. The charge of the task force is to make a comprehensive recommendation to the legislature no later than December 1, 1993, in the form of proposed legislation, regarding the provision of personnel resources in state government. The task force shall address at least the following issues:

- (a) Overall organization of the personnel resources apparatus in state government:
 - (i) Consolidation or decentralization of all personnel services; and
 - (ii) The appropriate role and degree of control of the governor, the Washington personnel resources board, agency directors, and other elected officials;
- (b) Efficiency in management and service delivery:
 - (i) Identify the principal barriers to, and successes in, effective recruitment, retention, development, and assignment of a quality work force in state service;
 - (ii) Analyze the extent to which improvement in these areas is best achieved by changes in civil service reform, or from management and organizational initiatives of the governor, agency directors, employee organizations, employees, and other elected officials; and
 - (iii) Develop principles regarding the purchase of services by state government;
- (c) Employee rights and participation:
 - (i) Identify areas and issues that are appropriately decided cooperatively between classified employees and management through collective bargaining or otherwise, and those areas that are inherently management prerogatives and responsibilities;

(ii) Analyze the full range of collective bargaining or other collaborative process issues, and identify those features that are the most effective and equitable, including grievance procedures, bargaining units, representation, union security, negotiations, and unfair labor practices;

(iii) Analyze the duty of the state to provide job stability and termination rights such as notice for exempt employees and develop a policy of equitable protection for exempt employees; and

(d) Any other related issue that comes to light during the course of the study may properly be examined. This list of issues is in no way intended to limit the inquiry and exploration of the task force in its pursuit of its principal charge.

(4) In developing its recommendation the task force shall draw upon the following resources:

(a) Full and frequent consultation with particular interest groups, including state employees and their organizations, managers, and directors at all levels of state service, elected officials, and academic and private sector personnel resource specialists;

(b) The experience of other states, particularly those who have recently made significant changes in this area; and

(c) The experience of private sector organizations that are recognized for innovative and effective accomplishment in this field.

(5) The task force shall meet at least monthly, and shall hold meetings in different regions of the state. Staff services shall be provided by legislative and governor's office staff.

(6) This section shall expire December 31, 1993.

NEW SECTION. Sec. 72. Section 67 of this act shall take effect July 1, 1997.

NEW SECTION. Sec. 73. Sections 1 through 66 and 68 through 70 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTION

On motion of Senator Moore, the following amendments to the striking amendment by Senators Moore and Gaspard were considered simultaneously and were adopted:

On page 56, before line 1, insert the following:

"(27) RCW 28B.16.200 and 1979 c 151 s 18 and 1969 ex.s. c 36 s 20;"

Renumber the remaining subsections consecutively.

On page 56, after line 11, insert the following:

"NEW SECTION. Sec. 69. RCW 41.06.430 and 1990 c 60 s 102 and 1980 c 118 s 7 are each repealed."

Renumber the remaining sections consecutively and correct any references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Moore and Gaspard, as amended, to Engrossed Substitute House Bill No. 2054.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, I understand there has been some change in Item No. 5, the Director--giving rule-making authority to the Director for the manager positions. Would you explain that for us, please?"

Senator Gaspard: "Yes, Senator Deccio, the change that Senator Moore has just outlined creates a new definition of the managerial core. Under the powers of the Director of the Department, as appointed by the Governor, that Director will have rule-making authority over that managerial group. The board, as it is retained in the bill, will have the rule-making authority over all the rest of the state employees."

Senator Deccio: "I understand that that has been softened somewhat since this information sheet was distributed to us. Is it as it reads then, that the Director will be giving rule-making authority for manager positions?"

Senator Gaspard: "That is correct. What has changed from a draft that we looked at yesterday, at least from an outline that we looked at yesterday, was the definition by percentage which is one percent that allows the exempt positions to be increased."

Senator Deccio: "And one more question, if I may, the Personnel Director is appointed by and serves at the pleasure of the Governor. Through that place on the table organization, how many employees would the Governor have direct control over?"

Senator Gaspard: "If you mean the number of employees we anticipate to be in the management group, is that what you are asking, Senator Deccio? We anticipate that to be somewhere around four thousand--perhaps five thousand--the management definition as provided in the bill."

Senator Deccio: "Thank you."

POINT OF INQUIRY

Senator Nelson: "Senator Moore, I go back to the amendments that have been adopted here. I didn't have a chance to see those before they were finally adopted and I am wondering now on the amendment to the striking amendment where we are removing the fund that had heretofore been used to fund the Higher Education Personnel Board. That has now been eliminated. What is the source of funding now for this combined personnel board that is going to take place in this bill?"

Senator Moore: "I think, in looking at the bill, I believe that it is unchanged from where it is now."

Senator Nelson: Meaning, it is from the general fund?"

Senator Moore: "Yes, from where it is now."

Senator Nelson: "OK. The second question is on your second amendment to the striking amendment which eliminated the career executive program for those who were involved in higher education programs with our universities and colleges, and I fail to see the rationale as to why we now are doing that in this bill when, in fact, the thrust of the rest of the bill was to give more exempt positions to effectively create opportunities for more people to pursue managerial activities without being under the umbrella of civil service. Can you explain why we are eliminating the career executive program? That is the second amendment to the striking amendment."

Senator Moore: "We are not eliminating it for community colleges, technical schools, as I understand it, and we do have the Washington management group that would be the replacement."

The striking amendment by Senators Moore and Gaspard, as amended, to Engrossed Substitute House Bill No. 2054 was adopted.

MOTIONS

On motion of Senator Moore, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 28B.12.060, 34.05.030, 34.12.020, 41.04.340, 41.04.670, 41.06.030, 41.06.070, 41.06.076, 41.06.079, 41.06.093, 41.06.110, 41.06.130, 41.06.150, 41.06.155, 41.06.160, 41.06.163, 41.06.170, 41.06.186, 41.06.196, 41.06.280, 41.06.340, 41.06.350, 41.06.450, 41.06.475, 41.48.140, 41.50.804, 41.64.090, 42.16.010, 42.17.2401, 43.01.170, 43.03.028, 43.03.305, 43.06.410, 43.06.425, 43.06.430, 43.33A.100, 43.43.832, 43.60A.906, 43.105.052, 43.131.090, 48.03.060, 49.46.010, 49.74.020, 49.74.030, 50.13.060, 70.24.300, 70.87.120, 72.01.210, 72.02.045, 72.09.220, 72.19.050, 74.09.150, and 88.46.927; reenacting and amending RCW 41.06.020; adding new sections to chapter 41.06 RCW; creating new sections; recodifying RCW 28B.16.240; decodifying RCW 41.06.230, 41.06.240, 41.06.310, and 41.64.900; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920, and 28B.16.930; providing effective dates; and declaring an emergency."

On page 59, line 8 of the title amendment, after "28B.16.190," insert "28B.16.200,"

On page 59, beginning on line 9 of the title amendment, after "28B.16.920," strike "and 28B.16.930" and insert "28B.16.930, and 41.06.430"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 2054, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2054, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2054, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Hochstatter, McDonald, Nelson, Prince, Sellar and von Reichbauer - 10.

Excused: Senators Hargrove and West - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:06 p.m. on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 7:57 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1058 and passed the bill as amended by the Senate.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

At 7:58 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:30 a.m., Thursday, April 22, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-FIRST DAY, APRIL 21, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 22, 1993

The Senate was called to order at 9:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Drew, Hargrove, McDonald, Pelz and Rinehart. On motion of Senator Loveland, Senators Hargrove, Pelz and Rinehart were excused. On motion of Senator Oke, Senators Bluechel and McDonald were excused. On motion of Senator Spanel, Senator Drew was excused.

The Sergeant at Arms Color Guard, consisting of Pages Frank Sadler and Chad Sage, presented the Colors. Reverend Jerry Chapdelaine, Guidance Counselor at Bellarmine Preparatory School in Tacoma, and a guest of Senator Gaspard, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 5988 by Senators Prentice, West and Vognild

AN ACT Relating to clinical laboratory science practitioners; adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Health and Human Services.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5702.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTION HOUSE BILL NO. 1122. The Speaker has appointed the following members as conferees: Representatives Pruitt, Dunshee and Edmondson.

ALAN THOMPSON, Chief Clerk

April 21, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761. The Speaker has appointed the following members as conferees: Representatives H. Myers, R. Fisher and Edmondson.

ALAN THOMPSON, Chief Clerk

April 21, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTION SENATE BILL NO. 5044. The Speaker has appointed the following members as conferees: Representatives H. Myers, Romero and Horn.

ALAN THOMPSON, Chief Clerk

April 21, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5407. The Speaker has appointed the following members as conferees: Representatives Rust, L. Johnson and Horn.

MARILYN Showalter, Deputy Chief Clerk

April 21, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5704. The Speaker has appointed the following members as conferees: Representatives Appelwick, Ludwig and Padden.

MARILYN Showalter, Deputy Chief Clerk

April 21, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SENATE BILL NO. 5815. The Speaker has appointed the following members as conferees: Representatives Appelwick, Riley and Padden.

MARILYN Showalter, Deputy Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9209, Gary Moore, as a member of the Investment Board, was confirmed.

APPOINTMENT OF GARY MOORE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Bluechel, Drew, Hargrove, McDonald, Pelz and Rinehart - 6.

There being no objection, the President returned the Senate to the fourth order of business.

STATEMENT FOR THE JOURNAL

I missed voting on House Bill No. 1379, without the Senate amendment(s). I was conducting a meeting in the majority caucus room related to utility liens and was not able to vote. Had I been able to vote, I would have voted 'yes.'

SENATOR DEAN SUTHERLAND, 17th District

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 1379 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Vognild, the Senate receded from its amendment(s) to House Bill No. 1379.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1379, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1379, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senator Sutherland - 1.

Excused: Senators Bluechel, Drew, Hargrove, McDonald, Pelz and Rinehart - 6.

HOUSE BILL NO. 1379, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5638 with the following amendment(s):

On page 2, line 12, after "practices" insert "adopted by the governing body of a local government and"

On page 2, after line 22, insert the following:

"The appraisal shall also take into consideration any reduction in property values or highest and best use that are the result of a direct government action. If notified by a real property owner or by a state, county, or city authority of a change in permitted use of a parcel of real property, the county assessor shall review the impact of the change in permitted use on the highest and best use of the real property and shall relist, revalue, reassess, and retax the property accordingly."

On page 3, after line 2, insert the following:

"(4) Counties, cities, and towns shall be responsible for providing county assessors information concerning governmental policies or practices, including moratoriums, in effect at the time of appraisal that directly affect the value or use of the appraised property.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendments to Senate Bill No. 5638 and asks the House to recede therefrom.

MOTION

At 9:58 a.m., on motion of Senator Jesernig, the Senate recessed until 10:15 a.m.

The Senate was called to order at 10:49 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate refuses to recede from its amendment(s) to Engrossed Substitute House Bill No. 1393, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1505. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1505, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1505, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Quigley, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Anderson, Barr, Bluechel, McCaslin, McDonald, Nelson, Newhouse, Oke and Prince - 9.

Absent: Senators Hochstatter, Owen and Rasmussen, M. - 3.

Excused: Senator Rinehart - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Hochstatter and McCaslin were excused.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Adam Smith moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5157.

POINT OF INQUIRY

Senator Newhouse: "Senator Smith, would you describe the amendments to us and the situation, please?"

Senator Adam Smith: "This is the bill that had to do with statutory attorney's fees received in district court. When you don't plead a specific amount of attorney's fees, you receive just a statutory amount. This happens in small cases. Currently, in all courts, except district court, the statutory amount is a hundred twenty-five dollars. The district court amount is fifty dollars, but you only receive it if you receive a minimum of twenty-five dollars in the judgment. What this bill does, originally, it bumped it up to fifty dollars, the minimum amount, and bumped the attorney's fees up to one hundred and twenty-five.

"On the floor, we changed that, and said the statutory attorney's fees are a hundred dollars and it floats below that. So, in other words, you would have to collect at least a hundred to get a hundred. If you collected eighty, you would get eighty and so on down the line. My understanding is this is something new that just sort of messes up the fee schedule. I mean why create more confusion in the system. So, we are going back to what the original bill had wanted to do before we messed around with it in

committee and, basically, doing what they brought to us in the first place, because it turned out, in my opinion, that they had the better approach."

The President declared the question before the Senate to be the motion by Senator Adam Smith that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5157.

The motion by Senator Adam Smith carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5157.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5157, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5157, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 1; Excused, 3.

Voting yea: Senators Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, Anderson, Bluechel and Smith, L. - 4.

Absent: Senator Owen - 1.

Excused: Senators Hochstatter, McCaslin and Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Wojahn: "A point of personal privilege. I believe that Mason Middle School is in the heart of the Twenty-Seventh District of Tacoma and I want to welcome these students. Thank you, Mr. President."

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5844 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5844 and the House amendment(s) thereto: Senators Haugen, Winsley and McAuliffe.

MOTION

On motion of Senator Haugen, the Conference Committee appointments were confirmed.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5736, deferred April 20, 1993, after the President ruled the House striking amendment in order and the roll call had been sustained on the motion to concur in the House striking amendment.

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion to concur in the House striking amendment to Substitute Senate Bill No. 5736.

ROLL CALL

The Secretary called the roll and the Senate concurred in the House striking amendment to Substitute Senate Bill No. 5736 by the following vote: Yeas, 34; Nays, 12; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West and Winsley - 34.

Voting nay: Senators Anderson, Bluechel, Cantu, Haugen, McCaslin, McDonald, Newhouse, Niemi, Sellar, Talmadge, Williams and Wojahn - 12.

Absent: Senator Owen - 1.

Excused: Senators Drew and Rinehart - 2.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5736, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5736, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Bauer, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 38.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, McCaslin, McDonald, Sellar and Wojahn - 8.

Absent: Senator Owen - 1.

Excused: Senators Drew and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5736, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1069 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Ludwig and Padden.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate grants the request of the House for a conference on Substitute House Bill No. 1069 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1069 and the Senate amendment(s) thereto: Senators Adam Smith, Nelson and Quigley.

MOTION

On motion of Senator Adam Smith, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Pruitt, Rust and Chandler.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1236 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1236 and the Senate amendment(s) thereto: Senators Fraser, Barr and Sutherland.

MOTION

On motion of Senator Fraser, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Foreman and Mastin.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1862 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1862 and the Senate amendment(s) thereto: Senators Loveland, Deccio and Jesernig.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Fisher, Jones and Schmidt.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2067 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2067 and the Senate amendment(s) thereto: Senators Prentice, Prince and Sheldon.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5375 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ogden, Valle and Reams.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate grants the request of the House for a conference on Senate Bill No. 5375 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5375 and the House amendment(s) thereto: Senators Haugen, Linda Smith and Bauer.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

MOTION

At 11:33 a.m., on motion of Senator Jesernig, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:14 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5352 with the following amendment(s):

On page 2, after line 6, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

Members of the teachers' retirement system who retired prior to January 1, 1993, from service with a community college district whose reported earnable compensation included payments made pursuant to an agreement to terminate or retire, or to provide notice of intent to retire, and whose retirement allowance has been reduced under RCW 41.50.150 or is reduced after the effective date of this act under section (1) of this act, shall have an opportunity to change the retirement allowance payment option selected by the member under RCW 41.32.530. Any request for a change shall be made in writing to the department no later than October 31, 1993 and shall apply prospectively only."

On page 2, after line 6, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

(1) Retirees whose reported earnable compensation included payments made pursuant to an agreement to terminate or retire, or to provide notice of intent to retire, shall not be required to repay to the trust funds any overpayments resulting from the employer misreporting, subject to the conditions provided in subsection (2) of this section. The retirees' allowances shall be prospectively adjusted to reflect the benefits to which the retirees are correctly entitled.

(2) Subsection (1) of this section shall apply only to members of the teachers' retirement system who retired prior to January 1, 1993, from service with a community college district.

(3) Any retirees under subsection (2) of this section who, since January 1, 1990, have had their retirement allowances reduced under RCW 41.50.130(1)(b) because of the inclusion of retirement agreement payments in calculating their allowances, shall have their allowances adjusted to reflect the benefits to which the retirees are correctly entitled, but without a reduction to recoup prior overpayments. The retirees shall be reimbursed by the retirement system for the cumulative amount of the reduction in the retirement allowance that has occurred since January 1, 1990, to recoup prior overpayments.

(4) Any retirees covered by subsection (2) of this section who, after January 1, 1990, repaid a previous overpayment in a lump sum under RCW 41.50.130(1)(b) because of the inclusion of retirement agreement payments in calculating their allowances, shall be reimbursed by the retirement system for the amount of the lump sum repayment.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Spanel, the Senate concurred in the House amendments to Senate Bill No. 5352.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5352, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5352, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Wojahn - 43.

Absent: Senators Haugen, Moore, West and Winsley - 4.
Excused: Senators Drew and Rinehart - 2.
SENATE BILL NO. 5352, as amended by the House, having received the constitutional majority, was declared passed.
There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9118, Vernon E. Stoner, as Commissioner of the Employment Security Department, was confirmed.

APPOINTMENT OF VERNON E. STONER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Drew and Rinehart - 2.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to grant the Senate's request for a conference, insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5195 and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5195.

POINT OF INQUIRY

Senator Amondson: "Senator Moore, does passage of Substitute Senate Bill No. 5195, as amended by the House, affect the current remedies available under or the interpretation of RCW 21.20.010?"

Senator Moore: "No, the bill provides express causes of action with regards to securities churning and unsuitable investments without disturbing the current remedies or interpretation of RCW 21.20.010."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5195, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5195, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Amondson, Anderson, Barr, Hochstatter, McCaslin, McDonald, Oke, Roach and Sellar - 9.

Excused: Senators Drew and Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5195, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

SHB 1910 April 21, 1993

Includes "NEW ITEM": YES

Creating an inventory system for state-owned or leased facilities.

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1910, State facilities inventory, have had the same under consideration and we recommend that:

The Senate Committee on Government Operations amendment(s) adopted April 6, 1993, not be adopted, and that the following Conference Committee amendment(s) be adopted:

On page 2, after line 7, insert the following:

NEW SECTION. Sec. 2. It is the purpose of sections 3 and 4 of this act to give authority to the office of archaeology and historic preservation to identify and record all state-owned facilities to determine which of these facilities may be considered historically significant and to require the office to provide copies of the inventory to departments, agencies, and institutions that have jurisdiction over the buildings and sites listed.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout section 4 of this act.

(1) "Agency" means the state agency, department, or institution that has ownership of historic property.

(2) "Historic properties" means those buildings, sites, objects, structures, and districts that are listed in or eligible for listing in the National Register of Historic Places.

(3) "Office" means the office of archaeology and historic preservation within the department of community development.

NEW SECTION. Sec. 4. (1) By January 2, 1994, the office shall provide each agency with a list of the agency's properties currently listed on the National Register of Historic Places. By January 2, 1995, agencies that own property shall provide to the office a list of those properties that are either at least fifty years old or that may be eligible for listing in the National Register of Historic Places. If funding is available, the office may provide grants to state agencies to assist in the development of the agency's list. By June 30, 1995, the office shall compile and disseminate an inventory of state-owned historic properties.

(2) The office shall provide technical information to agency staff involved with the identification of historic properties, including the criteria for facilities to be placed on the National Register of Historic Places.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 27.34 RCW."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 43.82 RCW; adding new sections to chapter 27.34 RCW; and creating a new section.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Haugen, Winsley, Loveland; Representatives Wang, Ogden, Silver.

MOTION

On motion of Senator Haugen, the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 1910.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1910, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1910, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Amondson, Barr and Sellar - 3.

Excused: Senators Drew and Rinehart - 2.

SUBSTITUTE HOUSE BILL NO. 1910, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dellwo, Orr and Dyer.

MOTION

On motion of Senator Talmadge, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1541 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1541 and the Senate amendment(s) thereto: Senators Talmadge, Erwin and Wojahn.

MOTION

On motion of Senator Talmadge, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Cantu, the following resolution was adopted:

SENATE RESOLUTION 1993-8642

By Senator Cantu

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and
WHEREAS, The sports of swimming and diving are well established and deeply rooted in the state of Washington; and
WHEREAS, The competition in swimming and diving is of the highest level; and
WHEREAS, The Mercer Island Girls' Swim and Diving Team rose to the highest level in sporting competition by winning the State Championship on November 14, 1992; and

WHEREAS, This crowning achievement is even more remarkable since the Mercer Island Girls' Swim and Diving Team established a perfect record of 13 wins and 0 losses; and

WHEREAS, The Mercer Island Girls' Swim Team is directed by the outstanding coaching of Frank Ceteznik and assistant Bob Harshbarger; and

WHEREAS, These accomplishments could not have happened without the perseverance and dedication of team members Amy Anderson, Anett Ari, Lisa Bondi, Shannon Carter, Lindsay Clothier, Tara Cook, Becky Frost, Colleen Gaffney, Tanya Gutschmidt, Kim Helsel, Christine Jahncke, Amy Johnstone, Kristin King, Lindsay Kircher, Erika Kubisch, Katie LeClercq, Tatum Lipman, Christine Lukas, Becky Masuda, Karyn Meyer, Stacey Nakagawa, Maurisa Pollock, Marla Robertson, Kristin Schembs, Amy Sproul, Tricia Stearns, Jenny Strasburger, Diana Vadocz, and Michele White along with managers and support staff Justin Reichman, Clay Robinson, John Steding, Nick LeClerq, and Christine Robertson whose combined talents reached the highest peak in athletic endeavors; and

WHEREAS, The proud community and school hope that one day one of these athletes may go on to win a gold medal in the Olympics just as one alumni of Mercer Island did; and

WHEREAS, The pride of this achievement shall follow the members of this team, the school, the community, and all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the 1992 Mercer Island High School Girls' Swim and Diving Team; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Head Coach Frank Ceteznik, the entire 1992 Mercer Island High School Girls' Swim and Diving Team, and the Principal of Mercer Island High School, Gary Bridgman.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1855 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Zellinsky, Kessler and Mielke.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Moore, the Senate grants the request of the House for a conference on Substitute House Bill No. 1855 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1855 and the Senate amendment(s) thereto: Senators Moore, Newhouse and Fraser.

MOTION

On motion of Senator Moore, the Conference Committee appointments were confirmed.

MOTION

At 2:53 p.m., on motion of Senator Jesernig, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:27 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1479 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1809 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5836. The Speaker has appointed the following members as conferees: Representatives Jacobsen, Quall and Brumsickle.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5736.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2026 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, Karahalios and Wood.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Moore, the Senate grants the request of the House for a conference on Substitute House Bill No. 2026 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2026 and the Senate amendment(s) thereto: Senators Wojahn, Amondson and Pelz.

MOTION

On motion of Senator Moore, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5851 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Anderson, Veloria and Dyer.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Cantu, the Senate refuses to grant the request of the House for a conference on Senate Bill No. 5851, insists on its position regarding the House amendment(s), and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5868 with the following amendment(s)
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature finds that the long-term economic health of the state and its citizens depends upon the strength and vitality of its communities and businesses. It is the intent of this chapter to create a merged department of community, trade, and economic development that fosters new partnerships for strong and sustainable communities. The consolidation of the department of trade and economic development and the department of community development into one department will: Streamline access to services by providing a simpler point of entry for state programs; provide focused and flexible responses to changing economic conditions; generate greater local capacity to respond to both economic growth and environmental challenges; and increase accountability to the public, the executive branch, and the legislature.

A new department can bring together a focused effort to: Manage growth and achieve sustainable development; diversify the state's economy and export goods and services; provide greater access to economic opportunity; stimulate private sector investment and entrepreneurship; provide stable family-wage jobs and meet the diverse needs of families; provide affordable housing and housing services; construct public infrastructure; protect our cultural heritage; and promote the health and safety of the state's citizens.

The legislature further finds that as a result of the rapid pace of global social and economic change, the state and local communities will require coordinated and creative responses by every segment of the community. The state can play a role in

assisting such local efforts by reorganizing state assistance efforts to promote such partnerships. The department has a primary responsibility to provide financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of communities and their residents. It is the intent of the legislature in this consolidation to maximize the use of local expertise and resources in the delivery of community and economic development services.

NEW SECTION. Sec. 2. MANAGEMENT RESPONSIBILITY. The purpose of this chapter is to establish the broad outline of the structure of the department of community, trade, and economic development, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the new department and is intended to provide flexibility to the director to reorganize these functions and to make recommendations for changes through the implementation plan required in section 8 of this act.

NEW SECTION. Sec. 3. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

NEW SECTION. Sec. 4. DEPARTMENT CREATED. A department of community, trade, and economic development is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided in chapter ..., Laws of 1993 (this act), the existing responsibilities and functions of the agency programs will continue to be administered in accordance with their implementing legislation.

NEW SECTION. Sec. 5. DIRECTOR'S APPOINTMENT. The executive head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 6. DIRECTOR'S RESPONSIBILITIES. (1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

(c) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(e) Prepare and submit budgets for the department for executive and legislative action;

(f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

(i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

NEW SECTION. Sec. 7. DEPARTMENT RESPONSIBILITIES. The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to manage growth; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; fostering the development of minority and women-owned businesses; facilitating technology development, transfer, and diffusion; community services and advocacy for low-income persons; and public safety efforts. The department shall have the following general functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

(3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(5) Cooperate with and provide technical and financial assistance to local governments, businesses, and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give additional consideration to local communities and individuals with the greatest relative need and the fewest resources;

(6) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(7) Hold public hearings and meetings to carry out the purposes of this chapter;

(8) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market, demographic, and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic and social problems in the state; and

(9) Develop a schedule of fees for services where appropriate.

NEW SECTION. Sec. 8. IMPLEMENTATION PLAN. (1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of trade and economic development and the department of community development into the department of community, trade, and economic development so that the department will operate as a single entity on July 1, 1994.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for combining the existing functions and responsibilities of both agencies into a coordinated and unified department including a strategic plan for each major program area that includes implementation steps, evaluation measures, and methods for collaboration among programs;

(b) Recommendations for any changes in existing programs and functions of both agencies, including new initiatives and possible transfer of programs and functions to and from other departments;

(c) Implementation steps necessary to bring about operation of the combined department as a single entity;

(d) Benchmarks by which to measure progress and to evaluate the performance and effectiveness of the department's efforts; and

(e) Strategies for coordinating and maximizing federal, state, local, international, and private sector support for community and economic development efforts within the state.

(3) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, small and large businesses, labor unions, associate development organizations, low-income housing interests, housing industry, Indian tribes, community action programs, public safety groups, nonprofit community and development organizations, international trade organizations, minority and women business organizations, and any other organizations the directors determine should have input to the plan.

NEW SECTION. Sec. 9. TRADE AND BUSINESS ASSISTANCE. (1) The department shall assist in expanding the state's role as an international center of trade, culture, and finance. The department shall promote and market the state's products and services internationally in close cooperation with other private and public international trade efforts and act as a centralized location for the assimilation and distribution of trade information.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in work force training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools and by assisting in targeting and improving the efficiency of existing investment mechanisms.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to increased investment and employment and becoming full participants in Washington's traded sector economy.

NEW SECTION. Sec. 10. LOCAL DEVELOPMENT CAPACITY--BUILDING AND TECHNICAL ASSISTANCE. (1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and challenges. The department shall coordinate the delivery of development services and technical assistance to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state. The department shall promote appropriate local development by: Supporting the ability of communities to develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, and businesses. The department shall emphasize providing training in those communities most in need of state assistance.

NEW SECTION. Sec. 11. LOCAL AND REGIONAL DEVELOPMENT CONTRACTS. (1) The department may contract with associate development organizations or other local organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, private industry councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The department shall be responsible for determining the scope of services delivered under these contracts.

(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.

(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.

(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.

(5) The contracting organization shall participate with the work force training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board, in providing for the coordination of job skills training within its region.

NEW SECTION. Sec. 12. ECONOMIC DIVERSIFICATION AND SECTORAL STRATEGIES. (1) The department shall work with private sector organizations, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ensure that the state continues to pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition, the department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state.

(3) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

By January 10th of each year, the department shall report in writing on its targeted sector programs to the appropriate legislative economic development committees. The department's report shall include an appraisal of the sector, activities the department has undertaken to assist in the development of each sector, and recommendations to the legislature regarding activities that the state should implement but are currently beyond the scope of the department's program or resources.

NEW SECTION. Sec. 13. LOCAL DEVELOPMENT FINANCE AND PUBLIC FACILITIES. (1) The department shall support the development and maintenance of local infrastructure and public facilities and provide local communities with flexible sources of funding. The department shall coordinate grant and loan programs that provide infrastructure and investment in local

communities. This shall include coordinating funding for eligible projects with other federal, state, local, private, and nonprofit funding sources.

(2) At a minimum, the department shall provide coordinated procedures for applying for and tracking grants and loans among and between the community economic revitalization board, the public works trust fund, and community development block grants.

NEW SECTION. Sec. 14. HOUSING AFFORDABILITY. (1) The department shall maintain an active effort to help communities, families, and individuals build and maintain capacity to meet housing needs in Washington state. The department shall facilitate partnerships among the many entities related to housing issues and leverage a variety of resources and services to produce comprehensive, cost-effective, and innovative housing solutions.

(2) The department shall assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for very low, low, and moderate-income persons; operate programs to assist home ownership, offer housing services, and provide emergency, transitional, and special needs housing services; and qualify as a participating state agency for all programs of the federal department of housing and urban development or its successor. The department shall develop or assist local governments in developing housing plans required by the state or federal government.

(3) The department shall coordinate and administer energy assistance and residential energy conservation and rehabilitation programs of the federal and state government through nonprofit organizations, local governments, and housing authorities.

NEW SECTION. Sec. 15. GROWTH MANAGEMENT. (1) The department shall serve as the central coordinator for state government in the implementation of the growth management act, chapter 36.70A RCW. The department shall work closely with all Washington communities planning for future growth and responding to the pressures of urban sprawl. The department shall ensure coordinated implementation of the growth management act by state agencies.

(2) The department shall offer technical and financial assistance to cities and counties planning under the growth management act. The department shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.

(3) The department shall provide alternative dispute resolution to jurisdictions and organizations to mediate disputes and to facilitate consistent implementation of the growth management act. The department shall review local governments compliance with the requirements of the growth management act and make recommendations to the governor.

NEW SECTION. Sec. 16. COMMUNITY SERVICES AND PROTECTION. (1) The department shall coordinate services to communities that are directed to the poor and disadvantaged through private and public nonprofit organizations and units of general purpose local governments. The department shall coordinate these programs using, to the extent possible, integrated case management methods, with other community and economic development efforts that promote self-sufficiency.

(2) These services may include, but not be limited to, comprehensive education services to preschool children from low-income families, providing for human service needs and advocacy, promoting volunteerism and citizen service as a means for accomplishing local community and economic development goals, coordinating and providing emergency food assistance to distribution centers and needy individuals, and providing for human service needs through community-based organizations.

(3) The department shall provide local communities and at-risk individuals with programs that provide community protection and assist in developing strategies to reduce substance abuse. The department shall administer programs that develop collaborative approaches to prevention, intervention, and interdiction programs. The department shall administer programs that support crime victims, address youth and domestic violence problems, provide indigent defense for low-income persons, border town disputes, and administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

(4) The department shall provide fire protection and emergency management services to support and strengthen local capacity for controlling risk to life, property, and community vitality that may result from fires, emergencies, and disasters.

Sec. 17. RCW 28C.18.060 and 1991 c 238 s 7 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.

(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.

(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.

(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Work with the director of community, trade, and economic development to ensure coordination between work force training priorities and that department's economic development efforts.

(27) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

Sec. 18. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of ~~((trade))~~ community, trade, and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) ~~((the department of community development, and (16)))~~ the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 19. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of ~~((trade))~~ community, trade, and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) ~~((the director of community development, and (16)))~~ the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

NEW SECTION. Sec. 20. The department of community development is hereby abolished and its powers, duties, and functions are hereby transferred to the department of community, trade, and economic development.

NEW SECTION. Sec. 21. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community development shall be delivered to the custody of the department of community, trade, and economic development. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community development shall be made available to the department of community, trade, and economic development. All funds, credits, or other assets held by the department of community development shall be assigned to the department of community, trade, and economic development.

Any appropriations made to the department of community development shall, on the effective date of this section, be transferred and credited to the department of community, trade, and economic development.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 22. All employees of the department of community development are transferred to the jurisdiction of the department of community, trade, and economic development. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community, trade, and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 23. All rules and all pending business before the department of community development shall be continued and acted upon by the department of community, trade, and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of community, trade, and economic development.

NEW SECTION. Sec. 24. The transfer of the powers, duties, functions, and personnel of the department of community development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 25. If apportionments of budgeted funds are required because of the transfers directed by sections 21 through 24 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 26. Nothing contained in sections 20 through 25 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 27. The department of trade and economic development is hereby abolished and its powers, duties, and functions are hereby transferred to the department of community, trade, and economic development.

NEW SECTION. Sec. 28. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of trade and economic development shall be delivered to the custody of the department of community, trade, and economic development. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of trade and economic development shall be made available to the department of community, trade, and economic development. All funds, credits, or other assets held by the department of trade and economic development shall be assigned to the department of community, trade, and economic development.

Any appropriations made to the department of trade and economic development shall, on the effective date of this section, be transferred and credited to the department of community, trade, and economic development.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 29. All employees of the department of trade and economic development are transferred to the jurisdiction of the department of community, trade, and economic development. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community, trade, and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 30. All rules and all pending business before the department of trade and economic development shall be continued and acted upon by the department of community, trade, and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of community, trade, and economic development.

NEW SECTION. Sec. 31. The transfer of the powers, duties, functions, and personnel of the department of trade and economic development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 32. If apportionments of budgeted funds are required because of the transfers directed by sections 28 through 31 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 33. Nothing contained in sections 27 through 32 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 34. RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" (~~has the meaning given in RCW 43.31.025(4))~~ means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one three-digit standard industrial classification as published by the United States department of commerce.

Sec. 35. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163 ((RCW and chapters 43.31, 43.63A)), 43.-- (sections 1 through 7, 9 through 16, 79, and 83 of this act), and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(dd) Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 36. RCW 42.17.319 and 1989 c 312 s 7 are each amended to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by investors or entrepreneurs under chapter ((43.34)) 43-- RCW (sections 1 through 7, 9 through 16, 79, and 83 of this act) shall be made available to the public.

Sec. 37. RCW 43.17.065 and 1991 c 314 s 28 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of ((trade)) community, trade, and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in timber impact areas, as defined in RCW 43.31.601, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application approved; and

(b) The assistance that will be made available to the applicant by the agency to expedite the application process.

(3) The agency timber task force established in RCW 43.31.621 shall oversee implementation of this section.

(4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

Sec. 38. RCW 43.20A.750 and 1992 c 21 s 4 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, and, where appropriate, under an interagency agreement with the department of community, trade, and economic development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 39. RCW 43.31.057 and 1986 c 183 s 2 are each amended to read as follows:

The department of ((trade)) community, trade, and economic development is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

Sec. 40. RCW 43.31.085 and 1989 c 430 s 2 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) ~~((the department of community development, (d)))~~ the employment security department, ~~((e))~~ (d) the department of ~~((trade))~~ community, trade, and economic development, ~~((f))~~ (e) the small business development center, and ~~((g))~~ (f) the department of social and health services.

(9) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

(10) Actively seek public and private money to support the child care facility fund described in RCW 43.31.502, staff and assist the child care facility fund committee as described in RCW 43.31.504, and work to promote applications to the committee for loan guarantees, loans, and grants.

Sec. 41. RCW 43.31.205 and 1992 c 228 s 2 are each amended to read as follows:

In an effort to enhance the economy of the Tri-Cities area, the department of ~~((trade))~~ community, trade, and economic development is directed to promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease. When promoting the existence of the lease, the department shall work in cooperation with any associate development organization~~(s)~~ located in or near the Tri-Cities area.

Sec. 42. RCW 43.31.409 and 1989 c 312 s 3 are each amended to read as follows:

There is created in the business assistance center of the department of ~~((trade))~~ community, trade, and economic development the Washington investment opportunities office.

Sec. 43. RCW 43.31.411 and 1989 c 312 s 4 are each amended to read as follows:

The Washington investment opportunities office shall:

(1) Maintain a list of all entrepreneurs engaged in manufacturing, wholesaling, transportation services, development of destination tourism resorts, or traded services throughout the state seeking capital resources and interested in the services of the investment opportunities office.

(2) Maintain a file on each entrepreneur which may include the entrepreneur's business plan and any other information which the entrepreneur offers for review by potential investors.

(3) Assist entrepreneurs in procuring the managerial and technical assistance necessary to attract potential investors. Such assistance shall include the automatic referral to the small business innovators opportunity program of any entrepreneur with a new product meriting the services of the program.

(4) Provide entrepreneurs with information about potential investors and provide investors with information about those entrepreneurs which meet the investment criteria of the investor.

(5) Promote small business securities financing.

(6) Remain informed about investment trends in capital markets and preferences of individual investors or investment firms throughout the nation through literature surveys, conferences, and private meetings.

(7) Publicize the services of the investment opportunities office through public meetings throughout the state, appropriately targeted media, and private meetings. Whenever practical, the office shall use the existing services of local associate development organizations in outreach and identification of entrepreneurs and investors.

(8) Report to the ways and means committees and ~~((commerce and labor))~~ appropriate economic development committees of the senate and the house of representatives by December 1, 1989, and each year thereafter, on the accomplishments of the office. Such reports shall include:

(a) The number of entrepreneurs on the list referred to in subsection (1) of this section, segregated by standard industrial classification codes;

(b) The number of investments made in entrepreneurs, segregated as required by (a) of this subsection, as a result of contact with the investment opportunities office, the dollar amount of each such investment, the source, by state or nation, of each investment, and the number of jobs created as a result of each investment;

(c) The number of entrepreneurs on the list referred to in subsection (1) of this section segregated by counties, the number of investments, the dollar amount of investments, and the number of jobs created through investments in each county as a result of contact with the investment opportunities office;

(d) A categorization of jobs created through investments made as a result of contact with the investment opportunities office, the number of jobs created in each such category, and the average pay scale for jobs created in each such category;

(e) The results of client satisfaction surveys distributed to entrepreneurs and investors using the services of the investment opportunities office; and

(f) Such other information as the managing director finds appropriate.

Sec. 44. RCW 43.31.422 and 1991 c 272 s 19 are each amended to read as follows:

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used pursuant to the recommendations of the committee created in RCW 43.31.425 and the approval of the director of ~~((the department of trade))~~ community, trade, and economic development for Hanford area revolving loan funds, Hanford area infrastructure projects, or other Hanford area economic development and diversification projects, but may not be used for government or nonprofit organization operating expenses. Up to five percent of moneys in the fund may be used for program administration. For the purpose of this chapter "Hanford area" means Benton and Franklin counties. Disbursements from the fund shall be on the authorization of the director of ~~((trade))~~ community, trade, and economic development or the director's designee after an affirmative vote of at least six members of the committee created in RCW 43.31.425 on any recommendations by the committee created in RCW 43.31.425. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

Sec. 45. RCW 43.31.504 and 1989 c 430 s 4 are each amended to read as follows:

The child care facility fund committee is established within the business assistance center of the department of ~~((trade))~~ community, trade, and economic development. The committee shall administer the child care facility fund, with review by the director of ~~((the department of trade))~~ community, trade, and economic development.

(1) The committee shall have five members. The director of ~~((the department of trade))~~ community, trade, and economic development shall appoint the members, who shall include:

(a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;

(b) One person representing a philanthropic organization with experience in evaluating funding requests;

(c) One child care services expert; and

(d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The department of ~~((trade))~~ community, trade, and economic development may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 46. RCW 43.31.522 and 1990 c 57 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524 and 43.31.526:

(1) "Department" means the department of ~~((trade))~~ community, trade, and economic development.

(2) "Center" means the business assistance center established under RCW 43.31.083.

(3) "Director" means the director of ~~((trade))~~ community, trade, and economic development.

(4) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

Sec. 47. RCW 43.31.524 and 1990 c 57 s 3 are each amended to read as follows:

There is established a Washington marketplace program within the business assistance center established under RCW 43.31.083. The program shall assist businesses to competitively meet their needs for goods and services within Washington state by providing information relating to the replacement of imports or the fulfillment of new requirements with Washington products produced in Washington state. The program shall place special emphasis on strengthening rural economies in economically distressed areas of the state meeting the criteria of an "eligible area" as defined in RCW 82.60.020(3). ~~((The Washington marketplace program shall consult with the community revitalization team established pursuant to chapter 43.165 RCW.))~~

Sec. 48. RCW 43.31.526 and 1990 c 57 s 4 are each amended to read as follows:

(1) The department shall contract with local nonprofit organizations in ~~((at least three economically))~~ distressed areas of the state that meet the criteria of an "eligible area" as defined in RCW 82.60.020(3) to implement the Washington marketplace program in these areas. The department, in order to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas, may enter into joint contracts with multiple nonprofit organizations. Contracts with economic development organizations to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas shall be structured by the department and the distressed area marketplace programs. Contracts with economic development organizations shall:

(a) Award contracts based on a competitive bidding process, pursuant to chapter 43.19 RCW;

(b) Give preference to nonprofit organizations representing a broad spectrum of community support; and

(c) Ensure that each location contain sufficient business activity to permit effective program operation.

The department may require that contractors contribute at least twenty percent local funding.

(2) The contracts with local nonprofit organizations shall be for, but not limited to, the performance of the following services for the Washington marketplace program:

(a) Contacting Washington state businesses to identify goods and services they are currently buying or are planning in the future to buy out-of-state and determine which of these goods and services could be purchased on competitive terms within the state;

(b) Identifying locally sold goods and services which are currently provided by out-of-state businesses;

(c) Determining, in consultation with local business, goods and services for which the business is willing to make contract agreements;

(d) Advertising market opportunities described in (c) of this subsection; and

(e) Receiving bid responses from potential suppliers and sending them to that business for final selection.

(3) Contracts may include provisions for charging service fees of businesses that profit as a result of participation in the program.

(4) The center shall also perform the following activities in order to promote the goals of the program:

(a) Prepare promotional materials or conduct seminars to inform communities and organizations about the Washington marketplace program;

(b) Provide technical assistance to communities and organizations interested in developing an import replacement program;

(c) Develop standardized procedures for operating the local component of the Washington marketplace program;

(d) Provide continuing management and technical assistance to local contractors; and

(e) Report by December 31 of each year to the ~~((senate))~~ appropriate economic development ~~((and labor committee and to))~~ committees of the senate and the house of representatives ~~((trade and economic development committee))~~ describing the activities of the Washington marketplace program.

Sec. 49. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

(1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of ~~((trade))~~ community, trade, and economic development ~~((, department of community development)),~~ employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, ~~((1993))~~ 1995.

Sec. 50. RCW 43.31.641 and 1991 c 314 s 7 are each amended to read as follows:

The department of ~~((trade))~~ community, trade, and economic development, as a member of the agency timber task force and in consultation with the board, shall:

(1) Implement an expanded value-added forest products development industrial extension program. The department shall provide technical assistance to small and medium-sized forest products companies to include:

(a) Secondary manufacturing product development;

(b) Plant and equipment maintenance;

(c) Identification and development of domestic market opportunities;

(d) Building products export development assistance;

(e) At-risk business development assistance;

(f) Business network development; and

(g) Timber impact area industrial diversification.

(2) Provide local contracts for small and medium-sized forest product companies, start-ups, and business organizations for business feasibility, market development, and business network contracts that will benefit value-added production efforts in the industry.

(3) Contract with local business organizations in timber impact areas for development of programs to promote industrial diversification. ~~((In addition,))~~ The department shall ~~((develop an interagency agreement with the department of community development for))~~ provide local capacity-building grants to local governments and community-based organizations in timber impact areas, which may include long-range planning and needs assessments.

For the 1991-93 biennium, the department of ~~((trade))~~ community, trade, and economic development shall use funds appropriated for this section for contracts and for no more than two additional staff positions.

Sec. 51. RCW 43.31.651 and 1991 c 314 s 9 are each amended to read as follows:

The department of community, trade, and economic development as a part of the agency timber task force and in consultation with the board, shall implement a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The program shall provide resources and technical assistance to timber impact areas.

~~((In addition, the department shall develop an interagency agreement with the department of trade and economic development for local capacity-building grants to local governments and community-based organizations in timber impact areas.))~~

Sec. 52. RCW 43.31.800 and 1987 c 195 s 4 are each amended to read as follows:

"Director" as used in RCW 43.31.790 through 43.31.850 and 67.16.100 means the director of ~~((trade))~~ community, trade, and economic development.

Sec. 53. RCW 43.31.830 and 1987 c 195 s 7 are each amended to read as follows:

(1) It shall be the duty of the director of community, trade, and economic development to certify, from the applications received, the state international trade fair or fairs qualified and entitled to receive funds under RCW ~~((43.31.790 through 43.31.850 and))~~ 67.16.100, ((as now or hereafter amended)) and under rules established by the director.

(2) The director shall make annual allotments to state international trade fairs determined qualified to be entitled to participate in the state trade fair fund and shall fix times for the division of and payment from the state trade fair fund: PROVIDED, That total payment to any one state international trade fair shall not exceed sixty thousand dollars in any one year, where

participation or presentation occurs within the United States, and eighty thousand dollars in any one year, where participation or presentation occurs outside the United States: PROVIDED FURTHER, That a state international trade fair may qualify for the full allotment of funds under either category. Upon certification of the allotment and division of fair funds by the director ~~((of trade and economic development))~~ the treasurer shall proceed to pay the same to carry out the purposes of RCW ~~((43.34.790 through 43.34.850 and))~~ 67.16.100 ~~((, as now or hereafter amended))~~.

Sec. 54. RCW 43.31.840 and 1975 1st ex.s. c 292 s 6 are each amended to read as follows:

The director ~~of community, trade, and economic development~~ shall at the end of each year for which an annual allotment has been made, ~~((cause to be conducted,))~~ conduct a post audit of all of the books and records of each state international trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state international trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state international trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations.

Sec. 55. RCW 43.160.020 and 1992 c 21 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of ~~((trade))~~ community, trade, and economic development ~~((or its successor with respect to the powers granted by this chapter)).~~

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 56. RCW 43.168.020 and 1991 c 314 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of ~~((the department of))~~ community, trade, and economic development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under RCW 43.31.601 if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

Sec. 57. RCW 43.210.110 and 1991 c 314 s 12 are each amended to read as follows:

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under RCW 43.210.100(3):

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in RCW 43.31.601. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of ~~((the department of trade))~~ community, trade, and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in RCW 43.210.070 and 43.210.100 through 43.210.120; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

Sec. 58. RCW 43.63A.066 and 1990 c 33 s 579 are each amended to read as follows:

The department of community, trade, and economic development shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.200 and 28A.215.900 through 28A.215.908.

Sec. 59. RCW 43.63A.075 and 1985 c 466 s 53 are each amended to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) Develop expertise in federal, state, and local community and economic development programs; and (2) assist communities and businesses to secure available financing ~~(; and (3) work closely with the department of trade and economic development on financial and technical assistance programs available to small and medium sized businesses)~~. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

Sec. 60. RCW 43.63A.115 and 1990 c 156 s 1 are each amended to read as follows:

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall be a delivery system for federal and state anti-poverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network. The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the department of community, trade, and economic development.

(3) Funds for anti-poverty programs may be distributed to the community action agencies by the department of community, trade, and economic development and other state agencies in consultation with the authorized representatives of community action agency networks.

Sec. 61. RCW 43.63A.155 and 1989 c 225 s 5 are each amended to read as follows:

The department of community, trade, and economic development shall retain the bond information it receives under RCW 39.44.210 and 39.44.230 and shall publish summaries of local government bond issues at least once a year.

The department of community, trade, and economic development shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210 and 39.44.230.

Sec. 62. RCW 43.63A.220 and 1987 c 505 s 34 are each amended to read as follows:

(1) The department of community, trade, and economic development is directed to undertake a study as to the best means of providing encouragement and assistance to the formulation of employee stock ownership plans providing for the partial or total acquisition, through purchase, distribution in lieu of compensation, or a combination of these means or any other lawful means, of shares of stock or other instruments of equity in facilities by persons employed at these facilities in cases in which operations at these facilities would, absent employee equity ownership, be terminated, relocated outside of the state, or so reduced in volume as to entail the permanent layoff of a substantial number of the employees.

(2) In conducting its study, the department shall:

(a) Consider federal and state law relating directly or indirectly to plans proposed under subsection (1) of this section, and to the organization and operation of any trusts established pursuant to the plans, including but not limited to, the federal internal revenue code and any regulations promulgated under the internal revenue code, the federal securities act of 1933 as amended and other federal statutes providing for regulation of the issuance of securities, the federal employee retirement income and security act of 1974 as amended, the Chrysler loan guarantee legislation enacted by the United States congress in 1979, and other federal and state laws relating to employment, compensation, taxation, and retirement;

(b) Consult with relevant persons in the public sector, relevant persons in the private sector, including trustees of any existing employee stock ownership trust, and employees of any firm operating under an employee stock ownership trust, and with members of the academic community and of relevant branches of the legal profession;

(c) Examine the experience of trusts organized pursuant to an employee stock ownership plan in this state or in any other state; and

(d) Make other investigations as it may deem necessary in carrying out the purposes of this section.

(3) Pursuant to the findings and conclusions of the study conducted under subsection (2) of this section, the department of community, trade, and economic development shall develop a plan to encourage and assist the formulation of employee stock ownership plans providing for the acquisition of stock by employees of facilities in this state which are subject to closure or drastically curtailed operation. The department shall determine the amount of any costs of implementing the plan.

(4) The director of community, trade, and economic development shall, within one year of July 28, 1985, report the findings and conclusion of the study, together with details of the plan developed pursuant to the study, to the legislature, and shall include in the report any recommendations for legislation which the director deems appropriate.

(5) The department of community, trade, and economic development shall carry out its duties under this section using available resources.

Sec. 63. RCW 43.63A.230 and 1988 c 186 s 17 are each amended to read as follows:

(1) The department of community, trade, and economic development shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of ~~((the department of trade and economic development,))~~ the employment security department~~((,))~~ and state institutions of higher education to promote employee ownership.

(3) The department shall report to the governor, the ~~((trade and))~~ appropriate economic development ~~((committee of))~~ committees of the senate and the house of representatives, ~~((the commerce and labor committee of the senate,))~~ and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(4) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

Sec. 64. RCW 43.63A.245 and 1992 c 63 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.63A.240 through 43.63A.270.

"Agency" means one of the agencies or organizations participating in the activities of the senior environmental corps.

"Coordinator" means the person designated by the director of ~~((the department of))~~ community, trade, and economic development with the advice of the council to administer the activities of the senior environmental corps.

"Corps" means the senior environmental corps.

"Council" means the senior environmental corps coordinating council.

"Department" means the department of community, trade, and economic development.

"Director" means the director of ~~((the department of))~~ community, trade, and economic development or the director's authorized representative.

"Representative" means the person who represents an agency on the council and is responsible for the activities of the senior environmental corps in his or her agency.

"Senior" means any person who is fifty-five years of age or over.

"Volunteer" means a person who is willing to work without expectation of salary or financial reward, and who chooses where he or she provides services and the type of services he or she provides.

Sec. 65. RCW 43.63A.247 and 1992 c 63 s 3 are each amended to read as follows:

The senior environmental corps is created within the department of community, trade, and economic development. The departments of agriculture, community, trade, and economic development, employment security, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority shall participate in the administration and implementation of the corps and shall appoint representatives to the council.

Sec. 66. RCW 43.63A.260 and 1992 c 63 s 5 are each amended to read as follows:

The department shall convene a senior environmental corps coordinating council to meet as needed to establish and assess policies, define standards for projects, evaluate and select projects, develop recruitment, training, and placement procedures, receive and review project status and completion reports, and provide for recognition of volunteer activity. The council shall include representatives appointed by the departments of agriculture, community, trade, and economic development, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority. The council shall develop bylaws, policies and procedures to govern its activities.

The council shall advise the director on distribution of available funding for corps activities.

Sec. 67. RCW 43.63A.275 and 1992 c 65 s 2 are each amended to read as follows:

(1) Each biennium the department of community, trade, and economic development shall distribute such funds as are appropriated for retired senior volunteer programs (RSVP) as follows:

(a) At least sixty-five percent of the moneys may be distributed according to formulae and criteria to be determined by the department of community, trade, and economic development in consultation with the RSVP directors association.

(b) Up to twenty percent of the moneys may be distributed by competitive grant process to develop RSVP projects in counties not presently being served, or to expand existing RSVP services into counties not presently served.

(c) Ten percent of the moneys may be used by the department of community, trade, and economic development for administration, monitoring of the grants, and providing technical assistance to the RSVP projects.

(d) Up to five percent of the moneys may be used to support projects that will benefit RSVPs state-wide.

(2) Grants under subsection (1) of this section shall give priority to programs in the areas of education, tutoring, English as a second language, combating of and education on drug abuse, housing and homeless, and respite care, and shall be distributed in accordance with the following:

(a) None of the grant moneys may be used to displace any paid employee in the area being served.

(b) Grants shall be made for programs that focus on:

(i) Developing new roles for senior volunteers in nonprofit and public organizations with special emphasis on areas targeted in section 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of the local senior population and shall respect their life experiences;

(ii) Increasing the expertise of volunteer managers and RSVP managers in the areas of communication, recruitment, motivation, and retention of today's over-sixty population;

(iii) Increasing the number of senior citizens recruited, referred, and placed with nonprofit and public organizations; and

(iv) Providing volunteer support such as: Mileage to and from the volunteer assignment, recognition, and volunteer insurance.

Sec. 68. RCW 43.63A.300 and 1986 c 266 s 54 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community, trade, and economic development and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy.

Sec. 69. RCW 43.63A.320 and 1986 c 266 s 56 are each amended to read as follows:

Except for matters relating to the statutory duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

- (1) Adopt a state fire protection master plan;
- (2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;
- (3) Establish and promote state arson control programs and ensure development of local arson control programs;
- (4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;
- (5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;
- (6) Promote mutual aid and disaster planning for fire services in this state;
- (7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;
- (8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;
- (9) Adopt a state fire training and education master plan;
- (10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;
- (11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;
- (12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;
- (13) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;
- (14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule.

Sec. 70. RCW 43.63A.330 and 1986 c 266 s 57 are each amended to read as follows:

In regards to the statutory duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

- (1) Advise the director of community, trade, and economic development and the director of fire protection on matters pertaining to their duties under law; and
- (2) Advise the director of community, trade, and economic development and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

Sec. 71. RCW 43.63A.340 and 1986 c 266 s 58 are each amended to read as follows:

- (1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.
- (2) The director of community, trade, and economic development shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.
- (3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.
- (4) The director of community, trade, and economic development, through the director of fire protection, shall, after consultation with the board, prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.
- (5) The director of community, trade, and economic development, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection.
- (6) The director of community, trade, and economic development, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

Sec. 72. RCW 43.63A.400 and 1987 c 308 s 2 are each amended to read as follows:

The department of community, trade, and economic development shall distribute grants to eligible public radio and television broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with programming, operations, and capital needs.

Sec. 73. RCW 43.63A.410 and 1987 c 308 s 3 are each amended to read as follows:

(1) Eligibility for grants under this section shall be limited to broadcast stations which are:

(a) Licensed to Washington state organizations, nonprofit corporations, or other entities under section 73.621 of the regulations of the federal communications commission; and

(b) Qualified to receive community service grants from the federally chartered corporation for public broadcasting. Eligibility shall be established as of February 28th of each year.

(2) The formula in this subsection shall be used to compute the amount of each eligible station's grant under this section.

(a) Appropriations under this section shall be divided into a radio fund, which shall be twenty-five percent of the total appropriation under this section, and a television fund, which shall be seventy-five percent of the total appropriation under this section. Each of the two funds shall be divided into a base grant pool, which shall be fifty percent of the fund, and an incentive grant pool, which shall be the remaining fifty percent of the fund.

(b) Each eligible participating public radio station shall receive an equal share of the radio base grant pool, plus a share of the radio incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating radio stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(c) Each eligible participating public television station shall receive an equal share of the television base grant pool, plus a share of the television incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating television stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(3) Annual financial reports to the corporation for public broadcasting by eligible stations shall also be submitted by the stations to the department of community, trade, and economic development.

Sec. 74. RCW 43.63A.440 and 1989 c 424 s 7 are each amended to read as follows:

(1) The department of community, trade, and economic development shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The department of community, trade, and economic development shall utilize existing state technical and financial assistance programs, and shall aid communities in seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community, trade, and economic development for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

Sec. 75. RCW 43.63A.450 and 1990 c 278 s 2 are each amended to read as follows:

The community diversification program is created in the department of community, trade, and economic development. The program shall include:

(1) The monitoring and forecasting of shifts in the economic prospects of major defense employers in the state. This shall include but not be limited to the monitoring of defense contract expenditures, other federal contracts, defense employment shifts, the aircraft and aerospace industry, computer products, and electronics;

(2) The identification of cities, counties, or regions within the state that are primarily dependent on defense or other federal contracting and the identification of firms dependent on federal defense contracts;

(3) Assistance to communities in broadening the local economic base through the provision of management assistance, assistance in financing, entrepreneurial training, and assistance to businesses in using off-the-shelf technology to start new production processes or introduce new products;

(4) Formulating a state plan for diversification in defense dependent communities in collaboration with the employment security department (~~(, the department of trade and economic development,)~~) and the office of financial management. The plan shall use the information made available through carrying out subsections (1) and (2) of this section; and

(5) The identification of diversification efforts conducted by other states, the federal government, and other nations, and the provision of information on these efforts, as well as information gained through carrying out subsections (1) and (2) of this section, to firms, communities, and (~~(workforces))~~ work forces that are defense dependent.

The department shall, beginning January 1, 1992, report annually to the governor and the legislature on the activities of the community diversification program.

Sec. 76. RCW 43.63A.460 and 1990 c 176 s 2 are each amended to read as follows:

Beginning on July 1, 1991, the department of community, trade, and economic development shall be responsible for performing all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of community, trade, and economic development may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the department of community, trade, and economic development to assume these new functions.

The directors of (~~(the department of))~~ community, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that this act is implemented on June 7, 1990.

Sec. 77. RCW 43.63A.600 and 1991 c 315 s 23 are each amended to read as follows:

(1) The department of community, trade, and economic development, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery coordinator to develop the program in timber impact areas. Organizations eligible to receive funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage or rental assistance loans on behalf of dislocated forest products workers in timber impact areas who are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

Sec. 78. RCW 43.105.020 and 1990 c 208 s 3 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter ((43.63A)) 43.-- RCW (sections 1 through 7, 9 through 16, 79, and 83 of this act).

NEW SECTION. Sec. 79. (1) All references to the director or department of community development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.

(2) All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.

Sec. 80. RCW 43.31.091 and 1990 c 297 s 9 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, ((1993)) 1995, as provided in RCW 43.31.092.

Sec. 81. RCW 43.31.092 and 1990 c 297 s 10 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1994)) 1996:

(1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;

(3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and

(4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

NEW SECTION. Sec. 82. The following acts or parts of acts are each repealed:

(1) RCW 43.31.005 and 1990 1st ex.s. c 17 s 68 & 1985 c 466 s 1;

(2) RCW 43.31.015 and 1985 c 466 s 2;

(3) RCW 43.31.025 and 1987 c 348 s 8 & 1985 c 466 s 3;

(4) RCW 43.31.035 and 1990 1st ex.s. c 17 s 69 & 1985 c 466 s 4;

(5) RCW 43.31.045 and 1985 c 466 s 5;

(6) RCW 43.31.055 and 1985 c 466 s 6;

(7) RCW 43.31.065 and 1985 c 466 s 9;

(8) RCW 43.31.075 and 1985 c 466 s 10;

(9) RCW 43.31.095 and 1985 c 466 s 12;

(10) RCW 43.31.097 and 1990 1st ex.s. c 17 s 71;

(11) RCW 43.31.105 and 1985 c 466 s 13;

(12) RCW 43.31.115 and 1985 c 466 s 14;

(13) RCW 43.31.130 and 1975-'76 2nd ex.s. c 34 s 110 & 1965 c 8 s 43.31.130;

(14) RCW 43.31.135 and 1987 c 505 s 30 & 1985 c 466 s 17;

(15) RCW 43.31.373 and 1988 c 35 s 1, 1985 c 466 s 24, & 1984 c 175 s 1;

(16) RCW 43.31.375 and 1985 c 466 s 25 & 1984 c 175 s 2;

(17) RCW 43.31.377 and 1988 c 35 s 2, 1985 c 466 s 26, & 1984 c 175 s 3;

(18) RCW 43.31.379 and 1988 c 35 s 3, 1985 c 466 s 27, & 1984 c 175 s 4;

- (19) RCW 43.31.381 and 1988 c 35 s 4, 1985 c 466 s 28, & 1984 c 175 s 5;
- (20) RCW 43.31.383 and 1985 c 466 s 29 & 1984 c 175 s 6;
- (21) RCW 43.31.387 and 1985 c 466 s 31 & 1984 c 175 s 8;
- (22) RCW 43.31.430 and 1989 c 423 s 2;
- (23) RCW 43.31.432 and 1989 c 423 s 3;
- (24) RCW 43.31.434 and 1989 c 423 s 6;
- (25) RCW 43.31.436 and 1989 c 423 s 7;
- (26) RCW 43.31.438 and 1989 c 423 s 8;
- (27) RCW 43.31.440 and 1989 c 423 s 9;
- (28) RCW 43.31.442 and 1989 c 423 s 10;
- (29) RCW 43.31.790 and 1975 1st ex.s. c 292 s 2 & 1965 c 148 s 1;
- (30) RCW 43.63A.020 and 1986 c 266 s 136, 1984 c 125 s 2, & 1967 c 74 s 2;
- (31) RCW 43.63A.030 and 1984 c 125 s 1 & 1967 c 74 s 3;
- (32) RCW 43.63A.040 and 1984 c 125 s 3, 1975 c 40 s 10, & 1967 c 74 s 4;
- (33) RCW 43.63A.050 and 1967 c 74 s 5;
- (34) RCW 43.63A.060 and 1987 c 505 s 32, 1984 c 125 s 4, & 1967 c 74 s 6;
- (35) RCW 43.63A.065 and 1992 c 198 s 7, 1990 1st ex.s. c 17 s 70, 1986 c 266 s 137, & 1984 c 125 s 5;
- (36) RCW 43.63A.078 and 1987 c 505 s 33 & 1984 c 125 s 7;
- (37) RCW 43.63A.095 and 1984 c 125 s 8;
- (38) RCW 43.63A.100 and 1984 c 125 s 9 & 1967 c 74 s 10;
- (39) RCW 43.63A.130 and 1983 c 52 s 6, 1981 c 157 s 6, & 1967 c 74 s 13;
- (40) RCW 43.63A.140 and 1967 c 74 s 14;
- (41) RCW 43.63A.210 and 1985 c 85 s 1;
- (42) RCW 43.63A.560 and 1990 1st ex.s. c 17 s 67;
- (43) RCW 43.165.020 and 1985 c 229 s 2;
- (44) RCW 43.165.030 and 1987 c 195 s 13 & 1985 c 229 s 3;
- (45) RCW 43.165.040 and 1985 c 229 s 4;
- (46) RCW 43.165.050 and 1985 c 229 s 5;
- (47) RCW 43.165.060 and 1985 c 229 s 6;
- (48) RCW 43.165.070 and 1985 c 229 s 7;
- (49) RCW 43.165.080 and 1987 c 195 s 14 & 1985 c 229 s 8;
- (50) RCW 43.165.090 and 1985 c 229 s 9;
- (51) RCW 43.165.100 and 1985 c 229 s 10;
- (52) RCW 43.165.900 and 1985 c 229 s 14; and
- (53) RCW 43.165.901 and 1985 c 229 s 15.

NEW SECTION. Sec. 83. Captions used in this chapter do not constitute part of the law.

NEW SECTION. Sec. 84. Sections 1 through 7, 9 through 16, 79, and 83 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 85. Sections 80 and 81 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 86. Sections 1 through 7, 9 through 79, 82, and 83 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 87. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 88. (1) Wherever the name of the director or the department of community development or the director or the department of trade and economic development is changed to the director of community and economic development or the community and economic development department, rename the director and the department as the director of community, trade, and economic development or the department of community, trade, and economic development.

(2) The code reviser shall incorporate the new director and department names into the striking amendment (H-2574.2/93) before the striking amendment is delivered to the Senate.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5868.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5868, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 6; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Absent: Senators Bauer, Hargrove, Moyer, Owen, Pelz and Roach - 6.

Excused: Senators Drew and Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Springer, Jones and Chandler.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1529 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1529 and the Senate amendment(s) thereto: Senators Haugen, Amondson and Spanel.

MOTION

On motion of Senator Skratek, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Loveland, Senator Pelz was excused.

MOTION

At 4:40 p.m., on motion of Senator Jesernig, the Senate recessed until 5:30 p.m.

The Senate was called to order at 6:41 p.m. by President Pritchard.

MOTION

At 6:41 p.m., on motion of Senator Jesernig, the Senate recessed until 7:00 p.m.

The Senate was called to order at 7:38 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1025,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1067,
HOUSE BILL NO. 1068,
ENGROSSED HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1082,
ENGROSSED HOUSE BILL NO. 1110,
ENGROSSED HOUSE BILL NO. 1115,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157,
HOUSE BILL NO. 1165,
SUBSTITUTE HOUSE BILL NO. 1219,
ENGROSSED HOUSE BILL NO. 1271,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,

SUBSTITUTE HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1504,
HOUSE CONCURRENT RESOLUTION NO. 4419, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The Speaker has signed:
SENATE BILL NO. 5300,
SUBSTITUTE SENATE BILL NO. 5360,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502,
SENATE BILL NO. 5723,
SENATE BILL NO. 5799,
SUBSTITUTE SENATE BILL NO. 5829,
SUBSTITUTE SENATE BILL NO. 5837,
SENATE BILL NO. 5875,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5888,
SUBSTITUTE SENATE BILL NO. 5963, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1260 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562. The Speaker has appointed the following members as conferees: Representatives Brown, H. Myers and Silver.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5972. The Speaker has appointed the following members as conferees: Representatives Zellinsky, R. Fisher and Schmidt.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SENATE BILL NO. 5879 and has passed the bill without said amendment(s), and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 22, 1993

MR. PRESIDENT:

The House receded from its amendment(s) to page 7, line 20 of SENATE BILL NO. 5828 and has passed the bill without said amendment(s), and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5828,
ENGROSSED SENATE BILL NO. 5879.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1025,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1067,
HOUSE BILL NO. 1068,
ENGROSSED HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1082,
ENGROSSED HOUSE BILL NO. 1110,
ENGROSSED HOUSE BILL NO. 1115,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157,
HOUSE BILL NO. 1165,
SUBSTITUTE HOUSE BILL NO. 1219,
ENGROSSED HOUSE BILL NO. 1271,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
SUBSTITUTE HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1504,
HOUSE CONCURRENT RESOLUTION NO. 4419.

There being no objection, the President advanced the Senate to the sixth order of business.

MOTIONS

On motion of Senator Oke, Senators McDonald, Prince and West were excused.
On motion of Senator Spanel, Senators Haugen, Niemi, Owen and Vognild were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9140, Phil Boguch, as a member of the Lottery Commission, was confirmed.

APPOINTMENT OF PHIL BOGUCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Drew, Haugen, McDonald, Niemi, Owen, Pelz, Prince, Rinehart, Vognild and West - 10.

CHANGE IN CONFERENCE COMMITTEE APPOINTMENT
HOUSE BILL NO. 2026

On motion of Senator Nelson, Senator Erwin will replace Senator Amondson as a member of the Conference Committee on House Bill No. 2026.

MOTION

On motion of Senator Nelson, the change in the Conference Committee appointment was confirmed.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9142, Bruce F. Brennan, as a member of the Apprenticeship Council, was confirmed.

APPOINTMENT OF BRUCE F. BRENNAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 40.

Absent: Senator Gaspard - 1.

Excused: Senators Drew, Haugen, McDonald, Niemi, Owen, Pelz, Rinehart and West - 8.

MOTION

On motion of Senator Loveland, Senator Wojahn was excused.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9180, James S. Hattori, as Chair of the Lottery Commission, was confirmed.

APPOINTMENT OF JAMES S. HATTORI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams and Winsley - 41.

Absent: Senator Vognild - 1.

Excused: Senators Drew, McDonald, Niemi, Pelz, Rinehart, West and Wojahn - 7.

There being no objection, the President returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

EHB 1748 April 21, 1993

Includes "NEW ITEM": YES

Changing financial aid provisions.

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1748, Higher ed financial aid, have had the same under consideration and we recommend that:

The Senate Committee on Higher Education amendment(s) adopted April 13, 1993, not be adopted, and that the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.820 and 1985 c 390 s 35 are each amended to read as follows:

(1) Each institution of higher education, except technical colleges, shall deposit two and one-half percent of revenues collected from tuition and services and activities fees in an institutional ~~((long-term loan))~~ financial aid fund ~~((which))~~ that is hereby created and which shall be held locally. Moneys in ~~((such))~~ the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students (except as provided for) as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; or (c) to provide financial aid to needy students as provided in subsection (10) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through ~~((28B.15.015))~~ 28B.15.013, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the guaranteed long-term loans made under ~~((subsection (1) of))~~ this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under ~~((subsection (1) of))~~ this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under ~~((subsection (1) of))~~ this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges ~~((education))~~ and shall be conducted under procedures adopted by ~~((such))~~ the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, ~~((which))~~ that are paid by or on behalf of borrowers of funds under subsections ~~((4))~~ (3) through (8) of this section, shall be deposited in each institution's ~~((general local))~~ financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under ~~((subsection (1) of))~~ this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan ~~((principle))~~ principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be ~~((used for the support of the institution's operating budget))~~ deposited in the institution's financial aid fund.

(7) The governing boards ~~((of regents))~~ of the state universities, ~~((the boards of trustees of))~~ the regional universities, and The Evergreen State College, and the state board for community and technical colleges ~~((education))~~, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(8) ~~((Lending activities))~~ First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term ~~((interim))~~ loans, not to exceed one ~~((hundred twenty days))~~ year, may be made from the institutional ~~((long-term loan))~~ financial aid fund to students ~~((eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section))~~ enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional ~~((long-term loan))~~ financial aid fund ~~((which))~~ that are not used in making ~~((long))~~ long-term or short-term loans ~~((or transferred to institutional operating budgets))~~ may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee ~~((waiver))~~ scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds ~~((which))~~ that would otherwise support these locally-administered financial aid programs. Priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study.

Sec. 2. RCW 28B.101.040 and 1990 c 288 s 6 are each amended to read as follows:

Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that is accredited by an accrediting association recognized by rule of the higher education coordinating board and that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study.

Sec. 3. RCW 28B.12.040 and 1985 c 370 s 58 are each amended to read as follows:

The higher education coordinating board shall develop and administer the college work-study program and shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

With the exception of off-campus community service placements, the share from ((funds)) moneys disbursed under the college work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers."

On page 1, line 1 of the title, after "aid;" strike the remainder of the title and insert "and amending RCW 28B.15.820, 28B.101.040, and 28B.12.040.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bauer, Prince, Drew; Representatives Jacobsen, Shin and Brumsickle.

MOTION

On motion of Senator Bauer, the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 1748.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1748, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1748, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 41.

Voting nay: Senator Cantu - 1.

Excused: Senators Drew, McDonald, Niemi, Pelz, Rinehart, Vognild and West - 7.

ENGROSSED HOUSE BILL NO. 1748, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5925 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any county with a population greater than seventy-five thousand in which is located all or part of a national monument is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over the tax to the county as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county. The taxes shall only be used for the acquisition, construction, repair, and improvement of a rest area for tourists which includes restrooms, picnic areas, trails and viewpoints, emergency facilities, transient parking facilities, concession and gift sales, and marketing of facilities for tourists visiting the county or the national monument, or to pay or secure the payment of all or any portion of general obligation bonds issued for such purposes. As used in this section, "transient parking facilities" does not include parking spaces to be used for overnight stays.

(5) The tax authorized in subsection (1) of this section may only be imposed if the county and at least one of the two largest cities in the county provide moneys for the project described in subsection (4) of this section from revenue received under RCW 67.28.180 or if the county provides moneys for the project from revenue received under RCW 82.14.030. Moneys provided under this section shall be deposited in the special fund created under subsection (4) of this section and may be used only as provided in subsection (4) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

The department of revenue shall perform the collection of taxes under section 1 of this act on behalf of the county at no cost to the county.

Sec. 3. RCW 36.100.010 and 1989 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center, or any county with a population less than seventy-five thousand but greater than twenty thousand in which is located all or part of a national monument. A public facilities district shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located and the city council of the largest city within such county.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has validated the creation of the public facilities district at a general or special election.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

Sec. 4. RCW 36.100.030 and 1989 1st ex.s. c 8 s 3 are each amended to read as follows:

A public facilities district is authorized to acquire, construct, own, and operate sports and entertainment facilities with contiguous parking facilities and, upon the approval of the voters of the public facilities district, a regional science education facility may be located in any city or county within a public facilities district which has a population of more than one hundred fifty thousand. A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations. The taxes that are provided for in this chapter may only be imposed for such purposes.

Sec. 5. RCW 36.100.040 and 1989 1st ex.s. c 8 s 4 are each amended to read as follows:

A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than forty lodging units. The rate of the tax shall not exceed two percent and the proceeds of the tax shall only be used for the acquisition, design, and construction of ~~((sports and entertainment facilities))~~ all public facilities authorized under RCW 36.100.030. This excise tax shall not be imposed until the district has approved the proposal to acquire, design, and construct any of the public facilities authorized under RCW 36.100.030.

Sec. 6. RCW 36.100.060 and 1989 1st ex.s. c 8 s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to ~~((three-eighths))~~ three-fourths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A public facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for ~~((the sports and entertainment facility))~~ all public facilities authorized under RCW 36.100.030., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Snyder moved that the Senate do concur in the House amendment to Senate Bill No. 5925.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order that I would like the President to rule on the scope and object of the House amendment to Senate Bill No. 5925--a very meritorious measure as it left this body--a measure that would permit an excise tax on lodging and other facilities within a special purpose district of a county of not more than seventy-five thousand population where a national monument exists, and would permit proceeds from that excise tax to be used for lodging and other purposes for the sole activity of those who were visiting the monument.

"I notice, now, that on the amendment from the House, they have added to this measure which started out in RCW 67.28, they have added a section in RCW 36.100 concerning public facility districts and adding language that will allow the approval of a voter initiated plan to permit a regional science education facility in a public facility district with a population of more than a hundred-fifty thousand. For that reason, I rise for this point of order to have the President rule on the scope."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Senate Bill No. 5925 is a measure which allows counties in which all or part of a national monument is located to levy an excise tax on lodging for use in construction, repair, improvement and marketing of facilities related to the national monument.

"The House amendment would, in addition, expand the list of counties who are eligible to create a public facilities district and, furthermore, would expand the authorization of public facilities districts by allowing construction and operation of regional science education facilities in certain cities and towns which meet certain population requirements and obtain voter approval.

"The President, therefore, finds the proposed House striking amendment does change the scope and object of the bill and the point of order is well taken."

The House striking amendment to Senate Bill No. 5925 was ruled out of order.

MOTION

On motion of Senator Snyder, the Senate refuses to concur in the House amendment to Senate Bill No. 5925 and asks the House to recede therefrom.

At 8:07 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 8:15 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wineberry, Shin and Forner.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate refuses to grant the request of the House for a conference on Engrossed Substitute House Bill No. 1493, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

MOTION

On motion of Senator Loveland, Senators Hargrove, Quigley and Snyder were excused.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1021 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Bray, Springer and Edmondson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to grant the request of the House for a conference on Substitute House Bill No. 1021, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5675 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Myers, Bray and Reams.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate grants the request of the House for a conference on Senate Bill No. 5675.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5675 and the House amendment(s) thereto: Senators Haugen, Winsley and Loveland.

MOTION

On motion of Senator Haugen, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1808 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Shin, Wineberry and Forner.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate refuses to grant the request of the House for a conference on Substitute House Bill No. 1808, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Cothorn and Brough.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1374 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1374 and the Senate amendment(s) thereto: Senators Pelz, Hochstatter and McAuliffe.

MOTION

On motion of Senator Pelz, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5405 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dorn, Horn and Carlson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pelz, the Senate grants the request of the House for a conference on Substitute Senate Bill No. 5405 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5405 and the House amendment(s) thereto: Senators Pelz, Bluechel and McAuliffe.

MOTION

On motion of Senator Pelz, the Conference Committee appointments were confirmed.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9265, Mark Brown, as Director of the Department of Labor and Industries, was confirmed.

Senators Moore and von Reichbauer spoke to the confirmation of Mark Brown as Director of the Department of Labor and Industries.

APPOINTMENT OF MARK BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 3; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Nelson, Sellar and Smith, L. - 3.

Excused: Senators Drew, Hargrove, McDonald, Niemi, Quigley, Rinehart, Snyder, Vognild and West - 9.

MOTION

On motion of Senator Spanel, Senator Skratek was excused.

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9126, Robert A. Turner, as Director of the Department of Fisheries, was confirmed.

APPOINTMENT OF ROBERT A. TURNER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 2; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Anderson and Barr - 2.

Excused: Senators Drew, Hargrove, McDonald, Niemi, Quigley, Rinehart, Skratek, Snyder, Vognild and West - 10.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9295, Reverend Leo Brown, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF REVEREND LEO BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 39.

Absent: Senator Deccio - 1.

Excused: Senators Drew, Hargrove, McDonald, Niemi, Quigley, Rinehart, Snyder, Vognild and West - 9.

President Pro Tempore Wojahn assumed the Chair.

MOTION

On motion of Senator Anderson, Senator Deccio was excused.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9298, Harlan Douglass, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF HARLAN DOUGLASS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 39.

Excused: Senators Deccio, Drew, Hargrove, McDonald, Niemi, Quigley, Rinehart, Snyder, Vognild and West - 10.

MOTION

On motion of Senator Erwin, Senators Amondson and McCaslin were excused.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9300, Ronald Forest, as a member of the Housing Finance Commission, was confirmed.

Senators Moore and Adam Smith spoke to the confirmation of Ronald Forest as a member of the Housing Finance Commission.

APPOINTMENT OF RONALD FOREST

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 37.

Excused: Senators Amondson, Deccio, Drew, Hargrove, McCaslin, McDonald, Niemi, Quigley, Rinehart, Snyder, Vognild and West - 12.

President Pritchard assumed the Chair.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9301, Kevin M. Hughes, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF KEVIN M. HUGHES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 37.

Excused: Senators Amondson, Deccio, Drew, Hargrove, McCaslin, McDonald, Niemi, Quigley, Rinehart, Snyder, Vognild and West - 12.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9303, Larry Kowbel, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF LARRY KOWBEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 1; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, Williams, Winsley and Wojahn - 36.

Voting nay: Senator von Reichbauer - 1.

Excused: Senators Amondson, Deccio, Drew, Hargrove, McCaslin, McDonald, Niemi, Quigley, Rinehart, Snyder, Vognild and West - 12.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9308, Wanda Mosbarger, as a member of the Gambling Commission, was confirmed.

Senators Moore and Sheldon spoke to the confirmation of Wanda Mosbarger as a member of the Gambling Commission.

APPOINTMENT OF WANDA MOSBARGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 37.

Excused: Senators Amondson, Deccio, Drew, Hargrove, McCaslin, McDonald, Niemi, Quigley, Rinehart, Snyder, Vognild and West - 12.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9309, Josephine V. Tamayo Murray, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF JOSEPHINE V. TAMAYO MURRAY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 38.

Excused: Senators Amondson, Deccio, Drew, Hargrove, McCaslin, McDonald, Niemi, Rinehart, Snyder, Vognild and West - 11.

MOTIONS

On motion of Senator McAuliffe, Senator Loveland was excused.

On motion of Senator Roach, Senator Sellar was excused.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9343, D. E. Chillberg, as Chair of the Housing Finance Commission, was confirmed.

APPOINTMENT OF D. E. CHILLBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 2; Excused, 13.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 34.

Absent: Senators Quigley and Talmadge - 2.

Excused: Senators Amondson, Deccio, Drew, Hargrove, Loveland, McCaslin, McDonald, Niemi, Rinehart, Sellar, Snyder, Vognild and West - 13.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9299, Ardith Divine, as a member of the Gambling Commission, was confirmed.

APPOINTMENT OF ARDITH DIVINE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 3; Excused, 13.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 33.

Absent: Senators Pelz, Quigley and Talmadge - 3.

Excused: Senators Amondson, Deccio, Drew, Hargrove, Loveland, McCaslin, McDonald, Niemi, Rinehart, Sellar, Snyder, Vognild and West - 13.

MOTION

On motion of Senator Spanel, Senators Quigley and Talmadge were excused.

MOTION

On motion of Senator Moore, Gubernatorial Appointment No. 9296, Donna E. Dilger, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF DONNA E. DILGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 1; Excused, 14.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, McAuliffe, Moore, Moyer, Nelson, Newhouse, Oke, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 34.

Absent: Senator Owen - 1.

Excused: Senators Amondson, Deccio, Drew, Hargrove, Loveland, McCaslin, McDonald, Niemi, Quigley, Rinehart, Sellar, Snyder, Talmadge and Vognild - 14.

MOTION

At 10:16 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Friday, April 23, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-SECOND DAY, APRIL 22, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 23, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Drew, Loveland, McDonald, Nelson, Niemi, Quigley, Rinehart, Sellar, Vognild and Wojahn. On motion of Senator Oke, Senators Amondson, McDonald, Nelson and Sellar were excused. On motion of Senator Spanel, Senators Drew, Loveland, Niemi, Quigley, Rinehart, Vognild and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brodie Woodward-Pratt and Paul Biggs, presented the Colors. Dr. Morris Belling of the Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 21, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jean Ann Batchelder, appointed April 21, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for the Lake Washington Technical College District No. 26.

Sincerely,
MIKE LOWRY, Governor

Referred to the Committee on Higher Education.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1024,
SUBSTITUTE HOUSE BILL NO. 1026,
SUBSTITUTE HOUSE BILL NO. 1051,
HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1077,
HOUSE BILL NO. 1078,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1103,
SUBSTITUTE HOUSE BILL NO. 1128,
SUBSTITUTE HOUSE BILL NO. 1183,

HOUSE BILL NO. 1188,
ENGROSSED HOUSE BILL NO. 1228,
SUBSTITUTE HOUSE BILL NO. 1316,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
HOUSE BILL NO. 1344,
SUBSTITUTE HOUSE BILL NO. 1560,
HOUSE BILL NO. 1713,
HOUSE BILL NO. 1751,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1800,
SUBSTITUTE HOUSE BILL NO. 1817,
HOUSE BILL NO. 1991,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2130,
HOUSE JOINT MEMORIAL NO. 4005,
HOUSE CONCURRENT RESOLUTION NO. 4420, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1024,
SUBSTITUTE HOUSE BILL NO. 1026,
SUBSTITUTE HOUSE BILL NO. 1051,
HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1077,
HOUSE BILL NO. 1078,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1103,
SUBSTITUTE HOUSE BILL NO. 1128,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1188,
ENGROSSED HOUSE BILL NO. 1228,
SUBSTITUTE HOUSE BILL NO. 1316,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
HOUSE BILL NO. 1344,
SUBSTITUTE HOUSE BILL NO. 1560,
HOUSE BILL NO. 1713,
HOUSE BILL NO. 1751,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1800,
SUBSTITUTE HOUSE BILL NO. 1817,
HOUSE BILL NO. 1991,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2130,
HOUSE JOINT MEMORIAL NO. 4005,
HOUSE CONCURRENT RESOLUTION NO. 4420.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9270, Robert V. Jensen, as a member of the Pollution Control/Shorelines Hearings Board, was confirmed.

APPOINTMENT OF ROBERT V. JENSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, Moore, Moyer, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams and Winsley - 38.

Excused: Senators Amondson, Drew, Loveland, McDonald, Nelson, Niemi, Quigley, Rinehart, Sellar, Vognild and Wojahn - 11.

MOTION

Senator Owen moved that Gubernatorial Appointment No. 9292, Senator Dean Sutherland, as a member of the Pacific Marine Fisheries Commission, be confirmed.

POINT OF INQUIRY

Senator McCaslin: "Senator Owen, is he any relation to Senator Sutherland here?"

Senator Owen: "A striking resemblance."

Senator McCaslin: "A striking resemblance; he could be a twin. I'll vote for him anyway."

Further debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Owen, do you have before you the schedule of meetings for that commission?"

Senator Owen: "It is pretty hectic, having served on that commission for a number of years. It is normally one in-state meeting of the interested parties who then go out of state for one meeting, either to Boise, Idaho, or Juneau, Alaska, or someplace in California or Oregon."

Senator Moore: "Well, it is my understanding that Senator Sutherland has not been to Hawaii for awhile and I wondered--"

Senator Owen: "As chairman of the Pacific Marine Fisheries Commission for one year, we diligently worked to bring Hawaii into the compact, only because we have mutual fishing interests. They refused to join, so if he gets a trip to Hawaii, I think we should look very closely at the travel request."

Senator Moore: "Well, I certainly don't think there should be any mileage involved. Thank you."

The President declared the question before the Senate to be the motion by Senator Owen that Gubernatorial Appointment No. 9292, Senator Dean Sutherland, be confirmed as a member of the Pacific Marine Fisheries Commission.

The motion by Senator Owen carried and Senator Dean Sutherland was confirmed as a member of the Pacific Marine Fisheries Commission.

APPOINTMENT OF SENATOR DEAN SUTHERLAND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Absent: Senators Barr and Sutherland - 2.

Excused: Senators Amondson, Drew, McDonald, Niemi, Quigley, Rinehart and Sellar - 7.

MOTION

On motion of Senator Oke, Senator Barr was excused.

MOTION

Senator Owen moved that Gubernatorial Appointment No. 9313, Senator Harriet A. Spanel, as a member of the Pacific Marine Fisheries Commission, be confirmed.

POINT OF INQUIRY

Senator Prentice: "Senator Owen, in the earlier confirmation, you made a reference to begging and groveling, can we assume that this was not part of the activity that lead to this?"

Senator Owen: "Only Senator Sutherland begged and groveled."

The President declared the question before the Senate to be the motion by Senator Owen that Gubernatorial Appointment No. 9313, Senator Harriet A. Spanel, be confirmed as a member of the Pacific Marine Fisheries Commission.

The motion by Senator Owen carried and Senator Harriet A. Spanel was confirmed as a member of the Pacific Marine Fisheries Commission.

APPOINTMENT OF SENATOR HARRIET A. SPANEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley,

Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Absent: Senator Moyer - 1.

Excused: Senators Amondson, Barr, Drew, McDonald, Niemi, Rinehart and Sellar - 7.

MOTION

On motion of Senator Jesernig, Senators Loveland and Vognild were excused.

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9318, Richard Kelly, as a member of the Pollution Control/Shorelines Hearings Board, was confirmed.

APPOINTMENT OF RICHARD KELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 40.

Absent: Senator Quigley - 1.

Excused: Senators Amondson, Drew, Loveland, McDonald, Niemi, Rinehart, Sellar and Vognild - 8.

MOTION

On motion of Senator Jesernig, Gubernatorial Appointment No. 9297, Ralph DiSibio as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF RALPH DiSIBIO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Quigley, Roach and Snyder - 3.

Excused: Senators Drew, Loveland, Rinehart and Vognild - 4.

MOTION

On motion of Senator McAuliffe, Senator Pelz was excused.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9276, Betty Jane Narver, as Chair of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF BETTY JANE NARVER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Quigley - 1.

Excused: Senators Drew, Loveland, Pelz, Rinehart and Vognild - 5.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9307, Vickie McNeill, as a member of the Higher Education Coordinating Board, was confirmed.

Senators Bauer and Moyer spoke to the confirmation of Vickie McNeill, as a member of the Higher Education Coordinating Board.

APPOINTMENT OF VICKIE McNEILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Absent: Senators Quigley and Snyder - 2.

Excused: Senators Drew, Loveland, Pelz, Rinehart and Vognild - 5.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9312, Gay V. Selby, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF GAY V. SELBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Absent: Senator Quigley - 1.

Excused: Senators Drew, Loveland, Rinehart and Vognild - 4.

MOTION

On motion of Senator Williams, Senator Quigley was excused.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9314, David Tang, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF DAVID TANG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Absent: Senator Talmadge - 1.

Excused: Senators Drew, Loveland, Quigley, Rinehart and Vognild - 5.

MOTION

On motion of Senator Prentice, Senator Owen was excused.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9321, Judith Wiseman, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF JUDITH WISEMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, Williams, Winsley and Wojahn - 41.

Absent: Senators Skratek, Talmadge and West - 3.

Excused: Senators Drew, Loveland, Owen, Rinehart and Vognild - 5.

MOTION

On motion of Senator Bauer, Gubernatorial Appointment No. 9341, Richard R. Sonsteli, as Chair of the Higher Education Coordinating Board, was confirmed.

Senators Bauer and Bluechel spoke to the confirmation of Richard Sonsteli as Chair of the Higher Education Coordinating Board.

APPOINTMENT OF RICHARD A. SONSTELIE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Absent: Senators Deccio and Sellar - 2.

Excused: Senators Drew, Owen, Rinehart and Vognild - 4.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MOTION

On motion of Senator Williams, Senator Gaspard was excused.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SENATE BILL NO. 5577, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendment(s) to Senate Bill No. 5577.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5577, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5577, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Drew, Gaspard, Owen, Rinehart and Vognild - 5.

SENATE BILL NO. 5577, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1357 and asks the Senate to recede therefrom, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Fraser, the Senate receded from its amendment(s) to Substitute House Bill No. 1357.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1357, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1357, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Deccio, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, West, Winsley and Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hochstatter, McCaslin, Newhouse, Roach, Smith, L., von Reichbauer and Williams - 13.

Excused: Senators Drew, Owen and Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 1357, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

CALL OF THE SENATE

Senator Jesernig, Niemi and Spanel demanded a Call of the Senate.

The President declared the question before the Senate to be the demand for a Call of the Senate.

The demand for the Call of the Senate was sustained.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate and all members were present except Senators Drew and Rinehart who had been excused earlier.

MOTION

At 10:29 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by President Pritchard.

MOTION

At 11:33 a.m., on motion of Senator Jesernig, the Senate recessed until 12:00 noon.

The Senate was called to order at 12:19 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Haugen, the following resolution was adopted:

SENATE RESOLUTION 1993-8644

By Senators Haugen and Sutherland

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in endeavors; and

WHEREAS, The 1993 Stanwood Middle School's Science Team exhibited the highest level of excellence in winning 1st place over twenty-two other state middle school teams in the Washington Science Olympiad State Final Competition at Washington State University in Pullman, Washington, on April 3, 1993, and in also winning 1st place over fifteen other state middle school teams in the Washington Science Olympiad Northwest Regional Competition at Everett Community College in Everett, Washington, host school for all eight years of state regional competitions, on January 30, 1993; and

WHEREAS, The 1993 Stanwood Middle School's Science Team will represent Washington State in the Middle School Division and Kamiaken High School from Kennewick, Washington, will represent Washington State in the High School Division against forty-seven other state middle school teams and forty-seven other state high school teams representing over 10,000 teams nation-wide and 1.5 million students in the National Science Olympiad Final Competition which will be held at the University of Southern Colorado in Pueblo, Colorado, on May 21 and 22, 1993; and

WHEREAS, The 1993 Stanwood Middle School's Science Team, which consists of fifteen students, grades 7 through 9, is promoted and supported by student fundraisers, voluntary contributions, grants, and numerous corporate, government and educational sponsors, and will need to raise approximately nine thousand dollars to attend the National Science Olympiad Final Competition in Pueblo, Colorado; and

WHEREAS, The Science Olympiad originated in Delaware eighteen years ago, went national eight years ago, and includes thirty-two events representing three broad goal areas of science education, science concepts and knowledge, science processes and thinking skills, and science application and technology; and

WHEREAS, The 1993 Washington Science Olympiad involved ninety-nine teams consisting of over 1,380 students from around Washington State, and the Washington Science Olympiad Committee has been administered by Dick and Shirley Prouty of Everett Community College who have volunteered their services since 1986, and is co-directed by Bob Campbell and Dick Prouty; and

WHEREAS, The 1993 Stanwood Middle School's Science Team events challenge students to think creatively and solve complex challenges from a scientific point of view, and are balanced between the various science disciplines of biology, art, science, chemistry, physics, and computers, and technology, with a balance between facts, concepts, process skills, and team effort, including co-operative individual and group planning; and

WHEREAS, The 1993 Stanwood Middle School's Science Team participation in the Washington Science Olympiad, an academic interscholastic competition designed to increase student interest in science and improve the quality of science education, included many events, ranging from written test questions to design and hands-on manufacturing, such as, designing and constructing an aerodynamic device out of paper that will stay aloft for a long period of time, a vehicle that uses a standard mousetrap to move it twenty meters before coming to a dead stop, a device capable of launching a tennis ball into a target area of sand, the lightest bridge capable of holding the most weight, and a container that will safely protect an egg from breaking when dropped from a height, and analyzing and identifying unknown powders, liquids, metals, fibers, and inks, using chemical techniques, testing their knowledge of astronomy, building and using an instrument to measure angular altitude, and conducting complex measurements; and

WHEREAS, The 1993 Stanwood Middle School's Science Team, in addition to their 1st place team finish in the Washington Science Olympiad State Final Competition, earned seventeen gold medals, five silver medals and one bronze medal by individual student scientists, including 1st place awards by Kristina Ringland (3), Colben Sime (2), Casey Haakenson (2), Amber Robinson (2), Christie Walker, Michael Hamalainen, Dan Compton, Robin Compton, Craig Oseroff, Carrie Vincent, Heather Saimons, and Candyce Kintner; 2nd place awards by Michael Hamalainen, Chad Lee, Heather Saimons, and Crystal Kintner; and a 3rd place award by Dan Compton; and

WHEREAS, The 1993 Stanwood Middle School's Science Team, in addition to their 1st place team finish in the Washington Science Olympiad Northwest Regional Competition, earned ten gold medals, fifteen silver medals and thirteen bronze medals by individual student scientists, including 1st place awards by Dan Compton (2), Colben Sime, Christie Walker, Chad Lee, Michael Hamalainen, Tug Buse, Ben Lukehart, and Carrie Vincent; 2nd place awards by Craig Oseroff (2), Megan Thomas, Kristina Ringland, Amber Robinson, Colben Sime, Casey Haakenson, Michael Hamalainen, Heather Saimons, Crystal Kintner, Robin Compton, Carissa Vargas, and Carrie Vincent; and 3rd place awards by Casey Haakenson, Cristina Ringland, Amber Robinson, Stephen Glunt, Fred Leach, Heather Saimons, Crystal Kintner, Josh Harrington, J. R. Cooley, Candyce Kintner, Robin Compton, Rae Cowdry, and Ben Schnase; and

WHEREAS, The 1993 Stanwood Middle School's Science Team student scientists apply their efforts to excel in their fields of interest, under the guidance and encouragement of the teachers of Stanwood Middle School as coordinated by teacher coach Robin Ringland who spends countless hours of her own time without compensation; and

WHEREAS, The 1993 Stanwood Middle School's Science Team coach, Robin Ringland, and team members, Shannon Bergdahl, Brandon Bowman, Wendy Brown, Tug Buse, Dan Compton, Robin Compton, J. R. Cooley, Rae Cowdry, Amy Fifield, Brian Flener, Stephen Glunt, Garrett Greer, Casey Haakenson, Michael Hamalainen, Josh Harrington, Crysty Kimmer, Candy Kintner, Fred Leach, Chad Lee, Ben Lukehart, Craig Oseroff, Kristina Ringland, Adam Roberts, Amber Robinson, Heather Saimons, Dan Schei, Ben Schnase, Colben Sime, Meghan Slater, Megan Thomas, Carissa Vargas, Carrie Vincent, and Christie Walker, all share in the 1993 Stanwood Middle School's Science Team's success by combining outstanding coaching with outstanding scientific knowledge and expertise; and

WHEREAS, These accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, contributors, and sponsors who backed them all the way, and the individual and team achievements of the 1993 Stanwood Middle School's Science Team will always be remembered when commemorating their winning year, and are a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the 1993 Stanwood Middle School's Science Team, encourage everyone to help support them in their efforts to raise the resources necessary to attend the National Science Olympiad Final Competition in Pueblo, Colorado, on May 21-22, 1993 and wish them all success in their endeavors; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to the 1993 Stanwood Middle School's Science Team Coach, Robin Ringland, Stanwood Middle School Principal, Ron Hendricks, Washington Science Olympiad Committee Executive, Shirley Prouty, and Co-Directors, Bob Campbell and Dick Prouty.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and congratulated the Stanwood Middle School Science Team, who were seated in the gallery.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5352,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868.

MOTION

On motion of Senator Jesernig, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Jesernig, the Committee on Health and Human Services was relieved of further consideration of Senate Bill No. 5076.

On motion of Senator Jesernig, the rules were suspended, Senate Bill No. 5076 was advanced to second reading.

MOTION

On motion of Senator Jesernig, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5076, by Senators Talmadge, Gaspard, Snyder and Pelz (by request of Governor Gardner)

Enacting comprehensive health care reform.

The bill was read the second time.

MOTION

At 12:26 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 12:42 p.m. by President Pritchard.

There being no objection, the Senate continued consideration of Senate Bill No. 5076, which was under discussion before the Senate went at ease.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Gaspard and Snyder be adopted:
Strike everything after the enacting clause and insert the following:

Sec. 1. Section 402, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 is amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with sections 433 through 443 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" or "health services commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means amounts paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, and may include copayments, coinsurance, or deductibles, that together must be actuarially equivalent across plans and within overall limits established by the commission.

(9) "Enrollee premium sharing" means that portion of the premium that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW and chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with sections 425 and 426 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any project or expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that: (a) Assumes financial risk for delivery of health services and uses a defined network of providers; or (b) assumes financial risk for delivery of health services and promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced uniform benefits packages offered by plans in a geographic region including both premium sharing and enrollee point of service cost-sharing.

(18) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

(19) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point of service cost-sharing.

(20) "Qualified employee" means an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

(21) "Registered employer health plan" means a health plan established by a private employer of more than seven thousand active employees in this state solely for the benefit of such employees and their dependents and that meets the requirements of section 430 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993. Nothing contained in this subsection shall be deemed to preclude the plan from providing benefits to retirees of the employer.

(22) "Seasonal employee" means any person who works:

(a) For one or more employers during the calendar year;

(b) For six months or less, per year; and

(c) For at least half-time per month, during a designated season, within the same industry sector, designated by the commission, including food processing, agricultural production, agricultural harvesting, plantation Christmas tree planting, and tree planting on timber land.

(23) "Supplemental benefits" means those appropriate and effective health services that are not included in the uniform benefits package or that expand the type or level of health services available under the uniform benefits package and that are offered to all residents in accordance with the provisions of sections 452 and 453 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

~~((23))~~ (24) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

~~((24))~~ (25) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under section 449 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993, that must be offered to all Washington residents through certified health plans.

~~((25))~~ (26) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under sections 427 through 466 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993. "Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

Sec. 2. Section 406, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 is amended to read as follows:

POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

(3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993. An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination with the planning process set forth in section 467 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 a uniform set of health services based on the recommendations of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990.

(5) Establish and modify as necessary the uniform benefits package as provided in section 449 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.

(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package that shall operate to control overall health care costs. The maximum premium cost of the uniform benefits package in the base year 1995 shall be established upon an actuarial determination of the costs of providing the uniform benefits package and such other cost impacts as may be deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the uniform benefits package for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management.

(b) In establishing the community-rated maximum premium under this subsection, ~~((the commission shall develop a composite rate for employees that provides nominal, if any, variance between the rate for individual employees and employees with dependents to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required. Nothing in this subsection (6)(b) shall preclude the commission from evaluating other methodologies for establishing the community-rated maximum premium and recommending an alternative methodology to the legislature))~~ the commission shall review various methods for establishing the community-rated maximum premium and shall recommend such methods to the legislature by December 1, 1994.

The commission may develop and recommend a rate for employees that provides nominal, if any, variance between the rate for individual employees and employees with dependents to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required.

(c) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.

(d) The level of state expenditures for the uniform benefits package shall be limited to the appropriation of funds specifically for this purpose.

(7) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection; (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments; and (c) consider whether registered employer health plans should be included in any medical risk adjustment mechanism. Proposed medical risk adjustment mechanisms shall be submitted to the legislature as provided in section 454 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

(8) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(9) Monitor the actual growth in total annual health services costs.

(10) Monitor the increased application of technology as required by chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 and take necessary action to ensure that such application is made in a cost-effective and efficient manner and consistent with existing laws that protect individual privacy.

(11) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports and shall report to the legislature regarding major capital expenditures on at least an annual basis. The Washington health care facilities authority and the commission shall develop standards jointly for evaluating

and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission.

(12) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income.

(13) For health services provided under the uniform benefits package and supplemental benefits, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, health care facilities, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

(14) Propose that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to section 410 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 for these purposes.

(15) Propose other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

(16) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.

(17) Adopt standards that prevent conflict of interest by health care providers as provided in section 408 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

(18) At the appropriate juncture and in the fullness of time, consider the extent to which medical research and health professions training activities should be included within the health service system set forth in this chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

(19) Evaluate and monitor the extent to which racial and ethnic minorities have access and to receive health services within the state, and develop strategies to address barriers to access.

(20) Develop standards for the certification process to certify health plans and employer health plans to provide the uniform benefits package, according to the provisions for certified health plans and registered employer health plans under chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

(21) Develop rules for implementation of individual and employer participation under sections 463 and 464 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

(22) After receiving advice from the health services effectiveness committee, adopt rules that must be used by certified health plans, disability insurers, health care service contractors, and health maintenance organizations to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.

(23) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

(24) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

(25) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(26) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these trusts are organized; and make appropriate recommendations to the governor and the legislature on or before December 1, 1994, as to whether these trusts should be brought under the provisions of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 when it is fully implemented, and if the commission recommends inclusion of the trusts, how to implement such inclusion.

(27) Make appropriate recommendations to the governor and the legislature on or before December 1, 1994, as to how seasonal workers and their employers may be brought under the provisions of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 when it is fully implemented, and with particular attention to the financial impact on seasonal workers and their employers. Until such time this study has been completed and the legislature has taken affirmative action, RCW 43.---,--- (section 464, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993, as amended by section 3 of this act) shall not apply to seasonal workers or their employers.

(28) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of unsubsidized and subsidized health care benefits for all residents and report to the governor and the legislature their findings.

~~((28))~~ (29) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

~~((29))~~ (30) Evaluate the effect of reforms under chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policymaking authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

Sec. 3. Section 464, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 is amended to read as follows:

(1) The legislature recognizes that small businesses play an essential and increasingly important role in the state's economy. The legislature further recognizes that many of the state's small business owners provide health insurance to their employees through small group policies at a cost that directly affects their profitability. Other small business owners are prevented from providing health benefits to their employees by the lack of access to affordable health insurance coverage. The legislature intends that the provisions of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 make health insurance more available and affordable to small businesses in Washington state through strong cost control mechanisms and the option to purchase health benefits through the basic health plan, the Washington state group purchasing association, and health insurance purchasing cooperatives.

(2) On July 1, 1995, every employer employing more than five hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, and for employers who have established a registered employer health plan, one of which may be its own registered employer health plan, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1996, all dependents of qualified employees of these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(3) By July 1, 1996, every employer employing more than one hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1997, all dependents of qualified employees in these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(4) By July 1, 1997, every employer shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1999, all dependents of qualified employees in all firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(5) This employer participation requirement shall be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions of the First Amendment of the United States Constitution or Article I, section 11, of the state Constitution. In such case the employer shall, pursuant to commission rules, set aside an amount equal to the applicable employer contribution level in a manner that would permit his or her employee to fully comply with the requirements of this chapter.

(6) In lieu of offering the uniform benefits package to employees and their dependents through direct contracts with certified health plans, an employer may combine the employer contribution with that of the employee's contribution and enroll in the basic health plan as provided in chapter 70.47 RCW or a health insurance purchasing cooperative established under sections 425

and 426 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993. Any subsidy that may be provided according to the provisions of chapter 70.47 RCW shall not lessen the employer's obligation to pay a minimum of fifty percent of the premium and the full amount of the direct subsidy shall be for the benefit of the employee or the dependent.

(7) For purposes of determining the financial obligation of an employer who enrolls employees or employees and their adult dependents in the basic health plan, the premium shall be the per adult, per month, cost of coverage in the plan, including administration.

NEW SECTION. Sec. 4. Section 466, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993 is amended to read as follows:

SMALL FIRM FINANCIAL ASSISTANCE. (1) Beginning July 1, 1997, firms with fewer than twenty-five workers that face barriers to providing health insurance for their employees may, upon application, be eligible to receive financial assistance with funds set aside from the health services account. Firms with the following characteristics shall be given preference in the distribution of funds: (a) New firms, (b) employers with low average wages, (c) employers with low profits, and (d) firms in economically distressed areas.

(2) All employers in existence on or before July 1, 1997, who meet the criteria set forth in this section, and rules adopted under this section, may apply to the health services commission for assistance. Such employers may not receive premium assistance beyond July 1, 2001. New employers, who come into existence after July 1, 1997, may apply for and receive premium assistance for a limited period of time, as determined by the commission.

(3) The total funds available for small business assistance shall ~~((not exceed))~~ be the lesser of (a) one hundred fifty million dollars or (b) twenty-five percent of the cost of the uniform benefits package per the eligible applicants' insured employee or dependents as the case may be, for the biennium beginning July 1, 1997. Thereafter, the amount of total funds available for premium assistance shall be determined by the office of financial management, based on a forecast of inflation, employment, and the number of eligible firms.

(4) By July 1, 1997, the health services commission, with assistance from the small business advisory committee established in section 404 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993, shall develop specific definitions, rules, and procedures governing all aspects of the small business assistance program, including application procedures, thresholds regarding firm size, wages, profits, and age of firm, and rules governing duration of assistance. The health services commission will endeavor to design a system for the distribution of assistance that will create minimal burdens on businesses seeking financial assistance.

(5) Final determination of the amount of the premium assistance to be dispensed to an employer shall be made by the commission based on rules, definitions, and procedures developed under this section. If total claims for assistance are above the amount of total funds available for such purposes, the commission shall have the authority to prorate employer claims so that the amount of available funds is not exceeded.

(6) The office of financial management, in consultation with the commission, shall establish appropriate criteria for monitoring and evaluating the economic and labor market impacts of the premium assistance program and report its findings to the commission annually through July 1, 2001.

NEW SECTION. Sec. 5. No later than January 1, 1997, the commission shall recommend legislation establishing a program for tax credits under chapter 82.04 RCW for employers with fewer than five hundred full-time equivalent employees, that provides a credit against the amount of employer tax. The credit shall be in an amount equal to a proportion of the cost of premium contributions made by such employer on behalf of dependents of employees under chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993. The proposed legislation shall limit the tax credit based on the criteria set forth in RCW 43.-- -- (section 466, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993, as amended by section 4 of this act). The tax credit shall not exceed forty percent of the employer's actual premium paid on behalf of dependents of employees.

NEW SECTION. Sec. 6. A new section is added to chapter 70.47 RCW to read as follows:

The administrator shall continue to use a premium pricing structure substantially equivalent to that used by the plan on January 1, 1993.

NEW SECTION. Sec. 7. Section 5 of this act is added to chapter 43.-- RCW (sections 401 through 407, 409, 425, 427 through 430, and 447 through 466 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, West, Moyer, Bluechel and McDonald to the striking amendment by Senators Talmadge, Gaspard and Snyder be adopted:

Beginning on page 1, line 7, after "Sec. 1." strike the remainder of the amendment and insert the following:

"**Sec. 1.** RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below ~~((two))~~ three hundred percent of the

federal poverty guidelines, except as provided for in RCW 70.47.060(11)(b), who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) ~~((The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations))~~ (a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public/private partnership as they configure their own professional and business relationships into a managed care system.

(b) As a consequence, the legislature intends to make the program available to individuals in the state with incomes below three hundred percent of federal poverty guidelines, except as provided for in RCW 70.47.060(11)(b), who reside in communities where the plan is operational, and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the program if it is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals in purchasing health care through the program.

Sec. 2. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, ~~((whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services,))~~ who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. Nonsubsidized enrollees shall be considered enrollees unless otherwise specified.

(5) "Nonsubsidized enrollee" means an enrollee who pays the full premium for participation in the plan and shall not be eligible for any subsidy under the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee plus the administrative cost to the plan of providing the plan to that enrollee, and the amount determined to be the enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an enrollee makes to the plan as consideration for enrollment in the plan.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

Sec. 3. RCW 70.47.030 and 1992 c 232 s 907 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. ~~((A#))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. After July 1, 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due under RCW 70.47.060 (11) and (12) shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 4. RCW 70.47.060 and 1992 c 232 s 908 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, for the period ending June 30, 1993, with respect to coverage for groups of subsidized enrollees, the administrator shall not contract for prenatal or postnatal services that are provided under the medical assistance program under chapter 74.09 RCW except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or

except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(a) An employer or other financial sponsor may, with the approval of the administrator, pay the premium on behalf of any enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed eighty percent of total premiums due from the enrollee.

(b) Premiums due from nonsubsidized enrollees, who are not otherwise eligible to be enrollees, shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6)(a) To limit the payment of a subsidy to only of those enrollees, as defined in RCW 70.47.020, whose gross family income at the time of enrollment does not exceed twice the federal poverty level adjusted for family size and determined annually by the federal department of health and human services.

(b) Except as provided for in subsection (11)(b) of this section, to limit participation of nonsubsidized enrollees in the plan to those whose family incomes at the time of enrollment does not exceed three times the federal poverty level adjusted for family size and determined annually by the federal department of health and human services.

(7) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

~~((Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.~~

~~(7))~~ (8) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

~~((8))~~ (9) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

~~((9))~~ (10) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Except as provided for in subsection (11)(b) of this section, an enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above ((twice)) three times the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above ((twice)) three times the poverty level for ((six)) eighteen consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled plus the administrative cost of providing the plan to that enrollee. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no

apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

~~((14))~~ (11)(a) To accept applications from small business owners on behalf of themselves and their employees, spouses, and dependent children who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. For the purposes of this subsection, an employee means an individual who regularly works for the employer for at least twenty hours per week. Such businesses shall have less than fifty or fewer employees and enrollment shall be limited to those not otherwise eligible for medicare, whose gross family income at the time of enrollment does not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, who wish to enroll in the plan at no cost to the state and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. No enrollee of a small business group shall be eligible for any subsidy from the plan and at no time shall the administrator allow the credit of the state or funds from the trust account to be used or extended on their behalf.

(b) Notwithstanding income limitations provided for in (a) of this subsection, if seventy-five percent or more of employees in a small business at the time of enrollment have gross family incomes that do not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, all employees in the small business will be eligible for enrollment under this subsection. The plan shall annually require participating small businesses enrolled under this subsection (11)(b) to provide evidence of gross family incomes of enrolled employees for purposes of determining continued eligibility of such employees under this subsection (11)(b). To minimize the burden and cost of complying with this reporting requirement, the plan shall accept documentation from the small business that provides such information as may be required by other state agencies. Should more than twenty-five percent of employees of an enrolled small business be found to have gross family incomes exceeding three times the federal poverty level, the plan shall notify the small business that those employees are no longer eligible for enrollment and shall disenroll these employees eighteen months after the notification. The remaining employees of such small businesses who have gross family incomes below three times the federal poverty level will continue to be eligible enrollees under (a) of this subsection.

(12) To accept applications from individuals residing in areas serviced by the plan, on behalf of themselves and their spouses and dependent children, not otherwise eligible for medicare, whose gross family income at the time of enrollment does not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, who wish to enroll in the plan at no cost to the state and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. Any such nonsubsidized enrollees must pay the amount negotiated by the administrator with the participating managed health care system and the administrative cost of providing the plan to such nonsubsidized enrollees and shall not be eligible for any subsidy from the plan.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant. In determining the rate to be paid to a contractor, the administrator shall strive to assure that the rate does not result in adverse cost shifting to other private payers of health care.

~~((14))~~ (14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12))~~ (15) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

~~((13))~~ (16) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((14))~~ (17) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((15))~~ (18) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 5. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, ~~((total))~~ the average monthly enrollment of those eligible for subsidies during any biennium shall not exceed the number established by the legislature in any act appropriating funds to the plan, and total subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan.

~~((Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4).))~~

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

Sec. 6. RCW 70.47.120 and 1987 1st ex.s. c 5 s 14 are each amended to read as follows:

In addition to the powers and duties specified in RCW 70.47.040 and 70.47.060, the administrator has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the administrator in her or his duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the administrator, and other administrative functions ordinarily performed by health care service contractors, other than insurance except that the administrator may purchase or arrange for the purchase of reinsurance, or self-insure for reinsurance, on behalf of its participating managed health care systems. Any activities of a health care service contractor pursuant to a contract with the administrator under this section shall be exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 7. BASIC HEALTH PLAN EXPANSION. The Washington basic health plan authorized under chapter 70.47 RCW is expanded for the purposes of enrolling a total of one hundred thousand members during the 1993-95 biennium.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Part I of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (2) Subpart A of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (3) Subpart B of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (4) Subpart C of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (5) Subpart D of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (6) Subpart E of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (7) Subpart F of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (8) Subpart G of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (9) Subpart H of Part II of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993;
- (10) Sections 293 through 296 of Subpart I of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993; and

- (11) Part IV of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993." Debate ensued.

POINT OF INQUIRY

Senator Erwin: "Senator Quigley, I know you have worked this issue very diligently the last couple of days and you are very concerned about small businesses, but I have a question regarding the assistance to small businesses, a hundred and fifty million dollars which you referred to. In your opinion does this give, once a business is characterized as being distressed and it can't afford the health care, do we suddenly put government in charge of micro managing that business? For instance, would I, as a small business owner who is getting this public assistance, have to check with a government agency before I could buy a Xerox machine or hire another employee?"

Senator Quigley: "Fortunately, we don't have to speculate on this, we have some data we can go by. In the state of Hawaii, in fact, they have a similar program and I am happy to report that even with the employer requirement in Hawaii, it is a little used program. Of course, nothing would prevent us, in any case, down the road to make sure that the program is more finely tuned. But, no, I think that what this does and says, 'yes, we are going to ask businesses to cover their employees, but the government is going to be there in partnership with that business to share the burden.' So, I think that this can work quite well."

Senator Erwin: "Thank you."

Further debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Deccio, West, Moyer, Bluechel and McDonald on page 1, line 7, to the striking amendment by Senators Talmadge, Gaspard and Snyder to Senate Bill No. 5076.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Voting nay: Senators Bauer, Cantu, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognilid, Williams and Wojahn - 29.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Talmadge, Gaspard and Snyder to Senate Bill No. 5076.

Debate ensued.

POINT OF INQUIRY

Senator McAuliffe: "Senator Deccio, did all the businesses that signed that paper that we received yesterday, against this bill, know the contents of this bill?"

Senator Deccio: "I'm sure they didn't, but they are scared by what they have heard, Senator McAuliffe."

Senator McAuliffe: "I think you have answered my question. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Talmadge, Gaspard and Snyder to Senate Bill No. 5076.

The striking amendment by Senators Talmadge, Gaspard and Snyder to Senate Bill No. 5076 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending sections 402, 406, 464, and 466 of chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993; adding a new section to chapter 43.---RCW; adding a new section to chapter 70.47 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 5076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5076.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5076 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Nelson, Newhouse, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 19.

ENGROSSED SENATE BILL NO. 5076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

E2SSB 5304 April 19, 1993

Includes "new item": Yes

Providing for health care costs and access

MR. SPEAKER:

MR. PRESIDENT:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, providing for health care costs and access, have had the same under consideration and we recommend that:

The House Committee on Revenue amendment(s) adopted April 9, 1993, not be adopted, and that the following Conference Committee striking amendment be adopted with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I. FINDINGS, GOALS, AND INTENT

NEW SECTION. Sec. 101. FINDINGS. The legislature finds that our health and financial security are jeopardized by our ever increasing demand for health care and by current health insurance and health system practices. Current health system practices encourage public demand for unneeded, ineffective, and sometimes dangerous health treatments. These practices often result in unaffordable cost increases that far exceed ordinary inflation for essential care. Current total health care expenditure rates should be sufficient to provide access to essential health care interventions to all within a reformed, efficient system.

The legislature finds that too many of our state's residents are without health insurance, that each year many individuals and families are forced into poverty because of serious illness, and that many must leave gainful employment to be eligible for publicly funded medical services. Additionally, thousands of citizens are at risk of losing adequate health insurance, have had insurance canceled recently, or cannot afford to renew existing coverage.

The legislature finds that businesses find it difficult to pay for health insurance and remain competitive in a global economy, and that individuals, the poor, and small businesses bear an inequitable health insurance burden.

The legislature finds that persons of color have significantly higher rates of mortality and poor health outcomes, and substantially lower numbers and percentages of persons covered by health insurance than the general population. It is intended that chapter . . . , Laws of 1993 (this act) make provisions to address the special health care needs of these racial and ethnic populations in order to improve their health status.

The legislature finds that uncontrolled demand and expenditures for health care are eroding the ability of families, businesses, communities, and governments to invest in other enterprises that promote health, maintain independence, and ensure continued economic welfare. Housing, nutrition, education, and the environment are all diminished as we invest ever increasing shares of wealth in health care treatments.

The legislature finds that while immediate steps must be taken, a long-term plan of reform is also needed.

NEW SECTION. Sec. 102. LEGISLATIVE INTENT AND GOALS. (1) The legislature intends that state government policy stabilize health services costs, assure access to essential services for all residents, actively address the health care needs of persons of color, improve the public's health, and reduce unwarranted health services costs to preserve the viability of nonhealth care businesses.

(2) The legislature intends that:

(a) Total health services costs be stabilized and kept within rates of increase similar to the rates of personal income growth within a publicly regulated, private marketplace that preserves personal choice;

(b) State residents be enrolled in the certified health plan of their choice that meets state standards regarding affordability, accessibility, cost-effectiveness, and clinical efficaciousness;

(c) State residents be able to choose health services from the full range of health care providers, as defined in section 402(12) of this act, in a manner consistent with good health services management, quality assurance, and cost effectiveness;

(d) Individuals and businesses have the option to purchase any health services they may choose in addition to those contained in the uniform benefits package or supplemental benefits package;

(e) All state residents, businesses, employees, and government participate in payment for health services, with total costs to individuals on a sliding scale based on income to encourage efficient and appropriate utilization of services;

(f) These goals be accomplished within a reformed system using private service providers and facilities in a way that allows consumers to choose among competing plans operating within budget limits and other regulations that promote the public good; and

(g) A policy of coordinating the delivery, purchase, and provision of health services among the federal, state, local, and tribal governments be encouraged and accomplished by chapter . . . , Laws of 1993 (this act).

(3) Accordingly, the legislature intends that chapter . . . , Laws of 1993 (this act) provide both early implementation measures and a process for overall reform of the health services system.

PART II. EARLY IMPLEMENTATION MEASURES A. BASIC HEALTH PLAN EXPANSION

NEW SECTION. Sec. 201. A new section is added to chapter 70.47 RCW to read as follows:

TRANSFER OF POWER AND DUTIES TO WASHINGTON STATE HEALTH CARE AUTHORITY. The powers, duties, and functions of the Washington basic health plan are hereby transferred to the Washington state health care authority. All references to the administrator of the Washington basic health plan in the Revised Code of Washington shall be construed to mean the administrator of the Washington state health care authority.

NEW SECTION. Sec. 202. TRANSFER OF RECORDS, EQUIPMENT, FUNDS. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington basic health plan shall be delivered to the custody of the Washington state health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the Washington basic health plan shall be made available to the Washington state health care authority. All funds, credits, or other assets held by the Washington basic health plan shall be assigned to the Washington state health care authority.

Any appropriations made to the Washington basic health plan shall, on the effective date of this section, be transferred and credited to the Washington state health care authority. At no time may those funds in the basic health plan trust account, any funds appropriated for the subsidy of any enrollees, or any premium payments or other sums made or received on behalf of any enrollees in the basic health plan be commingled with any appropriated funds designated or intended for the purposes of providing health care coverage to any state or other public employees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 203. TRANSFER OF EMPLOYEES. All employees of the Washington basic health plan are transferred to the jurisdiction of the Washington state health care authority. All employees classified under chapter 41.06 RCW, the

state civil service law, are assigned to the Washington state health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 204. RULES AND BUSINESS. All rules and all pending business before the Washington basic health plan shall be continued and acted upon by the Washington state health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state health care authority.

NEW SECTION. Sec. 205. VALIDITY OF PRIOR ACTS. The transfer of the powers, duties, functions, and personnel of the Washington basic health plan shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 206. APPORTIONMENT OF BUDGETED FUNDS. If apportionments of budgeted funds are required because of the transfers directed by sections 201 through 205 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 207. COLLECTIVE BARGAINING. Nothing contained in sections 201 through 206 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 208. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

BASIC HEALTH PLAN--FINDINGS. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women (~~who are an especially vulnerable population, along with their children~~), and at-risk children and adolescents who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents (~~under sixty-five years of age~~) not (~~otherwise~~) eligible for medicare (~~with gross family income at or below two hundred percent of the federal poverty guidelines~~) or medical assistance who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) (~~The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.~~)

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program so long as such purchase does not result in a lower standard of coverage for employees.

(c) The legislature intends that, to the extent of available funds, the program be available throughout Washington state to subsidized and nonsubsidized enrollees. It is also the intent of the legislature to enroll subsidized enrollees first, to the maximum extent feasible.

(d) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 209. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

BASIC HEALTH PLAN--DEFINITIONS. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. On and after July 1, 1995, "managed health care system" means a certified health plan, as defined in section 402 of this act.

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse ~~((and/or))~~ or dependent children, ~~((all under the age of sixty-five and))~~ not ~~((otherwise))~~ eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who the administrator determines at the time of application does not have health insurance more comprehensive than that offered by the plan, and who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who the administrator determines at the time of application does not have health insurance more comprehensive than that offered by the plan, who chooses to obtain basic health care coverage from a particular managed health care system, and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes ~~((, from funds appropriated from the basic health plan trust account,))~~ to a managed health care system on behalf of ~~((an))~~ a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income ~~((and determined under RCW 70.47.060(2,))~~ which an ~~((enrollee))~~ individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 210. RCW 70.47.030 and 1992 c 232 s 907 are each amended to read as follows:

ACCOUNTS. (1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((After July 1, 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.))~~

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 211. RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended to read as follows:

BASIC HEALTH PLAN--PROGRAM WITHIN STATE HEALTH CARE AUTHORITY. (1) The Washington basic health plan is created as ~~((an independent agency of the state))~~ a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator ~~((who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040))~~ of the Washington state health care authority. The administrator shall appoint a medical director. The ~~((administrator,))~~ medical director ~~((,))~~ and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) ~~((In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law))~~ Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Sec. 212. RCW 70.47.060 and 1992 c 232 s 908 are each amended to read as follows:

ADMINISTRATOR'S POWERS AND DUTIES. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington

basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, ~~((for the period ending June 30, 1993,))~~ with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for ~~((prenatal or postnatal))~~ such services ~~((that are provided under the medical assistance program under chapter 74.09 RCW))~~ except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider ~~((or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992))~~. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On and after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to section 449 of this act shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size ~~((as well as))~~ and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the appropriate premium tax as provided by law.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee.

(3) To design and implement a structure of ~~((nominal))~~ copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. On and after July 1, 1995, the administrator shall endeavor to make the copayments structure of the plan consistent with enrollee point of service cost-sharing levels adopted by the Washington health services commission, giving consideration to funding available to the plan.

(4) ~~((To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:~~

(a) ~~Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;~~

(b) ~~A modified fee-for-services payment schedule for providers;~~

(c) ~~Coinurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and~~

(d) ~~A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.~~

~~The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.~~

~~((5)))~~ To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

~~((5))~~ To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

~~((In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.)~~

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with

participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least ~~((annually))~~ semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. ~~((An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled.))~~ No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a business owner pay at least fifty percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((14))~~ (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the ~~((administrator))~~ plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12))~~ To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available ~~((resources, technical))~~ funding, assistance for rural ~~((health activities that endeavor to develop needed health care services in rural parts of the state))~~ residents, underserved populations, and persons of color.

Sec. 213. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

ENROLLMENT. On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, total ~~((enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4))~~ subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan. To the extent that new funding is appropriated for expansion, the administrator shall endeavor to secure participation contracts from managed health care systems in geographic areas of the state that are unserved by the plan at the time at which the new funding is appropriated. In the selection of any

such areas the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

B. EXPANDED MANAGED CARE FOR STATE EMPLOYEES

Sec. 214. RCW 41.05.011 and 1990 c 222 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an ~~((insurance carrier as defined in chapter 48.21 or 48.22))~~ insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. On and after July 1, 1995, "insuring entity" means a certified health plan, as defined in section 402 of this act.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) By October 1, 1995, all employees of school districts. Between October 1, 1994, and September 30, 1995, "employee" includes employees of those school districts for whom the authority has undertaken the purchase of insurance benefits. The transition to insurance benefits purchasing by the authority may not disrupt existing insurance contracts between school district employees and insurers. However, except to the extent provided in RCW 28A.400.200, any such contract that provides for health insurance benefits coverage after October 1, 1995, shall be void as of that date if the contract was entered into, renewed, or extended after July 1, 1993. Prior to October 1, 1994, "employee" includes employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority; (b) employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205(, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350); (c) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization.

(7) "Board" means the ~~((state))~~ public employees' benefits board established under RCW 41.05.055.

Sec. 215. RCW 41.05.021 and 1990 c 222 s 3 are each amended to read as follows:

HEALTH CARE AUTHORITY DUTIES. (1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits ((and to)), study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care, and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

~~((1))~~ (a) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

~~((2))~~ (b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

~~((a))~~ (i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

~~((b))~~ (ii) Utilization of provider arrangements that encourage cost containment ((and ensure access to quality care)), including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

~~((c))~~ (iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

~~((d))~~ (iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

~~((e))~~ (v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

~~((3))~~ (c) To analyze areas of public and private health care interaction;

~~((4))~~ (d) To provide information and technical and administrative assistance to the board;

~~((5))~~ (e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state ~~(, and school districts)~~ to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 ~~(and 28A.400.350)~~, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

~~((6))~~ (f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and

~~((7))~~ (g) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) The public employees' benefits board shall implement strategies to promote managed competition among employee health benefit plans by January 1, 1995, including but not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced sealed bid of a qualified plan within a geographical area. If the state's contribution is less than one hundred percent of the lowest priced sealed bid, employee financial contributions shall be structured on a sliding-scale basis related to household income;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

Sec. 216. RCW 41.05.050 and 1988 c 107 s 18 are each amended to read as follows:

FERRY EMPLOYEES. (1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. All such contributions will be paid into the ~~((state))~~ public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. ~~((However,))~~ Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter . . . Laws of 1993 (this act).

(3) The administrator with the assistance of the ~~((state))~~ public employees' benefits board shall survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the authority. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the authority for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 217. RCW 41.05.055 and 1989 c 324 s 1 are each amended to read as follows:

PUBLIC EMPLOYEES' BENEFITS BOARD--SCHOOL DISTRICT EMPLOYEES. (1) The ~~((state))~~ public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and school district employees.

(2) Effective January 1, 1995, the board shall be composed of ((seven)) nine members appointed by the governor as follows:

(a) ~~((Three))~~ Two representatives of state employees, ~~((one of whom shall represent an employee association certified as exclusive representative of at least one bargaining unit of classified employees,))~~ one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

~~((Three))~~ (c) Four members with experience in health benefit management and cost containment; and

~~((e))~~ (d) The administrator.

Prior to January 1, 1995, the composition of the public employees benefits board shall reflect its composition on January 1, 1993.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

Sec. 218. RCW 41.05.065 and 1988 c 107 s 8 are each amended to read as follows:

EMPLOYEE BENEFIT PLANS--STANDARDS. (1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state ~~((PROVIDED, That))~~, however liability insurance shall not be made available to dependents.

(2) The ~~((state))~~ public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;
(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, exercise, ~~((and))~~ automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers; ~~((and))~~

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of standard benefit plans to be offered to enrollees participating in the employee health benefit plans. On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. ~~((Such authorization shall require a vote of five members of the board for approval.))~~

(5) Employees ~~((may))~~ shall choose participation in ~~((only))~~ one of the health care benefit plans developed by the board.

(6) The board shall review plans proposed by insurance carriers that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

Sec. 219. RCW 41.05.120 and 1991 sp.s. c 13 s 100 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE ACCOUNT. (1) The ~~((state))~~ public employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the ~~((state))~~ public employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the ~~((state))~~ public employees' insurance account.

Sec. 220. RCW 41.05.140 and 1988 c 107 s 12 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE RESERVE FUND. (1) The authority may self-fund or self-insure for public employees' benefits plans, but shall also enter into other methods of providing insurance coverage for insurance programs under its jurisdiction except property and casualty insurance. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. Reserves established by the authority shall be held in a separate trust fund by the state treasurer and shall be known as the ~~((state))~~ public employees' insurance reserve fund. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the ~~((state))~~ public employees' insurance reserve fund.

(2) Any savings realized as a result of a program created under this section shall not be used to increase benefits unless such use is authorized by statute.

(3) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

(4) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

(5) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

NEW SECTION. Sec. 221. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. The administrator, in consultation with the public employees' benefits board, shall design a self-insured medicare supplemental insurance plan for retired and disabled employees eligible for medicare. For the purpose of determining the appropriate scope of the self-funded medicare supplemental plan, the administrator shall consider the differences in the scope of health services available under the uniform benefits package and the medicare program. The proposed plan shall be submitted to appropriate committees of the legislature by December 1, 1993.

NEW SECTION. Sec. 222. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. Notwithstanding any other provisions of this title or rules or procedures adopted by the authority, the authority shall make available to retired or disabled employees who are eligible for medicare at least two medicare supplemental insurance policies that conform to the requirements of chapter 48.66 RCW. One policy shall include coverage for prescription drugs. The policies shall be chosen in consultation with the public employees' benefits board. These policies shall be made available to retired or disabled employees, or employees of county, municipal, or other political subdivisions eligible for coverage available under the authority. All offerings shall be made available not later than January 1, 1994.

NEW SECTION. Sec. 223. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. If a waiver of the medicare statute, Title XVIII of the federal social security act, sufficient to meet the requirements of chapter . . . , Laws of 1993 (this act) is not granted on or before January 1, 1995, the medicare supplemental insurance policies authorized under section 222 of this act shall be made available to any resident of the state eligible for medicare benefits. Except for those retired state or school district employees eligible to purchase medicare supplemental benefits through the authority, persons purchasing a medicare supplemental insurance policy under this section shall be required to pay the full cost of any such policy.

Sec. 224. RCW 47.64.270 and 1988 c 107 s 21 are each amended to read as follows:

FERRY EMPLOYEES--ENROLLMENT IN CERTIFIED HEALTH PLANS. ~~Until December 31, 1996,~~ absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW((-); and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter . . . , Laws of 1993 (this act). To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 225. RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33 s 381 are each reenacted and amended to read as follows:

SCHOOL DISTRICT EMPLOYEES--EMPLOYER CONTRIBUTIONS. (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the ~~((greater of: (i) The formula amount for insurance benefits))~~ amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable ~~((; or (ii) the actual average amount provided by the school district in the 1986-87 school year))~~. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210 ~~((; or~~); employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

Sec. 226. RCW 28A.400.350 and 1990 1st ex.s. c 11 s 3 and 1990 c 74 s 1 are each reenacted and amended to read as follows:

SCHOOL DISTRICTS--HEALTH CARE COVERAGE ONLY BY CONTRACTS WITH THE STATE HEALTH CARE AUTHORITY. (1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Except for health benefits purchased with nonstate funds as provided in RCW 28A.400.200, upon the making of a determination provided for in RCW 41.05.021(2) by the administrator of the state health care authority, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student (~~:- PROVIDED, That~~). The school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

C. CONSOLIDATED STATE HEALTH CARE PURCHASING AGENT

NEW SECTION. Sec. 227. A new section is added to Title 43 RCW to read as follows:

STATE HEALTH SERVICES AGENT. (1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after July 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: The basic health plan; health benefits for employees of school districts; and health benefits for state employees. Until that date, in purchasing health services, the health care authority shall maintain separate risk pools for each of the programs in this subsection. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the risk pools. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long-term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community-rated risk pool effective on and after July 1, 1997.

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan or a uniform benefits package as adopted by the Washington health services commission as provided in section 449 of this act, use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them consistent with the provisions of chapter ..., Laws of 1993 (this act), and that a health maintenance organization, health care service contractor, insurer, or certified health plan that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them under the provisions of chapter ..., Laws of 1993 (this act);

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter . . . , Laws of 1993 (this act);

(e) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section.

NEW SECTION. Sec. 228. A new section is added to chapter 41.05 RCW to read as follows:

WASHINGTON STATE GROUP PURCHASING ASSOCIATION. (1) The Washington state group purchasing association is established for the purpose of coordinating and enhancing the health care purchasing power of the groups identified in subsection (2) of this section. The purchasing association shall be administered by the administrator.

(2) The following organizations or entities may seek the approval of the administrator for membership in the purchasing association:

(a) Private nonprofit human services provider organizations under contract with state agencies, on behalf of their employees and their employees' spouses and dependent children;

(b) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the medical assistance personal care or community options program entry system program as provided in chapter 74.09 RCW, or the chore services program, as provided in chapter 74.08 RCW, on behalf of themselves and their spouses and dependent children;

(c) Owners and operators of child day care centers and family child care homes licensed under chapter 74.15 RCW and of preschool or other child care programs exempted from licensing under chapter 74.15 RCW on behalf of themselves and their employees and employees' spouses and dependent children; and

(d) Foster parents contracting with the department of social and health services under chapter 74.13 RCW and licensed under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children.

(3) In administering the purchasing association, the administrator shall:

(a) Negotiate and enter into contracts on behalf of the purchasing association's members in conjunction with its contracting and purchasing activities for employee benefits plans under RCW 41.05.075. In negotiating and contracting with insuring entities on behalf of employees and purchasing association members, two distinct pools shall be maintained.

(b) Review and approve or deny applications from entities seeking membership in the purchasing association:

(i) The administrator may require all or the substantial majority of the employees of the organizations or entities listed in subsection (2) of this section to enroll in the purchasing association.

(ii) The administrator shall require, that as a condition of membership in the purchasing association, an entity or organization listed in subsection (2) of this section that employs individuals pay at least fifty percent of the cost of the health insurance coverage for each employee enrolled in the purchasing association.

(iii) In offering and administering the purchasing association, the administrator may not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history.

(4) On and after July 1, 1995, the uniform benefits package and schedule of premiums and point of service cost-sharing adopted and from time to time revised by the health services commission pursuant to chapter . . . , Laws of 1993 (this act) shall be applicable to the association.

(5) The administrator shall adopt preexisting condition coverage provisions for the association as provided in sections 283 through 286 of this act.

(6) Premiums charged to purchasing association members shall include the authority's reasonable administrative and marketing costs. Purchasing association members may not receive any subsidy from the state for the purchase of health insurance coverage through the association.

(7)(a) The Washington state group purchasing association account is established in the custody of the state treasurer, to be used by the administrator for the deposit of premium payments from individuals and entities described in subsection (2) of this section, and for payment of premiums for benefit contracts entered into on behalf of the purchasing association's participants and operating expenses incurred by the authority in the administration of benefit contracts under this section. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(b) Disbursements from the account are not subject to appropriations, but shall be subject to the allotment procedure provided under chapter 43.88 RCW.

NEW SECTION. Sec. 229. A new section is added to chapter 41.05 RCW to read as follows:

MARKETING PLAN. The administrator shall develop a marketing plan for the basic health plan and the Washington state group purchasing association. The plan shall be targeted to individuals and entities eligible to enroll in the two programs and provide clear and understandable explanations of the programs and enrollment procedures. The plan also shall incorporate special efforts to reach communities and people of color.

NEW SECTION. Sec. 230. WASHINGTON STATE GROUP PURCHASING ASSOCIATION--REPEAL. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(1) RCW 41.05.____ and 1993 c ____ s 228 (section 228 of this act); and

(2) RCW 41.05.____ and 1993 c ____ s 229 (section 229 of this act).

Sec. 231. RCW 74.09.055 and 1982 c 201 s 19 are each amended to read as follows:

The department is authorized to establish copayment, deductible, or coinsurance requirements for recipients of any medical programs defined in RCW 74.09.010 (~~but shall not establish copayment, deductible or coinsurance requirements for legend drugs as defined in RCW 69.41.240, unless required by federal law~~).

NEW SECTION. Sec. 232. TRANSFER OF AUTHORITY TO PURCHASE SERVICES FROM COMMUNITY HEALTH CENTERS. (1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) To further the intent of chapter . . . , Laws of 1993 (this act), the health care authority, in consultation with the department of health, shall evaluate the organization and operation of the federal and state-funded community health centers and other not-for-profit health care organizations and propose recommendations to the health services commission and the health policy committees of the legislature by November 30, 1994, that identify changes to permit community health centers and other not-for-profit health care organizations to form certified health plans or other innovative health care delivery arrangements that help ensure access to primary health care services consistent with the purposes of chapter . . . , Laws of 1993 (this act).

(3) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

D. HEALTH CARE PROVIDER CONFLICT OF INTEREST STANDARDS

Sec. 233. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

FINANCIAL INTEREST IN HEALTH CARE FACILITIES--LIST OF ALTERNATIVE FACILITIES TO BE PROVIDED. It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of

clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment (~~(: PROVIDED, That)~~). Ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; and (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities.

Any person violating the provisions of this section is guilty of a misdemeanor.

E. PUBLIC HEALTH FINANCING AND GOVERNANCE

Sec. 234. RCW 70.05.010 and 1967 ex.s. c 51 s 1 are each amended to read as follows:

DEFINITIONS--DEPARTMENT OF HEALTH. For the purposes of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) and unless the context thereof clearly indicates to the contrary:

(1) "Local health departments" means the (~~(city, town,))~~ county or district which provides public health services to persons within the area;

(2) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the (~~(city, town,))~~ county or district public health department;

(3) "Local board of health" means the (~~(city, town,))~~ county or district board of health.

(4) "Health district" means (~~(all territory encompassed within a single county and all cities and towns therein except cities with a population of over one hundred thousand, or)~~) all the territory consisting of one or more counties (~~(and all the cities and towns in all of the combined counties except cities of over one hundred thousand population which have been combined and)~~) organized pursuant to the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090: PROVIDED, That cities with a population of over one hundred thousand may be included in a health district as provided in RCW 70.46.040).~~)

(5) "Department" means the department of health.

Sec. 235. RCW 70.05.030 and 1967 ex.s. c 51 s 3 are each amended to read as follows:

LOCAL BOARD OF HEALTH--COUNTIES WITHOUT HOME RULE CHARTER--JURISDICTION. In counties without a home rule charter, the board of county commissioners ((of each and every county in this state, except where such county is a part of a health district or is purchasing services under a contract as authorized by chapter 70.05 RCW and RCW 70.46.020 through 70.46.090,)) shall constitute the local board of health ((for such county, and said local board of health's jurisdiction)), unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county((, except that nothing herein contained shall give said board jurisdiction in cities of over one hundred thousand population or in such other cities and towns as are providing health services which meet health standards pursuant to RCW 70.46.090)).

Sec. 236. RCW 70.05.040 and 1984 c 25 s 1 are each amended to read as follows:

LOCAL BOARD OF HEALTH--VACANCIES. The local board of health shall elect a (~~(chairman))~~ chair and may appoint an administrative officer. A local health officer shall be appointed pursuant to RCW 70.05.050. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local board of health, the members shall elect a (~~(chairman))~~ chair to serve for a period of one year. (~~(In home rule charter counties that have a local board of health established under RCW 70.05.050, the administrative officer may be appointed by the official designated under the county's charter.))~~)

NEW SECTION. Sec. 237. A new section is added to chapter 70.05 RCW to read as follows:

HOME RULE CHARTER--LOCAL BOARD OF HEALTH. In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

Sec. 238. RCW 70.05.050 and 1984 c 25 s 5 are each amended to read as follows:

LOCAL HEALTH OFFICER. (~~(Each local board of health, other than boards which are established under RCW 70.05.030 and which are located in counties having home rule charters, shall appoint a local health officer. In home rule charter counties which have a local board of health established under RCW 70.05.030, the local health officer shall be appointed by the official designated under the provisions of the county's charter.))~~)

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but (~~(he))~~ the local health officer shall not be removed until after notice is given (~~(him)),~~ and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. (~~(He))~~ The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 239. RCW 70.05.070 and 1991 c 3 s 309 are each amended to read as follows:

LOCAL HEALTH OFFICER DUTIES. The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or section 237 of this act, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of health or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 240. RCW 70.05.080 and 1991 c 3 s 310 are each amended to read as follows:

LOCAL HEALTH OFFICER--APPOINTMENT BY SECRETARY OF HEALTH IF LOCAL BOARD FAILS TO ACT. If the local board of health or other official responsible for appointing a local health officer under RCW 70.05.050 refuses or neglects to appoint a local health officer after a vacancy exists, the secretary of health may appoint a local health officer and fix the compensation. The local health officer so appointed shall have the same duties, powers and authority as though appointed under RCW 70.05.050. Such local health officer shall serve until a qualified individual is appointed according to the procedures set forth in RCW 70.05.050. The board or official responsible for appointing the local health officer under RCW 70.05.050 shall also be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his or her responsibilities under the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~).

Sec. 241. RCW 70.05.120 and 1984 c 25 s 8 are each amended to read as follows:

REMOVAL OF LOCAL HEALTH OFFICER. Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Sec. 242. RCW 70.05.130 and 1991 c 3 s 313 are each amended to read as follows:

EXPENSES OF CARRYING OUT PUBLIC HEALTH LAW. All expenses incurred by the state, health district, or county in carrying out the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) or any other public health law, or the rules of the ((state)) department of health enacted under such laws, shall be paid by the county (~~or city by which or in behalf of which such expenses shall have been incurred~~) and such expenses shall constitute a claim against the general fund as provided (~~herein~~) in this section.

Sec. 243. RCW 70.05.150 and 1967 ex.s. c 51 s 22 are each amended to read as follows:

AUTHORITY TO CONTRACT. In addition to powers already granted them, any ((city, town,)) county, district, or local health department may contract for either the sale or purchase of any or all health services from any local health department(~~(= PROVIDED, That)~~). Such contract shall require the approval of the state board of health.

Sec. 244. RCW 70.08.010 and 1985 c 124 s 1 are each amended to read as follows:

APPOINTMENT OF LOCAL HEALTH OFFICER BY COMBINED CITY AND COUNTY HEALTH DEPARTMENT. Any city with one hundred thousand or more population and the county in which it is located, are authorized, as shall be agreed upon between the respective governing bodies of such city and said county, to establish and operate a combined city and county health department, and to appoint ((the director of public health)) a local health officer for the county served. Class AA counties may appoint a director of public health as specified in this chapter.

Sec. 245. RCW 70.12.030 and 1945 c 46 s 1 are each amended to read as follows:

MONEY MANAGEMENT. Any county, ((first class city)) combined city-county health department, or health district is hereby authorized and empowered to create a "public health pooling fund", hereafter called the "fund", for the efficient management and control of all moneys coming to such county, ((first class city)) combined department, or district for public health purposes.

(("Health district" as used herein may mean all territory consisting of one or more counties and all cities with a population of one hundred thousand or less, and towns therein.))

Sec. 246. RCW 70.12.050 and 1945 c 46 s 3 are each amended to read as follows:

EXPENDITURES. All expenditures in connection with salaries, wages and operations incurred in carrying on the health department of the county, ~~((first class city))~~ combined city-county health department, or health district shall be paid out of such fund.

Sec. 247. RCW 70.46.020 and 1967 ex.s. c 51 s 6 are each amended to read as follows:

MULTICOUNTY HEALTH DISTRICTS. Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties ~~((including all cities and towns except cities of over one hundred thousand population))~~. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. ~~((The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the financial contribution of such cities and towns and representation from the several classifications of cities and towns.))~~

At the first meeting of a district board of health the members shall elect a ~~((chairman))~~ chair to serve for a period of one year.

Sec. 248. RCW 70.46.060 and 1967 ex.s. c 51 s 11 are each amended to read as follows:

DISTRICT BOARD OF HEALTH POWERS AND DUTIES. The district board of health shall constitute the local board of health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the county ~~((or city or town))~~ board of health of any county~~((, city or town))~~ included in the health district~~((, except as otherwise in chapter 70.05 RCW and RCW 70.46.020 through 70.46.090 provided))~~.

Sec. 249. RCW 70.46.080 and 1971 ex.s. c 85 s 10 are each amended to read as follows:

DISTRICT HEALTH FUND. Each health district shall establish a fund to be designated as the "district health fund", in which shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. ~~((The county treasurer of the county in the district embracing only one county; or,))~~ In a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board~~((: PROVIDED, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above))~~.

Each county~~((, city or town))~~ which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health ~~((after consultation with the Washington state association of counties and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of the proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district))~~.

Sec. 250. RCW 70.46.085 and 1967 ex.s. c 51 s 20 are each amended to read as follows:

COUNTY TO BEAR EXPENSES. The expense of providing public health services shall be borne by each county~~((, city or town))~~ within the health district~~((, and the local health officer shall certify the amount agreed upon or as determined pursuant to RCW 70.46.080, and remaining unpaid by each county, city or town to the fiscal or warrant issuing officer of such county, city or town.~~

If the expense as certified is not paid by any county, city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the governmental unit is situated who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund shall be reimbursed by the county auditor out of the money due said governmental unit at the next monthly settlement or settlements of the collection of taxes and shall be transferred to the current expense fund).

Sec. 251. RCW 70.46.090 and 1967 ex.s. c 51 s 21 are each amended to read as follows:

WITHDRAWAL FROM MEMBERSHIP. Any county ~~((or any city or town))~~ may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the county~~((, city or town))~~ gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective~~((: PROVIDED, That))~~. Any county~~((, city or town))~~ which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health~~((: PROVIDED FURTHER, That))~~. No local health department ~~((shall))~~ may be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in RCW 70.05.050.

Sec. 252. RCW 70.46.120 and 1963 c 121 s 1 are each amended to read as follows:

FEES MAY BE CHARGED. In addition to all other powers and duties, health districts shall have the power to charge fees in connection with the issuance or renewal of a license or permit required by law: PROVIDED, That the fees charged shall not exceed the actual cost involved in issuing or renewing the license or permit~~((: PROVIDED FURTHER, That no fees shall be charged pursuant to this section within the corporate limits of any city or town which prior to the enactment of this section charged~~

fees in connection with the issuance or renewal of a license or permit pursuant to city or town ordinance and where said city or town makes a direct contribution to said health district, unless such city or town expressly consents thereto).

Sec. 253. RCW 82.44.110 and 1991 c 199 s 221 are each amended to read as follows:

DISPOSITION OF MOTOR VEHICLE EXCISE TAX REVENUE--PUBLIC HEALTH. The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) ~~((8-83))~~ 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(l) 2.95 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

Sec. 254. RCW 82.44.155 and 1991 c 199 s 223 are each amended to read as follows:

MOTOR VEHICLE EXCISE TAX DISTRIBUTION TO CITIES AND TOWNS. When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110~~((4))~~(1)(d) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection ~~((and the preservation of the public health))~~ in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise taxes imposed by RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 255. RCW 43.20.030 and 1984 c 287 s 75 are each amended to read as follows:

COMPOSITION OF STATE BOARD OF HEALTH--CITY MEMBER ELIMINATED. The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, ~~((an elected city official who is a member of a local health board, an))~~ two elected county officials who ~~((is a))~~ are members of a local health board, a local health officer, and two persons representing the consumers of health care. ~~((Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities.))~~ Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department ~~((of social and health services))~~ shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 256. RECODIFICATION--CITY/COUNTY HEALTH DEPARTMENT. RCW 70.08.010, as amended by this act, shall be recodified in chapter 70.05 RCW.

NEW SECTION. Sec. 257. REPEALERS--CITIES AND TOWNS. The following acts or parts of acts are each repealed:

(1) RCW 70.05.005 and 1989 1st ex.s. c 9 s 243;

(2) RCW 70.05.020 and 1967 ex.s. c 51 s 2;

(3) RCW 70.05.132 and 1984 c 25 s 9 & 1983 1st ex.s. c 39 s 6;

(4) RCW 70.05.145 and 1983 1st ex.s. c 39 s 5;

(5) RCW 70.12.005 and 1989 1st ex.s. c 9 s 245;

(6) RCW 70.46.030 and 1991 c 363 s 141, 1969 ex.s. c 70 s 1, 1967 ex.s. c 51 s 5, & 1945 c 183 s 3;

(7) RCW 70.46.040 and 1967 ex.s. c 51 s 7 & 1945 c 183 s 4; and

(8) RCW 70.46.050 and 1967 ex.s. c 51 s 8, 1957 c 100 s 1, & 1945 c 183 s 5.

NEW SECTION. Sec. 258. STUDY LOCAL GOVERNMENT HEALTH SERVICE DELIVERY. It is hereby requested that the governing authorities of the association of Washington cities, the Washington state association of counties, and the Washington association of county officials jointly initiate a study and develop consensus recommendations regarding implementation of the provisions of sections 234 through 257 of this act. The study and recommendations should at a minimum include consideration of the fiscal impact of these sections on counties, the desirability of maintaining a process whereby city officials can effectively

communicate concerns regarding the delivery of public health services to both the counties and the state, the need for larger cities to be able to continue to provide health care services when needed, and other matters as the three associations agree are of substance in the implementation of sections 234 through 257 of this act. This study shall be coordinated with the public health services improvement planning process set forth in section 466 of this act. The agreed upon recommendations shall be presented to the senate health and human services and house of representatives health care committees prior to March 1, 1994.

F. DATA COLLECTION

Sec. 259. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

STATE-WIDE DATA SYSTEM--HEALTH SERVICES COMMISSION. (1) ~~To promote the public interest consistent with the purposes of chapter . . . , Laws of 1993 (this act),~~ the department is responsible for the development, implementation, and custody of a state-wide ~~((hospital)) health care data system, with policy direction and oversight to be provided by the Washington health services commission.~~ As part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, ~~((hospital)) health care data needed by consumers, purchasers, health care payers, ((hospitals)) providers,~~ and state government as consistent with the intent of ~~chapter . . . , Laws of 1993 (this act) ((chapter)).~~ The department shall identify a set of ~~((hospital)) health care data elements and report specifications which satisfy these needs.~~ The ~~((council)) Washington health services commission, created by section 403 of this act,~~ shall review the design of the data system and may ~~((direct the department to)) establish a technical advisory committee on health data and may, if deemed cost-effective and efficient, recommend that the department contract with a private vendor for assistance in the design of the data system or for any part of the work to be performed under this section.~~ The data elements, specifications, and other ~~((design)) distinguishing features~~ of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by ~~((January 1, 1990)) July 1, 1994.~~

(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered ~~((through the department's development of a biennial data plan, as proposed to,)) with the oversight and policy guidance of the Washington health services commission or its technical advisory committee and funded by((,)) the legislature through the biennial appropriations process with funds appropriated to the health services account.~~ ~~((Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.~~

~~((3))~~ In designing the state-wide ~~((hospital)) health care data system and any data plans,~~ the department shall identify ~~((hospital)) health care data elements relating to ((both hospital finances)) health care costs, the quality of health care services, the outcomes of health care services, and ((the)) use of ((services by patients)) health care by consumers.~~ Data elements ~~((relating to hospital finances)) shall be reported ((by hospitals)) as the Washington health services commission directs by reporters in conformance with a uniform ((system of)) reporting ~~((as specified by the department and shall)) system established by the department, which shall be adopted by reporters.~~ "Reporter" means an individual, hospital, or business entity, required to be registered with the department of revenue for payment of taxes imposed under chapter 82.04 RCW or Title 48 RCW, that is primarily engaged in furnishing or insuring for medical, surgical, and other health services to persons. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of ~~chapter . . . , Laws of 1993 (this ((chapter)) act),~~ for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ~~((and reported to the Washington state hospital commission)).~~ The commission and the department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.~~

~~((4))~~ (3) The state-wide ~~((hospital)) health care data system shall be uniform in its identification of reporting requirements for ((hospitals)) reporters across the state to the extent that such uniformity is ((necessary)) useful to fulfill the purposes of ~~chapter . . . , Laws of 1993 (this ((chapter)) act).~~ Data reporting requirements may reflect differences ~~((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors)) that involve pertinent distinguishing features as determined by the Washington health services commission by rule.~~ So far as ~~((possible)) is practical,~~ the data system shall be coordinated with any requirements of the trauma care registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ~~((and)) the state in its role of gathering public health statistics, or any other payer program of consequence so as to minimize any unduly burdensome reporting requirements imposed on ((hospitals)) reporters.~~~~

~~((5))~~ (4) In identifying financial reporting requirements under the state-wide ~~((hospital)) health care data system,~~ the department may require both annual reports and condensed quarterly reports ~~from reporters,~~ so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

~~((6))~~ In designing the initial state-wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.

(7) Until such time as the state-wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.

~~((8))~~ (5) The ~~((hospital)) health care data collected ((and)), maintained, and studied~~ by the department or the Washington health services commission shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to chapter . . . , Laws of 1993 (this act) shall comply with departmental or commission requirements established by rule in the acquisition of data.

Sec. 260. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

HEALTH CARE DATA--STUDIES, ANALYSES, OR REPORTS. The department shall provide, or may contract with a private entity to provide, ~~((hospital)) analyses and reports~~ or any studies it chooses to conduct consistent with the purposes of chapter . . . , Laws of 1993 (this ~~((chapter))~~ act), subject to the availability of funds and any policy direction that may be given by the Washington health services commission. ~~((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance.))~~ These studies, analyses, or reports shall include:

(1) Consumer guides on purchasing ~~((hospital care services and))~~ or consuming health care and publications providing verifiable and useful aggregate comparative information to ~~((consumers on hospitals and hospital services))~~ the public on health care services, their cost, and the quality of health care providers who participate in certified health plans;

(2) Reports for use by classes of purchasers, who purchase from certified health plans, health care payers, and providers as specified for content and format in the state-wide data system and data plan; ~~((and))~~

(3) Reports on relevant ~~((hospital))~~ health care policy ~~((issues))~~ including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ~~((hospital))~~ provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ~~((hospital))~~ health care; and

(4) Any other reports the commission or department deems useful to assist the public or purchasers of certified health plans in understanding the prudent and cost-effective use of certified health plan services.

NEW SECTION. Sec. 261. A new section is added to chapter 70.170 RCW to read as follows:

CONFIDENTIALITY OF DATA. (1) Notwithstanding the provisions of chapter 42.17 RCW, any material contained within the state-wide health care data system or in the files of either the department or the Washington health services commission shall be subject to the following limitations: (a) Records obtained, reviewed by, or on file that contain information concerning medical treatment of individuals shall be exempt from public inspection and copying; and (b) any actuarial formulas, statistics, and assumptions submitted by a certified health plan to the commission or department upon request shall be exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition.

(2) All persons and any public or private agencies or entities whatsoever subject to this chapter shall comply with any requirements established by rule relating to the acquisition or use of health services data and maintain the confidentiality of any information that may, in any manner, identify individual persons.

(3) Data collected pursuant to sections 262 and 263 of this act shall be used solely for the health care reform provisions of chapter . . . , Laws of 1993 (this act). The department shall ensure that the enrollee identifier used will employ the highest available standards for accuracy and uniqueness.

(4) Nothing in this section shall impede an enrollee's access to her or his health care records as provided in chapter 70.02 RCW.

NEW SECTION. Sec. 262. A new section is added to chapter 70.170 RCW to read as follows:

HEALTH SERVICES COMMISSION ACCESS TO DATA. The Washington health services commission shall have access to all health data available to the secretary of health. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies. The department of health shall be the designated depository agency for all health data collected pursuant to chapter . . . , Laws of 1993 (this act). The following data sources shall be developed or made available:

(1) The commission shall coordinate with the secretary of health to utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the commission's responsibilities.

(2) The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct other research necessary for the specific purpose of assisting in the design of the uniform benefits package under chapter . . . , Laws of 1993 (this act).

(3) The commission shall establish cost data sources and shall require each certified health plan to provide the commission and the department of health with enrollee care and cost information, to include, but not be limited to: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health care services or procedures provided; (e) provider charges, if any; and (f) amount paid. The department shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release.

(4) The commission shall coordinate with the area Indian health service, reservation Indian health service units, tribal clinics, and any urban Indian health service organizations the design, development, implementation, and maintenance of an American Indian-specific health data, statistics information system. The commission rules regarding the confidentiality to safeguard the information from inappropriate use or release shall apply.

NEW SECTION. Sec. 263. A new section is added to chapter 70.170 RCW to read as follows:

PERSONAL HEALTH SERVICES DATA AND INFORMATION SYSTEM. (1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges, if any; and (f) amount paid. The commission shall establish by rule, confidentiality standards to safeguard the information from inappropriate use or release. The department shall assist the commission in establishing reasonable time frames for the completion of the system development and system implementation.

NEW SECTION. Sec. 264. HEALTH CARE ENTITY REPORTING REQUIREMENTS. The commission shall determine, by January 1, 1995, the necessity, if any, of reporting requirements by the following health care entities: Health care providers, health care facilities, insuring entities, and certified health plans. The reporting requirements, if any, shall be for the purposes of determining whether the health care system is operating as efficiently as possible. Information reported pursuant to this section shall be made available to interested parties upon request. The commission shall report its findings to the legislature by January 1, 1995.

G. DISCLOSURE OF HOSPITAL, NURSING HOME, AND PHARMACY CHARGES

NEW SECTION. Sec. 265. A new section is added to chapter 70.41 RCW to read as follows:

SPIRALING COSTS--HOSPITALS. (1) The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making physicians and other health care providers with hospital admitting privileges more aware of the cost consequences of health care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial hospital services, with a potential for reducing the utilization of those services. The requirement of the hospital to inform physicians and other health care providers of the charges of the health care services that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

(2) The chief executive officer of a hospital licensed under this chapter and the superintendent of a state hospital shall establish and maintain a procedure for disclosing to physicians and other health care providers with admitting privileges the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications.

NEW SECTION. Sec. 266. A new section is added to chapter 18.68 RCW to read as follows:

SPIRALING COSTS--PRESCRIPTION MEDICATIONS. The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. One of the fastest growing segments of the health care expenditure involves prescription medications. By making physicians and other health care providers with prescriptive authority more aware of the cost consequences of health care treatments for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial drug and medication treatments. The requirement of the pharmacy to inform physicians and other health care providers of the charges of prescription drugs and medications that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

NEW SECTION. Sec. 267. A new section is added to chapter 18.68 RCW to read as follows:

COST OF PRESCRIPTIVE MEDICATIONS. The registered or licensed pharmacist of this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

NEW SECTION. Sec. 268. A new section is added to chapter 18.51 RCW to read as follows:

SPIRALING COSTS--NURSING HOMES. (1) The legislature finds that the spiraling costs of nursing home care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making nursing home facilities and care providers more aware of the cost consequences of care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial services and care, with a potential for reducing the utilization of those services. The requirement of the nursing home to inform physicians, consumers, and other care providers of the charges of the services that they order may have a positive effect on containing health costs.

(2) All nursing home administrators in facilities licensed under this chapter shall be required to develop and maintain a written procedure for disclosing patient charges to attending physicians with admitting privileges. The nursing home administrator shall have the capability to provide an itemized list of the charges for all health care services that may be ordered by a physician. The information shall be made available on request of consumers, or the physicians or other appropriate health care providers responsible for prescribing care.

H. HEALTH PROFESSIONAL SHORTAGES

NEW SECTION. Sec. 269. LEGISLATIVE INTENT. The legislature finds that the successful implementation of health care reform will depend on a sufficient supply of primary health care providers throughout the state. Many rural and medically underserved urban areas lack primary health care providers and because of this, basic health care services are limited or unavailable to populations living in these areas. The legislature has in recent years initiated new programs to address these provider shortages but funding has been insufficient and additional specific provider shortages remain.

Sec. 270. RCW 28B.125.010 and 1991 c 332 s 5 are each amended to read as follows:

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN--PERSONS OF COLOR--INDIAN HEALTH. (1) The higher education coordinating board, the state board for community ((college-education)) and technical colleges, the superintendent of

public instruction, the state department of health, the Washington health services commission, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational-technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) Strategies to increase the number of persons of color in the health professions. Such strategies shall incorporate, to the extent possible, federal and state assistance programs for health career development, including those for American Indians, economically disadvantaged persons, physically challenged persons, and persons of color.

(g) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

~~((g))~~ (h) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

~~((h))~~ (i) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

~~((i))~~ (j) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

~~((j))~~ (k) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

~~((k))~~ (l) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

~~((l))~~ (m) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

~~((m))~~ (n) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in RCW 28B.115.070.

~~((n))~~ (o) A description of needed changes in regulatory laws governing the credentialing of health professionals.

~~((o))~~ (p) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

~~((p))~~ (q) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

~~((q))~~ (r) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide

plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

~~((#))~~ (s) A description of how the higher education coordinating board, state board for community ~~((college education))~~ and technical colleges, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

~~((s))~~ (t) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B.115 RCW.

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

Sec. 271. RCW 28B.115.080 and 1991 c 332 s 21 are each amended to read as follows:

ANNUAL AWARD AMOUNT. After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall ~~((not be more than fifteen thousand dollars per year))~~ be established by the board for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under chapter ~~((48-150))~~ 28B.115, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 272. A new section is added to chapter 41.05 RCW to read as follows:

MULTICULTURAL HEALTH CARE TECHNICAL ASSISTANCE PROGRAM. (1) Consistent with funds appropriated specifically for this purpose, the authority shall provide matching grants to support community-based multicultural health care technical assistance programs. The purpose of the programs shall be to promote technical assistance through community and migrant health clinics and other appropriate health care providers who serve underserved populations and persons of color.

The technical assistance provided shall include, but is not limited to: (a) Collaborative research and data analysis on health care outcomes that disproportionately affect persons of color; (b) design and development of model health education and promotion strategies aimed at modifying unhealthy health behaviors or enhancing the use of the health care delivery system by persons of color; (c) provision of technical information and assistance on program planning and financial management; (d) administration, public policy development, and analysis in health care issues affecting people of color; and (e) enhancement and promotion of health care career opportunities for persons of color.

(2) Consistent with appropriated funds, the programs shall be available on a state-wide basis.

Sec. 273. RCW 70.185.030 and 1991 c 332 s 9 are each amended to read as follows:

COMMUNITY-BASED RECRUITMENT AND RETENTION--UNDERSERVED URBAN AREAS. (1) The department ~~((shall))~~ may, subject to funding, establish ~~((up to three))~~ community-based recruitment and retention project sites to provide

financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural and underserved urban areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate ~~((the project))~~ and avoid duplication with similar federal programs and with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

NEW SECTION. Sec. 274. A new section is added to chapter 70.185 RCW to read as follows:

STUDENT POSITIONS. (1) The department may develop a mechanism for underserved rural or urban communities to contract with education and training programs for student positions above the full time equivalent lids. The goal of this program is to provide additional capacity, educating students who will practice in underserved communities.

(2) Eligible education and training programs are those programs approved by the department that lead to eligibility for a credential as a credentialed health care professional. Eligible professions are those licensed under chapters 18.36A, 18.57, 18.57A, 18.71, and 18.71A RCW and advanced registered nurse practitioners and certified nurse midwives licensed under chapter 18.88 RCW, and may include other providers identified as needed in the health personnel resource plan.

(3) Students participating in the community contracted educational positions shall meet all applicable educational program requirements and provide assurances, acceptable to the community, that they will practice in the sponsoring community following completion of education and necessary licensure.

(4) Participants in the program incur an obligation to repay any contracted funds with interest set by state law, unless they serve at least three years in the sponsoring community.

(5) The department may provide funds to communities for use in contracting.

NEW SECTION. Sec. 275. A new section is added to chapter 70.185 RCW to read as follows:

AREA HEALTH EDUCATION CENTERS. The secretary may establish and contract with area health education centers in the eastern and western parts of the state. Consistent with the recruitment and retention objectives of this chapter, the centers shall provide or facilitate the provision of health professional educational and continuing education programs that strengthen the delivery of primary health care services in rural and medically underserved urban areas of the state. The center shall assist in the development and operation of health personnel recruitment and retention programs that are consistent with activities authorized under this chapter. The centers shall further provide technical expertise in the development of well managed health care delivery systems in rural Washington consistent with the goals and objectives of chapter . . . , Laws of 1993 (this act).

Sec. 276. RCW 43.70.460 and 1992 c 113 s 2 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--MALPRACTICE INSURANCE. (1) The department may establish a program to purchase and maintain liability malpractice insurance for retired ~~((physicians))~~ primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;
(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired ~~((physicians))~~ primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer to provide coverage to a ~~((physician))~~ primary care provider should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or ~~((physician))~~ primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

Sec. 277. RCW 43.70.470 and 1992 c 113 s 3 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--CONDITIONS. The department may establish by rule the conditions of participation in the liability insurance program by retired ~~((physicians))~~ primary care providers at clinics utilizing retired physicians for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating ~~((physician))~~ primary care provider associated with the clinic shall hold a valid license to practice ~~((medicine and surgery in this state and otherwise))~~ as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A or 18.57A RCW, an advanced registered nurse practitioner under chapter 18.88 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply in the health personnel resource plan under chapter 28B.125 RCW. All primary care providers must be in conformity with current requirements for licensure as a retired ~~((physician))~~ primary care provider, including continuing education requirements;

(2) The participating ~~((physician))~~ primary care provider shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses. Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating ((physician)) primary care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating ((physician)) primary care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating ((physician)) primary care provider for services provided by the ((physician)) primary care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating ((physician)) primary care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

NEW SECTION. Sec. 278. MEDICAL SCHOOL GRADUATES SERVING IN RURAL AND MEDICALLY UNDERSERVED AREAS OF THE STATE--LEGISLATIVE INTENT. The legislature finds that the shortage of primary care physicians practicing in rural and medically underserved areas of the state has created a severe public health and safety problem. If unaddressed, this problem is expected to worsen with health care reform since an increased demand for primary care services will only contribute further to these shortages.

The legislature further finds that the medical training program at the University of Washington is an important and well respected resource to the people of this state in the training of primary care physicians. Currently, only a small proportion of medical school graduates are Washington residents who serve as primary care practitioners in certain parts of this state.

NEW SECTION. Sec. 279. MEDICAL SCHOOL PRIMARY CARE PHYSICIAN SHORTAGE PLAN DEVELOPMENT. (1) The University of Washington shall prepare a primary care shortage plan that accomplishes the following:

(a) Identifies specific activities that the school of medicine shall pursue to increase the number of Washington residents serving as primary care physicians in rural and medically underserved areas of the state, including establishing a goal that assures that no less than fifty percent of medical school graduates who are Washington state residents at the time of matriculation will enter into primary care residencies, to the extent possible, in Washington state by the year 2000;

(b) Assures that the school of medicine shall establish among its highest training priorities the distribution of its primary care physician graduates from the school and associated postgraduate residency programs into rural and medically underserved areas;

(c) Establishes the goal of assuring that the annual number of graduates from the family practice residency network entering rural or medically underserved practice shall be increased by forty percent over a baseline period from 1988 through 1990 by 1995;

(d) Establishes a further goal to make operational at least two additional family practice residency programs within Washington state in geographic areas identified by the plan as underserved in family practice by 1997. The geographic areas identified by the plan as being underserved by family practice physicians shall be consistent with any such similar designations as may be made in the health personnel research plan as authorized under chapter 28B.125 RCW;

(e) Establishes, with the cooperation of existing community and migrant health clinics in rural or medically underserved areas of the state, three family practice residency training tracks. Furthermore, the primary care shortage plan shall provide that one of these training tracks shall be a joint American osteopathic association and American medical association approved training site coordinated with an accredited college of osteopathic medicine with extensive experience in training primary care physicians for the western United States. Such a proposed joint accredited training track will have at least fifty percent of its residency positions in osteopathic medicine; and

(f) Implements the plan, with the exception of the expansion of the family practice residency network, within current biennial appropriations for the University of Washington school of medicine.

(2) The plan shall be submitted to the appropriate committees of the legislature no later than December 1, 1993.

I. SHORT-TERM HEALTH INSURANCE REFORM

NEW SECTION. Sec. 280. INTENT--INCREASE ACCESS TO COVERAGE. The legislature intends that, during the transition to a fully reformed health services system, certain health insurance practices be modified to increase access to health insurance coverage for some individuals and groups. The legislature recognizes that health insurance reform will not remedy the significant lack of access to coverage in Washington state without the implementation of strong cost control measures. The authority granted to the commissioner in chapter . . . , Laws of 1993 (this act) is in addition to any authority the commissioner currently has under Title 48 RCW to regulate insurers, health care service contractors, and health maintenance organizations.

NEW SECTION. Sec. 281. A new section is added to chapter 48.18 RCW to read as follows:

CANCELLATIONS, DENIALS--WRITTEN COMMUNICATION. Every insurer upon canceling, denying, or refusing to renew any disability policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer and to any person covered under a group contract. Any benefits, terms, rates, or conditions of such a contract that are restricted, excluded, modified, increased, or reduced shall, upon written request, be set forth in writing and supplied to the insured and to any person covered under a group contract. The written communications required by this section shall be phrased in simple language that is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 282. RCW 48.21.200 and 1983 c 202 s 16 and 1983 c 106 s 24 are each reenacted and amended to read as follows:

REDUCTIONS OR REFUSAL OF BENEFITS. (1) No individual or group disability insurance policy, health care service contract, or health maintenance agreement which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state (~~after September 8, 1975~~) which contains any provision whereby the insurer, contractor, or health maintenance organization may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the

existence of similar benefits provided under any ((individual)) disability insurance policy, ((or under any individual)) health care service contract, or health maintenance agreement.

(2) No individual or group disability insurance policy, health care service contract, or health maintenance agreement providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements.

(3) The commissioner shall by rule establish guidelines for the application of this section, including:

(a) The procedures by which persons ((insured)) covered under such policies, contracts, and agreements are to be made aware of the existence of such a provision;

(b) The benefits which may be subject to such a provision;

(c) The effect of such a provision on the benefits provided;

(d) Establishment of the order of benefit determination; ((and))

(e) Exceptions necessary to preserve policy, contract, or agreement requirements for use of particular health care facilities or providers; and

(f) Reasonable claim administration procedures to expedite claim payments and prevent duplication of payments or benefits under such a provision(~~:- PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages: AND PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3).~~)

~~(3) The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements).~~

NEW SECTION. Sec. 283. A new section is added to chapter 48.20 RCW to read as follows:

DISABILITY INSURER--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 284. A new section is added to chapter 48.21 RCW to read as follows:

GROUP DISABILITY INSURERS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 285. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTORS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health care service contractor, except limited health care service contractors as defined under RCW 48.44.035, shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new contract to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 286. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE ORGANIZATIONS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health maintenance organization shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new agreement to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

Sec. 287. RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each amended to read as follows:

UNFAIR PRACTICES. Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on and after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 288. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTS--UNFAIR PRACTICES. (1) With respect to all health care service contracts issued or renewed on and after July 1, 1994, except limited health care service contracts as defined in RCW 48.44.035:

(a) Contracts shall guarantee continuity of coverage. Such provision, which shall be included in every contract, shall provide that:

(i) The contract may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premiums, for violation of published policies of the contractor that have been approved by the commissioner, for persons who are entitled to become eligible for medicare benefits and fail to subscribe to a medicare supplement plan offered by the contractor, for failure of such subscriber to pay any deductible or copayment amount owed to the contractor and not the provider of health care services, for fraud, or for a material breach of the contract; and

(ii) The contract may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the contractor has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a contractor to modify the coverage provided or rates applying to an in-force contract and to fail to make such modification in all such issued and outstanding contracts.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health care service contractor to:

(i) Cease the sale of a contract form unless it has received prior written authorization from the commissioner and has offered all subscribers covered under such discontinued contract the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects subscribers to rate increases on discontinued contract forms unless such subscribers are offered the opportunity to purchase comparable coverage without health screening.

(2) The health care service contractor may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 289. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE AGREEMENTS--UNFAIR PRACTICES. (1) With respect to all health maintenance agreements issued or renewed on and after July 1, 1994, and in addition to the restrictions and limitations contained in RCW 48.46.060(4):

(a) Agreements shall guarantee continuity of coverage. Such provision, which shall be included in every agreement, shall provide that the agreement may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the organization has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for an organization to modify the coverage provided or rates applying to an in-force agreement and to fail to make such modification in all such issued and outstanding agreements.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health maintenance organization to:

(i) Cease the sale of an agreement form unless it has received prior written authorization from the commissioner and has offered all enrollees covered under such discontinued agreement the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects enrollees to rate increases on discontinued agreement forms unless such enrollees are offered the opportunity to purchase comparable coverage without health screening.

(2) The health maintenance organization may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

Sec. 290. RCW 48.44.260 and 1979 c 133 s 3 are each amended to read as follows:

HEALTH CARE SERVICE CONTRACTOR--NOTICE OF CANCELLATION. Every authorized health care service contractor, upon canceling, denying, or refusing to renew any individual health care service contract, shall, upon written request, directly notify in writing the applicant or ~~((insured))~~ subscriber, as the case may be, of the reasons for the action by the health care service contractor. Any benefits, terms, rates, or conditions of such a contract which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the ~~((insured))~~ subscriber. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 291. RCW 48.46.380 and 1983 c 106 s 16 are each amended to read as follows:

HEALTH MAINTENANCE ORGANIZATION--NOTICE OF CANCELLATIONS. Every authorized health maintenance organization, upon canceling, denying, or refusing to renew any individual health maintenance agreement, shall, upon written request, directly notify in writing the applicant or enrolled participant as appropriate, of the reasons for the action by the health maintenance organization. Any benefits, terms, rates, or conditions of such agreement which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the individual. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 292. REPEALERS--REPORT; STUDIES. The following acts or parts of acts are each repealed:

(1) RCW 48.46.160 and 1975 1st ex.s. c 290 s 17; and

(2) RCW 48.46.905 and 1975 1st ex.s. c 290 s 25.

NEW SECTION. Sec. 293. REPEALER--NONTERMINATION FOR CHANGE IN HEALTH. RCW 48.44.410 and 1986 c 223 s 12 are each repealed, effective July 1, 1994.

NEW SECTION. Sec. 294. A new section is added to chapter 48.01 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this title conflict with the provisions of chapter . . . , Laws of 1993 (this act), chapter . . . , Laws of 1993 (this act) shall control.

Sec. 295. RCW 48.44.095 and 1983 c 202 s 3 are each amended to read as follows:

ANNUAL STATEMENT. (1) Every health care service contractor shall annually, ~~((within one hundred twenty days of the closing date of its fiscal year))~~ before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health care service contractor showing its financial condition as of the ~~((closing date of its fiscal year))~~ last day of the preceding calendar year. The statement shall be in such form as is furnished or prescribed by the commissioner. The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(2) The commissioner may suspend or revoke the certificate of registration of any health care service contractor failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

Sec. 296. RCW 48.46.080 and 1983 c 202 s 10 and 1983 c 106 s 6 are each reenacted and amended to read as follows:

ANNUAL STATEMENT. (1) Every health maintenance organization shall annually, ~~((within one hundred twenty days of the closing date of its fiscal year))~~ before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health maintenance organization showing its financial condition as of the ~~((closing date of its fiscal year))~~ last day of the preceding calendar year.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) The number of doctors by type of practice who, under contract with or as an employee of the health maintenance organization, furnished health care services to consumers during the past year;

(d) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(e) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

(f) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

(3) The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(4) The commissioner may suspend or revoke the certificate of registration of any health maintenance organization failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

(5) No person shall knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a health maintenance organization which does not accurately state the health maintenance organization's financial condition.

PART III. TAXES

NEW SECTION. Sec. 301. A new section is added to chapter 48.14 RCW to read as follows:

TAX ON PREMIUMS AND PREPAYMENTS. (1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under section 434 of this act.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the health services account under section 469 of this act.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. This exemption does not apply to amounts received under a certified health plan certified under section 434 of this act.

Sec. 302. RCW 48.14.080 and 1949 c 190 s 21 are each amended to read as follows:

PREMIUM TAX IN LIEU OF OTHER FORMS. As to insurers other than title insurers, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and tangible personal property (~~and~~), excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(15).

NEW SECTION. Sec. 303. A new section is added to chapter 82.04 RCW to read as follows:

EXEMPTION FROM BUSINESS AND OCCUPATION TAX. This chapter does not apply to any health maintenance organization, health care service contractor, or certified health plan in respect to premiums or prepayments that are taxable under section 301 of this act.

Sec. 304. RCW 82.04.260 and 1991 c 272 s 15 are each amended to read as follows:

TAX ON HOSPITALS OPERATED AS NONPROFIT CORPORATIONS. (1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of seventy-five one-hundredths of one percent through June 30, 1995, and one and five-tenths percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under section 469 of this act.

Sec. 305. RCW 82.04.4289 and 1981 c 178 s 2 are each amended to read as follows:

HOSPITAL EXEMPTION DELETED. ~~((In computing tax there may be deducted from the measure of tax)) This chapter does not apply to amounts derived as compensation for services rendered to patients or from sales of prescription drugs as defined in RCW 82.08.0281 furnished as an integral part of services rendered to patients by ((a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation,)) a kidney dialysis facility operated as a nonprofit corporation, ((whether or not~~

operated in connection with a hospital,) nursing homes, and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. ~~((In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.))~~

NEW SECTION. Sec. 306. REPEALER--BUSINESS AND OCCUPATION TAX DEDUCTION FOR PUBLICLY OPERATED HOSPITALS. RCW 82.04.4288 and 1980 c 37 s 9 are each repealed.

Sec. 307. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

TAX ON CIGARETTES. (1) There is levied and there shall be collected as ~~((hereinafter))~~ provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under section 469 of this act by the twenty-fifth day of the following month.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 308. RCW 82.24.080 and 1972 ex.s. c 157 s 4 are each amended to read as follows:

TAX LIABILITY--CIGARETTE TAX. It is the intent and purpose of this chapter to levy a tax on all of the articles taxed ~~((herein))~~ under this chapter, sold, used, consumed, handled, possessed, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, possesses (either physically or constructively, in accordance with RCW 82.24.020) or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles ~~((herein))~~ taxed under this chapter is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, possessed, or distributed in this state.

It is also the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event occurring within this state ~~((: PROVIDED, HOWEVER, That))~~. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

In the event of an increase in the rate of the tax imposed under this chapter, it is the intent of the legislature that the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed articles after the effective date of the rate increase shall be liable for the additional tax represented by the rate increase, but the failure to pay the additional tax with respect to the first taxable event after the effective date of a rate increase shall not prevent tax liability for the additional tax from arising from a subsequent taxable event.

Sec. 309. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

TAX ON TOBACCO PRODUCTS. (1) ~~((From and after June 1, 1971,))~~ There is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. ~~((Such tax))~~

(2) Taxes under this section shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

~~((2))~~ (3) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section.

(4) An additional tax is imposed equal to ten percent of the wholesale sales price of tobacco products. The moneys collected under this subsection shall be deposited in the health services account created under section 469 of this act.

Sec. 310. RCW 82.08.150 and 1989 c 271 s 503 are each amended to read as follows:

TAX ON SPIRITS. (1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through

June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to class H licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to class H licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under section 469 of this act by the twenty-fifth day of the following month.

~~(7)~~ The tax imposed in RCW 82.08.020(~~(, as now or hereafter amended,)~~) shall not apply to sales of spirits or strong beer in the original package.

~~((7))~~ (8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((8))~~ (9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 311. RCW 66.24.290 and 1989 c 271 s 502 are each amended to read as follows:

TAX ON BEER--REDUCED RATE FOR CERTAIN BREWERIES. (1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps (~~herein~~) provided (~~for~~) under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to (~~the rate specified in RCW 82.02.030~~) seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on the effective date of this section or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under section 469 of this act.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 312. RCW 82.02.030 and 1990 c 42 s 319 are each amended to read as follows:

ADDITIONAL TAX RATES. ~~((4))~~ The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), ~~((66.24.290(2)), 82.04.2901, 82.16.020(2), ((82.26.020(2)), 82.27.020(5), and 82.29A.030(2) shall be seven percent(, and~~

~~(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent).~~

PART IV. HEALTH SYSTEM REFORM

NEW SECTION. Sec. 401. INTENT. The legislature intends that chapter . . . , Laws of 1993 (this act) establish structures, processes, and specific financial limits to stabilize the overall cost of health services within the economy, reduce the demand for unneeded health services, provide access to essential health services, improve public health, and ensure that health system costs do not undermine the financial viability of nonhealth care businesses.

NEW SECTION. Sec. 402. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with sections 433 through 448 of this act.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" or "health services commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means amounts paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, and may include copayments, coinsurance, or deductibles, that together must be actuarially equivalent across plans and within overall limits established by the commission.

(9) "Enrollee premium sharing" means that portion of the premium that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW and chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with sections 425 and 426 of this act.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any project or expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that: (a) Assumes financial risk for delivery of health services and uses a defined network of providers; or (b) assumes financial risk for delivery of health services and promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced uniform benefits packages offered by plans in a geographic region including both premium sharing and enrollee point of service cost-sharing.

(18) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

(19) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point of service cost-sharing.

(20) "Qualified employee" means an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

(21) "Registered employer health plan" means a certified health plan established by a private employer of more than seven thousand active employees in this state solely for the benefit of such employees and their dependents and that meets the requirements of section 430 of this act. Nothing contained in this subsection shall be deemed to preclude the plan from providing benefits to retirees of the employer.

(22) "Supplemental benefits" means those appropriate and effective health services that are not included in the uniform benefits package or that expand the type or level of health services available under the uniform benefits package and that are offered to all residents in accordance with the provisions of sections 452 and 453 of this act.

(23) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(24) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under section 449 of this act, that must be offered to all Washington residents through certified health plans.

(25) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under sections 427 through 466 of this act. "Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

A. THE WASHINGTON HEALTH SERVICES COMMISSION

NEW SECTION. Sec. 403. CREATION OF COMMISSION--MEMBERSHIP--TERMS OF OFFICE--VACANCIES--SALARIES. (1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members reflecting ethnic and racial diversity, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The insurance commissioner shall serve as an additional nonvoting member. Of the initial members, one shall be appointed to a term of three years, two shall be appointed to a term of four years, and two shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter 42.18 RCW, the executive branch conflict of interest act.

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

NEW SECTION. Sec. 404. ADVISORY COMMITTEES. (1)(a) The chair shall appoint an advisory committee with balanced representation from consumers, business, government, labor, certified health plans, practicing health care providers, health care facilities, and health services researchers reflecting ethnic and racial diversity. In addition, the chair may appoint special committees for specified periods of time.

(b) The chair shall also appoint a five-member health services effectiveness committee whose members possess a breadth of experience and knowledge in the treatment, research, and public and private funding of health care services. The committee shall meet at the call of the chair. The health services effectiveness committee shall advise the commission on: (i) Those health services that may be determined by the commission to be appropriate and effective; (ii) use of technology and practice indicators; (iii) the uniform benefits package; and (iv) rules that insurers and certified health plans must use to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.

(c) The commission shall also appoint a small business advisory committee composed of seven owners of businesses with twenty-five or fewer full-time equivalent employees' reflecting ethnic and racial diversity, to assist the commission in development of the small business economic impact statement and the small business assistance program, as provided in sections 450 and 466 of this act.

(d) The commission shall also appoint an organized labor advisory committee composed of seven representatives of employee organizations representing employees of public or private employers. The committee shall assist the commission in conducting the evaluation of Taft-Hartley health care trusts and self-insured employee health benefits plans, as provided in section 406(26) of this act, and shall advise the commission on issues related to the impact of chapter . . . , Laws of 1993 (this act) on negotiated health benefits agreements and other employee health benefits plans.

(2) Members of committees and panels shall serve without compensation for their services but shall be reimbursed for their expenses while attending meetings on behalf of the commission in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 405. POWERS AND DUTIES OF THE CHAIR. The chair shall be the chief administrative officer and the appointing authority of the commission and has the following powers and duties:

(1) Direct and supervise the commission's administrative and technical activities in accordance with the provisions of this chapter and rules and policies adopted by the commission;

(2) Employ personnel of the commission in accordance with chapter 41.06 RCW, and prescribe their duties. With the approval of a majority of the commission, the chair may appoint persons to administer any entity established pursuant to subsection (8) of this section, and up to seven additional employees all of whom shall be exempt from the provisions of chapter 41.06 RCW;

(3) Enter into contracts on behalf of the commission;

(4) Accept and expend gifts, donations, grants, and other funds received by the commission;

(5) Delegate administrative functions of the commission to employees of the commission as the chair deems necessary to ensure efficient administration;

(6) Subject to approval of the commission, appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the commission;

(7) Preside at meetings of the commission;

(8) Consistent with policies and rules established by the commission, establish such administrative divisions, offices, or programs as are necessary to carry out the purposes of chapter . . . , Laws of 1993 (this act); and

(9) Perform such other administrative and technical duties as are consistent with chapter . . . , Laws of 1993 (this act) and the rules and policies of the commission.

NEW SECTION. Sec. 406. POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

(3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter . . . , Laws of 1993 (this act). An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination with the planning process set forth in section 467 of this act a uniform set of health services based on the recommendations of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990.

(5) Establish and modify as necessary the uniform benefits package as provided in section 449 of this act, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.

(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package that shall operate to control overall health care costs. The maximum premium cost of the uniform benefits package in the base year 1995 shall be established upon an actuarial determination of the costs of providing the uniform benefits package and such other cost impacts as may be deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the uniform benefits package for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management.

(b) In establishing the community-rated maximum premium under this subsection, the commission shall develop a composite rate for employees that provides nominal, if any, variance between the rate for individual employees and employees with dependents to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required. Nothing in this subsection (6)(b) shall preclude the commission from evaluating other methodologies for establishing the community-rated maximum premium and recommending an alternative methodology to the legislature.

(c) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.

(d) The level of state expenditures for the uniform benefits package shall be limited to the appropriation of funds specifically for this purpose.

(7) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection; (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments; and (c) consider whether registered employer health plans should be included in any medical risk adjustment mechanism. Proposed medical risk adjustment mechanisms shall be submitted to the legislature as provided in section 454 of this act.

(8) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(9) Monitor the actual growth in total annual health services costs.

(10) Monitor the increased application of technology as required by chapter . . . , Laws of 1993 (this act) and take necessary action to ensure that such application is made in a cost-effective and efficient manner and consistent with existing laws that protect individual privacy.

(11) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports and shall report to the legislature regarding major capital expenditures on at least an annual basis. The Washington health care facilities authority and the commission shall develop standards jointly for evaluating and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission.

(12) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income.

(13) For health services provided under the uniform benefits package and supplemental benefits, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, health care facilities, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

(14) Propose that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to section 410 of this act for these purposes.

(15) Propose other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

(16) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.

(17) Adopt standards that prevent conflict of interest by health care providers as provided in section 408 of this act.

(18) At the appropriate juncture and in the fullness of time, consider the extent to which medical research and health professions training activities should be included within the health service system set forth in this chapter . . . , Laws of 1993 (this act).

(19) Evaluate and monitor the extent to which racial and ethnic minorities have access and to receive health services within the state, and develop strategies to address barriers to access.

(20) Develop standards for the certification process to certify health plans and employer health plans to provide the uniform benefits package, according to the provisions for certified health plans and registered employer health plans under chapter . . . , Laws of 1993 (this act).

(21) Develop rules for implementation of individual and employer participation under sections 463 and 464 of this act specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

(22) After receiving advice from the health services effectiveness committee, adopt rules that must be used by certified health plans, disability insurers, health care service contractors, and health maintenance organizations to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.

(23) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

(24) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

(25) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(26) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these trusts are organized; and make appropriate recommendations to the governor and the legislature on or before December 1, 1994, as to whether these trusts should be brought under the provisions of chapter . . . , Laws of 1993 (this act) when it is fully implemented, and if the commission recommends inclusion of the trusts, how to implement such inclusion.

(27) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of unsubsidized and subsidized health care benefits for all residents and report to the governor and the legislature their findings.

(28) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

(29) Evaluate the effect of reforms under chapter . . . , Laws of 1993 (this act) on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policymaking authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

NEW SECTION. Sec. 407. MODIFICATION OF MAXIMUM PREMIUM. Upon the recommendation of the insurance commissioner, and on the basis of evidence established by independent actuarial analysis, if the commission finds that the economic viability of a significant number of the state's certified health plans is seriously threatened, the commission may increase the maximum premium to the extent mandated by the Constitution, and must immediately thereafter submit to the legislature a proposal for a new formula for adjusting the maximum premium, which must be enacted into law by a sixty percent vote of each house of the legislature.

NEW SECTION. Sec. 408. A new section is added to chapter 18.130 RCW to read as follows:

CONFLICT OF INTEREST STANDARDS. The Washington health services commission established by section 403 of this act, in consultation with the secretary of health, and the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.

NEW SECTION. Sec. 409. CONTINUOUS QUALITY IMPROVEMENT AND TOTAL QUALITY MANAGEMENT. To ensure the highest quality health services at the lowest total cost, the commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science for continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful experiences in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop standards for a Washington state health services supplier certification process and recommend such standards to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later than July 1, 1996, whereby all health service providers and health service facilities shall be certified prior to providing uniform benefits package services.

B. PRACTICE INDICATORS

NEW SECTION. Sec. 410. A new section is added to chapter 43.70 RCW to read as follows:

PRACTICE INDICATORS. The department of health shall consult with health care providers and facilities, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

- (1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.
- (2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.
- (3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

C. HEALTH CARE LIABILITY REFORMS

Sec. 411. RCW 43.70.320 and 1991 sp.s. c 13 s 18 are each amended to read as follows:

HEALTH PROFESSIONS ACCOUNT. (1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

NEW SECTION. Sec. 412. A new section is added to chapter 18.130 RCW to read as follows:

MALPRACTICE INSURANCE COVERAGE MANDATE. Except to the extent that liability insurance is not available, every licensed health care practitioner whose services are included in the uniform benefits package, as determined by section 449 of this act, and whose scope of practice includes independent practice, shall, as a condition of licensure and relicensure, be required to provide evidence of a minimum level of malpractice insurance coverage issued by a company authorized to do business in this state. On or before January 1, 1994, the department shall designate by rule:

- (1) Those health professions whose scope of practice includes independent practice;
- (2) For each health profession whose scope of practice includes independent practice, whether malpractice insurance is available; and
- (3) If such insurance is available, the appropriate minimum level of mandated coverage.

NEW SECTION. Sec. 413. A new section is added to chapter 48.22 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, a casualty insurer's issuance of a new medical malpractice policy or renewal of an existing medical malpractice policy to a physician or other independent health care practitioner shall be conditioned upon that practitioner's participation in, and completion of, an insurer-designed health care liability risk management training program once every three years. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with the adverse health outcomes that do occur. For purposes of this section, "independent health care practitioners" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

NEW SECTION. Sec. 414. A new section is added to chapter 48.05 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, each health care provider, facility, or health maintenance organization that self-insures for liability risks related to medical malpractice and employs physicians or other independent health care practitioners in Washington state shall condition each physician's and practitioner's liability coverage by that entity upon that physician's or practitioner's participation in risk management training offered by the provider, facility, or health maintenance organization to its employees. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with those adverse health outcomes that do occur. For purposes of this section, "independent health care practitioner" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

Sec. 415. RCW 70.41.200 and 1991 c 3 s 336 are each amended to read as follows:

QUALITY IMPROVEMENT PROGRAM. (1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

- (a) The establishment of a quality ((assurance)) improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures(~~(-- At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity))~~);
- (b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;
- (c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;
- (d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality ((assurance)) improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ((about health care providers arising out of the matters that are under review or have been evaluated)) by a ((review)) quality improvement committee ((conducting quality assurance reviews)) are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ((bøæfð)) who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ((b)) (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ((assurance)) improvement committees regarding such health care provider; ((e)) (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ((d)) (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

((5)) (6) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

((6)) (7) Violation of this section shall not be considered negligence per se.

Sec. 416. RCW 70.41.230 and 1991 c 3 s 337 are each amended to read as follows:

REQUEST FOR STAFF PRIVILEGES. (1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ((about health care providers arising out of the matters that are under review or have been evaluated)) by a ((review)) quality improvement committee ((conducting quality assurance reviews)) are not subject to discovery or introduction into evidence in

any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~((assurance))~~ improvement committees regarding such health care provider; ~~((e))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 417. A new section is added to chapter 43.70 RCW to read as follows:

COORDINATED QUALITY IMPROVEMENT PROGRAM. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, and certified health plans approved pursuant to section 428 of this act may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, or certified health plan, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) The department of health shall adopt rules as are necessary to implement this section.

NEW SECTION. Sec. 418. MEDICAL MALPRACTICE REVIEW. (1) The administrator for the courts shall coordinate a collaborative effort to develop a voluntary system for review of medical malpractice claims by health services experts prior to the filing of a cause of action under chapter 7.70 RCW.

(2) The system shall have at least the following components:

(a) Review would be initiated, by agreement of the injured claimant and the health care provider, at the point at which a medical malpractice claim is submitted to a malpractice insurer or a self-insured health care provider.

(b) By agreement of the parties, an expert would be chosen from a pool of health services experts who have agreed to review claims on a voluntary basis.

(c) The mutually agreed upon expert would conduct an impartial review of the claim and provide his or her opinion to the parties.

(d) A pool of available experts would be established and maintained for each category of health care practitioner by the corresponding practitioner association, such as the Washington state medical association and the Washington state nurses association.

(3) The administrator for the courts shall seek to involve at least the following organizations in a collaborative effort to develop the informal review system described in subsection (2) of this section:

(a) The Washington defense trial lawyers association;

(b) The Washington state trial lawyers association;

(c) The Washington state medical association;

(d) The Washington state nurses association and other employee organizations representing nurses;

- (e) The Washington state hospital association;
- (f) The Washington state physicians insurance exchange and association;
- (g) The Washington casualty company;
- (h) The doctor's agency;
- (i) Group health cooperative of Puget Sound;
- (j) The University of Washington;
- (k) Washington osteopathic medical association;
- (l) Washington state chiropractic association;
- (m) Washington association of naturopathic physicians; and
- (n) The department of health.

(4) On or before January 1, 1994, the administrator for the courts shall provide a report on the status of the development of the system described in this section to the governor and the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 419. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. (1) All causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after the effective date of this section shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter.

The rules shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held;

(f) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(g) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

NEW SECTION. Sec. 420. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE. The making of a written, good faith request for mediation of a dispute related to damages for injury occurring as a result of health care provided prior to filing a cause of action under this chapter shall toll the statute of limitations provided in RCW 4.16.350.

NEW SECTION. Sec. 421. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. Section 419 of this act may not be construed to abridge the right to trial by jury following an unsuccessful attempt at mediation.

Sec. 422. RCW 5.60.070 and 1991 c 321 s 1 are each amended to read as follows:

MEDIATION--COMMUNICATIONS PRIVILEGED. (1) If there is a court order to mediate ((or)), a written agreement between the parties to mediate, or if mediation is mandated under section 419 of this act, then any communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

(a) When all parties to the mediation agree, in writing, to disclosure;

(b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;

(c) When a written agreement to mediate permits disclosure;

(d) When disclosure is mandated by statute;

(e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;

(f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or

(g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.

(2) When there is a court order ((or)), a written agreement to mediate, or when mediation is mandated under section 419 of this act, as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:

(a) All parties to the mediation and the mediator agree in writing; or

(b) In an action described in subsection (1)(g) of this section.

NEW SECTION. Sec. 423. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. A cause of action that has been mediated as provided in section 419 of this act shall be exempt from any superior court civil rules mandating arbitration of civil actions or participation in settlement conferences prior to trial.

Sec. 424. RCW 4.22.070 and 1986 c 305 s 401 are each amended to read as follows:

PERCENTAGE OF FAULT--JOINT AND SEVERAL LIABILITY. (1) Except as provided in subsection (4) of this section, in all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who

have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsection((s)) (1)(a) or (1)(b) or (4) (a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

(4) In all actions governed by chapter 7.70 RCW involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault that is attributable to every entity that caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant, and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount that represents that party's proportionate share of the claimant's total damages. The total damages shall first be reduced by any amount paid to the claimant by a released entity. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(c) A defendant against whom judgment has been entered shall be responsible to the claimant for any fault of an entity released by the claimant. The total damages shall first be reduced by any amount paid to the claimant by a released entity, and, then, where some fault has been attributed to the claimant, by the claimant's proportionate share of his or her total damages.

D. HEALTH INSURANCE PURCHASING COOPERATIVES

NEW SECTION. Sec. 425. HEALTH INSURANCE PURCHASING COOPERATIVES--DESIGNATION OF REGIONS BY COMMISSION, INFORMATION SYSTEMS, MINIMUM STANDARDS, AND RULES. (1) The commission shall designate four geographic regions within the state in which health insurance purchasing cooperatives may operate, based upon population, assuming that each cooperative must serve no less than one hundred fifty thousand persons; geographic factors; market conditions; and other factors deemed appropriate by the commission. The commission shall designate one health insurance purchasing cooperative per region.

(2) In coordination with the commission and consistent with the provisions of chapter 70.170 RCW, the department of health shall establish an information clearinghouse for the collection and dissemination of information necessary for the efficient operation of cooperatives, including the establishment of a risk profile information system related to certified health plan enrollees that would permit the equitable distribution of losses among plans in accordance with section 406(7) of this act.

(3) Every health insurance purchasing cooperative shall:

(a) Admit all individuals, employers, or other groups wishing to participate in the cooperative;

(b) Make available for purchase by cooperative members every health care program offered by every certified health plan operating within the cooperative's region;

(c) Be operated as a member-governed and owned, nonprofit cooperative in which no certified health plan, health maintenance organization, health care service contractor, independent practice association, independent physician organization, or any individual with a pecuniary interest in any such organization, shall have any pecuniary interest in or management control of the cooperative;

(d) Provide for centralized enrollment and premium collection and distribution among certified health plans; and

(e) Serve as an ombudsman for its members to resolve inquiries, complaints, or other concerns with certified health plans.

(4) Every health insurance purchasing cooperative shall assist members in selecting certified health plans and for this purpose may devise a rating system or similar system to judge the quality and cost-effectiveness of certified health plans consistent with guidelines established by the commission. For this purpose, each cooperative and directors, officers, and other employees of the cooperative are immune from liability in any civil action or suit arising from the publication of any report, brochure, or guide, or dissemination of information related to the services, quality, price, or cost-effectiveness of certified plans unless actual malice, fraud, or bad faith is shown. Such immunity is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

(5) Every health insurance purchasing cooperative shall bear the full cost of its operations, including the costs of participating in the information clearinghouse, through assessments upon its members. Such assessments shall be billed and accounted for separately from premiums collected and distributed for the purchase of the uniform benefits package or any other supplemental insurance or health services program.

(6) No health insurance purchasing cooperative may bear any financial risk for the delivery of uniform benefits package services, or for any other supplemental insurance or health services program.

(7) No health insurance purchasing cooperative may directly broker, sell, contract for, or provide any insurance or health services program. However, nothing contained in this section shall be deemed to prohibit the use or employment of insurance agents or brokers by the cooperative for other purposes or to prohibit the facilitation of the sale and purchase by members of supplemental insurance or health services programs.

(8) The commission may adopt rules necessary for the implementation of this section including rules governing charter and bylaw provisions of cooperatives and may adopt rules prohibiting or permitting other activities by cooperatives.

(9) The commission shall consider ways in which cooperatives can develop, encourage, and provide incentives for employee wellness programs.

NEW SECTION. Sec. 426. LICENSING AND REGULATION OF HEALTH INSURANCE PURCHASING COOPERATIVES BY THE INSURANCE COMMISSIONER. (1) No person may establish or operate a health insurance purchasing cooperative without having first obtained a certificate of authority from the insurance commissioner.

(2) Every proposed cooperative shall furnish notice to the insurance commissioner that shall:

(a) Identify the principal name and address of the cooperative;

(b) Furnish the names and addresses of the initial officers of the cooperative;

(c) Include copies of letters of agreement for participation in the cooperative including minimum term of participation;

(d) Furnish copies of its proposed articles and bylaws; and

(e) Provide other information as prescribed by the insurance commissioner in consultation with the health services commission to verify that the cooperative is qualified and is managed by competent and trustworthy individuals.

(3)(a) The commissioner shall approve applications for certificates in accordance with the order received.

(b) The commissioner shall establish by rule a fee to be paid by cooperatives in an amount necessary to review and approve applications for a certificate of authority. Such fee shall accompany the application and no certificate may be issued until such fee is paid. Fees collected for such purpose shall be deposited in the insurance commissioner's regulatory account in the state treasury.

(4) All funds representing premiums or return premiums received by a cooperative in its fiduciary capacity shall be accounted for and maintained in a separate account from all other funds. Each willful violation of this section constitutes a misdemeanor.

(5) Every cooperative shall keep at its principal address, a record of all transactions it has consummated on behalf of its members with certified health plans. All such records shall be kept available and open to the inspection of the insurance commissioner at any business time during a five-year period immediately after the date of completion of the transaction.

E. CERTIFIED HEALTH PLANS

NEW SECTION. Sec. 427. CERTIFIED HEALTH PLANS--CERTIFICATION REQUIRED--PENALTY. (1) On and after July 1, 1995, no person or entity in this state shall provide the uniform benefits package and supplemental benefits as defined in section 402 of this act without being certified as a certified health plan by the insurance commissioner.

(2) On and after July 1, 1995, no certified health plan may offer less than the uniform benefits package to residents of this state and no registered employer health plan may provide less than the uniform benefits package to its employees and their dependents.

NEW SECTION. Sec. 428. HEALTH PLAN CERTIFICATION STANDARDS. A certified health plan shall:

(1) Provide the benefits included in the uniform benefits package to enrolled Washington residents for a prepaid per capita community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission;

(2) Offer supplemental benefits to enrolled Washington residents for a prepaid per capita community-rated premium and provide such benefits through managed care in accordance with rules adopted by the commission;

(3) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a certified health plan, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a certified health plan is required to continue enrollment of additional eligible individuals;

(4) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the uniform benefits package and offer supplemental benefits to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits;

(5) Comply with portability of benefits requirements prescribed by the commission;

(6) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing certified health plans;

(7) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;

(8) Disclose to enrollees the charity care requirements under chapter 70.170 RCW;

(9) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing enrollees for any amounts in excess of applicable enrollee point of service cost-sharing obligations for services included in the uniform benefits package and supplemental benefits;

(10) Include in all of its contracts issued for uniform benefits package and supplemental benefits coverage a subrogation provision that allows the certified health plan to recover the costs of uniform benefits package and supplemental benefits services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

(11) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for resolution of grievances;

(12) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not specifically modified or superseded by the provisions of chapter . . . , Laws of 1993 (this act) and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection (3) of this section;

(13) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age;

(14) Permit every category of health care provider to provide health services or care for conditions included in the uniform benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of health services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious health services;

(15) Establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance with guidelines adopted by the commission, those that have been clearly drawn to be exclusionary within a health care catchment area;

(16) Annually report the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals;

(17) Annually report the number of residents enrolled and terminated during the previous year. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to determine compliance with the open enrollment and free access requirements of chapter..., Laws of 1993 (this act); and

(18) Disclose any financial interests held by officers and directors in any facilities associated with or operated by the certified health plan.

NEW SECTION. Sec. 429. LIMITED CERTIFIED HEALTH PLAN FOR DENTAL SERVICES. (1) For the purposes of this section "limited certified dental plan" or "dental plan" means a limited health service contractor governed by RCW 48.44.035 offering dental care services only and that complies with all certified health plan requirements for managed care, community rating, portability, and nondiscrimination as provided in section 427 of this act.

(2) A dental plan may provide coverage for dental services directly to individuals or to employers for the benefit of employees. If an individual or an employer purchases dental care services from a dental plan, the certified health plan covering the individual or the employees need not provide dental services required under the uniform benefits package. A certified health plan may subcontract with a dental plan to provide the dental benefits required under the uniform benefits package.

NEW SECTION. Sec. 430. REGISTERED EMPLOYER HEALTH PLANS. Consistent with the provisions of section 464 of this act, a registered employer health plan shall:

(1) Register with the insurance commissioner by filing its plan of management and operation including but not limited to information required by the commissioner sufficient for a determination by the commissioner that such plan meets the requirements of this section and any rules adopted by the health services commission and the insurance commissioner pertaining to such plans.

(2) Provide the benefits included in the uniform benefits package to employees and their dependents for a prepaid, community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission. Such plans need not comply with the provisions of sections 449 and 450 of this act.

(3) Offer supplemental benefits to employees and their dependents for a prepaid, community-rated premium and provide such benefits through managed care in accordance with rules adopted by the commission. Such supplemental benefits, including the uniform benefits package, offered by such plan need not comply with the provisions of sections 449 and 450 of this act.

(4) Provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits regardless of age, sex, family structure, ethnicity, race, health condition, socioeconomic status, or other condition or situation.

(5) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the uniform benefits package and any supplemental benefits or has made adequate contractual arrangements with health care providers and facilities to provide employees and their dependents with such benefits.

(6) Comply with portability of benefits requirements prescribed by the commission for registered employer health plans.

(7) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing registered employer health plans.

(8) Provide all employees and their dependents enrolled in the plan with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities.

(9) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing employees and their dependents enrolled in the plan for any amounts in excess of applicable enrollee point of service, cost-sharing obligations for services included in the uniform benefits package and supplemental benefits.

(10) Include in all of its contracts issued for uniform benefits package and supplemental benefits coverage a subrogation provision that allows the plan to recover the costs of uniform benefits package and supplemental benefit services incurred to care for a plan enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the plan has not intervened in the action by an injured plan enrollee against a negligent third party, then the amount of costs the plan can recover shall be limited to the excess remaining after the plan enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the plan, the plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less.

(11) Establish and maintain a grievance procedure approved by the insurance commissioner, to provide a reasonable and effective resolution of complaints initiated by plan enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for resolution of grievances by enrollees of registered employer health plans.

(12) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age.

(13) Permit every category of health care provider to provide health services or care for conditions included in the uniform benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of health services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious health services.

(14) Pay to the state treasurer a tax equivalent to the tax applied to taxpayers under section 301 of this act in accordance with rules adopted by the department of revenue.

(15) File their uniform benefits package and supplemental benefits with the insurance commissioner who may disapprove and order a modification of such package or benefits if such package or benefits fail to meet any standards or rules adopted by the commission pertaining to maximum premiums, enrollee financial participation, point of service cost-sharing, benefit design, or health service delivery.

(16) Comply with and shall be subject to sections 429, 446, and 447 of this act.

(17) Pay an annual fee to the insurance commissioner's office in an amount established by rule of the commissioner necessary for the performance of the commissioner's responsibilities under this section consistent with and subject to the collection, depositing, and spending provisions applicable to fees collected pursuant to RCW 48.02.190.

(18) File an annual report with the commissioner containing such information as the commissioner may require to determine compliance with this section.

(19) In addition to any other penalties prescribed by law, be subject to the penalties contained in section 436 of this act for violations of this section.

NEW SECTION. Sec. 431. CONTRACTS BETWEEN CERTIFIED HEALTH PLANS AND HEALTH CARE PROVIDERS.

(1) Balancing the need for health care reform and the need to protect health care providers, as a class and as individual providers, from improper exclusion presents a problem that can be satisfied with the creation of a process to ensure fair consideration of the inclusion of health care providers in managed care systems operated by certified health plans. It is therefore the intent of the legislature that the health services commission in developing rules in accordance with this section and the attorney general in monitoring the level of competition in the various geographic markets, balance the need for cost-effective and quality delivery of health services with the need for inclusion of both individual health care providers and categories of health care providers in managed care programs developed by certified health plans.

(2) All licensed health care providers licensed by the state, irrespective of the type or kind of practice, should be afforded the opportunity for inclusion in certified health plans consistent with the goals of health care reform.

The health services commission shall adopt rules requiring certified health plans to publish general criteria for the plan's selection or termination of health care providers. Such rules shall not require the disclosure of criteria deemed by the plan to be of a proprietary or competitive nature that would hurt the plan's ability to compete or to manage health services. Disclosure of criteria is proprietary or anticompetitive if revealing the criteria would have the tendency to cause health care providers to alter their practice pattern in a manner that would harm efforts to contain health care costs and is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

If a certified health plan uses unpublished criteria to judge the quality and cost-effectiveness of a health care provider's practice under any specific program within the plan, the plan may not reject or terminate the provider participating in that program based upon such criteria until the provider has been informed of the criteria that his or her practice fails to meet and is given a reasonable opportunity to conform to such criteria.

(3)(a) Whenever a determination is made under (b) of this subsection that a plan's share of the market reaches a point where the plan's exclusion of health care providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services, the certified health plan must allow all providers within the affected market to participate in the programs of the certified health plan. All such providers must meet the published criteria and requirements of the programs.

(b) The attorney general with the assistance of the insurance commissioner shall periodically analyze the market power of certified health plans to determine when the market share of any program of a certified health plan reaches a point where the plan's exclusion of health service providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services. In analyzing the market power of a certified health plan, the attorney general shall consider:

- (i) The ease with which providers may obtain contracts with other plans;
- (ii) The amount of the private pay and government employer business that is controlled by the certified health plan taking into account the selling of its provider network to self-insured employer plans;
- (iii) The difficulty in establishing new competing plans in the relevant geographic market; and
- (iv) The sufficiency of the number or type of providers under contract with the plan available to meet the needs of plan enrollees.

Notwithstanding the provisions of this subsection, if the certified health plan demonstrates to the satisfaction of the attorney general and the health services commission that health service utilization data and similar information shows that the inclusion of additional health service providers would substantially lessen the plan's ability to control health care costs and that the plan's procedures for selection of providers are not improperly exclusive of providers, the plan need not include additional providers within the plan's program.

(4) The health services commission shall adopt rules for the resolution of disputes between providers and certified health plans including disputes regarding the decision of a plan not to include the services of a provider.

(5) Nothing contained in this section shall be construed to require a plan to allow or continue the participation of a provider if the plan is a federally qualified health maintenance organization and the participation of the provider or providers would prevent the health maintenance organization from operating as a health maintenance organization in accordance with 42 U.S.C. Sec. 300e.

NEW SECTION. Sec. 432. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) No person or entity in this state may, by mail or otherwise, act or hold himself or herself out to be a certified health plan as defined by section 402 of this act without being registered as a certified health plan with the insurance commissioner.

(2) Anyone violating subsection (1) of this section is liable for a fine not to exceed ten thousand dollars and imprisonment not to exceed six months for each instance of such violation.

NEW SECTION. Sec. 433. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF REGISTRATION--APPLICATION REQUIREMENTS. Any corporation, cooperative group, partnership, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education are entitled to a certificate from the insurance commissioner as a certified health plan if it:

(1) Submits an application for certification as a certified health plan, which shall be verified by an officer or authorized representative of the applicant, being in a form as the insurance commissioner prescribes in consultation with the health services commission;

(2) Meets the minimum net worth requirements set forth in section 438 of this act and the funding reserve requirements set forth in section 439 of this act;

(3) A certified health plan may establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance to guidelines adopted by the commission, those which have been clearly drawn to be exclusionary within a health care catchment area.

NEW SECTION. Sec. 434. ISSUANCE OF CERTIFICATE--GROUNDS FOR REFUSAL. The commissioner shall issue a certificate as a certified health plan to an applicant within one hundred twenty days of such filing unless the commissioner notifies the applicant within such time that such application is not complete and the reasons therefor; or that the commissioner is not satisfied that:

(1) The basic organization document of the applicant permits the applicant to conduct business as a certified health plan;

(2) The applicant has demonstrated the intent and ability to assure that the health services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with a casualty insurer, a government agency, or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

(c) Any arrangements for liability and malpractice insurance coverage.

(4) The procedures for offering health care services are reasonable and equitable; and

(5) Procedures have been established to:

(a) Monitor the quality of care provided by the certified health plan including standards and guidelines provided by the health services commission and other appropriate state agencies;

(b) Operate internal peer review mechanisms; and

(c) Resolve complaints and grievances in accordance with section 443 of this act and rules established by the insurance commissioner in consultation with the commission.

NEW SECTION. Sec. 435. PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--FILING OF PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--ADDITIONAL CHARGES PROHIBITED. (1) The insurance commissioner shall verify that the

certified health plan and its providers are charging no more than the maximum premiums and enrollee financial participation amounts during the course of financial and market conduct examinations or more frequently if justified in the opinion of the insurance commissioner or upon request by the health services commission.

(2) The certified health plans shall file the premium schedules including employer contributions, enrollee premium sharing, and enrollee point of service cost sharing amounts with the insurance commissioner, within thirty days of establishment by the health services commission.

(3) No certified health plan or its provider may charge any fees, assessments, or charges in addition to the premium amount or in excess of the maximum enrollee financial participation limits established by the health services commission. The certified health plan that directly provides health care services may charge and collect the enrollee point of service cost sharing fees as established in the uniform benefits package or other approved benefit plan.

NEW SECTION. Sec. 436. ANNUAL STATEMENT FILING--CONTENTS--PENALTY FOR FAILURE TO FILE--ACCURACY REQUIRED. (1) Every certified health plan shall annually not later than March 1 of the calendar year, file with the insurance commissioner a statement verified by at least two of its principal officers showing its financial condition as of December 31 of the preceding year.

(2) Such annual report shall be in such form as the insurance commissioner shall prescribe and shall include:

(a) A financial statement of the certified health plan, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) All prepayments and other payments received for health care services rendered pursuant to certified health plan benefit packages;

(ii) Expenditures to all categories of health care facilities, providers, and organizations with which the plan has contracted to fulfill obligations to enrolled residents arising out of the uniform benefits package and other approved supplemental benefit agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) Expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) A report of the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals;

(c) The number of residents enrolled and terminated during the report period. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to demonstrate compliance with the open enrollment and free access requirements of chapter . . . , Laws of 1993 (this act). The insurance commissioner shall specify additional information to be reported, which may include but not be limited to age, sex, location, and health status information;

(d) Such other information relating to the performance of the certified health plan or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter in accordance with rules;

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the certified health plan or provider of the certified health plan.

(3) The commissioner may require quarterly reporting of financial information, such information to be furnished in a format prescribed by the commissioner in consultation with the commission.

(4) The commissioner may for good reason allow a reasonable extension of time within which such annual statement shall be filed.

(5) The commissioner may suspend or revoke the certificate of a certified health plan for failing to file its annual statement when due or during any extension of time therefor that the commissioner, for good cause, may grant.

(6) The commissioner shall provide to the health services commission an annual summary report of at least the information required in subsections (2) and (3) of this section.

(7) No person may knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a certified health plan that does not accurately state the certified health plan's financial condition.

NEW SECTION. Sec. 437. PROVIDER CONTRACTS--ENROLLED RESIDENT'S LIABILITY, COMMISSIONER'S REVIEW. (1) Subject to subsection (2) of this section, every contract between a certified health plan and its providers of health care services shall be in writing and shall set forth that in the event the certified health plan fails to pay for health care services as set forth in the uniform benefits package, the enrollee is not liable to the provider for any sums owed by the certified health plan. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a contracting provider with the certified health plan, or to emergent and urgently needed out-of-area services.

(3) The certified health plan shall file the contracts with the insurance commissioner for approval thirty days prior to use.

NEW SECTION. Sec. 438. MINIMUM NET WORTH--REQUIREMENTS TO MAINTAIN--DETERMINATION OF AMOUNT. (1) Every certified health plan must maintain a minimum net worth equal to the greater of:

(a) One million dollars; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the insurance commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2)(a) In determining net worth, no debt may be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt may not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the insurance commissioner, may not be considered a liability and shall be recorded as equity.

(3) Every certified health plan shall, in determining liabilities, include an amount estimated in the aggregate to provide for unearned premiums and for the payment of claims for health care expenditures that have been incurred, whether reported or unreported, that are unpaid and for which such organization is or may be liable and to provide for the expense of adjustment or settlement of such claims.

The claims shall be computed in accordance with rules adopted by the insurance commissioner in consultation with the health services commission.

NEW SECTION. Sec. 439. FUNDED RESERVE REQUIREMENTS. (1) Each certified health plan obtaining certification from the insurance commissioner under sections 427 through 444 of this act shall provide and maintain a funded reserve of one hundred fifty thousand dollars. The funded reserve shall be deposited with the insurance commissioner or with any organization acceptable to the commissioner in the form of cash, securities eligible for investment under chapter 48.13 RCW, approved surety bond, or any combination of these, and must be equal to or exceed one hundred fifty thousand dollars. The funded reserve shall be established as an assurance that the uncovered expenditures obligations of the certified health plan to the enrolled Washington residents shall be performed.

(2) All income from reserves on deposit with the commissioner shall belong to the depositing certified health plan and shall be paid to it as it becomes available.

(3) Funded reserves required by this section shall be considered an asset in determining the plan's net worth.

NEW SECTION. Sec. 440. EXAMINATION OF CERTIFIED HEALTH PLANS, POWERS OF COMMISSIONER, DUTIES OF PLANS, INDEPENDENT AUDIT REPORTS. (1) The insurance commissioner shall make an examination of the operations of a certified health plan as often as the commissioner deems it necessary in order to assure the financial security and health and safety of the enrolled residents. The insurance commissioner shall make an examination of a certified health plan not less than once every three calendar years.

(2) Every certified health plan shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of health services and systems shall be examined by the department of health except that the insurance commissioner may review such areas to the extent that such items impact the financial condition or the market conduct of the certified health plan. For the purpose of the examinations the insurance commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the certified health plans concerning their business.

(3) The insurance commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the certified health plan in the course of that part of the insurance commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4) Certified health plans shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of adopting rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, adoption of rules, and enforcement of the provisions of this chapter including a reasonable margin for cost variations. The assessments shall be established by rules adopted by the commissioner in consultation with the health services commission but may not exceed five and one-half cents per month per resident enrolled in the certified health plan. The minimum assessment shall be one thousand dollars. Assessment receipts shall be deposited in the insurance commissioner's regulatory account in the state treasury and shall be used for the purpose of funding the examinations authorized in subsection (1) of this section. Assessments received shall be used to pay a pro rata share of the costs, including overhead of regulating certified health plans. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in succeeding biennia.

NEW SECTION. Sec. 441. INSOLVENCY--COMMISSIONER'S DUTIES, CONTINUATION OF BENEFITS, ALLOCATION OF COVERAGE. (1) In the event of insolvency of a certified health plan and upon order of the commissioner, all other certified health plans shall offer the enrolled Washington residents of the insolvent certified health plan the opportunity to enroll in a solvent certified health plan. Enrollment shall be without prejudice for any preexisting condition and shall be continuous provided the resident enrolls in the new certified health plan within thirty days of the date of insolvency and otherwise complies with the certified health plan's managed care procedures within the thirty-day open enrollment period.

(2) The insurance commissioner, in consultation with the health services commission, shall establish guidelines for the equitable distribution of the insolvent certified health plan's enrollees to the remaining certified health plans. The guidelines may include limitations to enrollment based on financial conditions, provider delivery network, administrative capabilities of the certified health plan, and other reasonable measures of the certified health plan's ability to provide benefits to the newly enrolled residents.

(3) Each certified health plan shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the coverage period for which premiums have been paid and continuation of benefits to enrolled Washington residents who are confined on the date of insolvency in an inpatient facility until their discharge or transfer to a new certified health plan as provided in subsection (1) of this section. The plan shall be approved by the insurance commissioner at the time of certification and shall be submitted for review and approval on an annual basis. The commissioner shall approve such a plan if it includes:

(a) Insurance to cover the expenses to be paid for continued benefits after insolvency;

(b) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the certified health plan's insolvency for which premium payment has been made and until the enrolled participant is transferred to a new certified health plan in accordance with subsection (1) of this section. Such extension of coverage shall not obligate the provider of service beyond thirty days following the date of insolvency;

(c) Use of the funded reserve requirements as provided under section 439 of this act;

(d) Acceptable letters of credit or approved surety bonds; or

(e) Other arrangements the insurance commissioner and certified health plan mutually agree are appropriate to assure that benefits are continued.

NEW SECTION. Sec. 442. FINANCIAL FAILURE, SUPERVISION OF COMMISSIONER--PRIORITY OF DISTRIBUTION OF ASSETS. (1) Any rehabilitation, liquidation, or conservation of a certified health plan shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the insurance commissioner under the law governing the rehabilitation, liquidation, or conservation of insurance companies. The insurance commissioner may apply for an order directing the insurance commissioner to rehabilitate, liquidate, or conserve a certified health

plan upon one or more of the grounds set forth in RCW 48.31.030, 48.31.050, and 48.31.080. Enrolled residents shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled residents and their dependents shall have the same priority as established by RCW 48.31.280 for policyholders and their dependents of insurance companies. If an enrolled resident is liable to a provider for services under and covered by a certified health plan, that liability shall have the status of an enrolled resident claim for distribution of general assets.

(3) A provider who is obligated by statute or agreement to hold enrolled residents harmless from liability for services provided under and covered by a certified health plan shall have a priority of distribution of the general assets immediately following that of enrolled residents and enrolled residents' dependents as described in this section, and immediately proceeding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 443. GRIEVANCE PROCEDURE. A certified health plan shall establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrolled Washington residents concerning any matter relating to the provision of benefits under the uniform benefits package, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within twenty working days. The insurance commissioner in consultation with the health services commission shall establish standards for grievance procedures and resolution.

NEW SECTION. Sec. 444. EXEMPTION. The provisions of sections 433 through 443 of this act do not apply to any disability insurance company, health care service contractor, or health maintenance organization authorized to do business in Washington.

NEW SECTION. Sec. 445. ENFORCEMENT AUTHORITY OF COMMISSIONER. For the purposes of chapter . . . , Laws of 1993 (this act), the insurance commissioner shall have the same powers and duties of enforcement as are provided in Title 48 RCW.

NEW SECTION. Sec. 446. ANNUAL REPORT BY THE INSURANCE COMMISSIONER TO THE HEALTH SERVICES COMMISSION. Beginning January 1, 1997, the insurance commissioner shall report annually to the health services commission on the compliance of certified health plans and health insurance purchasing cooperatives with the provisions of chapter . . . , Laws of 1993 (this act). The report shall include information on (1) compliance with chapter . . . , Laws of 1993 (this act) open enrollment and antidiscrimination provisions, (2) financial solvency requirements, (3) the mix of enrollee characteristics within and among plans and groups including age, sex, ethnicity, and any easily obtainable information related to medical risk, (4) the geographic distribution of plans and groups, and (5) other information that the commission may request consistent with the goals of chapter . . . , Laws of 1993 (this act).

F. MANAGED COMPETITION AND LIMITED ANTI-TRUST IMMUNITY

NEW SECTION. Sec. 447. MANAGED COMPETITION FINDINGS AND INTENT. (1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health insurers, contractors, and health maintenance organizations face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter . . . , Laws of 1993 (this act) by any person or entity created or regulated by chapter . . . , Laws of 1993 (this act) are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 448 of this act or under rules adopted pursuant to chapter . . . , Laws of 1993 (this act), does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;

(b) Among certified health plans as to the price or level of reimbursement for health care services;

(c) Among certified health plans to boycott a group or class of health care service providers;

(d) Among purchasers of certified health plan coverage to boycott a particular plan or class of plans;

(e) Among certified health plans to divide the market for health care coverage; or

(f) Among certified health plans and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a certified health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a certified health plan or purchasing group.

NEW SECTION. Sec. 448. COMPETITIVE OVERSIGHT AND ANTI-TRUST IMMUNITY. (1) A certified health plan, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or

certified health plans may request, in writing, that the commission obtain an informal opinion from the attorney general as to whether particular conduct is authorized by chapter . . . , Laws of 1993 (this act). The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not authorized by chapter . . . , Laws of 1993 (this act), the person or organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and consistent with such opinion, the health services commission:

(a) May authorize conduct by a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter . . . , Laws of 1993 (this act) and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and certified health plans including rules governing provider and facility contracts with certified health plans, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that certified health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a certified health plan including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) A certified health plan, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or certified health plans may file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the commission.

The commission shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the commission for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the commission with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(a) Enhancement of the quality of health services to consumers;

(b) Gains in cost efficiency of health services;

(c) Improvements in utilization of health services and equipment;

(d) Avoidance of duplication of health services resources; or

(e) And as to subsections (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of certified health plans and providers in negotiating more cost effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among certified health plans, health care providers, or health care facilities;

(ii) Adverse impact on quality, availability, or price of health care services to consumers; or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commission shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the commission that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the commission determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commission shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter . . . , Laws of 1993 (this act) is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

G. THE UNIFORM BENEFITS PACKAGE

NEW SECTION. Sec. 449. UNIFORM BENEFITS PACKAGE DESIGN. (1) The commission shall define the uniform benefits package, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are effective and necessary on a societal basis for the maintenance of the health of citizens of the state, weighed against the need to control state health services expenditures.

(2) The schedule of covered health services shall emphasize proven preventive and primary health care and shall be composed of the following essential health services: (a) Primary and specialty health services; (b) inpatient and outpatient hospital services; (c) prescription drugs and medications; (d) reproductive services; (e) services necessary for maternity and well-child care, including preventive dental services for children; and (f) case-managed chemical dependency, mental health, short-term skilled nursing facility, home health, and hospice services, to the extent that such services reduce inappropriate utilization of more intensive or less efficacious medical services. The commission shall determine the specific schedule of health services within the uniform benefits package, including limitations on scope and duration of services. The schedule shall be the benefit and actuarial equivalent of the schedule of benefits offered by the basic health plan on January 1, 1993, including any additions that may result from the inclusion of the services listed in (c) through (f) of this subsection. The commission shall consider the recommendations of health services effectiveness panels established pursuant to section 404 of this act in defining the uniform benefits package.

(3) The uniform benefits package shall not limit coverage for preexisting or prior conditions, except that the commission shall establish exclusions for preexisting or prior conditions to the extent necessary to prevent residents from waiting until health services are needed before enrolling in a certified health plan.

(4) The commission shall establish enrollee point of service cost-sharing for nonpreventive health services, related to enrollee household income, such that financial considerations are not a barrier to access for low-income persons, but that, for those of means, the uniform benefits package provides for moderate point of service cost-sharing. All point of service cost-sharing and cost control requirements shall apply uniformly to all health care providers providing substantially similar uniform benefits package services. The schedule shall provide for an alternate and lower schedule of cost-sharing applicable to enrollees with household income below the federal poverty level.

(5) The commission shall adopt rules related to coordination of benefits and premium payments. The rules shall not have the effect of eliminating enrollee financial participation. The commission shall endeavor to assure an equitable distribution, among both employers and employees, of the costs of coverage for those households composed of more than one member in the work force.

(6) In determining the uniform benefits package, the commission shall endeavor to seek the opinions of and information from the public. The commission shall consider the results of official public health assessment and policy development activities including recommendations of the department of health in discharging its responsibilities under this section.

(7) The commission shall submit the following to the legislature by December 1, 1994, and by December 1 of the year preceding any year in which the commission proposes to significantly modify the uniform benefits package: (a) The uniform benefits package; and (b) an independent actuarial analysis of the cost of the proposed package, giving consideration to the factors considered under section 406(6) of this act. The commission shall not modify the services included in the uniform benefits package before January 1, 1999.

NEW SECTION. Sec. 450. SMALL BUSINESS ECONOMIC IMPACT STATEMENT. (1) In conjunction with submission of the uniform benefits package as provided in section 449(7) of this act, the commission also shall submit a small business economic impact statement, prepared in consultation with the small business advisory committee. The impact statement shall address the economic impact on businesses with twenty-five or fewer full-time equivalent employees of participating in the cost of the uniform benefits package for their employees and employees' dependents. As an aid in preparing the small business economic impact statement, the commission shall conduct a survey of a statistically valid sample of small businesses.

(2) If the small business economic impact statement indicates a need to address the economic consequences of mandating employer participation in the cost of uniform benefits package coverage for employees and their dependents, the commission shall submit proposed strategies to address such consequences. Strategies may include: The level of employer participation in uniform benefits package costs; coverage of dependents; application of the uniform benefits package as the minimum benefits package offered to employees or dependents; and any other strategies deemed appropriate by the commission.

NEW SECTION. Sec. 451. HOUSEHOLD INCOME ANALYSIS. In conjunction with submission of the uniform benefits package as provided in section 449(7) of this act, the commission shall submit an analysis of the impact of employee premium contributions on individuals with household income of less than two hundred percent of the federal poverty level. The analysis shall include estimates of the cost of varying levels of premium subsidies for these individuals and their families.

NEW SECTION. Sec. 452. CERTIFIED HEALTH PLAN BENEFIT PACKAGES--OFFERING, FILING, AND APPROVAL OF FORMS. No uniform benefits package or supplemental benefits may be offered, delivered, or issued for delivery to any person in this state unless it otherwise complies with chapter . . . , Laws of 1993 (this act), and complies with the following:

(1) All certified health plan forms for uniform and supplemental benefits issued by the plan to enrollees and such other marketing documents purporting to describe the plan's benefits shall comply with the minimum standards the commissioner deems reasonable and necessary to carry out the purposes and provisions of this chapter and consistent with health services commission standards. The plan's forms and documents shall fully inform enrollees of the health services to which they are entitled, and shall fully disclose any limitations, exclusions, rights, responsibilities, and duties required of either the enrollee or the certified health plan. No form or document may be issued, delivered, or issued for delivery unless it has been filed with and approved by the commissioner.

(2) Every form or document filing containing a certification, in a manner approved by the commissioner, by either the chief executive officer of the plan or by an actuary who is a member of the American academy of actuaries, attesting that the filing complies with Title 48 RCW, Title 284 WAC, and this chapter, may be used by such certified health plan immediately after filing with the commissioner. The commissioner may order a plan to cease using a certified form or document upon the grounds set forth in subsection (6) of this section.

(3) Every filing that does not contain a certification pursuant to subsection (2) of this section shall be made not less than thirty days in advance of any such issuance, delivery, or use. At the expiration of such thirty days the form or document filed shall be deemed approved unless affirmatively approved or disapproved by the commissioner within the thirty-day period. The commissioner may extend by not more than an additional fifteen days the period within which the commissioner may review such filing, by notifying the plan of the extension before expiration of the initial thirty-day period. At the expiration of any extension period and in the absence of prior affirmative approval or disapproval, any such form or document shall be deemed approved. The commissioner may withdraw approval at any time for cause. By approval of any filing for immediate use, the commissioner may waive any unexpired portion of the initial thirty-day waiting period.

(4) Whenever the commissioner disapproves a filing or withdraws a previous approval, the commissioner shall state the grounds for disapproval.

(5) The commissioner may exempt from the requirements of this section any plan document or form that, in the commissioner's opinion, may not practicably be applied to, or the filing and approval of which are, in the commissioner's opinion, not desirable or necessary for the protection of the public.

(6) The commissioner shall disapprove any form or document or shall withdraw any previous approval, only:

(a) If it is in any respect in violation of or does not comply with Title 48 RCW, Title 284 WAC, and this chapter, or any applicable order of the commissioner;

(b) If it does not comply with any controlling filing previously made and approved;

(c) If it contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions that unreasonably or deceptively affect the health services purported to be offered or provided;

- (d) If it has any title, heading, or other indication of its provisions that is misleading;
- (e) If purchase of health services under the form or document is being solicited by deceptive advertising; or
- (f) If the health service benefits provided in the form or document are unreasonable in relation to the premium charged.

NEW SECTION. Sec. 453. UNIFORM AND SUPPLEMENTAL BENEFITS--RATES--FILING AND APPROVAL. (1) Premium rates for uniform benefits package and supplemental benefits shall not be excessive or inadequate, and shall not discriminate in a manner prohibited by section 428(3) of this act. Premium rates, enrollee point of service cost-sharing, or maximum enrollee financial participation amounts for a uniform benefits package may not exceed the limits established by the health services commission in accordance with section 406 of this act. Premium rates for uniform benefits package and supplemental benefits shall be developed on a community-rated basis as determined by the health services commission.

(2) Prior to using, every certified health plan shall file with the commissioner its enrollee point of service, cost-sharing amounts, enrollee financial participation amounts, rates, its rating plan, and any other information used to determine the specific premium to be charged any enrollee and every modification of any of the foregoing.

(3) Every such filing shall indicate the type and extent of the health services contemplated and must be accompanied by sufficient information to permit the commissioner to determine whether it meets the requirements of this chapter. A plan shall offer in support of any filing:

- (a) Any historical data and actuarial projections used to establish the rate filed;
- (b) An exhibit detailing the major elements of operating expense for the types of health services affected by the filing;
- (c) An explanation of how investment income has been taken into account in the proposed rates;
- (d) Any other information that the plan deems relevant; and
- (e) Any other information that the commissioner requires by rule.

(4) If a plan has insufficient loss experience to support its proposed rates, it may submit loss experience for similar exposures of other plans within the state.

(5) Every filing shall state its proposed effective date.

(6) Actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by a plan or submitted to the commissioner at the commissioner's request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

(7) No plan may make or issue a benefits package except in accordance with its filing then in effect.

(8) The commissioner shall review a filing as soon as reasonably possible after made, to determine whether it meets the requirements of this section.

(9)(a) No filing may become effective within thirty days after the date of filing with the commissioner, which period may be extended by the commissioner for an additional period not to exceed fifteen days if the commissioner gives notice within such waiting period to the plan that the commissioner needs additional time to consider the filing.

(b) A filing shall be deemed to meet the requirements of this section unless disapproved by the commissioner within the waiting period or any extension period.

(c) If within the waiting or any extension period, the commissioner finds that a filing does not meet the requirements of this section, the commissioner shall disapprove the filing, shall notify the plan of the grounds for disapproval, and shall prohibit the use of the disapproved filing.

(10) If at any time after the applicable review period provided in this section, the commissioner finds that a filing does not meet the requirements of this section, the commissioner shall, after notice and hearing, issue an order specifying in what respect the commissioner finds that such filing fails to meet the requirements of this section, and stating when, within a reasonable period thereafter, the filings shall be deemed no longer effective.

The order shall not affect any benefits package made or issued prior to the expiration of the period set forth in the order.

NEW SECTION. Sec. 454. The legislature may disapprove of the uniform benefits package developed under section 449 of this act and medical risk adjustment mechanisms developed under section 406(7) of this act by an act of law at any time prior to the thirtieth day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit a modified package to the legislature within fifteen days of the disapproval. If the legislature does not disapprove or modify the package by an act of law by the end of that regular session, the package is deemed approved.

NEW SECTION. Sec. 455. SUPPLEMENTAL AND ADDITIONAL BENEFITS NEGOTIATION. (1) Nothing in chapter . . . , Laws of 1993 (this act) shall preclude insurers, health care service contractors, health maintenance organizations, or certified health plans from insuring, providing, or contracting for benefits not included in the uniform benefits package or in supplemental benefits.

(2) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer, an employee representative to negotiate for, or an individual to purchase supplemental or additional benefits not included in the uniform benefits package.

(3) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer or an employee representative to negotiate for payment of up to one hundred percent of the premium of the lowest priced uniform benefits package available in the geographic area where the employer is located.

(4) Nothing in chapter . . . , Laws of 1993 (this act) shall be construed to affect the collective bargaining rights of employee organizations to the extent that federal law specifically restricts the ability of states to limit collective bargaining rights of employee organizations.

(5) After July 1, 1999, no property or casualty insurance policy issued in this state may provide first-party coverage for health services to the extent that such services are provided under a uniform benefits package covering the resident to whom such property or casualty insurance policy is issued.

NEW SECTION. Sec. 456. CONSCIENCE OR RELIGION. (1) No certified health plan or health care provider may be required by law or contract in any circumstances to participate in the provision of any uniform benefit if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(2) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the uniform benefits package. Each certified health plan shall:

(a) Provide written notice to certified health plan enrollees, upon enrollment with the plan and upon enrollee request thereafter, listing, by provider, services that any provider refuses to perform for reason of conscience or religion;

(b) Develop written information describing how an enrollee may directly access, in an expeditious manner, services that a provider refuses to perform; and

(c) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b) of this subsection.

NEW SECTION. Sec. 457. LONG-TERM CARE INTEGRATION PLAN. (1) To meet the health needs of the residents of Washington state, it is critical to finance and provide long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. This system shall be available, accessible, and responsive to all residents based upon an assessment of their functional disabilities. The governor and the legislature recognize that families, volunteers, and community organizations are essential for the delivery of effective and efficient long-term care and support services, and that this private and public service infrastructure should be supported and strengthened. Further, it is important to provide benefits without requiring family or program beneficiary impoverishment for service eligibility.

(2) To realize the need for a strong long-term care system and to carry out the November 30, 1992, final recommendations of the Washington health care cost control and access commission, established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990, related to long-term care, the commission shall:

(a) Engage in a planning process, in conjunction with an advisory committee appointed for this purpose, for the inclusion of long-term care services in the uniform benefits package established under section 449 of this act by July 1999;

(b) Include in its planning process consideration of the scope of services to be covered, the cost of and financing of such coverage, the means through which existing long-term care programs and delivery systems can be coordinated and integrated, and the means through which family members can be supported in their role as informal caregivers for their parents, spouses, or other relatives.

(3) The commission shall submit recommendations concerning any necessary statutory changes or modifications of public policy to the governor and the legislature by January 1, 1995.

(4) The departments of health, retirement systems, revenue, social and health services, and veterans' affairs, the offices of financial management, insurance commissioner, and state actuary, along with the health care authority, shall participate in the review of the long-term care needs enumerated in this section and provide necessary supporting documentation and staff expertise as requested by the commission.

(5) The commission shall include in its planning process, the development of two social health maintenance organization long-term care pilot projects. The two pilot projects shall be referred to as the Washington life care pilot projects. Each life care pilot program shall be a single-entry system administered by an individual organization that is responsible for bringing together a full range of medical and long-term care services. The commission, in coordination with the appropriate agencies and departments, shall establish a Washington life care benefits package that shall include the uniform benefits package established in chapter . . . , Laws of 1993 (this act) and long-term care services. The Washington life care benefits package shall include, but not be limited to, the following long-term care services: Case management, intake and assessment, nursing home care, adult family home care, home health and home health aide care, hospice, chore services/homemaker/personal care, adult day care, respite care, and appropriate social services. The pilot project shall develop assessment and case management protocol that emphasize home and community-based care long-term care options.

(a) In designing the pilot projects, the commission shall address the following issues: Costs for the long-term care benefits, a projected case-mix based upon disability, the required federal waiver package, reimbursement, capitation methodology, marketing and enrollment, management information systems, identification of the most appropriate case management models, provider contracts, and the preferred organizational design that will serve as a functioning model for efficiently and effectively transitioning long-term care services into the uniform benefits package established in chapter . . . , Laws of 1993 (this act). The commission shall also be responsible for establishing the size of the two membership pools.

(b) Each program shall enroll applicants based on their level of functional disability and personal care needs. The distribution of these functional level categories and ethnicity within the enrolled program population shall be representative of their distribution within the community, using the best available data to estimate the community distributions.

(c) The two sites selected for the Washington life care pilot program shall be drawn from the largest urban areas and include one site in the eastern part of the state and one site in the western part of the state. The two organizations selected to manage and coordinate the life care services shall have the proven ability to provide ambulatory care, personal care/chore services, dental care, case management and referral services, must be accredited and licensed to provide long-term care for home health services, and may be licensed to provide nursing home care.

(d) The report on the development and establishment date of the two social health maintenance organizations shall be submitted to the governor and appropriate committees of the legislature by September 16, 1994. If the necessary federal waivers cannot be secured by January 1, 1995, the commission may elect to not establish the two pilot programs.

NEW SECTION. Sec. 458. WASHINGTON LONG-TERM CARE PARTNERSHIP. The department of social and health services shall from July 1, 1993, to July 1, 1998, coordinate a pilot program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. This program must allow for the exclusion of an individual's assets, as approved by the federal health care financing administration, in a determination of the individual's eligibility for medicaid; the amount of any medicaid payment; or any subsequent recovery by the state for a payment for medicaid services to the extent such assets are protected by a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter.

NEW SECTION. Sec. 459. WASHINGTON LONG-TERM CARE PARTNERSHIP. The department of social and health services shall seek approval and a waiver of appropriate federal medicaid regulations to allow the protection of an individual's assets as provided in this chapter. The department shall adopt all rules necessary to implement the Washington long-term care partnership program, which rules shall permit the exclusion of an individual's assets in a determination of medicaid eligibility to the extent that private long-term care insurance provides payment or benefits for services that medicaid would approve or cover for medicaid recipients.

NEW SECTION. Sec. 460. WASHINGTON LONG-TERM CARE PARTNERSHIP. (1) The insurance commissioner shall adopt rules defining the criteria that long-term care insurance policies must meet to satisfy the requirements of this chapter. The rules shall provide that all long-term care insurance policies purchased for the purposes of this chapter:

- (a) Be guaranteed renewable;
 - (b) Provide coverage for home and community-based services and nursing home care;
 - (c) Provide automatic inflation protection or similar coverage to protect the policyholder from future increases in the cost of long-term care;
 - (d) Not require prior hospitalization or confinement in a nursing home as a prerequisite to receiving long-term care benefits; and
 - (e) Contain at least a six-month grace period that permits reinstatement of the policy or contract retroactive to the date of termination if the policy or contract holder's nonpayment of premiums arose as a result of a cognitive impairment suffered by the policy or contract holder as certified by a physician.
- (2) Insurers offering long-term care policies for the purposes of this chapter shall demonstrate to the satisfaction of the insurance commissioner that they:
- (a) Have procedures to provide notice to each purchaser of the long-term care consumer education program;
 - (b) Offer case management services;
 - (c) Have procedures that provide for the keeping of individual policy records and procedures for the explanation of coverage and benefits identifying those payments or services available under the policy that meet the purposes of this chapter;
 - (d) Agree to provide the insurance commissioner, on or before September 1 of each year, an annual report containing the following information:
 - (i) The number of policies issued and of the policies issued, that number sorted by issue age;
 - (ii) To the extent possible, the financial circumstance of the individuals covered by such policies;
 - (iii) The total number of claims paid; and
 - (iv) Of the number of claims paid, the number paid for nursing home care, for home care services, and community-based services.

NEW SECTION. Sec. 461. WASHINGTON LONG-TERM CARE PARTNERSHIP. The insurance commissioner, in conjunction with the department of social and health services, shall develop a consumer education program designed to educate consumers as to the need for long-term care, methods for financing long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided under this chapter.

NEW SECTION. Sec. 462. WASHINGTON LONG-TERM CARE PARTNERSHIP. By January 1 of each year, the insurance commissioner, in conjunction with the department of social and health services, shall report to the legislature on the progress of the asset protection program. The report shall include:

- (1) The success of the agencies in implementing the program;
- (2) The number of insurers offering long-term care policies meeting the criteria for asset protection;
- (3) The number, age, and financial circumstances of individuals purchasing long-term care policies meeting the criteria for asset protection;
- (4) The number of individuals seeking consumer information services;
- (5) The extent and type of benefits paid by insurers offering policies meeting the criteria for asset protection;
- (6) Estimates of the impact of the program on present and future medicaid expenditures;
- (7) The cost-effectiveness of the program; and
- (8) A determination regarding the appropriateness of continuing the program.

H. STATE RESIDENT AND EMPLOYER PARTICIPATION

NEW SECTION. Sec. 463. INDIVIDUAL PARTICIPATION. (1) All residents of the state of Washington are required to purchase a uniform benefits package from a certified health plan no later than July 1, 1998. This participation requirement shall be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions set forth in the First Amendment, United States Constitution or Article I, section 11 of the state Constitution. Residents of the state of Washington who work in another state for an out-of-state employer shall be deemed to have satisfied the requirements of this section if they receive health insurance coverage through such employer.

(2) The commission shall monitor the enrollment of individuals into certified health plans and shall make public periodic reports concerning the number of persons enrolled and not enrolled, the reasons why individuals are not enrolled, recommendations to reduce the number of persons not enrolled, and recommendations regarding enforcement of this provision.

NEW SECTION. Sec. 464. EMPLOYER PARTICIPATION. (1) The legislature recognizes that small businesses play an essential and increasingly important role in the state's economy. The legislature further recognizes that many of the state's small business owners provide health insurance to their employees through small group policies at a cost that directly affects their profitability. Other small business owners are prevented from providing health benefits to their employees by the lack of access to affordable health insurance coverage. The legislature intends that the provisions of chapter . . . , Laws of 1993 (this act) make health insurance more available and affordable to small businesses in Washington state through strong cost control mechanisms and the option to purchase health benefits through the basic health plan, the Washington state group purchasing association, and health insurance purchasing cooperatives.

(2) On July 1, 1995, every employer employing more than five hundred qualified employees shall:

- (a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, and for employers who have established a registered employer health plan, one of which may be its own registered employer health plan, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1996, all dependents of qualified employees of these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(3) By July 1, 1996, every employer employing more than one hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1997, all dependents of qualified employees in these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(4) By July 1, 1997, every employer shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1998, all dependents of qualified employees in all firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(5) This employer participation requirement shall be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions of the First Amendment of the United States Constitution or Article I, section 11, of the state Constitution. In such case the employer shall, pursuant to commission rules, set aside an amount equal to the applicable employer contribution level in a manner that would permit his or her employee to fully comply with the requirements of this chapter.

(6) In lieu of offering the uniform benefits package to employees and their dependents through direct contracts with certified health plans, an employer may combine the employer contribution with that of the employee's contribution and enroll in the basic health plan as provided in chapter 70.47 RCW or a health insurance purchasing cooperative established under sections 427 and 428 of this act.

NEW SECTION. Sec. 465. DEPOSITORY. (1) The health care authority shall establish a depository where payments under section 464 of this act can be made and held in safekeeping for the benefit of employees working less than the number of hours worked by a qualified employee.

(2) The authority shall adopt appropriate rules for operation of the depository, in consultation with representatives of employees and employers, especially those that are seasonal or employ large numbers of part-time workers. The rules shall address the means through which payments will be properly deposited to the credit of employees and the means through which employees can access payments made on their behalf. On and after July 1, 1995, payments deposited by employers on behalf of employees may be used by employees only for purchase of the uniform benefits package. Prior to July 1, 1995, payments may be used for purchase of any health insurance coverage.

NEW SECTION. Sec. 466. SMALL FIRM FINANCIAL ASSISTANCE. (1) Beginning July 1, 1997, firms with fewer than twenty-five workers that face barriers to providing health insurance for their employees may, upon application, be eligible to receive financial assistance with funds set aside from the health services account. Firms with the following characteristics shall be given preference in the distribution of funds: (a) New firms, (b) employers with low average wages, (c) employers with low profits, and (d) firms in economically distressed areas.

(2) All employers in existence on or before July 1, 1997, who meet the criteria set forth in this section, and rules adopted under this section, may apply to the health services commission for assistance. Such employers may not receive premium

assistance beyond July 1, 2001. New employers, who come into existence after July 1, 1997, may apply for and receive premium assistance for a limited period of time, as determined by the commission.

(3) The total funds available for small business assistance shall not exceed one hundred fifty million dollars for the biennium beginning July 1, 1997. Thereafter, the amount of total funds available for premium assistance shall be determined by the office of financial management, based on a forecast of inflation, employment, and the number of eligible firms.

(4) By July 1, 1997, the health services commission, with assistance from the small business advisory committee established in section 404 of this act, shall develop specific definitions, rules, and procedures governing all aspects of the small business assistance program, including application procedures, thresholds regarding firm size, wages, profits, and age of firm, and rules governing duration of assistance.

(5) Final determination of the amount of the premium assistance to be dispensed to an employer shall be made by the commission based on rules, definitions, and procedures developed under this section. If total claims for assistance are above the amount of total funds available for such purposes, the commission shall have the authority to prorate employer claims so that the amount of available funds is not exceeded.

(6) The office of financial management, in consultation with the commission, shall establish appropriate criteria for monitoring and evaluating the economic and labor market impacts of the premium assistance program and report its findings to the commission annually through July 1, 2001.

I. PUBLIC HEALTH SERVICES IMPROVEMENT PLAN

NEW SECTION. Sec. 467. A new section is added to chapter 43.70 RCW to read as follows:

PUBLIC HEALTH SERVICES IMPROVEMENT PLAN. (1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances;

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) Timing of increased funding for public health services linked to specific objectives for improving public health; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258 of this act.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

NEW SECTION. Sec. 468. A new section is added to chapter 41.05 RCW to read as follows:

AMERICAN INDIAN HEALTH CARE DELIVERY PLAN. Consistent with funds appropriated specifically for this purpose, the authority shall establish in conjunction with the area Indian health services system and providers an advisory group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery plan. The plan shall include:

- (1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;
- (2) Methods to improve American Indian-specific health programming; and
- (3) Creation of co-funding recommendations and opportunities for the unmet health services programming needs of American Indians.

J. HEALTH ACCOUNTS

NEW SECTION. Sec. 469. HEALTH SERVICES ACCOUNT. The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

NEW SECTION. Sec. 470. PUBLIC HEALTH SERVICES ACCOUNT. The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts. Funds appropriated from this account to local health departments and districts shall be distributed ratably based on county population as last determined by the office of financial management.

NEW SECTION. Sec. 471. HEALTH SYSTEM CAPACITY ACCOUNT. The health system capacity account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the following purposes: Health data systems; health systems and public health research; health system regulation; health system planning, development, and administration; and improving the supply and geographic distribution of primary health service providers.

NEW SECTION. Sec. 472. PERSONAL HEALTH SERVICES ACCOUNT. The personal health services account is created in the treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the support of subsidized personal health services for low-income Washington residents.

Sec. 473. RCW 43.84.092 and 1993 c 4 s 9 are each amended to read as follows:

EARNINGS OF INVESTMENTS. (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

K. EXCLUSIONS AND STUDIES

NEW SECTION. Sec. 474. CODE REVISIONS AND WAIVERS. (1) The commission shall determine the state and federal laws that would need to be repealed, amended, or waived to implement chapter . . . , Laws of 1993 (this act), and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor, and appropriate committees of the legislature by July 1, 1994.

(2) The governor, in consultation with the commission, shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement chapter . . . , Laws of 1993 (this act) to include, but not be limited to:

(a) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medical assistance statute, Title XIX of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for low-income residents of Washington state. Such waivers shall include any waiver needed to require that: (i) Medical assistance recipients enroll in managed care systems, as defined in chapter . . . , Laws of 1993 (this act); (ii) the uniform benefits package, as provided in section 449 of this act, be the benefits package available to medical assistance recipients; and (iii) enrollee point of service, cost-sharing levels adopted pursuant to section 449 of this act be applied to medical assistance recipients. Waived provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; administrative requirements regarding single state agencies, choice of providers, and fee for service reimbursement; and other limitations on health services provider payment methods.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute, Title XVIII of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for elderly and disabled residents of Washington state. Such waivers shall include any waivers needed to implement managed care programs. Waived provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services; and limitations on health services provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to ensure integration of federally funded community and migrant health clinics and other health services funded through the public health services act into the health services system established pursuant to chapter . . . , Laws of 1993 (this act). The commission shall request in the waiver that funds from these sources continue to be allocated to federally funded community and migrant health clinics to the extent that such clinics' patients are not yet enrolled in certified health plans.

(d) Negotiate with the United States congress to obtain a statutory exemption from provisions of the Employee Retirement Income Security Act that limit the state's ability to ensure that all employees and their dependents in the state comply with the requirement to enroll in certified health plans, and have their employers participate in financing their enrollment in such plans.

(e) Request that the United States congress amend the Internal Revenue Code to treat employee premium contributions to plans, such as the basic health plan or the uniform benefits package offered through a certified health plan, as fully deductible from adjusted gross income.

(3) On or before December 1, 1995, the commission shall report the following to the appropriate committees of the legislature:

(a) The status of its efforts to obtain the waivers provided in subsection (2) of this section;

(b) If all federal statutory or regulatory waivers necessary to fully implement chapter . . . , Laws of 1993 (this act) have not been obtained:

(i) The extent to which chapter . . . , Laws of 1993 (this act) can be implemented without receipt of all of such waivers; and

(ii) Changes in chapter . . . , Laws of 1993 (this act) necessary to implement a residency-based health services system using one or a limited number of sponsors, or an alternative system that will ensure access to care and control health services costs.

NEW SECTION. Sec. 475. REPORTS OF HEALTH CARE COST CONTROL AND ACCESS COMMISSION. In carrying out its powers and duties under chapter . . . , Laws of 1993 (this act), the design of the uniform benefits package, and the development of guidelines and standards, the commission shall consider the reports of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990. Nothing in chapter . . . , Laws of 1993 (this act) requires the commission to follow any specific recommendation contained in those reports except as it may also be included in chapter . . . , Laws of 1993 (this act) or other law.

NEW SECTION. Sec. 476. EVALUATIONS, PLANS, AND STUDIES. (1) By July 1, 1997, the legislative budget committee either directly or by contract shall conduct the following study:

A study to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into the delivery and financing of uniform benefits package services through certified health plans:

(a) State and federal veterans' health services;

(b) Civilian health and medical program of the uniformed services (CHAMPUS) of the federal department of defense and other federal agencies; and

(c) Federal employee health benefits.

(2) The legislative budget committee shall evaluate the implementation of the provisions of chapter . . . , Laws of 1993 (this act). The study shall determine to what extent chapter . . . , Laws of 1993 (this act) has been implemented consistent with the principles and elements set forth in chapter . . . , Laws of 1993 (this act) and shall report its findings to the governor and appropriate committees of the legislature by July 1, 2003.

NEW SECTION. Sec. 477. FINANCIAL AND ACCOUNTING STRUCTURE OF STATE PURCHASED HEALTH CARE. The commission, the office of financial management, and the legislative evaluation and accountability program committee shall jointly review the financial and accounting structure of all current state-purchased health care programs and any new programs established in chapter . . . , Laws of 1993 (this act). They shall report to the legislature on or before December 1, 1994, with recommendations on how to structure a state-purchased health services budget that: (1) Meets federal and state audit

requirements; (2) exercises adequate fiscal and programmatic control; (3) provides management and organizational accountability and control; and (4) provides continuity with historical health services expenditure data.

NEW SECTION. Sec. 478. EVALUATION OF REFORM EFFORT. The office of financial management may undertake or facilitate evaluations of health care reform, including analysis of fiscal and economic impacts, the effectiveness of managed care and managed competition, and effects of reform on access and quality of service.

NEW SECTION. Sec. 479. COORDINATION OF CERTIFIED HEALTH PLANS AND OTHER INSURANCE. (1) On or before December 1, 1994, the legislative budget committee, whether directly or by contract, shall conduct a study related to coordination of certified health plans and other property and casualty insurance products. The goal of the study shall be to determine methods for containing costs of health services paid for through coverage underwritten by property and casualty insurers.

(2) The study shall address methods to integrate coverage sold by property and casualty insurance companies that covers medical and hospital expenses with coverage provided through certified health plans.

NEW SECTION. Sec. 480. HOSPITAL REGULATION STUDY. The legislative budget committee, through a competitive bidding process restricted to those with suitable expertise to conduct such a study, shall contract for an examination of local, state, and federal regulations that apply to hospitals and shall report to the health care policy committees of the legislature by July 1, 1994, on the following:

- (1) An inventory of health and safety regulations that apply to hospitals;
- (2) A description of the costs to local, state, and federal agencies for operating the regulatory programs;
- (3) An estimate of the costs to hospitals to comply with the regulations;
- (4) A description of whether regulatory functions are duplicated among different regulatory programs;
- (5) An analysis of the effectiveness of regulatory programs in meeting their safety and health objectives;
- (6) An analysis of hospital charity care requirements under RCW 70.170.060 and their relevance under the health care reforms created under chapter . . . , Laws of 1993 (this act);

(7) Recommendations on elimination or consolidation of unnecessary or duplicative regulatory activities that would not result in a reduction in the health and safety objectives.

NEW SECTION. Sec. 481. NURSING HOME STUDY. The legislative budget committee, through a competitive bidding process restricted to those with suitable expertise to conduct such a study, shall contract for an examination of local, state, and federal regulations that apply to nursing homes and shall report to the health care policy committees of the legislature by July 1, 1994, on the following:

- (1) An inventory of health and safety regulations that apply to nursing homes;
- (2) A description of the costs to local, state, and federal agencies for operating the regulatory programs;
- (3) An estimate of the costs to nursing homes to comply with the regulations;
- (4) A description of whether regulatory functions are duplicated among different regulatory programs;
- (5) An analysis of the effectiveness of regulatory programs in meeting their safety and health objectives;
- (6) Recommendations on elimination or consolidation of unnecessary or duplicative regulatory activities that would not

result in a reduction in the health and safety objectives. The review shall specifically address documentation or protocols that are redundant and efficiencies that could be realized through the development of standardized physicians' protocols for repetitive but nonlife-threatening conditions.

NEW SECTION. Sec. 482. CERTIFIED HEALTH PLAN LICENSING STUDY. The insurance commissioner shall undertake a study of the feasibility and benefits of developing a single licensing category for certified health plans that would replace current statutes licensing disability insurers, health care service contractors, and health maintenance organizations. The commissioner shall report his or her findings and recommendations to the legislature by January 1, 1994, and final findings and recommendations to the legislature by October 1, 1994. In conducting such study, the commissioner shall:

- (1) Consider standards for the regulation and inclusion of preferred provider organizations, independent practice associations, and independent physician organizations under such new certified health plan statute;
- (2) Review existing capital and reserve statutes governing insurers, contractors, and health maintenance organizations to determine the appropriate level of capital and reserve for licensing of certified health plans to protect consumers while encouraging competition in the certified health plan market from new entrants into the market;
- (3) Review existing rate regulation of disability insurance policies, health care service contracts, and health maintenance agreements and propose a uniform approach for regulation of rates that balances the need of certified health plans to freely compete and the need to protect consumers from inadequate, excessive, or unfairly discriminatory rates;
- (4) Consider regulatory methods to ensure the adequate provision of and contracting with health care facilities and providers by certified health plans to meet the health care needs of enrollees of certified health plans;
- (5) Consider the need to modify existing insurance statutes and regulations to govern the integration, development, and marketing of health care coverage that would supplement the uniform benefits package; and
- (6) Consult with health care service contractors, health maintenance organizations, disability insurance companies, and other health care providers and facilities who would be affected by such changes.

NEW SECTION. Sec. 483. CRIME VICTIMS' COMPENSATION MEDICAL BENEFITS. (1) On or before January 1, 1995, the department of labor and industries in coordination with the commission, shall complete a study related to the medical services component of the crime victims' compensation program of the department of labor and industries. The goal of the study shall be to determine whether and how the medical services component of the crime victims' compensation program can be modified to provide appropriate medical services to crime victims in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Required benefit design, necessary statutory changes, and the use of managed care to provide services to crime victims. The study shall evaluate at least the following options:

(a) Whether the medical services component of the crime victims' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to crime victims;

(b) Whether the medical services component of the crime victims' compensation program should be administered by the health care authority as the state health care purchasing agent;

(c) Whether the medical services component of the crime victims' compensation program should be included in the services offered by certified health plans.

(2) The department of labor and industries shall present the recommendations to the governor and the appropriate committees of the legislature by January 1, 1995.

NEW SECTION. Sec. 484. MEDICAL CARE SAVINGS ACCOUNTS. The Washington health services commission shall study and report to the legislature on the feasibility of offering employer-funded medical care savings account arrangements and reduced cost qualified higher deductible insurance policies as a choice to K-12 system, state, and local government employees in meeting their health care obligations.

L. WORKERS' COMPENSATION

NEW SECTION. Sec. 485. WORKERS' COMPENSATION MEDICAL BENEFITS. On or before January 1, 1995, the health services commission, in coordination with the department of labor and industries and the workers' compensation advisory committee, shall study and make an interim report, and on or before January 1, 1996, a final report, to the governor and appropriate committees of the legislature on the provision of medical benefits for injured workers under a consolidated health care system. The study shall include a review of options and recommendations for modifying the industrial insurance system to provide medical services for injured workers in a more cost-effective manner under a consolidated system, and may include consideration of the purchase of industrial insurance medical benefits through the health care authority or the inclusion of industrial insurance medical benefits in the services offered by certified health plans or other appropriate options. The commission should also give consideration to at least the following issues: The use of managed care and the effect of managed care options on the injured workers' choice of health services provider; the potential cost savings or other impacts of various consolidation options; the benefit structure required under industrial insurance; the potential for consolidation to meet or exceed existing medical cost management of the medical aid fund; the impact of separating the medical management of claims from the disability management of claims; the relationship between return-to-work efforts, medical services, and disability prevention; the relationship between medical services and rehabilitation services; and the effects of the quasi-judicial system that determines industrial insurance rights and obligations. In addition, the final report shall include a proposed plan and timeline for including the medical benefits of the industrial insurance system in the services offered by certified health plans. The proposed plan shall assure that:

(1) The plan shall not take effect until at least ninety-seven percent of state residents have access to the uniform benefits package as required in chapter ..., Laws of 1993 (this act);

(2) The uniform benefits package of the certified health plan will provide benefits for injured workers that are at least equivalent to the medical benefits provided to injured workers under Title 51 RCW as determined by the department of labor and industries as of the effective date of the plan, including payments for services that are ancillary to industrial insurance medical benefits, such as but not limited to medical examinations for permanent disabilities;

(3) Other nonmedical benefits required to be provided under Title 51 RCW, such as but not limited to total or partial disability benefits or vocational rehabilitation benefits, are not affected;

(4) Employers who do not choose to become certified health plans under chapter..., Laws of 1993 (this act), will continue to be required to provide industrial insurance medical benefits under Title 51 RCW;

(5) Employees participating in the plan shall not be required to pay deductibles, copayments, or other point of service charges for services related to industrial insurance injuries or diseases, such costs to be paid by the department of labor and industries or self-insured employer, as applicable;

(6) The plan includes a mechanism to return to workers and employers, in equal shares, any savings that are realized in the costs of medical services for injured workers, as identified by the department of labor and industries;

(7) The majority of the employer's employees or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative voluntarily agree to the employer's participation in the plan.

NEW SECTION. Sec. 486. MANAGED CARE PILOT PROJECTS. (1) The department of labor and industries, in consultation with the workers' compensation advisory committee, may conduct pilot projects to purchase medical services for injured workers through managed care arrangements. The projects shall assess the effects of managed care on the cost and quality of, and employer and employee satisfaction with, medical services provided to injured workers.

(2) The pilot projects may be limited to specific employers. The implementation of a pilot project shall be conditioned upon a participating employer and a majority of its employees, or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative, voluntarily agreeing to the terms of the pilot. Unless the project is terminated by the department, both the employer and employees are bound by the project agreements for the duration of the project.

(3) Solely for the purpose and duration of a pilot project, the specific requirements of Title 51 RCW that are identified by the department as otherwise prohibiting implementation of the pilot project shall not apply to the participating employers and employees to the extent necessary for conducting the project. Managed care arrangements for the pilot projects may include the designation of doctors responsible for the care delivered to injured workers participating in the projects.

(4) The projects shall conclude no later than January 1, 1996. The department shall present the results of the pilot projects and any recommendations related to the projects to the governor and appropriate committees of the legislature on or before October 1, 1996.

M. MISCELLANEOUS

NEW SECTION. Sec. 487. SHORT TITLE. This act may be known and cited as the Washington health services act of 1993.

Sec. 488. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

EXECUTIVE STATE OFFICERS. For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the

executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges (~~(education)~~), state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage (~~(commissioners)~~) commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, (~~(state)~~) public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 489. RCW 43.20.050 and 1992 c 34 s 4 are each amended to read as follows:

STATE BOARD OF HEALTH--PUBLIC HEALTH POLICY. (1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the (~~(health)~~) forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by (~~(June)~~) January 1 of each even-numbered year for adoption by the governor. The governor, no later than (~~(September)~~) March 1 of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board (~~(shall)~~) may create ad hoc committees or other such committees of limited duration as necessary. (~~(Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.)~~)

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 490. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 491. SAVINGS CLAUSE. The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

NEW SECTION. Sec. 492. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 493. CODIFICATION. (1) Sections 401 through 407, 409, 425, 427 through 430, and 447 through 466 of this act shall constitute a new chapter in Title 43 RCW.

(2) Sections 426 and 431 through 446 of this act shall constitute a new chapter in Title 48 RCW.

(3) Sections 458 through 462 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 494. RESERVATION OF LEGISLATIVE AUTHORITY. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 495. EFFECTIVE DATE CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

(1) Sections 234 through 257 of this act, which shall take effect July 1, 1995; and

(2) Sections 301 through 303 of this act, which shall take effect January 1, 1996.

NEW SECTION. Sec. 496. NULL AND VOID. If specific funding for section 418 of this act, referencing section 418 of this act by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 418 of this act shall be null and void."

(Amendments to the striking amendment)

On page 4, line 21, strike "contained" and insert "included"

On page 4, line 22, after "supplemental benefits" strike "package"

On page 7, line 23, after "guidelines))" strike "or medical assistance"

On page 31, beginning on line 14, after "28A.400.200." strike all material through "authority" on line 15, and insert "effective on and after October 1, 1995"

On page 98, line 6, after "means a" strike "certified"

On page 129, beginning on line 29, after "commission." strike all material through "act." on line 30

On page 129, beginning on line 34, after "commission." strike all material through "package," on line 35 and insert "Benefits"

On page 130, line 2, after "situation" insert ", or the provisions of RCW 49.60.174(2)"

On page 160, line 17, strike "1998" and insert "1999"

On page 163, line 1, strike "1998" and insert "1999"

On page 169, line 22, after "account." insert "the public health services account, the health system capacity account, the personal health services account."

On page 171, beginning on line 20, after "(this act);" strike all material through "recipients." on line 24 and insert "and (ii) enrollee point of service, cost-sharing levels adopted pursuant to section 449 of this act be applied to medical assistance recipients. In negotiating the waiver, consideration shall be given to the degree to which supplemental benefits should be offered to medicaid recipients, if at all."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.080, 41.05.011, 41.05.021, 41.05.050, 41.05.055, 41.05.065, 41.05.120, 41.05.140, 47.64.270, 74.09.055, 19.68.010, 70.05.010, 70.05.030, 70.05.040, 70.05.050, 70.05.070, 70.05.080, 70.05.120, 70.05.130, 70.05.150, 70.08.010, 70.12.030, 70.12.050, 70.46.020, 70.46.060, 70.46.080, 70.46.085, 70.46.090, 70.46.120, 82.44.110, 82.44.155, 43.20.030, 70.170.100, 70.170.110, 28B.125.010, 28B.115.080, 70.185.030, 43.70.460, 43.70.470,

48.30.300, 48.44.260, 48.46.380, 48.44.095, 48.14.080, 82.04.260, 82.04.4289, 82.24.020, 82.24.080, 82.26.020, 82.08.150, 66.24.290, 82.02.030, 43.70.320, 70.41.200, 70.41.230, 5.60.070, 4.22.070, 43.84.092, 42.17.2401, and 43.20.050; reenacting and amending RCW 28A.400.200, 28A.400.350, 48.21.200, and 48.46.080; adding a new section to chapter 70.47 RCW; adding new sections to chapter 41.05 RCW; adding a new section to Title 43 RCW; adding new sections to chapter 70.05 RCW; adding new sections to chapter 70.170 RCW; adding a new section to chapter 70.41 RCW; adding new sections to chapter 18.68 RCW; adding a new section to chapter 18.51 RCW; adding new sections to chapter 70.185 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; adding a new section to chapter 48.01 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 18.130 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 48.05 RCW; adding new sections to chapter 7.70 RCW; adding a new chapter to Title 43 RCW; adding new chapters to Title 48 RCW; creating new sections; recodifying RCW 70.08.010; repealing RCW 70.05.005, 70.05.020, 70.05.132, 70.05.145, 70.12.005, 70.46.030, 70.46.040, 70.46.050, 48.46.160, 48.46.905, 48.44.410, and 82.04.4288; prescribing penalties; providing effective dates; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge, Niemi; Representatives Dellwo, Appelwick.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. I wish to raise the point of order that this Conference Committee Report expands the scope and object of the basic bill, Senate Bill No. 5304, as it passed the Senate. This may be more of an indictment or a criticism of our system than of the bill itself, but when we passed Senate Bill No. 5304 out of here all of these many weeks ago, it did not have Section 424 and related sections amending the joint and several provisions of our, so called, Tort Reform Law of 1986. I do admit that the House version, as passed the House, did have that provision in it.

"My claim is that we never had an opportunity to raise the scope and object of those issues added into the basic bill, Senate Bill No. 5304, and that we should have had. It is the practice of this body that the scope and object of every bill may be checked and we didn't have an opportunity. We find that in the House, with the large striking amendment, they didn't even print a reproduction of the amendment that day or the following day. In fact, up until yesterday, those amendments were to be in the books up at the head of our Chamber, they were not and probably still are not.

"We did not realize that those sections were in that bill. That is an invasion of our rights and provisions of how we should proceed here. I think that we should have an opportunity to raise the scope and object when issues are added and an amendment by four attorneys on a conference committee that the rest of us knew nothing about and we were not advised as to what was in them."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "The President rules that the long standing precedent in the Senate to the question of scope and object of a House amendment to a Senate Bill must be raised prior to the bill being sent to conference. Much of what you said in criticism of the process, I would agree with you, Senator, but I think that is our precedent and has been our ruling and the President is going to stick with it."

The Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5304 was ruled in order.

POINT OF INFORMATION

Senator Newhouse: "As a point of information, Mr. President, when could any member of the Senate have raised the scope and object of that amendment before us? I contend that we could not have."

REPLY BY THE PRESIDENT

President Pritchard: "On April 9, approximately at 3 o'clock, the motion to not concur and request for conference was made. The following occurred:

'President Pritchard: Fourth order, Message from the House, secretary will read.

'Secretary: Message from the House, April 9, 1993, Mr. President, the House has passed Engrossed Second Substitute Senate Bill No. 5304 with the following amendment(s):

'President Pritchard: Do you want to read the amendments? Last line.

'Secretary: January 1, 1996.

'President Pritchard: Senator Talmadge,' and he moved at that time and that would have been the time."

Senator Newhouse: "The motion was do not concur with the House amendment(s) and the opportunity was never granted. You recognized, sir, the chairman of the committee and no one else had an opportunity."

President Pritchard: "I believe if you would have stood up at that time, I would have--I will agree that the process is very difficult at that time and we probably should look at this and see if we have a better way to do it."

MOTION

Senator Talmadge moved that the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5304 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5304.

The motion by Senator Talmadge carried and the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5304 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5304, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5304, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Moyer, Niemi, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 21.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

DISPENSE WITH CALL OF THE SENATE

The Call of the Senate was dispensed with on motion of Senator Jesernig.

MOTION

At 2:29 p.m., on motion of Senator Jesernig, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:12 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 23, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5844. The Speaker has appointed the following members as conferees: Representatives Leonard, Brown and Cooke.

ALAN THOMPSON, Chief Clerk

April 23, 1993

MR. PRESIDENT:

The House receded from its position on the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 23, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1214 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MOTION

At 4:15 p.m., on motion of Senator Jesernig, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:17 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 23, 1993

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5176,
SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5241,
SENATE BILL NO. 5245,
ENGROSSED SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5270,
ENGROSSED SENATE BILL NO. 5280,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5330,
ENGROSSED SENATE BILL NO. 5342,
SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SENATE BILL NO. 5508,
SECOND SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5528,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5702,
SENATE BILL NO. 5828,
ENGROSSED SENATE BILL NO. 5879, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 23, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1014, and the same is here with transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1014.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5251 with the following amendment(s):
On page 1, line 10, after "Canada" insert "is contiguous to the state of Washington and", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate refuses to concur in the House amendment to Senate Bill No. 5251 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 17, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5474 with the following amendment(s):
On page 3, after line 32, strike everything through "chapter 19.86 RCW." on page 4, line 6 and insert the following subsection:

"(3) ((Notwithstanding any other provisions of this chapter, any act)) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter . . . (House Bill 1476 section 9) Laws of 1993, any unfair practice prohibited by this chapter ((related to sex discrimination or discriminatory boycotts or blacklists)) which is committed in the course of trade or commerce ((in the state of Washington)) as defined in the Consumer Protection Act, chapter 19.86 RCW, ((shall be deemed an unfair practice within the meaning of RCW 19.86.020 and 19.86.030 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended)) is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce."

On page 5, line 34, after "institution" insert "; nor shall anything contained in this definition apply to any newspaper or other advertising media when selling or publishing advertisements"

On page 6, after line 15, insert the following new section:

"NEW SECTION. Sec. 5. A new section is added to chapter 49.60 RCW to read as follows:

(1) For purposes of the term "disability" as used in this chapter, homosexuality and bisexuality are not impairments and as such are not disabilities under this act. Under this chapter, the term "disability" shall not include:

(a) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(b) Compulsive gambling, kleptomania, or pyromania; or

(c) Psychoactive substance use disorders resulting from current illegal use of drugs.

(2)(a) For purposes of this chapter, a person who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use, shall not be considered to have a disability.

(b) Nothing in (a) of this subsection may be construed to exclude as an individual with a disability an individual who:

- (i) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
- (ii) Is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- (iii) Is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this chapter for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in (b) (i) or (ii) of this subsection is no longer engaging in the illegal use of drugs; however, nothing in this section may be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs."

On page 18, line 8, after "frivolous" strike "~~((;))~~ or unreasonable (~~(-groundless))~~" and insert ", unreasonable, or groundless", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Adam Smith moved that the Senate concur in the House amendments on page 3, after line 32; page 5, line 34, page 18, line 8; and refuse to concur in the House amendment on page 6, after line 15, to Senate Bill No. 5474.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I would ask the President to rule on the scope and object of the amendment on page 5, line 34, which has been moved for concurrence and ask that the President review this particular amendment, since it is new to the bill, Senate Bill No. 5474. The original bill dealt, primarily, with language that was intended to update the Human Rights Commission definitions and make some limited changes. Now, we have an amendment that brings in advertising media. There wasn't anything in the original bill that dealt with media, accommodations, amusement or anything like that. I believe that the amendment is out of order."

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point order raised by Senator Nelson, the President finds that Senate Bill No. 5474 is a measure which changes the definitions of physical disability and age, and expands the unfair practices under the law against discrimination which are subject to the Consumer Protection Act. The bill also increases the administrative penalty for humiliation and mental suffering associated with unfair practices.

"The amendment on page 5, line 34, by the House of Representatives would, among other provisions, expressly remove newspapers and advertising media from the definition of public resort, accommodation, assemblage, or amusement.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The House amendment on page 5, line 34, to Senate Bill No. 5474 was ruled out of order.

MOTION

Senator Adam Smith moved that the Senate refuse to concur in the remaining House amendment(s) to Senate Bill No. 5474 and asks the House to recede therefrom.

MOTION

Senator Nelson moved that the question be divided and that the Senate do concur in the House amendment on page 6, line 15, to Senate Bill No. 5474.

MOTION

On motion of Senator Jesernig, further consideration of Senate Bill No. 5474 was deferred.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SENATE BILL NO. 5745. The Speaker has appointed the following members as conferees: Representatives Sommers, Finkbeiner and Casada.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SENATE BILL NO. 5948. The Speaker has appointed the following members as conferees: Representatives Johnson, Campbell and Dyer.

ALAN THOMPSON, Chief Clerk.

MOTION

At 5:25 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Saturday, April 24, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-THIRD DAY, APRIL 23, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 24, 1993
The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Drew, Haugen, Niemi, Rinehart, Linda Smith, Vognild and West. On motion of Senator Oke, Senators Anderson and Linda Smith were excused. On motion of Senator Gaspard, Senators Rinehart and Drew were excused. On motion of Senator Loveland, Senator Vognild was excused.

The Sergeant at Arms Color Guard, consisting of Pages Sienna Harrington-Tweit and Frank Sadler, presented the Colors. Dr. Morris Belling of the Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

April 23, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SENATE BILL NO. 5534,
ENGROSSED SENATE BILL NO. 5545,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5584,
SENATE BILL NO. 5635, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 23, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5076, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5076,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
SENATE BILL NO. 5577.

REPORT OF CONFERENCE COMMITTEE

ESHB 1541 April 22, 1993

Includes "NEW ITEM": YES

Modifying emergency medical technician recertification

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541, EMT training, have had the same under consideration and we recommend that the following Conference Committee amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.73.081 and 1990 c 269 s 24 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for certification, recertification, decertification, or modification of certificates(~~(: PROVIDED, That there shall be no practical examination for recertification if the applicant received a passing grade on the state written examination and completed a program of ongoing training and evaluation, approved in rule by the county medical program director and the secretary));~~

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

~~((d))~~ (e) Review and approval or disapproval of training programs; and

~~((e))~~ (f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 18.73.081", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge, Erwin, Wojahn; Representatives Dellwo, Dyer, Orr.

MOTION

On motion of Senator Talmadge, the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1541.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1541, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1541, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 41.

Absent: Senators Haugen, Niemi and West - 3.

Excused: Senators Anderson, Drew, Rinehart, Smith, L. and Vognild - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Loveland, Senators Hargrove and Talmadge were excused.

On motion of Senator Oke, Senator Amondson was excused.

STATEMENT FOR THE JOURNAL

Due to a conference committee meeting on House Bill No. 1512, I missed the vote on the following bills: Substitute House Bill No. 1069, as recommended by the Conference Committee; Substitute House Bill No. 1931, as recommended by the Conference Committee; Engrossed Substitute House Bill No. 2067, as recommended by the Conference Committee; Engrossed Substitute House Bill No. 1307, as recommended by the Conference Committee; Engrossed Substitute House Bill No. 2026, as recommended by the Conference Committee; and House Bill No. 2028, without certain Senate amendment(s).

I would have voted 'yes' on each.

SENATOR PHIL TALMADGE, 34th District

REPORT OF CONFERENCE COMMITTEE

SHB 1069 April 22, 1993

Includes "NEW ITEM": YES

Providing for seizure of property involved in a felony

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1069, Seizure of property, have had the same under consideration and we recommend that:

The Senate Committee on Law and Justice amendment(s) adopted as amended on April 12, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter does not apply to property subject to forfeiture under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, 9.46.230, 9A.82.100, 9A.83.030, 7.48.090, or 77.12.101.

NEW SECTION. Sec. 2. (1) The following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.

A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party neither had knowledge of nor consented to the commission of the felony.

(2) Personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of personal property without process may be made if:

- (a) The seizure is incident to an arrest or a search under a search warrant;
- (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;
- (c) A law enforcement officer has probable cause to believe that the property is directly dangerous to health or safety; or
- (d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in the commission of a felony.

(3) In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court

hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(6) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the criminal law;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(7) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(a) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(b) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(c) Retained property and net proceeds not required to be paid to the state treasurer, or otherwise required to be spent under this section, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

NEW SECTION. Sec. 3. The legislature finds compelling state interests in compensating the victims of crime and in preventing criminals from profiting from their crimes. Sections 4 through 7 of this act are intended to advance both of these interests.

NEW SECTION. Sec. 4. The following are subject to seizure and forfeiture and no property right exists in them:

(1) All tangible or intangible property, including any right or interest in such property, acquired by a person convicted of a crime for which there is a victim of the crime and to the extent the acquisition is the direct or indirect result of the convicted person having committed the crime. Such property includes but is not limited to the convicted person's remuneration for, or contract interest in, any reenactment or depiction or account of the crime in a movie, book, magazine, newspaper or other publication, audio recording, radio or television presentation, live entertainment of any kind, or any expression of the convicted person's thoughts, feelings, opinions, or emotions regarding the crime.

(2) Any property acquired through the traceable proceeds of property described in subsection (1) of this section.

NEW SECTION. Sec. 5. (1) Any property subject to seizure and forfeiture under section 4 of this act may be seized by the prosecuting attorney of the county in which the convicted person was convicted upon process issued by any superior court having jurisdiction over the property.

(2) Proceedings for forfeiture are commenced by a seizure. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later, except that such real property seized may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest.

(3) The prosecuting attorney who seized the property shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing prosecuting attorney in writing of the person's claim of ownership or right to possession of the property within forty-five days for personal property or ninety days for real property, the property seized shall be deemed forfeited.

(5) If any person notifies the seizing prosecuting attorney in writing of the person's claim of ownership or right to possession of the property within forty-five days for personal property or ninety days for real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The prosecuting attorney shall file the case into a court of competent jurisdiction. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. In cases involving personal property, the burden of producing evidence shall be by a preponderance and upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be by a preponderance and upon the prosecuting attorney. The seizing prosecuting attorney shall promptly return the property to the claimant upon a determination by the prosecuting attorney or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(6) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the county auditor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules.

(7) A forfeiture action under this section may be brought at any time from the date of conviction until the expiration of the statutory maximum period of incarceration that could have been imposed for the crime involved.

(8) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party did not know that the property was subject to seizure and forfeiture.

NEW SECTION. Sec. 6. (1) The proceeds of any forfeiture action brought under section 5 of this act shall be distributed as follows:

(a) First, to the victim or to the plaintiff in a wrongful death action brought as a result of the victim's death, to satisfy any money judgment against the convicted person, or to satisfy any restitution ordered as part of the convicted person's sentence;

(b) Second, to the reasonable legal expenses of bringing the action;

(c) Third, to the crime victims' compensation fund under RCW 7.68.090.

(2) A court may establish such escrow accounts or other arrangements as it deems necessary and appropriate in order to distribute proceeds in accordance with this section.

NEW SECTION. Sec. 7. (1) Any action taken by or on behalf of a convicted person including but not limited to executing a power of attorney or creating a corporation for the purpose of defeating the provisions of sections 3 through 6 of this act is null and void as against the public policy of this state.

(2) Sections 3 through 6 of this act are supplemental and do not limit rights or remedies otherwise available to the victims of crimes and do not limit actions otherwise available against persons convicted of crimes.

NEW SECTION. Sec. 8. (1) Sections 1 and 2 of this act shall constitute a new chapter in Title 10 RCW.

(2) Sections 3 through 7 of this act are each added to chapter 7.68 RCW."

On page 1, line 1 of the title, after "victims;" strike the remainder of the title and insert "adding new sections to chapter 7.68 RCW; and adding a new chapter to Title 10 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Adam Smith, Nelson, Quigley; Representatives Appelwick, Padden, Ludwig.

MOTION

Senator Adam Smith moved that the Senate adopt the Report of the Conference Committee on Substitute House Bill No. 1069.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Adam Smith that the Senate do adopt the Report of the Conference Committee on Substitute House Bill No. 1069.

The motion by Senator Adam Smith carried and the Report of the Conference Committee on Substitute House Bill No. 1069 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1069, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1069, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 1; Excused, 6.

Voting yea: Senators Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senator Vognild - 1.

Absent: Senator Niemi - 1.

Excused: Senators Amondson, Anderson, Drew, Hargrove, Rinehart and Talmadge - 6.

SUBSTITUTE HOUSE BILL NO. 1069, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 1236 April 22, 1993

Includes "NEW ITEM": YES

Establishing fees for certain water rights

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, Water rights fees, have had the same under consideration and we recommend that:

The Senate Committee on Ways and Means amendment(s) adopted as amended on April 14, 1993, be adopted with the following amendments to page 3, line 31; page 5, after line 21; and page 9, line 15 :

On page 3, line 31 of the amendment, strike "fifty" and insert "one hundred"

On page 5, after line 21 of the amendment, strike everything through "affected." on page 9, line 10 of the amendment and insert the following:

"NEW SECTION. Sec. 4. The legislature finds that installation of trickle irrigation systems in climatically and economically suitable areas may result in significant water savings. The legislature further finds that encouraging the voluntary transfer of the water savings will provide an incentive for the installation of trickle irrigation systems.

Therefore, the legislature directs the committee on natural resources and parks in the house of representatives and the committee on energy and utilities in the senate to jointly: (1) Study the physical, legal, and economic feasibility of transferring water saved from installation of trickle irrigation systems; (2) explore the relationship between a possible water transfer program connected to water savings from trickle irrigation systems and the state's existing trust water rights program; and (3) make recommendations for legislation to implement a transfer program for savings from trickle irrigation systems, if the committees determine that such a program is in the public interest. The committees shall coordinate the study with the agriculture committees in the senate and the house of representatives. The committees shall report their findings and recommendations to the legislature by December 1, 1993."

On page 9, line 15 of the title amendment, after "90.03.470;" strike the remainder of the title amendment and insert "and creating new sections.", and the bill do pass as recommended by the Conference Committee.

Signed by: Senators Fraser, Sutherland; Representatives Pruitt, Rust.

MOTION

Senator Fraser moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1236.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1236.

The motion by Senator Fraser carried on a rising vote and the Report of the Conference Committee on Engrossed Substitute House Bill No. 1236 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee, and the bill failed to pass the Senate by the following vote: Yeas, 20; Nays, 25; Absent, 1; Excused, 3.

Voting yea: Senators Franklin, Fraser, Gaspard, Haugen, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 20.

Voting nay: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Rasmussen, M., Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 25.

Absent: Senator Niemi - 1.

Excused: Senators Amondson, Drew and Rinehart - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, as recommended by the Conference Committee, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Jesernig served notice that he would move to reconsider the vote by which Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee, failed to pass the Senate.

POINT OF INFORMATION

Senator Nelson: "A point of information, Mr. President. On the reconsideration motion, for the last ten days, is it not correct that the reconsideration has to be done immediately, unless the motion is followed by deferring further consideration?"

REPLY BY THE PRESIDENT

President Pritchard: "Senator, it has to be done the same day, so it doesn't have to be done immediately, but sometime during this day."

MOTION

On motion of Senator Williams, Senator Niemi was excused.

REPORT OF CONFERENCE COMMITTEE

Reauthorizing and modifying the Washington service corps

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, Washington service groups, have had the same under consideration and we recommend that:

The Senate Committee on Trade, Technology and Economic Development striking amendment(s) adopted as amended by the Committee on Ways and Means on April 16, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.65.030 and 1987 c 167 s 3 are each amended to read as follows:

The Washington service corps is established within the employment security department. The commissioner shall:

- (1) Appoint a director (~~(for the exchange)~~) and other personnel as necessary to carry out the purposes of this chapter;
- (2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies or departments providing youth services to ensure that funds appropriated for the purposes of this chapter will not be expended to duplicate existing services, but will increase the services of youth to the state;
- (3) The employment security department is authorized to place subgrants with other federal, state, and local governmental agencies and private agencies to provide youth employment projects and to increase the numbers of youth employed;
- (4) Determine appropriate financial support levels by private business, community groups, foundations, public agencies, and individuals which will provide matching funds for enrollees in service projects under work agreements. The matching funds requirement may be waived for public agencies or reduced for private agencies;
- (5) Recruit enrollees who are residents of the state unemployed at the time of application and are at least eighteen years of age but have not reached their twenty-sixth birthday;
- (6) Recruit supervising agencies to host the enrollees in full-time service activities which shall not exceed ~~((six))~~ eleven months' duration (~~(, which may be extended for an additional six months by mutual consent)~~);
- (7) Assist supervising agencies in the development of scholarships and matching funds from private and public agencies, individuals, and foundations in order to support a portion of the enrollee's stipend and benefits;
- (8) Develop general employment guidelines for placement of enrollees in supervising agencies to establish appropriate authority for hiring, firing, grievance procedures, and employment standards which are consistent with state and federal law;
- (9) Match enrollees with appropriate public agencies and available service projects;
- (10) Monitor enrollee activities for compliance with this chapter and compliance with work agreements;
- (11) Assist enrollees in transition to employment upon termination from the programs, including such activities as orientation to the labor market, on-the-job training, and placement in the private sector;
- (12) Establish a program for providing incentives to encourage successful completion of terms of enrollment in the service corps and the continuation of educational pursuits. Such incentives shall be in the form of educational assistance equivalent to two years of community or technical college tuition for eleven months of service. Educational assistance funding shall only be used for tuition, fees, and course-related books and supplies. Enrollees who receive educational assistance funding shall start using it within one year of their service completion and shall finish using it within four years of their service completion;
- (13) Enter into agreements with the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those participants who may benefit by participation in such classes. Participation is not mandatory but shall be strongly encouraged.

Sec. 2. RCW 50.65.040 and 1987 c 167 s 4 are each amended to read as follows:

The commissioner may select and enroll in the Washington service corps program any person who is at least eighteen years of age but has not reached their twenty-sixth birthday, is a resident of the state, and who is not for medical, legal, or psychological reasons incapable of service. ~~((In the selection of enrollees of the service corps, preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment above the state average.))~~ Efforts shall be made to enroll youths who are economically, socially, physically, or educationally disadvantaged. The commissioner may prescribe such additional standards and procedures in consultation with supervising agencies as may be necessary in conformance with this chapter. In addition, the commissioner may select and enroll youth fourteen to seventeen years of age on special projects during the summer and at other times during the school year that may complement and support their school curriculum or that link and support service with learning.

Sec. 3. RCW 50.65.060 and 1987 c 167 s 6 are each amended to read as follows:

Placements in the Washington service corps shall be made in supervising agencies under work agreements as provided under this chapter and shall include those assignments which provide for addressing community needs and conservation problems and will assist the community in economic development efforts. Each work agreement shall:

- (1) Demonstrate that the service project is appropriate for the enrollee's interests, skills, and abilities and that the project is designed to meet unmet community needs;
- (2) Include a requirement of regular performance evaluation. This shall include clear work performance standards set by the supervising agency and procedures for identifying strengths, recommended improvement areas and conditions for probation or dismissal of the enrollee; and
- (3) Include a commitment for partial financial support for the enrollee (~~((for a))~~) from private industry, public ((agency)) agencies, community groups, or foundations. The commissioner may establish additional standards for the development of placements for enrollees with supervising agencies and assure that the work agreements comply with those standards. This section shall not apply to conservation corps programs established by chapter 43.220 RCW.

Agencies of the state may use the ~~((youth employment exchange))~~ Washington service corps for the purpose of employing youth qualifying under this chapter.

NEW SECTION. Sec. 4. For each enrollee, the work agreements, or combination of work agreements, developed under RCW 50.65.060 shall:

- (1) Include a variety of experiences consisting of: Indoor activities; outdoor activities; and volunteer activities;
- (2) Provide time for participation in a core training program common to all participants.

NEW SECTION. Sec. 5. The Washington service corps scholarship account is created in the custody of the state treasurer. The account shall consist of a portion of Washington service corps funding, deposited by the commissioner, in an amount sufficient to provide for the future awarding of educational assistance grants described in RCW 50.65.030. Expenditures from the account may be used only for educational assistance grants described in RCW 50.65.030. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. All earnings of investments of surplus balances in the account shall be deposited to the treasury income account created in RCW 43.84.092.

Sec. 6. RCW 50.65.080 and 1983 1st ex.s. c 50 s 8 are each amended to read as follows:

The commissioner shall seek and may accept, on behalf of the (~~youth employment exchange~~) Washington service corps, charitable donations of cash and other assistance including, but not limited to, equipment and materials if the donations are available for appropriate use for the purposes set forth in this chapter.

NEW SECTION. Sec. 7. RCW 50.65.900 and 1987 c 167 s 9 & 1983 1st ex.s. c 50 s 14 are each repealed.

NEW SECTION. Sec. 8. Sections 4 and 5 of this act are each added to chapter 50.65 RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 10. A new section is added to chapter 50.65 RCW to read as follows:

No individual may participate in the Washington serves program created by chapter . . . (Substitute House Bill No. 1969), Laws of 1993, if the person has previously participated for six months or longer in the Washington service corps within the last three years."

On page 1, line 1 of the title, after "corps;" strike the remainder of the title and insert "amending RCW 50.65.030, 50.65.040, 50.65.060, and 50.65.080; adding new sections to chapter 50.65 RCW; repealing RCW 50.65.900; providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senator Sheldon, Erwin, Williams; Representatives Lock, Wood, Wineberry.

MOTION

Senator Sheldon moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1307.

POINT OF INQUIRY

Senator McDonald: "Senator Sheldon, I am looking on this Conference Committee Report on page 2 and stricken is the language that would say that enrollees of the service corps, preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment above the state average. That is stricken language. Why?"

Senator Sheldon: "That was added back in, Senator."

Senator McDonald: "Where?"

Senator Sheldon: "I don't have the Conference Committee Report in front of me, but it is my understanding--I beg your pardon. Could we put that on hold for a moment, so I can satisfy the Senator's question?"

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 1307.

MOTIONS

On motion of Senator Oke, Senator Deccio was excused.

On motion of Senator Loveland, Senators Hargrove and Talmadge were excused.

REPORT OF CONFERENCE COMMITTEE

SHB 1931 April 22, 1993

Includes "NEW ITEM": YES

Regulating steamboat operators

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1931, Steamboat operators, have had the same under consideration and we recommend that:

The Senate Transportation Committee amendment(s) adopted, as amended, on April 14, 1993, be not adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.120 and 1984 c 7 s 307 are each amended to read as follows:

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing

upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

~~((While any revenue bonds issued by the department under the provisions of this chapter are outstanding no additional bonds may be issued for the purposes of acquiring, constructing, operating, or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the department unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of the outstanding bonds. The provisions of this section are binding upon the state, and all of its departments, agencies, and instrumentalities, as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, towns, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.))~~

Sec. 2. RCW 81.84.010 and 1961 c 14 s 81.84.010 are each amended to read as follows:

(1) No ~~((steamboat company shall))~~ commercial ferry may hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued before or after the effective date of this act to a commercial ferry operator shall be exercised by the operator in a manner consistent with the conditions established in the certificate or tariffs: PROVIDED, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross annual earnings of such vessel: PROVIDED, That nothing herein shall be construed to affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate ~~((carrier))~~ holder without first acquiring the rights granted to the certificate holder under the certificate, nor shall this chapter be construed to affect, amend, or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter, or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a ~~((steamboat company))~~ commercial ferry, notwithstanding the provisions of any act or parts of acts inconsistent herewith.

(2) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. However, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

(3) The commission shall review certificates in existence as of the effective date of this act, where service is not being provided on all or any portion of the route or routes certificated. Based on progress reports required under subsection (2) of this section, the commission may grant an extension beyond that provided in subsection (2) of this section. Such additional extension may not exceed a total of two years.

Sec. 3. RCW 81.84.020 and 1961 c 14 s 81.84.020 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities and counties, and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder ~~((shall fail and refuse))~~ has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that ~~((such steamboat company))~~ the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more ~~((steamboat companies))~~ commercial ferries

shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of (~~said companies~~) the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the (~~companies to whom such~~) ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of the effective date of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 81.84 RCW to read as follows:

The commission, in granting a certificate to operate as a commercial ferry, shall require the operator to first obtain liability and property damage insurance from a company licensed to write liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each vessel or ferry to be used, in the amount of not less than one hundred thousand dollars for any recovery for personal injury by one person, and not less than one million dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury and property damage by reason of one act of negligence, and not less than fifty thousand dollars for damage to property of any person other than the insured; or combined bodily injury and property damage liability insurance of not less than one million dollars, and to maintain such liability and property damage insurance or surety bond in force on each vessel or ferry while so used. Each policy for liability or property damage insurance or surety bond required by this section must be filed with the commission and kept in full force and effect, and failure to do so is cause for revocation of the operator's certificate.

Sec. 5. RCW 81.84.030 and 1961 c 14 s 81.84.030 are each amended to read as follows:

No certificate or any right or privilege thereunder held, owned, or obtained under the provisions of this chapter shall be sold, assigned, leased, mortgaged, or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization by the commission first obtained. (~~The commission may at any time by its order duly entered after hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter, if the holder thereof wilfully violates or fails to observe the provisions or conditions of the certificate, or the orders, rules or regulations of the commission, or the provisions of this title.-)~~

Sec. 6. RCW 81.84.050 and 1961 c 14 s 81.84.050 are each amended to read as follows:

Every (~~steamboat company~~) commercial ferry and every officer, agent, or employee of any (~~steamboat company~~) commercial ferry who violates or who procures, aids, or abets in the violation of any provision of this title, or any order, rule, regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or, if application for remission or mitigation has not been made, within fifteen days after the violator has received notice of the disposition of such application, the attorney general shall bring an action to recover the penalty in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered by the state under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

NEW SECTION. Sec. 7. A new section is added to chapter 81.84 RCW to read as follows:

The commission, upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter on any of the following grounds:

(1) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);

(2) Failure of the certificate holder to file an annual report;

(3) The filing by a certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(4) The violation of any provision of this chapter;

(5) The violation of or failure to observe the provisions or conditions of the certificate or tariffs;

(6) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;

(7) Failure of a certificate holder to maintain the required insurance coverage in full force and effect; or

(8) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that a provision of this section has been violated.

NEW SECTION. Sec. 8. A new section is added to chapter 81.84 RCW to read as follows:

The commission may, with or without a hearing, issue temporary certificates to operate under this chapter, but only after it finds that the issuance of the temporary certificate is necessary due to an immediate and urgent need and is otherwise consistent with the public interest. The certificate may be issued for a period of up to one hundred eighty days. The commission may prescribe such special rules and impose special terms and conditions on the granting of the certificate as in its judgment are reasonable and necessary in carrying out this chapter. The commission shall collect a filing fee, not to exceed two hundred dollars, for each application for a temporary certificate. The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application by another commercial ferry operator is pending.

Sec. 9. RCW 81.04.010 and 1991 c 272 s 3 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association, or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm, or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise, or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, (~~steamboat companies~~) commercial ferries, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

"(~~Steamboat company~~) Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

Sec. 10. RCW 81.24.030 and 1981 c 13 s 5 are each amended to read as follows:

Every (~~steamboat company~~) commercial ferry shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year."

On line 1 of the title, after "operators;" strike the remainder of the title and insert "amending RCW 47.60.120, 81.84.010, 81.84.020, 81.84.030, 81.84.050, 81.04.010, and 81.24.030; adding new sections to chapter 81.84 RCW; and prescribing penalties.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Vognild, Drew; Representatives R. Fisher, Schmidt, Zellinsky.

MOTION

Senator Vognild moved that the Senate adopt the Report of the Conference Committee on Substitute House Bill No.

1931.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do adopt the Report of the Conference Committee on Substitute House Bill No. 1931.

The motion by Senator Vognild carried and the Report of the Conference Committee on Substitute House Bill No. 1931 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1931, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1931, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Erwin, Franklin, Fraser, Gaspard, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Absent: Senator Haugen - 1.

Excused: Senators Amondson, Deccio, Drew, Hargrove, Niemi, Rinehart and Talmadge - 7.

SUBSTITUTE HOUSE BILL NO. 1931, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 2067 April 23, 1993

Includes "NEW ITEM": YES

Encouraging commute trip reduction programs

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067, Commute trip reduction programs, have had the same under consideration and we recommend that:

The Senate amendment by Senators Drew, Nelson and Vognild adopted on April 13, 1993, not be adopted, and that the following Conference Committee amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that reducing the number of commute trips to work is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. The legislature intends that state agencies shall assume a leadership role in implementing programs to reduce vehicle miles traveled and single-occupant vehicle commuting, under RCW 70.94.521 through 70.94.551.

The legislature has established and directed an interagency task force to consider mechanisms for funding state agency commute trip reduction programs; and to consider and recommend policies for employee incentives for commuting by other than single-occupant vehicles, and policies for the use of state-owned vehicles.

It is the purpose of this act to provide state agencies with the authority to provide employee incentives, including subsidies for use of high occupancy vehicles to meet commute trip reduction goals, and to remove existing statutory barriers for state agencies to use public funds, including parking revenue, to operate, maintain, lease, or construct parking facilities at state-owned and leased facilities, to reduce parking subsidies, and to support commute trip reduction programs.

NEW SECTION. Sec. 2. A new section is added to chapter 43.01 RCW to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Guaranteed ride home" means an assured ride home for commuters participating in a commute trip reduction program who are not able to use their normal commute mode because of personal emergencies.

(2) "Pledged" means parking revenue designated through any means, including moneys received from the natural resource building, which is used for the debt service payment of bonds issued for parking facilities.

Sec. 3. RCW 43.41.140 and 1979 c 151 s 119 are each amended to read as follows:

Pursuant to policies and regulations promulgated by the office of financial management (~~after consultation with and approval by the automotive policy board~~), an elected state officer or ((his)) delegate or a state agency director or ((his)) delegate may permit an employee (~~commuting~~) to commute in a state-owned or leased vehicle (~~only~~) if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state, or as part of a commute trip reduction program as required by RCW 70.94.551.

Sec. 4. RCW 46.08.172 and 1991 sp.s. c 31 s 12 and 1991 sp.s. c 13 s 41 are each reenacted and amended to read as follows:

~~((There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account".))~~ The director of the department of general administration shall establish equitable and consistent parking rental fees for state-owned or leased property, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the

collective bargaining unit, the terms of the collective bargaining agreement shall prevail. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. ~~((All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".))~~ However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

~~((The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 43.01 RCW to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account." All parking rental income collected from rental of parking space at state-owned or leased property shall be deposited in the "state capitol vehicle parking account." Revenue deposited in the "state capitol vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state capitol vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities on state-owned or leased properties;

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities at agency-owned and leased facilities off the capitol campus; and

(3) Support commute trip reduction programs under RCW 70.94.521 through 70.94.551.

Distribution of funds from the "state capitol vehicle parking account" are subject to appropriation by the legislature and will be made by the office of financial management after considering recommendations from the director of general administration and the interagency task force for commute trip reduction, under RCW 70.94.551.

NEW SECTION. Sec. 6. A new section is added to chapter 43.01 RCW to read as follows:

State agencies may, subject to appropriation and under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

NEW SECTION. Sec. 7. A new section is added to chapter 43.01 RCW to read as follows:

All state higher education institutions are exempt from section 5 of this act."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.41.140; reenacting and amending RCW 46.08.172; adding new sections to chapter 43.01 RCW; creating a new section; and prescribing penalties.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Prentice, Sheldon; Representatives R. Fisher, Schmidt, Jones.

MOTION

On motion of Senator Vognild, the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 2067.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2067, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2067, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 5; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Deccio, Erwin, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 38.

Voting nay: Senators Cantu, Hochstatter, Nelson, Newhouse and Prince - 5.

Excused: Senators Amondson, Drew, Hargrove, Niemi, Rinehart and Talmadge - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Roach was excused.

There being no objection, the Senate resumed consideration of Engrossed Substitute No. 1307, and the pending motion by Senator Sheldon that the Senate do adopt the Report of the Conference Committee, deferred earlier today.

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you, Mr. President. I want to thank Senator McDonald for his question, because it is an important question. Certain language was struck that says that preference shall be given to youths in residing in areas--urban

areas--where there is a lot of unemployment. Actually, there is a separate code section that does specify that sixty percent of the funding will go to distressed areas with high unemployment. So, it was felt that it was redundant to have that also in there. I believe that Senator McDonald is satisfied with that."

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1307.

The motion by Senator Sheldon carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 1307 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1307, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1307, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Amondson, Hargrove, Niemi, Rinehart, Roach and Talmadge - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 2026 April 23, 1993

Includes "NEW ITEM": YES

Requiring notice about fetal alcohol syndrome

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, Fetal alcohol syndrome, have had the same under consideration and we recommend that:

The Senate amendments to page 1, lines 13, 14 and 16, and the title amendment adopted April 18, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The United States surgeon general warns that women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. The legislature finds that these defects include fetal alcohol syndrome, a birth defect that causes permanent antisocial behavior in the sufferer, disrupts the functions of his or her family, and, at an alarmingly increasing rate, extracts a safety and fiscal toll on society.

NEW SECTION. Sec. 2. A new section is added to chapter 66.08 RCW to read as follows:

The board shall cause to be posted in conspicuous places, in a number determined by the board, within each state liquor store, notices in print not less than one inch high warning persons that consumption of alcohol shortly before conception or during pregnancy may cause birth defects, including fetal alcohol syndrome and fetal alcohol effects.

NEW SECTION. Sec. 3. The legislature recognizes that the use of alcohol and other drugs during pregnancy can cause medical, psychological, and social problems for women and infants. The legislature further recognizes that communities are increasingly concerned about this problem and the associated costs to the mothers, infants, and society as a whole. The legislature recognizes that the department of health and other agencies are focusing on primary prevention activities to reduce the use of alcohol or drugs during pregnancy but few efforts have focused on secondary prevention efforts aimed at intervening in the lives of women already involved in the use of alcohol or other drugs during pregnancy. The legislature recognizes that the best way to prevent problems for chemically dependent pregnant women and their resulting children is to engage the women in alcohol or drug treatment. The legislature acknowledges that treatment professionals find pretreatment services to clients to be important in engaging women in alcohol or drug treatment. The legislature further recognizes that pretreatment services should be provided at locations where chemically dependent women are likely to be found, including public health clinics and domestic violence or homeless shelters. Therefore the legislature intends to prevent the detrimental effects of alcohol or other drug use to women and their resulting infants by promoting the establishment of local programs to help facilitate a woman's entry into alcohol or other drug treatment. These programs shall provide secondary prevention services and provision of opportunities for immediate treatment so that women who seek help are welcomed rather than ostracized.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of alcohol use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(2) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(3) "Assessment" means an interview with an individual to determine if he or she is chemically dependent and in need of referral to an approved treatment program.

(4) "Chemically dependent individual" means someone suffering from alcoholism or drug addiction, or dependence on alcohol or one or more other psychoactive chemicals.

(5) "Department" means the department of social and health services.

(6) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one family or household member against another.

(7) "Domestic violence program" means a shelter or other program which provides services to victims of domestic violence.

(8) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruptions of social or economic functioning.

(9) "Family or household members" means a family or household member as defined in RCW 10.99.020.

(10) "Pretreatment" means the period of time prior to an individual's enrollment in alcohol or drug treatment.

(11) "Pretreatment services" means activities taking place prior to treatment that include identification of individuals using alcohol or drugs, education, assessment of their use, evaluation of need for treatment, referral to an approved treatment program, and advocacy on a client's behalf with social service agencies or others to ensure and coordinate a client's entry into treatment.

(12) "Primary prevention" means providing information about the effects of alcohol or drug use to individuals so they will avoid using these substances.

(13) "Secondary prevention" means identifying and obtaining an assessment on individuals using alcohol or other drugs for referral to treatment when indicated.

(14) "Secretary" means the secretary of the department of social and health services.

(15) "Treatment" means the broad range of emergency detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, that may be extended to chemically dependent individuals and their families.

(16) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of chemically dependent individuals.

NEW SECTION. Sec. 5. The secretary shall develop and promote state-wide secondary prevention strategies designed to increase the use of alcohol and drug treatment services by women of child-bearing age, before, during, and immediately after pregnancy. These efforts are conducted through the division of alcohol and substance abuse. The secretary shall:

(1) Promote development of three pilot demonstration projects in the state to be called pretreatment projects for women of child bearing age.

(2) Ensure that two of the projects are located in public health department clinics that provide maternity services and one is located with a domestic violence program.

(3) Hire three certified chemical dependency counselors to work as substance abuse educators in each of the three demonstration projects. The counselors may rotate between more than one clinic or domestic violence program. The chemical dependency counselor for the domestic violence program shall also be trained in domestic violence issues.

(4) Ensure that the duties and activities of the certified chemical dependency counselors include, at a minimum, the following:

(a) Identifying substance-using pregnant women in the health clinics and domestic violence programs;

(b) Educating the women and agency staff on the effects of alcohol or drugs on health, pregnancy, and unborn children;

(c) Determining the extent of the women's substance use;

(d) Evaluating the women's need for treatment;

(e) Making referrals for chemical dependency treatment if indicated;

(f) Facilitating the women's entry into treatment; and

(g) Advocating on the client's behalf with other social service agencies or others to ensure and coordinate clients into treatment.

(5) Ensure that administrative costs of the department are limited to ten percent of the funds appropriated for the project.

NEW SECTION. Sec. 6. If specific funding for the purposes of sections 3, 4, and 5 of this act, referencing these sections by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, sections 3, 4, and 5 of this act shall be null and void.

NEW SECTION. Sec. 7. Sections 4 and 5 of this act are each added to Title 70 RCW."

On page 1, line 1 of the title, after "syndrome;" strike the remainder of the title and insert "adding a new section to chapter 66.08 RCW; adding new sections to Title 70 RCW; and creating new sections.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Wojahn, Erwin, Pelz; Representatives Heavey, Wood, Karahalios.

MOTION

On motion of Senator Wojahn, the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 2026.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2026, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2026, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Excused: Senators Amondson, Hargrove, Niemi, Roach and Talmadge - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1993

MR. PRESIDENT:

The House concurs in the following Senate amendments to HOUSE BILL NO. 2028: page 1, at the beginning of line 7; page 1, after line 14; page 1, after line 14 (NEW SECTION. Sec. 2.); and page 1, line 3; of the title. The Speaker ruled the Senate amendment on page 1, after line 14 (**Sec. 2.**); and the amendment to page 1, line 2, of the title beyond the scope and object of the bill and the House asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate receded from its amendment on page 1, after line 14 (**Sec. 2.**); and the amendment to page 1, line 2 of the title to House Bill No. 2028.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2028, as amended by the Senate on page 1, at the beginning of line 7; page 1, after line 14; page 1, after line 14 (NEW SECTION. Sec. 2.); and page 1, line 3; of the title, but without the Senate amendment on page 1, after line 14 (**Sec. 2.**); and the amendment to page 1, line 2, of the title.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2028, as amended by the Senate, but without the Senate amendment on page 1, line 14 (**Sec. 2.**), and the amendment on page 1, line 2, of the title, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 45.

Excused: Senators Amondson, Hargrove, Niemi and Talmadge - 4.

HOUSE BILL NO. 2028, as amended by the Senate, without the Senate amendment on page 1, line 14 (**Sec. 2.**), and the amendment on page 1, line 2, of the title, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5474 and the pending motions, the first by Senator Adam Smith to refuse to concur in the House amendments, and the second by Senator Nelson to divide the question and that the Senate do concur in the House amendment on page 6, line 15, deferred April 23, 1993, after the President ruled the amendment on page 5, line 34, out of order.

MOTION

On motion of Senator Nelson, and there being no objection, the motion to divide the question and to concur in the House amendment on page 6, line 15, to Senate Bill No. 5474 was withdrawn.

MOTION

On motion of Senator Adam Smith, the motion to refuse to concur in the remaining House amendments to Senate Bill No. 5474 was withdrawn.

MOTION

On motion of Senator Adam Smith, the Senate concurred in the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8; and asks the House to recede from the amendment on page 5, line 34, to Senate Bill No. 5474.

MESSAGE FROM THE HOUSE

April 22, 1993

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372 and again asks the Senate for a conference thereon.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1372 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1372 and the Senate amendment(s) thereto: Senators Skratek, Bluechel and Quigley.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

CHANGE IN CONFERENCE COMMITTEE APPOINTMENT ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529

On motion of Senator Jesernig, Senator Skratek will replace Senator Spanel as a member of the Conference Committee on Engrossed Substitute House Bill No. 1529.

MOTION

On motion of Senator Jesernig, the change in Conference Committee appointment was confirmed.

MOTION FOR RECONSIDERATION

Having served prior notice earlier today, Senator Jesernig moved to reconsider the vote by which Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee, failed to pass the Senate.

Debate ensued.

Senator Jesernig demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Jesernig that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee, failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 26; Nays, 19; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

Voting nay: Senators Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 19.

Absent: Senator Loveland - 1.

Excused: Senators Amondson, Bluechel and Niemi - 3.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee on reconsideration.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Fraser, as you know, we spent many hours sitting with the payors of anywhere from cities, counties, irrigators, and the like--everybody was included. They agreed with the fifty dollars. Has there been an agreement reached among the people who are going to pay this bill--of the increase to one hundred dollars?"

Senator Fraser: "We had a meeting one night with a lot of people, not all people who would be potentially affected by fee increases, and we hit around a lot of ideas. We came up with an idea at that meeting which some people agreed with, and others

didn't, to go with a fifty dollar surcharge. That is what passed the Senate and went over to the House and there has been a lot of conversation since then and they felt a higher one would be appropriate. That's what ended up in the conference committee. Some people agree with it; some don't."

Senator Deccio: "Further question. Has there been any language change in the study that will take place by the committee?"

Senator Fraser: "The only change in the conference committee, compared to what came over from the House, is to assure that the Agriculture Committees will be in cooperation with this study."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee on reconsideration, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, Jesernig, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 25.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, Loveland, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Excused: Senators Amondson and Niemi - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, as recommended by the Conference Committee on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 1993

MR. PRESIDENT:

The House does not concur in the Senate amendment(s) to HOUSE JOINT RESOLUTION NO. 4200 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate receded from its amendment(s) to House Joint Resolution No. 4200.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4200, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4200, without the Senate amendments, and the joint resolution passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West and Winsley - 43.

Voting nay: Senators Cantu, Rinehart, Williams and Wojahn - 4.

Excused: Senators Amondson and Niemi - 2.

HOUSE JOINT RESOLUTION NO. 4200, without the Senate amendment(s), having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Jesernig, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2114, by Representative G. Fisher (by request of Office of Financial Management)

Crediting earnings on balances of certain treasury accounts.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and Vognild be adopted:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"Sec. 1. RCW 43.84.092 and 1992 c 235 s 4 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit

the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The (~~central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the~~) motor vehicle fund (~~(, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund,)~~) and the transportation fund(~~(, the transportation improvement account, and the urban arterial trust account)~~).

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and Vognild on page 1, beginning on line 5, to House Bill No. 2114.

The motion by Senator Rinehart carried and the amendment was adopted.

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2114, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2114, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2114, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 26.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Vognild, von Reichbauer, West and Winsley - 21.

Excused: Senators Amondson and Niemi - 2.

HOUSE BILL NO. 2114, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2098, by House Committee on Health Care (originally sponsored by Representative Valle) (by request of Department of Social and Health Services)

Enhancing community options long-term care program.

The bill was read the second time.

MOTION

Senator Deccio moved that the following amendment by Senators Talmadge and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the aging of the population and advanced medical technology have resulted in a growing number of persons who require assistance. The primary resource for long-term care continues to be family and friends. However, these traditional caregivers are increasingly employed outside the home. There is a growing demand for improvement and expansion of home and community-based long-term care services to support and complement the services provided by these informal caregivers.

The legislature further finds that the public interest would best be served by a broad array of long-term care services that support persons who need such services at home or in the community whenever practicable and that promote individual autonomy, dignity, and choice.

The legislature finds that as other long-term care options become more available, the relative need for nursing home beds is likely to decline. The legislature recognizes, however, that nursing home care will continue to be a critical part of the state's long-term care options, and that such services should promote individual dignity, autonomy, and a homelike environment.

NEW SECTION. Sec. 2. PURPOSE AND INTENT. It is the legislature's intent that:

- (1) Long-term care services administered by the department of social and health services include a balanced array of health, social, and supportive services that promote individual choice, dignity, and the highest practicable level of independence;
- (2) Home and community-based services be developed, expanded, or maintained in order to meet the needs of consumers and to maximize effective use of limited resources;
- (3) Long-term care services be responsive and appropriate to individual need and also cost-effective for the state;
- (4) Nursing home care is provided in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident and timely discharge to a less restrictive care setting when appropriate; and
- (5) State health planning for nursing home bed supply take into account increased availability of other home and community-based service options.

NEW SECTION. Sec. 3. ASSISTED LIVING. To the extent of available funding, the department of social and health services may contract with licensed boarding homes for assisted living services. The department shall develop rules that ensure that the contracted services:

- (1) Recognize individual needs, privacy, and autonomy;
- (2) Include, but not be limited to, personal care, nursing services, medication administration, and supportive services that promote independence and self-sufficiency;
- (3) Are of sufficient scope to assure that each resident who chooses to remain in assisted living may do so, unless nursing care needs exceed the level of care defined by the department;
- (4) Are directed first to those persons most likely, in the absence of assisted living services, to need hospital, nursing facility, or other out-of-home placement; and
- (5) Are provided in compliance with applicable department of health facility and professional licensing laws and rules.

Sec. 4. RCW 74.42.010 and 1979 ex.s. c 211 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of social and health services and the department's employees.
- (2) "Facility" refers to a nursing home as defined in RCW 18.51.010.
- (3) "Licensed practical nurse" means a person licensed to practice practical nursing under chapter 18.78 RCW.
- (4) "Medicaid" means Title XIX of the Social Security Act enacted by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79 Stat. 343), as amended.

(5) "Nursing care" means that care provided by a registered nurse, a licensed practical nurse, or a nursing assistant in the regular performance of their duties.

(6) "Qualified therapist" means:

- (a) An activities specialist who has specialized education, training, or experience specified by the department.
- (b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

- (c) A mental health professional as defined in chapter 71.05 RCW.
- (d) A mental retardation professional who is a qualified therapist or a therapist approved by the department and has specialized training or one year experience in treating or working with the mentally retarded or developmentally disabled.
- (e) An occupational therapist who is a graduate of a program in occupational therapy or who has equivalent education or training.
- (f) A physical therapist as defined in chapter 18.74 RCW.
- (g) A social worker who is a graduate of a school of social work.
- (h) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has equivalent education and clinical experience.
- (7) "Registered nurse" means a person practicing nursing under chapter 18.88 RCW.
- (8) "Resident" means an individual (~~recipient of medical benefits pursuant to chapter 74.09 RCW, except as to RCW 74.42.030 through 74.42.130 which shall apply to all patients~~) residing in a nursing home, as defined in RCW 18.51.010.
- (9) "Physician's assistant" means a person practicing pursuant to chapters 18.57A and 18.71A RCW.
- (10) "Nurse practitioner" means a person practicing such expanded acts of nursing as are authorized by the board of nursing pursuant to RCW 18.88.030.

Sec. 5. RCW 70.38.111 and 1992 c 27 s 2 are each amended to read as follows:

- (1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:
 - (a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;
 - (b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or
 - (c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization; if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.
- (2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:
 - (a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and
 - (b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and
 - (c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.
- (3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:
 - (a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or
 - (b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).
- (4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements only to the offering of inpatient tertiary health services and then only to the extent that such offering is not exempt under the provisions of this section.
- (5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:
 - (i) Offers services only to contractual members;
 - (ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed boarding home care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without being subject to the provisions of this chapter except under RCW 70.38.105(4)(d), provided the facility has been in continuous operation and has not been purchased or leased.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given no later than two years prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given no later than one year prior to the effective date of license modification reflecting the restored beds.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2)(a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

Sec. 6. RCW 70.38.115 and 1989 1st ex.s. c 9 s 605 and 1989 c 175 s 126 are each reenacted and amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

~~(a) ((Until June 30, 1990, the relationship of the health services being reviewed to the applicable health plans;~~

~~(b)) The need that the population served or to be served by such services has for such services;~~

~~((e)) (b) The availability of less costly or more effective alternative methods of providing such services;~~

~~((d)) (c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;~~

~~((e)) (d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;~~

~~((f)) (e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;~~

~~((g))~~ (f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;
~~((h))~~ (g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

~~((i))~~ (h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

~~((j))~~ (i) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past;
(and

~~((k))~~ (j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

(13) In the case of an application for a certificate of need to replace existing nursing home beds, all criteria must be met on the same basis as an application for a certificate of need for a new nursing home, except that the need criteria shall be deemed

met if the applicant is an existing licensee who proposes to replace existing beds that the licensee has operated for at least one year with the same or fewer number of beds in the same planning area. When an entire nursing home ceases operation, its beds shall be treated as existing nursing home beds for purposes of replacement for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure.

NEW SECTION. Sec. 7. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall:

- (1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.
- (b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:
 - (i) Placement within the foster care system for two years or more;
 - (ii) Multiple foster care placements;
 - (iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;
 - (iv) Chronic behavioral or educational problems;
 - (v) Repetitive criminal acts or offenses;
 - (vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and
 - (vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;
- (2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;
- (3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;
- (4) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;
- (5) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;
- (6) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and
- (7) Study and develop a statutory proposal for the emancipation of minors and report its findings and recommendations to the legislature by January 1, 1994.

NEW SECTION. Sec. 8. A new section is added to chapter 71A.20 RCW to read as follows:

The secretary shall develop a plan by July 1, 1994, that will establish the July 1, 2001, size of each residential habilitation center. The plan shall include:

- (1) Specific criteria for admission to and continued residence in the residential habilitation centers consistent with the goal of delivering services to meet the needs of individuals with developmental disabilities in the least restrictive, most appropriate, and cost-effective setting;
- (2) An estimate of the number of people meeting the public safety or specialized care criteria who are expected to require admission to or continued residence in state-operated care;
- (3) A review of the service needs of each resident of the developmental disabilities state institutions and the level of services appropriate to maintain the person in the most normal and least restrictive setting that is consistent with the person's needs.
- (4) A plan for assuring safe and quality community care for current residential habilitation center residents who do not meet residential habilitation center placement criteria;
- (5) Proposed uses for excess institutional grounds and buildings by other governmental or private entities in ways that the proceeds will benefit individuals with developmental disabilities; and
- (6) Strategies to retrain and/or provide new jobs in developmental disability community care or in other public service for any staff not needed in residential habilitation centers.

NEW SECTION. Sec. 9. Sections 1 through 3, 11, and 12 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 10. Section captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

Senator Newhouse: "Senator Talmadge, can you tell me what the fiscal impact of this bill is and how it is related to our budget for this session?"

Senator Talmadge: "My understanding, Senator Newhouse, is that the language in the budget provides for the conversion of some nursing home beds and provides for some incentives for taking people out of the nursing home setting and having them treated in the less-expensive community programs. This facilitates the process by which that placement of elderly people in community programs can take place and it will save us some money, because the nursing home beds are more expensive than treating people in home-based care--community-based care."

Senator Newhouse: "We're talking about saving six or seven million dollars, are we, for the biennium?"

Senator Talmadge: "I believe that is correct. Senator Rinehart can confirm that, but it is not only a cost saving, but, I think, that the way we have now worked it, it is a superior policy than what we now have for dealing with the needs of people in long-term care."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Talmadge and Deccio to Substitute House Bill No. 2098.

The motion by Senator Deccio carried and the striking amendment to Substitute House Bill No. 2098 was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 74.42.010 and 70.38.111; reenacting and amending RCW 70.38.115; adding a new section to chapter 74.14A RCW; adding a new section to chapter 71A.20 RCW; adding a new chapter to Title 74 RCW; creating a new section; and declaring an emergency."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 2098, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2098, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2098, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 2; Excused, 3.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Anderson, Cantu, Hochstatter, Newhouse, Oke, Sellar and Smith, L. - 7.

Absent: Senators McDonald and Spanel - 2.

Excused: Senators Amondson, McCaslin and Niemi - 3.

SUBSTITUTE HOUSE BILL NO. 2098, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2070, by House Committee on Human Services (originally sponsored by Representatives Patterson, Leonard, Brough, Shin and Karahalios)

Modify financial responsibility for juvenile offenders.

The bill was read the second time.

MOTIONS

Senator Rinehart moved that the following amendment by Senators Rinehart and Spanel be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.220 and 1977 ex.s. c 291 s 76 are each amended to read as follows:

(1) Whenever legal custody of a child is vested in someone other than his or her parents, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered.

(2) Whenever legal custody of a child is vested in the department of social and health services, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court shall order and decree that the parent or other legally obligated person shall pay for support, treatment, and confinement of the child after the decree is entered, following the department of social and health services reimbursement of cost schedule. The department of social and health services shall collect the debt in accordance with chapter 43.20B RCW. The department shall exempt from payment parents receiving adoption support under RCW 74.13.100 through 74.13.145, and parents eligible to receive adoption support under RCW 74.13.150.

(3) If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against such person for contempt."

Senator Hargrove moved that the following amendment by Senators Hargrove and Haugen to the striking amendment by Senators Rinehart and Spanel be adopted:

On page 1, line 24 of the amendment, after "schedule." insert "The amount awarded by the court shall not exceed the amount specified in the child support schedule under chapter 26.19 RCW."

Debate ensued.

Senator Jesernig demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Hargrove and Haugen to the striking amendment by Senators Rinehart and Spanel to Substitute House Bill No. 2070.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Barr, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, McDonald, Nelson, Newhouse, Oke, Owen, Roach, Sellar, Smith, L., von Reichbauer, West, Williams and Winsley - 20.

Voting nay: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Moyer, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild and Wojahn - 25.

Absent: Senator Spanel - 1.

Excused: Senators Amondson, McCaslin and Niemi - 3.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rinehart and Spanel to Substitute House Bill No. 2070.

The striking amendment by Senators Rinehart and Spanel to Substitute House Bill No. 2070 was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 13.40.220."

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 2070, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Williams, Senator Spanel was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2070, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2070, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, West and Wojahn - 31.

Voting nay: Senators Anderson, Barr, Cantu, Hargrove, Hochstatter, Moyer, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, Williams and Winsley - 14.

Excused: Senators Amondson, McCaslin, Niemi and Spanel - 4.

SUBSTITUTE HOUSE BILL NO. 2070, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5969, by Senators Vognild and Nelson (by request of Transportation Improvement Board)

Issuing bonds for the transportation improvement board.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 5969 was substituted for Senate Bill No. 5969 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 5969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5969.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5969 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Cantu, Oke and Sellar - 3.

Absent: Senator Smith, L. - 1.

Excused: Senators Amondson, McCaslin, Niemi and Spanel - 4.

SUBSTITUTE SENATE BILL NO. 5969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:56 p.m., on motion of Senator Jesernig, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:05 p.m. by President Pritchard.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 23, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 23, 1993, Governor Lowry approved the following Senate Bills entitled:

Senate Bill No. 5082

Relating to poultry farming.

Engrossed Senate Bill No. 5101

Relating to motorcycle fees.

Senate Bill No. 5125

Relating to commercial salmon fishing licenses.

Senate Bill No. 5139

Relating to consolidation of the state capital historical association and the Washington state historical society.

Substitute Senate Bill No. 5148

Relating to penalties for improper use of parking spaces for disabled persons.

Engrossed Senate Bill No. 5217

Relating to public contracts.

Senate Bill No. 5229

Relating to creating department of transportation and Washington state patrol's rule-making authority to govern state rest area activities.

Senate Bill No. 5302

Relating to food fish and shellfish.

Engrossed Substitute Senate Bill No. 5320

Relating to limits on phosphorus contents in certain detergents.

Senate Bill No. 5324

Relating to correcting a double amendment related to reimbursement for school transportation costs.

Substitute Senate Bill No. 5368

Relating to a sales tax exemption for Washington boats sold to residents of foreign countries.

Engrossed Senate Bill No. 5378

Relating to horticultural plants and facilities.

Senate Bill No. 5384

Relating to performance-based compensation of investment advisers.

Senate Bill No. 5426

Relating to overweight permits for trucks.

Engrossed Senate Bill No. 5427

Relating to maximum gross weight tire factors.

Engrossed Senate Bill No. 5442

Relating to tow trucks.

Engrossed Substitute Senate Bill No. 5515
Relating to employee rights regarding industrial insurance claims.
Substitute Senate Bill No. 5535
Relating to the excise tax on large trucks.
Engrossed Senate Bill No. 5580
Relating to regulation of manufactured housing construction and safety.
Senate Bill No. 5597
Relating to documentary materials.
Senate Bill No. 5660
Relating to the citizens' exchange program.
Substitute Senate Bill No. 5678
Relating to exempting domestic wineries from chapter 20.01 RCW.
Substitute Senate Bill No. 5699
Relating to the Pacific Northwest Economic Region.
Substitute Senate Bill No. 5744
Relating to streets that are part of the state highway system.
Engrossed Substitute Senate Bill No. 5778
Relating to a joint underwriting association for midwives and birthing centers.
Senate Bill No. 5841
Relating to shaken baby syndrome.
Substitute Senate Bill No. 5889
Relating to teacher training.

Sincerely,

Ed Fleisher, Legal Counsel to the Governor

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1727,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1802,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818,
ENGROSSED HOUSE BILL NO. 1845,
HOUSE BILL NO. 1858,
SUBSTITUTE HOUSE BILL NO. 1907,
HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
SUBSTITUTE HOUSE BILL NO. 1948,
HOUSE BILL NO. 2008,
SUBSTITUTE HOUSE BILL NO. 2023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054,
HOUSE JOINT MEMORIAL NO. 4021,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1100,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
SUBSTITUTE SENATE BILL NO. 5686,
SUBSTITUTE SENATE BILL NO. 5688,
SUBSTITUTE SENATE BILL NO. 5736,
SENATE BILL NO. 5838, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1993

MR. PRESIDENT:

The Speaker has signed:
SENATE BILL NO. 5352,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House receded from its position in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1673 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1910 and passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1100,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1727,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1802,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818,
ENGROSSED HOUSE BILL NO. 1845,
HOUSE BILL NO. 1858,
SUBSTITUTE HOUSE BILL NO. 1907,
HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
SUBSTITUTE HOUSE BILL NO. 1948,
HOUSE BILL NO. 2008,
SUBSTITUTE HOUSE BILL NO. 2023,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054,
HOUSE JOINT MEMORIAL NO. 4021,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1021 and again asks the Senate for a conference thereon.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate refuses to grant the request of the House for a conference on Substitute House Bill No. 1021, adheres to its position regarding the Senate amendment(s) and asks the House to concur therein.

MOTIONS

On motion of Senator Oke, Senators Prince, Linda Smith and West were excused.
On motion of Senator Loveland, Senators Drew, Gaspard, Rinehart, Sutherland and Snyder were excused.

MESSAGE FROM THE HOUSE

April 21, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, J. Kohl and Horn.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1785 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1785 and the Senate amendment(s) thereto: Senators Skratek, Barr and Fraser.

MOTION

On motion of Senator Skratek, the Conference Committee appointments were confirmed.

REPORT OF CONFERENCE COMMITTEE

EHB 1175 April 23, 1993

Includes "NEW ITEM": YES

Regarding the study of American Indian languages
and cultures in the common schools

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1175, American Indian lang/culture, have had the same under consideration and we recommend that:

The Senate Committee on Education amendment(s) adopted, as amended, on April 16, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.250 and 28A.150.260:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(b) "Instruction in work skills" shall include instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(2) Satisfaction of the basic education goal identified in RCW 28A.150.210 shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours. A minimum of ninety-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include ((foreign)) languages other than English, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include ((foreign)) languages other than English, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include ((foreign)) languages other than English, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, ((foreign)) languages other than English, which may be American Indian languages, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills: PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met.

(4) Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish: PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.

(7) Handicapped education programs, vocational-technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in this section. The state board of education shall grant all such

petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

Sec. 2. RCW 28A.150.220 and 1992 c 141 s 503 are each amended to read as follows:

(1) Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 3. RCW 28A.230.090 and 1992 c 141 s 402 and 1992 c 60 s 1 are each reenacted and amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students. Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any ((foreign language)) requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district ((foreign language)) graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.

Sec. 4. RCW 28A.600.060 and 1991 c 116 s 22 are each amended to read as follows:

The recipients of the Washington state honors awards shall be selected based on student achievement in both verbal and quantitative areas, as measured by a test or tests of general achievement selected by the superintendent of public instruction, and shall include student performance in the academic core areas of English, mathematics, science, social studies, and ((foreign)) languages other than English, which may be American Indian languages. The performance level in such academic core subjects shall be determined by grade point averages, numbers of credits earned, and courses enrolled in during the beginning of the senior year.

NEW SECTION. Sec. 5. Section 2 of this act shall take effect September 1, 2000. However, section 2 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place."

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending RCW 28A.150.220, 28A.150.220, and 28A.600.060; reenacting and amending RCW 28A.230.090; and providing a contingent effective date.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Pelz, Roach, McAuliffe; Representatives Dorn, Brough, Jacobsen.

MOTION

On motion of Senator Adam Smith, the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 1175.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1175, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1175, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 2; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Talmadge, Vognild, Williams, Winsley and Wojahn - 37.

Voting nay: Senators McDonald and von Reichbauer - 2.

Excused: Senators Drew, Gaspard, Niemi, Prince, Rinehart, Smith, L., Snyder, Spanel, Sutherland and West - 10.

ENGROSSED HOUSE BILL NO. 1175, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 1374 April 23, 1993

Includes "NEW ITEM": YES

Changing provisions relating to the teacher
admission to practice examination

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374, Teacher examination fees, have had the same under consideration and we recommend that:

The Senate Committee on Education striking amendment(s) adopted on April 13, 1993, be not adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.410.030 and 1991 c 116 s 21 are each amended to read as follows:

(1) Effective May 1, 1996, the state board of education shall require ((a uniform state admission to practice examination for)) teacher certification candidates((~~Commencing August 31, 1993, teacher certification candidates completing a teacher preparation program shall be required~~)) applying for initial certification to pass an ((admission to practice examination)) individual assessment before being granted an initial certificate. The assessment shall include but not be limited to essay questions. The requirement shall be waived for out-of-state applicants with more than three years of teaching experience. The ((examination)) assessment shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, ((and)) student behavior and development((~~The examination shall consist primarily of essay questions~~)), oral and written language skills, student performance-based assessment skills, and other knowledge, skills, and attributes needed to be successful in assisting all students, including students with diverse and unique needs, in achieving mastery of the essential academic learning requirements established pursuant to RCW 28A.630.885. In administering the assessment, the state board shall address the needs of certification candidates who have specific learning disabilities or physical conditions that may require special consideration in taking the assessment.

(2) The state board of education shall adopt such rules as may be necessary to implement this section, including, but not limited to, rules establishing the fees assessed persons who apply to take the assessment and the circumstances, if any, under which such fees may be refunded in whole or part. Fees shall be set at a level not higher than the costs for administering the tests. Fees shall not include costs of developing the test. Fee revenues received under this section shall be deposited in the teacher assessment revolving fund hereby established in the custody of the state treasurer. The fund is subject to the allotment procedures provided under chapter 43.88 RCW, but no appropriation is required for disbursement. The superintendent of public instruction shall be responsible for administering the assessment program consistent with state board of education rules. The superintendent of public instruction shall expend moneys from the teacher assessment revolving fund exclusively for the direct and indirect costs of establishing, equipping, maintaining, and operating the assessment program.

(3) The state board of education shall only require the assessment in subsection (1) of this section when the legislature appropriates funds to develop the assessment under this section."

On page 1, line 2 of the title, after "candidates;" strike the remainder of the title and insert "and amending RCW 28A.410.030.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Pelz, Hochstatter, McAuliffe; Representatives Dorn, Brough, Cothorn.

MOTION

Senator Pelz moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1374.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1374.

The motion by Senator Pelz carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 1374 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1374, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1374, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 6; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Fraser, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Sutherland, von Reichbauer, Williams and Winsley - 35.

Voting nay: Senators Franklin, Jesernig, Moore, Talmadge, Vognild and Wojahn - 6.

Excused: Senators Drew, Gaspard, Niemi, Rinehart, Smith, L., Snyder, Spanel and West - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5076,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,

SENATE BILL NO. 5577, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1931 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1748 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1069 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5407 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SSB 5407 April 23, 1993

Includes "NEW ITEM": YES

Regarding county administration of agricultural burning permits

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5407, regarding county administration of agricultural burning permits, have had the same under consideration and we recommend that the House Environmental Affairs Committee striking amendment be adopted with the following change:

On page 3, line 18 of the committee striking amendment, strike section 2 and insert:

"**Sec. 2.** RCW 70.94.654 and 1991 c 199 s 409 are each amended to read as follows:

Whenever an air pollution control authority, or the department of ecology for areas outside the jurisdictional boundaries of an activated air pollution control authority, shall find that any fire protection agency, county, or conservation district (~~(which is outside the jurisdictional boundaries of an activated air pollution control authority)~~) is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 and desirous of doing so, the authority or the department of ecology, as appropriate, may delegate powers necessary for the issuance or enforcement, or both, of permits for any or all of the kinds of burning to the fire protection agency, county, or conservation district. Such delegation may be withdrawn by the authority or the department of ecology upon ((its)) finding that the fire protection agency, county, or conservation district is not effectively administering the permit program.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Fraser, Barr, Loveland; Representatives Rust, L. Johnson, Horn.

MOTION

Senator Fraser moved that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 5407. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate do adopt the Report of the Conference Committee on Substitute Senate Bill No. 5407.

The motion by Senator Fraser carried and the Report of the Conference Committee on Substitute Senate Bill No. 5407 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5407, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5407, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 42.

Excused: Senators Drew, Gaspard, Niemi, Rinehart, Smith, L., Spanel and West - 7.

SUBSTITUTE SENATE BILL NO. 5407, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5704 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SSB 5704 April 22, 1993

Includes "NEW ITEM": YES

Penalizing unlawful factoring of credit card transactions

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5704, penalizing unlawful factoring of credit card transactions, have had the same under consideration and we recommend that the House Judiciary Committee amendment not be adopted and the bill be amended as follows:

On page 2, line 15, after "person" strike all material through "RCW" on line 17, and insert ", with intent to commit fraud or theft against a cardholder, credit card issuer, or financial institution, causes any such party or parties to suffer actual monetary damages that in the aggregate exceed one thousand dollars", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Adam Smith, McCaslin, Quigley; Representatives Appelwick, Ludwig, Padden.

MOTION

On motion of Senator Adam Smith, the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 5704.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5704, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5704, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 43.

Excused: Senators Gaspard, Niemi, Rinehart, Smith, L., Spanel and West - 6.

SUBSTITUTE SENATE BILL NO. 5704, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 5745 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESB 5745 April 21, 1993

Includes "NEW ITEM": YES

Creating the PNWER-Net working group

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5745, creating the PNWER-Net working group, have had the same under consideration and we recommend that the House Appropriations Committee Amendment not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In chapter 251, Laws of 1991, the legislature enacted into law the Pacific Northwest economic region agreement and made the state of Washington a party along with member states Alaska, Idaho, Montana, and Oregon, and member Canadian provinces Alberta and British Columbia. The legislature recognized that the member states and provinces of the Pacific Northwest economic region are in a strategic position to act together, as a region, thus increasing the overall competitiveness of the members and providing substantial economic benefits for all of their citizens.

For those reasons, in chapter 251, Laws of 1991, the legislature also encouraged the establishment of cooperative activities between the seven legislative bodies of the Pacific Northwest economic region. The member states and provinces now desire to engage in such cooperation by electronically sharing twenty-two million volumes from certain of their respective universities. The member states and provinces have determined that such interlibrary sharing will provide substantial economic benefit for their citizens. The legislature agrees, specifically also finding that such interlibrary sharing furthers a major component of education strategy in the 1990's and twenty-first century, namely providing increased access to knowledge via technology.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, as used in sections 1 through 5 of this act "PNWER-Net" means the technology network to be created by the member states and provinces of the Pacific Northwest economic region that will be capable of electronically linking the following undergraduate university libraries of the member states and provinces:

- (1) Alaska:
 - (a) University of Alaska, Anchorage;
 - (b) University of Alaska, Juneau;
- (2) Alberta:
 - (a) University of Alberta, Calgary;
 - (b) University of Alberta, Edmonton;
- (3) British Columbia:
 - (a) University of British Columbia, Vancouver;
 - (b) University of Victoria, Victoria;
- (4) Idaho:
 - (a) Boise State University, Boise;
 - (b) University of Idaho, Moscow;
- (5) Montana:
 - (a) Montana State University, Bozeman;
 - (b) University of Montana, Missoula;
- (6) Oregon:
 - (a) Oregon State University, Corvallis;
 - (b) University of Oregon, Eugene;
- (7) Washington:
 - (a) University of Washington, Seattle; and
 - (b) Washington State University, Pullman.

NEW SECTION. Sec. 3. (1) The PNWER-Net working subgroup is hereby created for the member state of Washington. The working subgroup shall be composed of seven members as follows: Two members of the senate, one from each of the major caucuses, appointed by the president of the senate; two members of the house of representatives, appointed by the speaker of the house of representatives; the state librarian; and the primary undergraduate academic librarian from each of the state's two research institutions of higher education.

(2) The staff support shall be provided by the senate committee services and, to the extent authorized by the chief clerk of the house of representatives, by the house of representatives office of program research as mutually agreed by the legislators on the working group.

(3) Legislative members shall be reimbursed for expenses in accordance with RCW 44.04.120. Non-legislative members shall be reimbursed for expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. The PNWER-Net working subgroup shall have the following duties:

(1) To work with working subgroups from other member states and provinces in an entity known as the PNWER-Net working group to develop PNWER-Net;

(2) To assist the PNWER-Net working group in developing criteria to ensure that designated member libraries use existing telecommunications infrastructure including the internet; and

(3) To report to the legislature by December 1, 1994, concerning the status of PNWER-Net.

NEW SECTION. Sec. 5. The PNWER-Net working group may accept gifts, grants, and donations from private individuals and entities made for the purposes of sections 1 through 4 of this act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.147 RCW.", and that the bill do pass as recommended by the conference committee.

Signed by: Senators Bauer, Bluechel, Sheldon; Representatives Sommers, Finkbeiner.

MOTION

Senator Bauer moved that the Senate adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5745. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5745.

The motion by Senator Bauer carried and the Report of the Conference Committee on Engrossed Senate Bill No. 5745 was adopted.

POINT OF ORDER

Senator Nelson: "A point of order, Mr. President. I note in Section 5, now, of the bill--the Conference Report that we have now adopted--that it has the phrasing and the actual exact wording that a section of a previous bill that dealt with gifts being received--grants and donations--by private individuals for the purposes of being used for the rest of the act. We had similar language in a measure that provided to the Secretary of State the ability to receive gifts and grants for the purposes of then purchasing mementos like flags and the rest. I would like the President to rule whether or not this then becomes an exception to Initiative 134.

REPLY BY THE PRESIDENT

President Pritchard: "Senator Bluechel, do you wish to respond to this?"

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Mr. President, in this working group, the private sector has provided the funds to carry on the work. It is composed of two representatives from each House--from each state and province. One of the issues that has been before us is that one private sector organization provided a consultant to work with this group to develop the technical language that was not available through any of the public entities. This is the whole basis of which PNWER-Net operates with private sector donations. The enabling act of PNWER-Net has simply said that private sector donations will be solicited to match or to exceed the funds from each state and province."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5745, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5745, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Talmadge, Vognoild, von Reichbauer, Williams, Winsley and Wojahn - 42.

Voting nay: Senators Jesernig and Sutherland - 2.

Excused: Senators Niemi, Rinehart, Smith, L., Spanel and West - 5.

ENGROSSED SENATE BILL NO. 5745, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5815 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESSB 5815 April 22, 1993

Includes "NEW ITEM": YES

Concerning seizure and forfeiture

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, concerning seizure and forfeiture, have had the same under consideration and we recommend that all previous amendments not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 69.50.505 and 1992 c 211 s 1 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.401(e);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW(~~(= PROVIDED, That)~~). A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission(~~(= PROVIDED FURTHER, That)~~). No personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property(~~(= PROVIDED, That)~~). However:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction ((if the aggregate value of the article or articles involved is more than five hundred dollars)). Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g)(1) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(2) Each seizing agency shall retain records of forfeited property for at least seven years.

(3) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(4) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(h)(1) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the drug enforcement and education account under RCW 69.50.520.

(2) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (n) of this section.

(3) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(i) Forfeited property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(j) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(k) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(l) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(m) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(n) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (f)(2) of this section, only if:

(l) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(2) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

(i) Only if the funds applied under (2) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

(3) For any claim filed under (2) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(o) The landlord's claim for damages under subsection (n) of this section may not include a claim for loss of business and is limited to:

(1) Damage to tangible property and clean-up costs;

(2) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(3) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (f)(2) of this section;

and

(4) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (h)(2) of this section.

(p) Subsections (n) and (o) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (n) of this section, the rights the

landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) A vehicle driven by or under the actual physical control of the owner of the vehicle in violation of RCW 46.61.502 or 46.61.504 is, upon the conviction of the owner when that conviction is the second or subsequent conviction for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, subject to seizure and forfeiture and no property right exists in that vehicle.

A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the violation of RCW 46.61.502 or 46.61.504.

(2) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(3) A seizure under subsection (2) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the vehicle.

(6) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title.

(7) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(8) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(9) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(10) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(11) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(12) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(13) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

NEW SECTION. Sec. 3. A new section is added to chapter 46.61 RCW to read as follows:

(1) Whenever a person is charged with a violation of RCW 46.61.502 or 46.61.504 and that person has been previously convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, the court shall instruct the person charged of the provisions of section 5 of this act and shall immediately forward notice of the charge to the director.

(2) Upon the conviction or acquittal of the person charged or if a pending charge is otherwise terminated, the court shall immediately forward notice of the conviction, acquittal, or other termination of charge to the director.

NEW SECTION. Sec. 4. A new section is added to chapter 46.12 RCW to read as follows:

Upon receiving notice of a charge under section 3 of this act, the director shall withhold the issuance of a certificate of ownership on a vehicle subject to section 5 of this act unless the applicant is included in the exceptions listed in that section or until receiving notice of acquittal or other termination of the charge under section 3 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 46.12 RCW to read as follows:

It is unlawful to convey, sell, or transfer the ownership of a motor vehicle that was driven by or was under the actual physical control of the owner of the vehicle who has previously been convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period and is currently charged with a violation of RCW 46.61.502 or 46.61.504, except that:

(1) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party; and

(2) A leased vehicle may be transferred to the lessor or to a person designated by the lessor.

Sec. 6. RCW 46.12.270 and 1969 ex.s. c 125 s 3 are each amended to read as follows:

Any person violating ~~((the provisions of))~~ RCW 46.12.250 ~~((or))~~ 46.12.260 ~~((shall be))~~, or section 5 of this act is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days."

On page 1, line 1 of the title, after "forfeiture;" strike the remainder of the title and insert "amending RCW 69.50.505 and 46.12.270; adding new sections to chapter 46.61 RCW; adding new sections to chapter 46.12 RCW; and prescribing penalties.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Adam Smith, West, Quigley; Representatives Appelwick, Riley, Padden.

MOTION

On motion of Senator Adam Smith, the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5815.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5815, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5815, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 44.

Excused: Senators Niemi, Rinehart, Smith, L., Spanel and West - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Adam Smith, Senator Vognild was excused.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5836 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

2SSB 5836 April 22, 1993

Includes "NEW ITEM": YES

Redefining the relationship between the state and its postsecondary institutions

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL 5836, redefining the relationship between the state and its postsecondary institutions, have had the same under consideration and we recommend that

the House Higher Education Committee amendments not be adopted, and that the following Conference Committee striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds a need to redefine the relationship between the state and its postsecondary education institutions through a compact based on trust, evidence, and a new alignment of responsibilities. As the proportion of the state budget dedicated to postsecondary education programs has continued to decrease and the opportunity for this state's citizens to participate in such programs also has declined, the state institutions of higher education have increasingly less flexibility to respond to emerging challenges through innovative management and programming. The legislature finds that this state has not provided its institutions of higher education with the ability to effectively achieve state-wide goals and objectives to increase access to, improve the quality of, and enhance the accountability for its postsecondary education system.

Therefore, the legislature declares that the policy of the state of Washington is to create an environment in which the state institutions of higher education have the authority and flexibility to enhance attainment of state-wide goals and objectives for the state's postsecondary education system through decisions and actions at the local level. The policy shall have the following attributes:

- (1) The accomplishment of equitable and adequate enrollment by significantly raising enrollment lids, adequately funding those increases, and providing sufficient financial aid for the neediest students;
- (2) The development and use of a new definition of quality measured by effective operations and clear results; the efficient use of funds to achieve well-educated students;
- (3) The attainment of a new resource management relationship that removes the state from micromanagement, allows institutions greater management autonomy to focus resources on essential functions, and encourages innovation; and
- (4) The development of a system of coordinated planning and sufficient feedback to assure policymakers and citizens that students are succeeding and resources are being prudently deployed.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

- (1) At the local level, the higher education institutional responsibilities include but are not limited to:
 - (a) Development and provision of strategic plans under the guidelines established by the higher education coordinating board. In developing their strategic plans, the research universities shall consider the feasibility of significantly increasing the number of evening graduate classes;
 - (b) For the four-year institutions of higher education, timely provision of information required by the higher education coordinating board to report to the governor, the legislature, and the citizens;
 - (c) Provision of local student financial aid delivery systems to achieve both state-wide goals and institutional objectives in concert with state-wide policy; and
 - (d) Operating as efficiently as feasible within institutional missions and goals.
- (2) At the state level, the higher education coordinating board shall be responsible for:
 - (a) Delineation and coordination of strategic plans to be prepared by the institutions;
 - (b) Preparation of reports to the governor, the legislature, and the citizens on program accomplishments and use of resources by the institutions;
 - (c) Administration and policy implementation for state-wide student financial aid programs; and
 - (d) Assistance to institutions in improving operational efficiency through measures that include periodic review of program efficiencies.
- (3) At the state level, on behalf of community colleges and technical colleges, the state board for community and technical colleges shall coordinate and report on the system's strategic plans and shall provide any information required of its colleges by the higher education coordinating board.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.80 RCW to read as follows:

In cooperation with institutions of higher education, the state board for community and technical colleges, and appropriate state and local agencies, the higher education coordinating board may identify methods to reduce administrative barriers to efficient institutional operations. These methods may include waivers of statutory requirements and administrative rules. The higher education coordinating board shall report to the governor and appropriate legislative committees its recommendations for any statutory changes necessary to enhance institutional efficiencies. In cooperation with affected institutions, the board shall work with appropriate agencies to reduce administrative barriers that do not require statutory changes.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the four-year institutions of higher education, shall conduct a study of higher education system operations to identify efficiencies to increase access to, improve the quality of, and reduce the cost of higher education. This study shall include but not be limited to:

- (1) Examining potential unnecessary duplicative and low-productivity programs for possible consolidation or termination;
- (2) Developing criteria for and conducting an evaluation of faculty productivity;
- (3) Reviewing and developing recommendations on appropriate institutional roles for providing remedial instruction;
- (4) Exploring the potential for greater use of the public higher education system physical plant and other resources through such means as expanded operations during summer terms, evenings, and weekends;
- (5) Examining the effectiveness of proposals on variable tuition rates and faculty salary incentives; and
- (6) Identifying ways for institutions to share resources, faculty, and curricula through collaboration with other public and private postsecondary institutions and common school districts in their service areas to increase student opportunities and reduce costs. Analyses shall include clear articulation of functions among institutions, means to reduce duplication, and policies to facilitate student movement among institutions.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the state board for community and technical colleges and the institutions of higher education, shall report regularly to the legislature and the citizens the accomplishments of, expenditures for, and requirements of the postsecondary educational system in the state of Washington. The state board for community and technical colleges and the state institutions of higher education shall report uniformly to the higher education coordinating board, on an annual basis, the information necessary to prepare the report. Independent colleges and universities are encouraged to

cooperate with this effort and to provide to the board information in a uniform format developed by the board, in cooperation with the institutions. Examples of performance measures that could be included are:

- (1) Retention and graduation rates;
- (2) Average time to a degree;
- (3) Credit hours per degree awarded;
- (4) Degrees awarded by discipline and by level;
- (5) Multiple degrees;
- (6) Measures taken to reduce duplicative courses, programs, and requirements;
- (7) Student-faculty contact hours;
- (8) Placement rates;
- (9) Success in recruiting and graduating underrepresented groups;
- (10) Various fiscal and management measures; and
- (11) Demographic information on enrolled students, including but not limited to socioeconomic and ethnic backgrounds.

Sec. 6. RCW 28B.80.330 and 1985 c 370 s 4 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions, the community and technical college system, and when appropriate the ~~((commission for vocational education))~~ work force training and education coordinating board, the superintendent of public instruction ~~((for the vocational-technical institutes))~~, and the independent higher educational institutions:

(1) Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;

(2) Identify the state's higher education goals, objectives, and priorities;

(3) Prepare a comprehensive master plan which includes but is not limited to:

(a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled workforce; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;

(b) Recommendations on enrollment and other policies and actions to meet those needs;

(c) Guidelines for continuing education, adult education, public service, and other higher education programs.

The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.

The plan shall be updated ~~((biennially))~~ every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the ~~((biennial))~~ updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;

(4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before October 15 of each even-numbered year, and to the legislature by January 1 of each odd-numbered year;

(5) Recommend legislation affecting higher education;

(6) Recommend tuition and fees policies and levels based on comparisons with peer institutions;

(7) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;

(8) Prepare recommendations on merging or closing institutions; and

(9) Develop criteria for identifying the need for new baccalaureate institutions.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Bauer, Prince; Representatives Jacobsen, Brumsickle, Quall.

MOTION

On motion of Senator Bauer, the Senate adopted the Report of the Conference Committee on Second Substitute Senate Bill No. 5836.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5836, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5836, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke,

Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Anderson - 1.

Excused: Senators Niemi, Rinehart, Smith, L., Spanel, Vognild and West - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5836, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5948 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESSB 5948 April 22, 1993

Includes "NEW ITEM": YES

Modifying process and procedures for disciplining of health care professionals

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5948, modifying process and procedures for disciplining of health care professionals, have had the same under consideration and we recommend that the House Health Care Committee amendment, as amended, adopted April 17, 1993, be adopted with the following change:

On page 2, line 26, of the amendment strike all of subsection (3) and insert

"(3) Only upon the authorization of a disciplinary authority identified in RCW 18.130.040(2)(b), the secretary, or his or her designee, may serve as the presiding officer for any disciplinary proceedings of the disciplinary authority authorized under this chapter. The presiding officer shall not vote on any final decision. All functions performed by the presiding officer shall be subject to chapter 34.05 RCW. The secretary, in consultation with the disciplinary authorities, shall adopt procedures for implementing this subsection. This subsection shall not apply to the board of funeral directors and embalmers.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Talmadge, Deccio, Niemi; Representatives L. Johnson, Campbell, Dyer.

MOTION

Senator Talmadge moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5948.

POINT OF INQUIRY

Senator Nelson: "Senator Talmadge, I notice, and you brought up the fact, that we have removed in Section 3 the pharmacists and pharmacy assistants. Where, now, do those individual disciplines find themselves in the process of complaints that might be rendered against them? We've stricken them from--"

Senator Talmadge: "I'm not for certain what--"

Senator Nelson: "We've stricken them here from Chapter 18.130 and where have we put them now? Where do individuals go if they have a complaint against a pharmacist or a pharmacy assistant? In the old language, it was all under the Board of Pharmacy."

Senator Talmadge: "They are under the Uniform Disciplinary Act, Senator. If you go to Section 4, you will find health care assistants in Section xiii on page 6 and the pharmacists in ix. Both are under the Disciplinary Act. The idea was to take and have these health care professionals be under the same set of standards for discipline as we provide for all other professionals rather than have them handle disciplinary matters in a separate setting. It is under RCW 18.130, the State's Uniform Disciplinary Act. These individuals would be handled in the same way that we handle all other health care professionals."

Senator Nelson: "Well, I went there, Senator Talmadge, and I couldn't find pharmacists in that section."

Senator Talmadge: "In Section 4 on page 5 and page 6? Line 4 on page 6 is health care assistants certified under chapter 18.135."

Senator Nelson: "That's pharmacists?"

Senator Talmadge: No, that's health care assistants. On page 6, lines 29 and 30, the board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW, which are pharmacists."

Senator Nelson: "Thank you."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5948.

The motion by Senator Talmadge carried and the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5948 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5948, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5948, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 43.

Excused: Senators Niemi, Rinehart, Smith, L., Spanel, Vognild and West - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5948, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5966 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that continued operation of state veterans' homes is necessary to meet the needs of eligible veterans for shelter, personal and nursing care, and related services; that certain residents of veterans' homes or services provided to them may be eligible for participation in the state's medicaid reimbursement system; and that authorizing medicaid participation is appropriate to address the homes' long-term funding needs. The legislature also finds that it is important to maintain the dignity and self-respect of residents of veterans' homes, by providing for continued resident involvement in the homes' operation, and through retention of current law guaranteeing a minimum amount of allowable personal income necessary to meet the greater costs for these residents of transportation, communication, and participation in family and community activities that are vitally important to their maintenance and rehabilitation.

NEW SECTION. Sec. 2. A new section is added to chapter 72.36 RCW to read as follows:

Qualifying operations at state veterans' homes operated by the department of veterans affairs, may be provided under the state's medicaid reimbursement system as administered by the department of social and health services.

The department of veterans affairs may contract with the department of social and health services under the authority of RCW 74.09.120 but the provisions of RCW 74.46.420 through 74.46.590 shall not apply to the medicaid rate-setting and reimbursement systems. The nursing care operations at the state veterans' homes shall be subject to inspection by the department of social and health services. This includes every part of the state veterans' home's premises, an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs, methods of supply, and any other records the department deems relevant.

NEW SECTION. Sec. 3. A new section is added to chapter 72.36 RCW to read as follows:

The department of veterans affairs shall provide by rule for the annual election of a resident council for each state veterans' home. The council shall annually elect a chair from among its members, who shall call and preside at council meetings. The resident council shall serve in an advisory capacity to the director of the department of veterans affairs and to the superintendent in all matters related to policy and operational decisions affecting resident care and life in the home.

By October 31, 1993, the department shall adopt rules that provide for specific duties and procedures of the resident council which create an appropriate and effective relationship between residents and the administration. These rules shall be adopted after consultation with the resident councils and the state long-term care ombuds, and shall include, but not be limited to the following:

(1) Provision of staff technical assistance to the councils;

(2) Provision of an active role for residents in developing choices regarding activities, foods, living arrangements, personal care, and other aspects of resident life;

(3) A procedure for resolving resident grievances; and

(4) The role of the councils in assuring that resident rights are observed.

The development of these rules should include consultation with all residents through the use of both questionnaires and group discussions.

The resident council for each state veterans' home shall annually review the proposed expenditures from the benefit fund that shall contain all private donations to the home, all bequeaths, and gifts. Disbursements from each benefit fund shall be for the benefit and welfare of the residents of the state veteran's homes. Disbursements from the benefits funds shall be on the authorization of the superintendent or his or her authorized representative after approval has been received from the home's resident council.

The superintendent or his or her designated representative shall meet with the resident council at least monthly. The director of the department of veterans affairs shall meet with each resident council at least three times each year.

Sec. 4. RCW 72.36.020 and 1977 c 31 s 2 are each amended to read as follows:

The director of the department of veterans affairs shall appoint a superintendent for ~~((the state soldiers' home and colony, and a superintendent for the Washington veterans' home, who, with the consent of the director, may be styled, respectively, "commandant of the home"))~~ each state veterans' home. The superintendent shall exercise management and control of the institution in accordance with either policies ((and/or)) or procedures promulgated by the director of the department of veterans affairs, or both, and rules and regulations of the department. In accordance with chapter 18.52 RCW, the individual appointed as superintendent for either state veterans' home shall be a licensed nursing home administrator. The department may request a waiver to, or seek an alternate method of compliance with, the federal requirement for a licensed on-site administrator during a transition phase from July 1, 1993, to June 30, 1994.

Sec. 5. RCW 72.36.030 and 1977 ex.s. c 186 s 1 are each amended to read as follows:

~~((All honorably discharged veterans who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: PROVIDED, That such applicants have been actual bona fide residents of this state at the time of their application, and are indigent and unable to support themselves: PROVIDED FURTHER, That the surviving spouses of all veterans and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto at the time of death, and surviving spouses of all such veterans and members of the state militia, who would have been entitled to admission to a soldiers' home or colony or veterans' home in this state at the time of death, but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves shall be admitted to such home: PROVIDED, FURTHER, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto: AND PROVIDED, FURTHER, That sufficient facilities and resources are available to accommodate such applicant.))~~ All of the following persons who have been actual bona fide residents of this state at the time of their application, and who are indigent and unable to support themselves and their families may be admitted to a state veterans' home under rules as may be adopted by the director of the department, unless sufficient facilities and resources are not available to accommodate these people:

(1)(a) All honorably discharged veterans of a branch of the armed forces of the United States or merchant marines; (b) members of the state militia disabled while in the line of duty; and (c) the spouses of these veterans, merchant marines, and members of the state militia. However, it is required that the spouse was married to and living with the veteran three years prior to the date of application for admittance, or, if married to him or her since that date, was also a resident of a state veterans' home in this state or entitled to admission thereto;

(2)(a) The spouses of: (i) All honorably discharged veterans of the United States armed forces; (ii) merchant marines; and (iii) members of the state militia who were disabled while in the line of duty and who were residents of a state veterans' home in this state or were entitled to admission to one of this state's state veteran homes at the time of death; (b) the spouses of: (i) All honorably discharged veterans of a branch of the United States armed forces; (ii) merchant marines; and (iii) members of the state militia who would have been entitled to admission to one of this state's state veterans' homes at the time of death, but for the fact that the spouse was not indigent, but has since become indigent and unable to support himself or herself and his or her family. However, the included spouse shall be at least fifty years old and have been married to and living with their husband or wife for three years prior to the date of their application. The included spouse shall not have been married since the death of his or her husband or wife to a person who is not a resident of one of this state's state veterans' homes or entitled to admission to one of this state's state veterans' homes; and

(3) All applicants for admission to a state veterans' home shall apply for all federal and state benefits for which they may be eligible, including medical assistance under chapter 74.09 RCW.

Sec. 6. RCW 72.36.035 and 1991 c 240 s 2 are each amended to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise((;));

(1) "Actual bona fide residents of this state" ((shall mean)) means persons who have a domicile in the state of Washington immediately prior to application for ((membership in the soldiers' home or colony or veterans')) admission to a state veterans' home.

((The term)) (2) "Department" means the Washington state department of veterans affairs.

(3) "Domicile" ((shall mean)) means a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

(4) "State veterans' home" means either the Washington soldiers' home and colony in Orting, or the Washington veterans' home in Retsil, or both.

(5) "Veteran" has the same meaning established in RCW 41.04.005.

Sec. 7. RCW 72.36.120 and 1977 ex.s. c 186 s 7 are each amended to read as follows:

~~((All income of members of the soldiers' home in excess of allowable income shall be deposited in the soldiers' home revolving fund as established in section 55, chapter 269, Laws of 1975 1st ex. sess. (uncodified, and herein continued and reenacted).~~

(1) Allowable income shall be defined by the rules and regulations adopted by the department: PROVIDED, That the allowable income of members accepted for membership shall not be decreased below one hundred sixty dollars per month during periods that such members are resident thereof.

(2) Disbursements from the soldiers' home revolving fund shall be for the benefit and welfare of all members of the soldiers' home and such disbursements shall be on the authorization of the superintendent or his authorized representative after approval has been received from a duly constituted body representative of the members.

(3) In order to maintain an effective expenditure and revenue control, the soldiers' home revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures from such funds.)) All income of

residents of a state veterans' home, other than the personal needs allowance, shall be deposited in the state general fund--local and be available to apply against the cost of care provided by the state veterans' homes. The resident council created under section 3 of this act may make recommendations on expenditures under this subsection. All expenditures and revenue control shall be subject to chapter 43.88 RCW.

Sec. 8. RCW 74.09.120 and 1992 c 8 s 1 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

The department may purchase nursing home care by contract in veterans' homes operated by the state department of veterans affairs. The department shall establish rules for reasonable accounting and reimbursement systems for such care.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

The department may purchase care in institutions for mental diseases by contract. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for mental diseases are certified under the federal medicaid program and primarily engaged in providing diagnosis, treatment, or care to persons with mental diseases, including medical attention, nursing care, and related services.

The department may purchase all other services provided under this chapter by contract or at rates established by the department.

NEW SECTION. Sec. 9. A new section is added to chapter 72.36 RCW to read as follows:

The legislature finds that to meet the objectives of section 1, chapter ..., Laws of 1993 (section 1 of this act), the personal needs allowance for all residents of the state veterans' homes, including both domiciliary and nursing care residents, shall be an amount approved by the federal health care financing authority, but not less than ninety dollars or more than one hundred sixty dollars per month during periods of residency.

NEW SECTION. Sec. 10. A new section is added to chapter 72.36 RCW to read as follows:

No reduction in the allowable income provided for in current department rules may take effect until the effective date of certification of qualifying operations at state veterans' homes for participation in the state's medicaid reimbursement system.

NEW SECTION. Sec. 11. RCW 72.36.080 and 1977 ex.s. c 186 s 5, 1975 c 13 s 2, 1973 1st ex.s. c 154 s 104, & 1959 c 28 s 72.36.080 are each repealed.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5966 and asks the House to recede therefrom.

REPORT OF CONFERENCE COMMITTEE

SHB 1855 April 23, 1993

Includes "NEW ITEM": YES

Enabling accreditation of the insurance commissioner

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1855, Insurance commissioner accord, have had the same under consideration and we recommend that:

The Senate amendments by Senators Moore and Rinehart to page 17, line 25, and page 114, after line 2, adopted on April 16, 1993, be not adopted, and that the following Conference Committee amendments to page 17, line 25; page 55, after line 3; and page 112, after line 37; and the title amendment on page 1, line 8, be adopted:

On page 17, line 25, after "to" strike "shareholder" and insert "shareholders or"

On page 55, after line 3, insert the following:

"NEW SECTION. Sec. 51. A new section is added to chapter 48.01 RCW to read as follows:

(1) An insurer, health care service contractor, or health maintenance organization that offers coverage for dental services and is in full compliance with all applicable laws under chapter 48.05, 48.44, or 48.46 RCW governing the financial supervision and solvency of such organizations, including but not limited to laws concerning capital and surplus requirements, reserves, deposits, bonds, and indemnities, may provide coverage for dental services, to individuals and to employers for the benefit of employees or for the benefit of employees and their dependents, by separate policy, contract, or rider. If an individual or an employer purchases

coverage for dental services from such a company and the coverage is part of the uniform benefits package designed by the Washington health services commission, the certified health plan covering the individual, employees, or employees and dependents need not provide dental services under the uniform benefits package. A certified health plan may subcontract with such a company to provide any dental services required under the uniform benefits package.

(2) An insurer, health care service contractor, or health maintenance organization described in subsection (1) of this section is deemed certified and registered as a certified health plan under sections 427 and 432 of chapter . . . , Laws of 1993 (Engrossed Second Substitute Senate Bill No. 5304) for the delivery of coverage for dental services. The Washington health services commission and the commissioner shall adopt standards and procedures to permit, upon request, the prompt certification and registration of such a company. Such a company may offer coverage for dental services supplemental to the uniform benefits package, but the supplemental benefits are not subject to sections 428, 452, and 453 of chapter . . . , Laws of 1993 (Engrossed Second Substitute Senate Bill No. 5304)."

Renumber the sections following consecutively and correct internal references accordingly.

On page 112, after line 37, insert the following:

"NEW SECTION. Sec. 103. A new section is added to chapter 48.01 RCW to read as follows:

The activities and operations of mental health regional support networks, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title."

Renumber the sections following consecutively and correct internal references accordingly.

On line 8 of the title, after "48.03 RCW;" insert "adding new sections to chapter 48.01 RCW;" and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Moore, Newhouse, Fraser; Representatives Zellinsky, Mielke, Kessler.

MOTION

On motion of Senator Moore, the Senate adopted the Report of the Conference Committee on Substitute House Bill No. 1855.

MOTION

On motion of Senator Prentice, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1855, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1855, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 3; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Newhouse, Oke, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, von Reichbauer, Williams and Winsley - 40.

Voting nay: Senators Nelson, Talmadge and Wojahn - 3.

Excused: Senators Niemi, Owen, Smith, L., Spanel, Vognild and West - 6.

SUBSTITUTE HOUSE BILL NO. 1855, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:17 p.m., on motion of Senator Jesernig, the Senate recessed until 6:45 p.m.

The Senate was called to order at 6:55 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5851, and has passed the bill without said amendment(s), and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1993

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5251, and has passed the bill without said amendment(s), and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493 and again asks the Senate for a conference thereon, and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1493 was returned to second reading and read the second time.

MOTION

Senator Williams moved that the Senate reconsider the vote by which the Committee on Trade, Technology and Economic Development amendment, as amended, April 16, 1993, was adopted.

The President declared the question before the Senate to be the motion by Senator Williams to reconsider the vote by which the Committee on Trade, Technology and Economic Development amendment, as amended, was adopted.

The motion for reconsideration of the Committee on Trade, Technology and Economic Development amendment, as amended, carried.

MOTION

On motion of Senator Williams, the following amendment by Senators Williams and Skratek to the Committee on Trade, Technology and Economic Development amendment, on reconsideration, was adopted:

On page 16, beginning on line 13, strike section 30 and insert the following:

"NEW SECTION. Sec. 30. A new section is added to chapter 43.86A RCW to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those that:

(a) Are loans that have terms that do not exceed ten years;

(b) Are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(c) Are made to minority or women's business enterprises that are considered a small business as defined in RCW 43.31.025;

(d) Are made where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term; and

(e) Are made where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository."

The President declared the question before the Senate to be the adoption of the Committee on Trade, Technology and Economic Development amendment, as amended on reconsideration.

The Committee on Trade, Technology and Economic Development amendment, as amended on reconsideration, was adopted.

MOTION

On motion of Senator Skratek, the rules were suspended, Engrossed Substitute House Bill No. 1493, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senator Barr was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1493, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1493, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 4; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Cantu, Newhouse and Sutherland - 4.

Excused: Senators Barr, Niemi, Smith, L., Spanel, Vognild and West - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 1993

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Lock, Sommers and Brumsickle.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bauer, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1509 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1509 and the Senate amendment(s) thereto: Senators Bauer, West and Rinehart.

MOTION

On motion of Senator Bauer, the Conference Committee appointments were confirmed.

REPORT OF CONFERENCE COMMITTEE

ESHB 1209 April 23, 1993

Includes "NEW ITEM": YES

Reforming education

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, Education reform, have had the same under consideration and we recommend that:

The Senate Committee on Education striking amendment(s) adopted, as amended, on April 13, 1993, be not adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that student achievement in Washington must be improved to keep pace with societal changes, changes in the workplace, and an increasingly competitive international economy.

To increase student achievement, the legislature finds that the state of Washington needs to develop a public school system that focuses more on the educational performance of students, that includes high expectations for all students, and that provides more flexibility for school boards and educators in how instruction is provided.

The legislature further finds that improving student achievement will require:

(1) Establishing what is expected of students, with standards set at internationally competitive levels;
(2) Parents to be primary partners in the education of their children, and to play a significantly greater role in local school decision making;

(3) Students taking more responsibility for their education;

(4) Time and resources for educators to collaboratively develop and implement strategies for improved student learning;

- (5) Making instructional programs more relevant to students' future plans;
- (6) All parties responsible for education to focus more on what is best for students; and
- (7) An educational environment that fosters mutually respectful interactions in an atmosphere of collaboration and cooperation.

It is the intent of the legislature to provide students the opportunity to achieve at significantly higher levels, and to provide alternative or additional instructional opportunities to help students who are having difficulty meeting the essential academic learning requirements in RCW 28A.630.885.

It is also the intent of the legislature that students who have met or exceeded the essential academic learning requirements be provided with alternative or additional instructional opportunities to help advance their educational experience.

The provisions of chapter . . . , Laws of 1993 (this act) shall not be construed to change current state requirements for students who receive home-based instruction under chapter 28A.200 RCW, or for students who attend state-approved private schools under chapter 28A.195 RCW.

PART I STUDENT LEARNING GOALS

Sec. 101. RCW 28A.150.210 and 1977 ex.s. c 359 s 2 are each amended to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this ~~((1977 amendatory act))~~ chapter shall be to provide students with the opportunity to ~~((achieve these skills which are generally recognized as requisite to learning. Those skills shall include the ability:~~

- ~~(1) To distinguish, interpret and make use of words, numbers and other symbols, including sound, colors, shapes and textures;~~
- ~~(2) To organize words and other symbols into acceptable verbal and nonverbal forms of expression, and numbers into their appropriate functions;~~
- ~~(3) To perform intellectual functions such as problem solving, decision making, goal setting, selecting, planning, predicting, experimenting, ordering and evaluating; and~~
- ~~(4) To use various muscles necessary for coordinating physical and mental functions;))~~ become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:
 - (1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;
 - (2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;
 - (3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and
 - (4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities.

NEW SECTION. **Sec. 102.** Section 101 of this act shall take effect September 1, 1994.

PART II COMMISSION ON STUDENT LEARNING

NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.630 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.885 and 28A.300.130.

- (1) "Commission" means the commission on student learning created in RCW 28A.630.885.
- (2) "Student learning goals" mean the goals established in RCW 28A.150.210.
- (3) "Essential academic learning requirements" means more specific academic and technical skills and knowledge, based on the student learning goals, as determined under RCW 28A.630.885(3)(a). Essential academic learning requirements shall not limit the instructional strategies used by schools or school districts or require the use of specific curriculum.
- (4) "Performance standards" or "standards" means the criteria used to determine if a student has successfully learned the specific knowledge or skill being assessed as determined under RCW 28A.630.885(3)(b). The standards should be set at internationally competitive levels.
- (5) "Assessment system" or "student assessment system" means a series of assessments used to determine if students have successfully learned the essential academic learning requirements. The assessment system shall be developed under RCW 28A.630.885(3)(b).
- (6) "Performance-based education system" means an education system in which a significantly greater emphasis is placed on how well students are learning, and significantly less emphasis is placed on state-level laws and rules that dictate how instruction is to be provided. The performance-based education system does not require that schools use an outcome-based instructional model. Decisions regarding how instruction is provided are to be made, to the greatest extent possible, by schools and school districts, not by the state.

Sec. 202. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify ~~((what))~~ the knowledge and skills all public school students need to know and be able to do based on the student learning goals ((of the governor's council on education reform and funding)) in RCW 28A.150.210, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed no later than ~~((February))~~ June 1, 1993, by the governor elected in the

November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the ~~((cultural))~~ racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ The commission shall begin its substantive work subject to subsection (1) of this section.

~~(4))~~ (2) The commission shall establish ~~((technical))~~ advisory committees. Membership of the ~~((technical))~~ advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (3) The commission, with the assistance of the ~~((technical))~~ advisory committees, shall:

(a) ~~((Identify what all elementary and secondary students need to know and be able to do. At a minimum, these))~~ Develop essential academic learning requirements ~~((shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate))~~ based on the student learning goals ~~((identified by the council on education reform and funding))~~ in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b) ~~((By December 1, 1995,))~~ (i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary ~~((grades)), middle, and high school years~~ designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of ~~((methodologies))~~ assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who ~~((do))~~ have not ~~((master))~~ mastered the essential academic learning requirements at the appropriate periods in the student's educational development. ~~((Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.))~~

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) ~~((By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and))~~ After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. ~~((The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements.))~~ The commission shall ~~((recommend))~~ make recommendations to the state board of education ~~((whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential~~

academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years) regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) ~~((Develop strategies that will assist educators in helping students master the essential academic learning requirements;~~

(f) ~~Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;~~

(g) ~~Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;~~

(h) ~~Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;~~

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the ~~((elementary and secondary))~~ academic assessment system ~~((s during the 1995-97 biennium and beyond));~~

~~((i))~~ (g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that ~~((would assist schools in adopting strategies designed to help students achieve the essential learning requirements))~~ are consistent with the essential academic learning requirements and the certificate of mastery;

~~((j))~~ (h) By December 1, ~~((1996))~~ 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction;

(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. ~~((The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section.))~~ The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.

It is the intent of the legislature to begin implementation of programs in this subsection (3)(h) on September 1, 2000;

~~((k))~~ (i) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

~~((l))~~ ~~Complete other tasks, as appropriate~~) (j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

~~((6))~~ (4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

~~((7))~~ (5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

~~((8))~~ (6) The commission shall select an entity to provide staff support and the office of ~~((financial management))~~ the superintendent of public instruction shall ~~((contract with that entity))~~ provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of ~~((financial management))~~ the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

~~((9))~~ (7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

PART III STUDENT LEARNING IMPROVEMENT GRANTS

NEW SECTION. Sec. 301. A new section is added to chapter 28A.300 RCW to read as follows:

(1) To the extent funds are appropriated, the office of the superintendent of public instruction shall provide student learning improvement grants for the 1994-95 through 1996-97 school years. The purpose of the grants is to provide funds for

additional time and resources for staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210.

(2) To be eligible for student learning improvement grants, school district boards of directors shall:

(a) Adopt a policy regarding the sharing of instructional decisions with school staff, parents, and community members;

(b) Submit school-based applications that have been developed by school building personnel, parents, and community members. Each application shall:

(i) Enumerate specific activities to be carried out as part of the grant;

(ii) Identify the technical resources desired and availability of those resources;

(iii) Include a proposed budget; and

(iv) Indicate that the application was approved by the school principal and representatives of teachers, parents, and the community.

(3) The school board shall conduct at least one public hearing on schools' plans for using the grants before the board approves the plans. Boards may hear and approve more than one school's plan at a hearing. The board shall only submit applications for grants to the superintendent of public instruction if the board has approved the plans.

(4) If the requirements of subsections (2) and (3) of this section are met, the superintendent of public instruction shall approve the grant application.

(5) To the extent funds are appropriated, and for allocation purposes only, the amount of grants for the 1994-95 school year shall be based on time equivalent to no fewer than three days and not more than five days depending upon the number of grant applications received and on the number of full-time equivalent certificated staff, classified instructional aides, and classified secretaries who work in the school at the time of application. For the 1995-96 and 1996-97 school years, the equivalent of five days annually shall be provided. The allocation per full-time equivalent staff shall be determined in the biennial operating appropriations act. School districts shall use all funds received under this section solely for grants to schools and shall not use any portion of the funds for indirect costs.

(6) The state schools for the deaf and blind may apply for grants under this section.

(7) The superintendent of public instruction shall adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program. The superintendent may modify application requirements for schools that have schools for the twenty-first century projects under RCW 28A.630.100. A copy of the proposed rules shall be submitted to the joint select committee on education restructuring established in section 1001 of this act at least forty-five days prior to adoption of the rules.

(8) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.305 RCW to read as follows:

School districts may use the application process in section 301 of this act to apply for waivers under RCW 28A.305.140.

PART IV EDUCATOR TRAINING AND ASSISTANCE PROGRAMS

Sec. 401. RCW 28A.415.250 and 1991 c 116 s 19 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a teacher assistance program. For the purposes of this section, the terms "mentor teachers," "beginning teachers," and "experienced teachers" may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW 28A.410.010. The program shall provide for:

(1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers who are having difficulties, or both, both in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW 28A.405.100 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers and beginning and experienced teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW ((28A.58.095)) 28A.400.200: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title;

(3) Workshops for the training of mentor and beginning teachers;

(4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom;

(5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.405.010 through 28A.405.240, and who hold valid continuing certificates;

(6) Mentor teachers shall be selected by the district and may serve as mentors up to and including full time. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process; and

(7) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public and private institutions of higher education, for the purposes of improving communication and cooperation and program review.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.415 RCW to read as follows:

(1) To the extent specific funds are appropriated for the pilot program in this section, the superintendent of public instruction shall establish a pilot program to support the pairing of full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers under RCW 28A.415.250.

(2) The superintendent of public instruction shall submit a report to the legislature by December 31, 1995, with findings about the pilot program. The report shall include an analysis of the effectiveness of the pilot program in the remediation of teachers having difficulties, recommendations regarding continuing the program, and recommendations on new procedures under chapter

28A.405 RCW regarding teachers who have not shown sufficient progress in the area or areas of teaching skills needing improvement.

(3) The superintendent of public instruction shall appoint an oversight committee, which shall include teachers and administrators from the pilot districts, that shall be involved in the evaluation of the pilot program under this section.

(4) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the pilot program established under subsection (1) of this section.

Sec. 403. RCW 28A.405.140 and 1990 c 33 s 387 are each amended to read as follows:

After an evaluation conducted pursuant to RCW 28A.405.100, the ((school-district)) principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such improvement.

NEW SECTION. Sec. 404. A new section is added to chapter 28A.405 RCW to read as follows:

(1) To the extent funds are appropriated, the Washington state principal internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to hire substitutes for district employees who are in a principal preparation program to complete an internship with a mentor principal.

(2) Participants in the principal internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school principal preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor principal for each principal intern applicant, and shall agree to provide the internship applicant at least forty-five student days of release time for the internship; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) The maximum amount of state funding for each internship shall be the estimated state-wide average cost of providing a substitute teacher for forty-five school days.

(b) Funds appropriated for the principal internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. Participants should be selected to reflect the percentage of minorities of the student population in the educational service district region, and to the extent practicable, represent an equal number of women and men. If it is not possible to find qualified candidates reflecting the percentage of minorities of the student population of the educational service district, the educational service district shall select those qualified candidates who meet these criteria and leave the remaining positions unfilled, and any unspent funds shall revert to the state general fund.

(c) Once principal internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the principal internship.

(d) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

NEW SECTION. Sec. 405. A new section is added to chapter 28A.405 RCW to read as follows:

(1) To the extent funds are appropriated, the Washington state superintendent and program administrator internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to hire substitutes for district employees who are in a superintendent or program administrator preparation program to complete an internship with a mentor administrator.

(2) Participants in the superintendent and program administrator internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school district superintendent or program administrator preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the internship support program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor administrator for each intern applicant and shall agree to provide the internship applicant at least forty-five student days of release time for the internship; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) The maximum amount of state funding for each internship shall be the estimated state-wide average cost of providing a substitute teacher for forty-five school days as calculated by the superintendent of public instruction.

(b) Funds appropriated for the internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. To the extent practicable, participants should be selected to reflect the racial and ethnic diversity of the student population in the educational service district region, and represent an equal number of women and men.

(c) Once internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the internship.

(d) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

NEW SECTION. Sec. 406. (1) The state board of education shall appoint an administrator internship advisory task force to develop and recommend to the board standards for the principal and superintendent and program administrator internship support programs created in sections 404 and 405 of this act. Interns shall be required to complete the state board standards in order to successfully complete the internship program. These standards shall be adopted by the state board of education before the allocation of funds by the superintendent of public instruction pursuant to sections 404(3)(c) and 405(3)(c) of this act. Colleges, universities, and school districts may establish additional standards.

(2) Task force membership shall include, but not be limited to, representatives of the office of the superintendent of public instruction, principals, superintendents, program administrators, teachers, school directors, parents, higher education administrative

preparation programs, and educational service districts. The task force membership shall, to the extent possible, be racially and ethnically diverse.

NEW SECTION. Sec. 407. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the principal and superintendent and program administrator internship support programs.

NEW SECTION. Sec. 408. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The paraprofessional training program is created. The primary purpose of the program is to provide training for classroom assistants to assist them in helping students achieve the student learning goals under RCW 28A.150.210. Another purpose of the program is to provide training to certificated personnel who work with classroom assistants.

(2) The superintendent of public instruction may allocate funds, to the extent funds are appropriated for this program, to educational service districts, school districts, and other organizations for providing the training in subsection (1) of this section.

PART V CENTER FOR THE IMPROVEMENT OF STUDENT LEARNING

Sec. 501. RCW 28A.300.130 and 1986 c 180 s 1 are each amended to read as follows:

(1) ~~((Recent and))~~ Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on ~~((education))~~ educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall ~~((act as the state clearinghouse for educational information.~~

~~((2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, screen, organize, and disseminate information pertaining to the state's educational system from preschool through grade twelve, including but not limited to in-state research and development efforts; descriptions of exemplary, model, and innovative programs; and related information that can be used in developing more effective programs.~~

~~((3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system, and other applicable materials. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost.~~

~~((4) The superintendent of public instruction shall coordinate the dissemination of information with the educational service districts and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state))~~ establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the commission on student learning, educational service districts, and institutions of higher education.

(2) The center shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on student learning;

(b) Serve as a clearinghouse for information regarding successful educational restructuring and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational restructuring initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: School improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; and other programs that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on student learning, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Take other actions to increase public awareness of the importance of parental and community involvement in education;

(g) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015;

(h) Provide training and consultation services;

(i) Address methods for improving the success rates of certain ethnic and racial student groups; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on student learning, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The superintendent shall report annually to the commission on student learning on the activities of the center.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The center for the improvement of student learning account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from gifts, grants, or endowments for the center for the improvement of student learning. Moneys in the account may be spent only for activities of the center. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the center for the improvement of student learning and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

PART VI SCHOOL-TO-WORK TRANSITIONS

NEW SECTION. Sec. 601. (1) The legislature finds that preparing students to make successful transitions from school to work helps promote educational, career, and personal success for all students.

(2) A successful school experience should prepare students to make informed career direction decisions at critical points in their educational progress. Schools that demonstrate the relevancy and practical application of course work will expose students to a broad range of interrelated career and educational opportunities and will expand students' posthigh school options.

(3) The school-to-work transitions program, under chapter . . . , Laws of 1993 (Engrossed Substitute House Bill No. 1820), is intended to help secondary schools develop model programs for school-to-work transitions. The purposes of the model programs are to provide incentives for selected schools to:

- (a) Integrate vocational and academic instruction into a single curriculum;
- (b) Provide each student with a choice of multiple, flexible educational pathways based on the student's career interest areas;
- (c) Emphasize increased vocational and academic guidance and counseling for students;
- (d) Foster partnerships with local employers and employees to incorporate work sites as part of work-based learning experiences;

(e) Encourage collaboration among middle or junior high schools and secondary schools in developing successful transition programs and to encourage articulation agreements between secondary schools and community and technical colleges.

(4) The legislature further finds that successful implementation of the school-to-work transitions program is an important part of achieving the purposes of chapter . . . , Laws of 1993 (this act).

NEW SECTION. Sec. 602. A new section is added to chapter 28A.630 RCW to read as follows:

The superintendent of public instruction, in selecting projects for grant awards under the school-to-work transitions program, shall give additional consideration to schools or school districts whose proposals are consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board.

Sec. 603. RCW 28A.630.878 and 1992 c 137 s 11 are each amended to read as follows:

The superintendent of public instruction, through the (~~state clearinghouse for education information~~) center for the improvement of student learning, shall collect and disseminate to all school districts and other interested parties information about the (~~academic and vocational integration development pilot~~) school-to-work transitions projects.

NEW SECTION. Sec. 604. Section 603 of this act shall expire June 30, 1999.

PART VII TECHNOLOGY

NEW SECTION. Sec. 701. The legislature recognizes that up-to-date tools will help students learn. Workplace technology requirements will continue to change and students should be knowledgeable in the use of technologies.

Furthermore, the legislature finds that the Washington systemic initiative is a broad-based effort to promote widespread public literacy in mathematics, science, and technology. An important component of the systemic initiative is the universal electronic access to information by students. It is the intent of the legislature that components of sections 702 through 706 of this act will support the state-wide systemic reform effort in mathematics, science, and technology as envisioned by the Washington systemic initiative.

NEW SECTION. Sec. 702. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and section 705 of this act.

(1) "Education technology" or "technology" means the effective use of electronic and optical tools, including telephones, and electronic and optical pathways in helping students learn.

(2) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.

NEW SECTION. Sec. 703. (1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan, which shall be completed by December 15, 1993, and updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

NEW SECTION. Sec. 704. In conjunction with the plan required in section 703 of this act, the superintendent of public instruction shall prepare recommendations to the legislature regarding the development of a grant program for school districts for the purchase and installation of computers, computer software, telephones, and other types of education technology. The recommendations shall address methods to ensure equitable access to technology by students throughout the state, and methods to ensure that school districts have prepared technology implementation plans before applying for grant funds. The recommendations, with proposed legislation, shall be submitted to the appropriate committees of the legislature by December 15, 1993.

NEW SECTION. Sec. 705. A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts shall establish, subject to available funding, regional educational technology support centers for the purpose of providing ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and other technical and programmatic support. Each educational service district shall establish a representative advisory council to advise the educational service district in the expenditure of funds provided to the technology support centers.

NEW SECTION. Sec. 706. The superintendent of public instruction, to the extent funds are appropriated, shall distribute funds to educational service districts on a grant basis for the regional educational technology support centers established in section 705 of this act.

NEW SECTION. Sec. 707. The superintendent of public instruction, to the extent funds are appropriated, shall distribute funds to the Washington school information processing cooperative and to school districts on a grant basis, from moneys appropriated for the purposes of this section, for equipment, networking, and software to expand the current K-12 education state-wide network.

NEW SECTION. Sec. 708. (1) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of educational technology and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(2) The education technology account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from gifts, grants, or endowments for education technology. Moneys in the account may be spent only for education technology. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 709. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW governing the operation and scope of this chapter.

NEW SECTION. Sec. 710. Sections 701 through 704 and 706 through 709 of this act shall constitute a new chapter in Title 28A RCW.

PART VIII EDUCATOR PERFORMANCE ASSESSMENT

Sec. 801. RCW 28A.410.030 and 1991 c 116 s 21 are each amended to read as follows:

(1) Effective May 1, 1996, the state board of education shall require ((a uniform state admission to practice examination for)) teacher certification candidates((Commencing August 31, 1993, teacher certification candidates completing a teacher preparation program shall be required)) applying for initial certification to pass an ((admission to practice examination)) **individual assessment** before being granted an initial certificate. **The assessment shall include but not be limited to essay questions. The requirement shall be waived for out-of-state applicants with more than three years of teaching experience.** The ((examination)) **assessment** shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, ((and)) student behavior and development((The examination shall consist primarily of essay questions)), **oral and written language skills, student performance-based assessment skills, and other knowledge, skills, and attributes needed to be successful in assisting all students, including students with diverse and unique needs, in achieving mastery of the essential academic learning requirements established pursuant to RCW 28A.630.885. In administering the assessment, the state board shall address the needs of certification candidates who have specific learning disabilities or physical conditions that may require special consideration in taking the assessment.**

(2) The state board of education shall adopt such rules as may be necessary to implement this section, **including, but not limited to, rules establishing the fees assessed persons who apply to take the assessment and the circumstances, if any, under which such fees may be refunded in whole or part. Fees shall be set at a level not higher than the costs for administering the tests. Fees shall not include costs of developing the test. Fee revenues received under this section shall be deposited in the teacher assessment revolving fund hereby established in the custody of the state treasurer. The fund is subject to the allotment procedures provided under chapter 43.88 RCW, but no appropriation is required for disbursement. The superintendent of public instruction shall be responsible for administering the assessment program consistent with state board of education rules. The superintendent of public instruction shall expend moneys from the teacher assessment revolving fund exclusively for the direct and indirect costs of establishing, equipping, maintaining, and operating the assessment program.**

(3) The state board of education shall only require the assessment in subsection (1) of this section when the legislature appropriates funds to develop the assessment under this section.

PART IX READINESS TO LEARN

NEW SECTION. Sec. 901. A new section is added to chapter 70.190 RCW to read as follows:

(1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the family policy council shall award grants to community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn.

PART X DEREGULATION, ACCOUNTABILITY, FUNDING, AND LEGISLATIVE OVERSIGHT

NEW SECTION. Sec. 1001. (1) There is hereby created a joint select committee on education restructuring composed of twelve members as follows:

(a) Six members of the senate, three from each of the major caucuses, to be appointed by the president of the senate; and

(b) Six members of the house of representatives, three from each of the major caucuses, to be appointed by the speaker of the house of representatives.

(2) Staff support shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochairs of the joint select committee. The cochairs shall be designated by the speaker of the house of representatives and the president of the senate.

(3) The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW.

(4) The committee shall seek advice from educators, business and labor leaders, parents, and others during its deliberations.

NEW SECTION. Sec. 1002. The joint select committee on education restructuring shall monitor, review, and annually report to the full legislature upon the enactment and implementation of education restructuring in Washington both at the state and local level, including the following:

(1) The progress of the commission on student learning in the completion of its tasks as designated in RCW 28A.630.885 and in any subsequent legislation relating to education restructuring;

(2) The success of the center for improvement of student learning established under RCW 28A.300.130;

(3) The number of school districts seeking waivers from basic education act requirements under RCW 28A.305.140 or other legislation, and the success of alternative programs pursued by those school districts;

(4) The progress and success of the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges in carrying out RCW 28A.630.885(3)(g), and any subsequent legislation relating to education restructuring; and

(5) Such other areas as the committee may deem appropriate.

NEW SECTION. Sec. 1003. (1) In addition to the duties in section 1002 of this act, the joint select committee on education restructuring shall review all laws pertaining to K-12 public education and to educator preparation and certification, except those that protect the health, safety, and civil rights of students and staff, with the intent of identifying laws that inhibit the achievement of the new system of performance-based education. The select committee shall report to the legislature by November 15, 1994. The laws pertaining to home schooling and private schools shall not be reviewed in this study.

(2) The joint select committee on education restructuring shall review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The joint select committee shall report to the legislature by January 1995 on:

(a) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(b) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under RCW 28A.630.885(3)(h).

NEW SECTION. Sec. 1004. By September 1, 1994, and each September 1st thereafter, the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges shall each report to the joint select committee on education restructuring regarding their progress in completing tasks as designated in chapter . . . , Laws of 1993 (this act), and tasks in any subsequent legislation relating to education restructuring.

NEW SECTION. Sec. 1005. The joint select committee on education restructuring shall submit its final report to the legislature by December 31, 2001.

NEW SECTION. Sec. 1006. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories.

(2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of the restructuring plan for the school; and an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section.

NEW SECTION. Sec. 1007. (1) A legislative fiscal study committee is hereby created. The committee shall be comprised of three members from each caucus of the senate, appointed by the president of the senate, and three members from each caucus of the house of representatives, appointed by the speaker of the house of representatives. In consultation with the office of the superintendent of public instruction, the committee shall study the common school funding system.

(2) By January 16, 1995, the committee shall report to the full legislature on its findings and any recommendations for a new funding model for the common school system.

(3) This section shall expire January 16, 1995.

Sec. 1008. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) ~~Beginning with the 1993-94 school year, school districts may ((establish annual)) not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. ((Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.))~~ Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 1009. Sections 1001 through 1005 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 1010. Sections 1001 through 1005 of this act shall expire December 1, 2001.

PART XI PRIVATE SCHOOL AND HOME SCHOOL STUDENT EXEMPTIONS

Sec. 1101. RCW 28A.195.010 and 1990 c 33 s 176 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

NEW SECTION. Sec. 1102. 1992 c 141 s 505 is repealed.

Sec. 1103. RCW 28A.200.010 and 1990 c 33 s 178 are each amended to read as follows:

Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides;

(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of mastery pursuant to RCW 28A.630.885. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

PART XII MISCELLANEOUS

NEW SECTION. Sec. 1201. RCW 28A.630.884 and 1992 c 141 s 201 are each repealed.

Sec. 1202. 1992 c 141 s 509 (uncodified) is amended to read as follows:

Sections ((504)) 502 through 504, 506, and 507 of this act shall take effect September 1, ((1998)) 2000. However, these sections shall not take effect if, by September 1, ((1998)) 2000, a law is enacted stating that a school accountability and academic assessment system is not in place.

NEW SECTION. Sec. 1203. 1992 c 141 s 501 is repealed.

NEW SECTION. Sec. 1204. Part headings as used in this act constitute no part of the law."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.210, 28A.630.885, 28A.415.250, 28A.405.140, 28A.300.130, 28A.630.878, 28A.410.030, 28A.225.220, 28A.195.010, and 28A.200.010; amending 1992 c 141 s 509 (uncodified); adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.405 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 70.190 RCW; adding a new chapter to Title 28A RCW; creating new sections; repealing RCW 28A.630.884; repealing 1992 c 141 s 505; repealing 1992 c 141 s 501; providing an effective date; and providing expiration dates.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, McAuliffe; Representatives Dorn, Brough, Cothorn.

MOTION

Senator Pelz moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1209.

POINT OF INQUIRY

Senator Erwin: "Senator Pelz, the HIV testing and sex education and things like that, that at one time were in the section of the bill, where it would have ruined the bill to veto that section out and now it is all by itself. Is there some indication from the Governor on what he plans to do on that?"

Senator Pelz: "I have to confess that during the conference process, I think I overlooked the fact that that language had fallen out and I apologize for that. However, that language was a reiteration of existing law that we had placed into the bill to clearly delineate for people with concerns that we recognize their concerns. That existing statute is in Washington law and we continue to apply to our K-12 system under this new bill."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1209.

The motion by Senator Pelz carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 1209 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1209, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1209, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 18; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Haugen, McAuliffe, Moore, Moyer, Nelson, Pelz, Prentice, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognilid, Williams, Winsley and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Newhouse, Oke, Owen, Prince, Quigley, Roach, Sellar and von Reichbauer - 18.

Excused: Senators Barr, Niemi, Smith, L., Spanel and West - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:36 p.m., on motion of Senator Jesernig, the Senate adjourned until 1:00 p.m., Sunday, April 25, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-FOURTH DAY, APRIL 24, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 25, 1993

The Senate was called to order at 1:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Drew, Erwin, Haugen, Niemi, Quigley, Rinehart, Sellar and Spanel.

The Sergeant at Arms Color Guard, consisting of Pages Eric Morris and Chad Sage, presented the Colors. Dr. Morris Belling of the Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5977 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 24, 1993

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1006,

ENGROSSED HOUSE BILL NO. 1007,

SUBSTITUTE HOUSE BILL NO. 1013,

HOUSE BILL NO. 1015,

HOUSE BILL NO. 1058,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,

SUBSTITUTE HOUSE BILL NO. 1118,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,

SUBSTITUTE HOUSE BILL NO. 1129,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,

HOUSE BILL NO. 1168,

SUBSTITUTE HOUSE BILL NO. 1169,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,

HOUSE BILL NO. 1246,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259,

SUBSTITUTE HOUSE BILL NO. 1318,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,

ENGROSSED HOUSE BILL NO. 1501,

SUBSTITUTE HOUSE BILL NO. 1507,

SUBSTITUTE HOUSE BILL NO. 1520,

SUBSTITUTE HOUSE BILL NO. 1566,

ENGROSSED HOUSE BILL NO. 1617,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1006,
ENGROSSED HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1013,
HOUSE BILL NO. 1015,
HOUSE BILL NO. 1058,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1118,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,
HOUSE BILL NO. 1168,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
HOUSE BILL NO. 1246,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
ENGROSSED HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1520,
SUBSTITUTE HOUSE BILL NO. 1566,
ENGROSSED HOUSE BILL NO. 1617,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5638 and has passed the bill without said amendment(s), and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESHB 1862 April 24, 1993

Includes "NEW ITEM": YES

Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, Pasco hotel/motel tax, have had the same under consideration and we recommend that:

The Senate Committee on Ways and Means amendment(s) and the amendment(s) by Senators Deccio, Loveland and Jesernig to page 2, after line 19, and the corresponding title amendment(s) to page 1, line 2, adopted on April 6, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a city with a population of over ten thousand in a county that is the smallest county in a metropolitan statistical area as defined on the effective date of this act that has a population of between thirty-eight thousand and fifty thousand may levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, roominghouse, tourist court, motel, trailer camp, and the granting of a similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the property.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) A seller, as defined in RCW 82.08.010, who is required to collect a tax under this section, shall pay the tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) The tax levied and collected under this section must be credited to a special fund of the city. The taxes may be levied only for the purpose of paying any part of the cost of siting, acquisition, construction, operation, and maintenance of a trade recreation agricultural center, which facility includes an exhibition hall, a meeting and convention center, and an agricultural arena, in the city and may be used for and pledged to the payment of bonds, leases, or other obligations incurred for these purposes.

(5) The tax imposed under this section shall expire when all obligations for which the taxes have been pledged are satisfied.

Sec. 2. RCW 67.28.200 and 1991 c 331 s 2 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized ((by RCW 67.28.180, 67.28.182, and 67.28.230 through 67.28.250, and 67.28.260)) under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city."

On page 1, line 2 of the title, after "charges;" strike the remainder of the title and insert "amending RCW 67.28.200; and adding a new section to chapter 67.28 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Loveland, Deccio, Jesernig; Representatives G. Fisher, Foreman, Mastin.

MOTION

Senator Loveland moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1862.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Loveland that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1862.

The motion by Senator Loveland carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1862.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1862, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1862, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 8; Absent, 9; Excused, 0.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild and Winsley - 32.

Voting nay: Senators Cantu, McCaslin, Roach, Smith, L., von Reichbauer, West, Williams and Wojahn - 8.

Absent: Senators Anderson, Drew, Erwin, Haugen, Niemi, Quigley, Rinehart, Sellar and Spanel - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Sellar was excused.

On motion of Senator Gaspard, Senators Drew, Haugen, Rinehart, Spanel and Vognild were excused.

REPORT OF CONFERENCE COMMITTEE

SHB 2055 April 24, 1993

Includes "NEW ITEM": YES

Creating the department of fish and wildlife

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 2055, Fish and wildlife department, have had the same under consideration and we recommend that:

The Senate Committee on Natural Resources striking amendment(s) adopted, as amended, on April 12, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Perpetuation of fish and wildlife in Washington requires clear, efficient, streamlined, scientific, management from a single state fish and wildlife agency. Such a consolidation will focus existing funds for the greatest protection of species and stocks. It will bring combined resources to bear on securing, managing, and enhancing habitats. It will simplify licensing, amplify research, increase field staff, avoid duplication, and magnify enforcement of laws and rules. It will provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent policies, procedures, and access.

NEW SECTION. Sec. 2. There is hereby created a department of state government to be known as the department of fish and wildlife. The department shall be vested with all powers and duties transferred to it under this chapter and such other

powers and duties as may be authorized by law. All powers, duties, and functions of the department of fisheries and the department of wildlife are transferred to the department of fish and wildlife. All references in the Revised Code of Washington to the director or the department of fisheries or the director or department of wildlife shall be construed to mean the director or department of fish and wildlife.

NEW SECTION. Sec. 3. As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of fish and wildlife.
- (2) "Director" means the director of fish and wildlife.
- (3) "Commission" means the fish and wildlife commission.

NEW SECTION. Sec. 4. The executive head and appointing authority of the department shall be the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 5. In addition to other powers and duties granted or transferred to the director, the director shall have the following powers and duties:

- (1) Supervise and administer the department in accordance with law;
- (2) Appoint personnel and prescribe their duties. Except as otherwise provided, personnel of the department are subject to chapter 41.06 RCW, the state civil service law;
- (3) Enter into contracts on behalf of the agency;
- (4) Adopt rules in accordance with chapter 34.05 RCW, the administrative procedure act;
- (5) Delegate powers, duties, and functions as the director deems necessary for efficient administration but the director shall be responsible for the official acts of the officers and employees of the department;
- (6) Appoint advisory committees and undertake studies, research, and analysis necessary to support the activities of the department;

(7) Accept and expend grants, gifts, or other funds to further the purposes of the department;

(8) Carry out basic goals and objectives as prescribed by the fish and wildlife commission pursuant to RCW 77.04.055;

and

- (9) Perform other duties as are necessary and consistent with law.

NEW SECTION. Sec. 6. The director shall appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 7. The director of fisheries and the director of wildlife shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of fisheries and the department of wildlife into the department of fish and wildlife so that the department of fish and wildlife will operate as a single entity on July 1, 1994. The fish and wildlife commission shall make recommendations for the consolidation of the agencies to the governor and the two directors. The fish and wildlife commission shall review its area of responsibility in the consolidated agency and submit recommendations by December 1, 1994, to the governor and the appropriate standing committees of the legislature on any necessary changes in its statutory authority. The legislative budget committee shall study the role of the fish and wildlife commission and prepare a report on recommended changes to the governor and the appropriate standing committees of the legislature by December 1, 1994.

NEW SECTION. Sec. 8. The department of fisheries and the department of wildlife are abolished and their powers, duties, and functions are transferred to the department of fish and wildlife.

NEW SECTION. Sec. 9. All reports, documents, surveys, books, records, files, papers, or written material connected with the powers, duties, and functions transferred in this act shall be delivered to the custody of the department of fish and wildlife. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in connection with the powers, duties, and functions transferred shall be made available to the department of fish and wildlife. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the department of fish and wildlife.

Any appropriations made in connection with the powers, duties, and functions transferred shall, on the effective date of this section, be transferred and credited to the department of fish and wildlife.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, or as to the powers, duties, and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 10. All classified employees employed in connection with the powers, duties, and functions transferred are transferred to the jurisdiction of the department of fish and wildlife. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of fish and wildlife to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 11. All rules and all pending business before any agency of state government pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of fish and wildlife. All existing contracts, obligations, and agreements shall remain in full force and shall be performed by the department of fish and wildlife.

NEW SECTION. Sec. 12. The transfer of the powers, duties, functions, and personnel shall not affect the validity of any act performed by any employee before the effective date of this section.

NEW SECTION. Sec. 13. If apportionments of budgeted funds are required because of the transfers directed by sections 9 through 12 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 14. Nothing contained in sections 9 through 13 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 15. RCW 41.06.070 and 1990 c 60 s 101 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community and technical colleges (education), and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, (fisheries,) social and health services, the director and ((his)) the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, ((his)) the director's confidential secretary, and ((his)) the director's statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(26) All employees of the marine employees' commission;

(27) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

(28) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (24), (25), and (28) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 16. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) ~~((the department of fisheries, (6)))~~ the department of fish and wildlife, ~~((7))~~ (6) the department of transportation, ~~((8))~~ (7) the department of licensing, ~~((9))~~ (8) the department of general administration, ~~((10))~~ (9) the department of trade and economic development, ~~((11))~~ (10) the department of veterans affairs, ~~((12))~~ (11) the department of revenue, ~~((13))~~ (12) the department of retirement systems, ~~((14))~~ (13) the department of corrections, ~~((15))~~ (14) the department of community development, and ~~((16))~~ (15) the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 17. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) ~~((the director of fisheries, (6)))~~ the director of fish and wildlife, ~~((7))~~ (6) the secretary of transportation, ~~((8))~~ (7) the director of licensing, ~~((9))~~ (8) the director of general administration, ~~((10))~~ (9) the director of trade and economic development, ~~((11))~~ (10) the director of veterans affairs, ~~((12))~~ (11) the director of revenue, ~~((13))~~ (12) the director of retirement systems, ~~((14))~~ (13) the secretary of corrections, ~~((15))~~ (14) the director of community development, and ~~((16))~~ (15) the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year.))~~ The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 18. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of ~~((fisheries))~~ fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, ~~((the director of wildlife,))~~ the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges ~~((education))~~, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage ~~((commissioners))~~ commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 19. RCW 43.51.955 and 1987 c 506 s 93 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of fish and wildlife or the state fish and wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 20. RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are each reenacted and amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

- (1) "Director" means the director of ((fisheries)) fish and wildlife.
- (2) "Department" means the department of ((fisheries)) fish and wildlife.
- (3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.
- (4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.
- (5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.
- (7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.
- (8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.
- (9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.
- (10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.
- (11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.
- (12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.
- (13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.
- (14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
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<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(20) "Emerging commercial fishery" means any commercial fishery:

(a) For food fish or shellfish so designated by rule of the director, except that no species harvested under a license limitation program contained in chapter 75.30 RCW may be designated as a species in an emerging commercial fishery.

(b) Which will include, subject to the limitation in (a) of this subsection, all species harvested for commercial purposes as of June 7, 1990, and the future commercial harvest of all other species in the waters of the state of Washington.

(21) "Experimental fishery permit" means a permit issued by the director to allow the recipient to engage in an emerging commercial fishery.

Sec. 21. RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 are each amended to read as follows:

The director ((ef fisheries)) shall supervise the administration and operation of the department ((ef fisheries)) and perform the duties prescribed by law. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

Sec. 22. RCW 75.08.035 and 1992 c 63 s 11 are each amended to read as follows:

(1) The department (~~(of fisheries)~~) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 23. RCW 75.08.055 and 1987 c 506 s 94 are each amended to read as follows:

(1) The director (~~(, and the director of wildlife with the concurrence of the wildlife commission,)~~) may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the (~~(wildlife commission)~~) department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 24. RCW 75.08.400 and 1989 c 336 s 1 are each amended to read as follows:

The legislature finds that:

(1) The fishery resources of Washington are critical to the social and economic needs of the citizens of the state;

(2) Salmon production is dependent on both wild and artificial production;

(3) The department (~~(of fisheries)~~) is directed to enhance Washington's salmon runs; and

(4) Full utilization of the state's salmon rearing facilities is necessary to enhance commercial and recreational fisheries.

Sec. 25. RCW 75.10.010 and 1985 c 155 s 1 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers within their respective jurisdictions, shall enforce this title, rules of the director, and other statutes as prescribed by the legislature.

(2) When acting within the scope of subsection (1) of this section and when an offense occurs in the presence of the fisheries patrol officer who is not an ex officio fisheries patrol officer, the fisheries patrol officer may enforce all criminal laws of the state. The fisheries patrol officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a fisheries patrol officer rests with the department (~~(of fisheries)~~) unless the fisheries patrol officer acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department (~~(of fisheries)~~) and another agency.

(4) Fisheries patrol officers may serve and execute warrants and processes issued by the courts.

Sec. 26. RCW 75.10.200 and 1990 c 144 s 3 are each amended to read as follows:

Persons who violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) Violating RCW 75.20.100; and

(b) Violating department statutes that require fish screens, fish ladders, and other protective devices for fish.

(2) The following violations are a class C felony and are punishable under RCW 9A.20.021(1)(c):

(a) Discharging explosives in waters that contain adult salmon or sturgeon: PROVIDED, That lawful discharge of devices for the purpose of frightening or killing marine mammals or for the lawful removal of snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are exempt from this subsection; and

(b) To knowingly purchase food fish or shellfish with a wholesale value greater than two hundred fifty dollars that were taken by methods or during times not authorized by department (~~(of fisheries)~~) rules, or were taken by someone who does not have a valid commercial fishing license, a valid fish buyer's license, or a valid wholesale dealer's license, or were taken with fishing gear authorized for personal use.

Sec. 27. RCW 75.12.040 and 1985 c 147 s 1 are each amended to read as follows:

(1) It is unlawful to use, operate, or maintain a gill net which exceeds 250 fathoms in length or a drag seine in the waters of the Columbia river for catching salmon.

(2) It is unlawful to construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon. The director may authorize the use of this gear for scientific investigations.

(3) The department (~~(of fisheries)~~), in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

Sec. 28. RCW 75.20.005 and 1991 c 322 s 21 are each amended to read as follows:

The department of (~~(fisheries, the department of)~~) fish and wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

Sec. 29. RCW 75.20.050 and 1988 c 36 s 32 are each amended to read as follows:

It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director (~~(of fisheries and the director of wildlife)~~) notice of each application for a permit to divert or store water. The director (~~(of fisheries and director of wildlife have)~~) has thirty days after receiving the notice to state (~~(their)~~) his or her objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director (~~(of fisheries or director of wildlife)~~), issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

Sec. 30. RCW 75.20.100 and 1991 c 322 s 30 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 and 75.20.1002, the department (~~(of fisheries or the department of wildlife)~~) shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department (~~(of fisheries or the department of wildlife)~~) shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If (~~(either)~~) the department (~~(of fisheries or the department of wildlife)~~) denies approval, (~~(that)~~) the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department (~~(of fisheries or department of wildlife)~~), through (~~(their)~~) its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

Sec. 31. RCW 75.20.1001 and 1991 c 322 s 12 are each amended to read as follows:

The department (~~(of fisheries and the department of wildlife)~~) shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

Sec. 32. RCW 75.20.103 and 1991 c 322 s 31 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as

provided in RCW 75.20.1001 and 75.20.1002, the department (~~(of fisheries or the department of wildlife)~~) shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department (~~(of fisheries or the department of wildlife)~~) shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If (~~(either)~~) the department (~~(of fisheries or the department of wildlife)~~) denies approval, (~~(that)~~) the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department (~~(of fisheries or the department of wildlife)~~) to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department (~~(granting approval)~~) may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department (~~(issuing the approval)~~) to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department (~~(that issued the approval)~~) may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department (~~(of fisheries or department of wildlife)~~), through (~~(their)~~) its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

Sec. 33. RCW 75.20.104 and 1991 c 322 s 18 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department (~~(of fisheries and the department of wildlife)~~), upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

Sec. 34. RCW 75.20.1041 and 1991 c 322 s 19 are each amended to read as follows:

The department (~~(of fisheries, the department of wildlife,)~~) and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 35. RCW 75.20.106 and 1988 c 36 s 35 are each amended to read as follows:

The department (~~(of fisheries and the department of wildlife)~~) may (~~(each)~~) levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director (~~(of the appropriate department)~~) or (~~(that)~~) the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director (~~(of the department levying the penalty)~~). Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director (~~(of the department of fisheries or the department of wildlife)~~) shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

Sec. 36. RCW 75.20.110 and 1988 c 36 s 36 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as (~~jointly~~) determined by the director (~~(of fisheries and the director of wildlife)~~).

(b) Except by (~~concurrent~~) order of the director (~~(of fisheries and director of wildlife)~~), it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The director (~~(of fisheries and the director of wildlife)~~) may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2)(a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

Sec. 37. RCW 75.20.130 and 1989 c 175 s 160 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by (~~either~~) the department (~~(of fisheries or the department of wildlife)~~) under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 38. RCW 75.20.300 and 1989 c 213 s 3 are each amended to read as follows:

(1) The legislature intends to expedite flood-control, acquisition of sites for sediment retention, and dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director (~~(of fisheries and director of wildlife)~~) shall process hydraulic project applications submitted under RCW 75.20.100 within fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Cowlitz river from mile 22 to the confluence with the Columbia, and in the Toutle river from the mouth to the North Fork Toutle sediment dam site at North Fork mile 12, and to river mile 3 on the South Fork Toutle river, and volcano-affected areas of the Columbia river.

(3) For the purposes of this section, the emergency provisions of RCW 75.20.100 may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

(4) This section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

(5) This section expires on June 30, 1995.

Sec. 39. RCW 75.20.310 and 1988 c 36 s 39 are each amended to read as follows:

The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department (~~(of wildlife and the department of fisheries)~~) shall (~~(cooperatively)~~) operate and maintain a fish collection facility on the Toutle river. (~~(Each agency shall share in the cost of operating and maintaining the facility.)~~)

Sec. 40. RCW 75.24.065 and 1985 c 256 s 2 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia

oyster. The department ((of fisheries)) shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

Sec. 41. RCW 75.25.005 and 1989 c 305 s 1 are each amended to read as follows:

The following recreational fishing licenses are administered and issued by the department ((of fisheries)) under authority of the director ((of fisheries)):

- (1) Hood Canal shrimp license;
- (2) Razor clam license;
- (3) Personal use fishing license;
- (4) Salmon license; and
- (5) Sturgeon license.

Sec. 42. RCW 75.25.080 and 1989 c 305 s 4 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department ((of fisheries)) official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 43. RCW 75.25.170 and 1989 c 305 s 16 are each amended to read as follows:

Fees received for recreational licenses required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department ((of fisheries)).

Sec. 44. RCW 75.25.180 and 1989 c 305 s 14 are each amended to read as follows:

Recreational licenses issued by the department ((of fisheries)) under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid:

- (a) For life for blind persons;
- (b) For the period of continued state residency for qualified disabled veterans;
- (c) For the period of continued state residency for persons sixty-five years of age or more;
- (d) For the period of the disability for persons with a developmental disability;
- (e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card; and
- (f) Until a child reaches fifteen years of age.

(2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 45. RCW 75.50.010 and 1985 c 458 s 1 are each amended to read as follows:

Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. ~~(The department of fisheries is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.)~~

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

Sec. 46. RCW 75.50.070 and 1989 c 426 s 1 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department ((of fisheries)). The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

Sec. 47. RCW 75.50.080 and 1989 c 426 s 4 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department ((of fisheries)).

Sec. 48. RCW 75.50.130 and 1992 c 88 s 1 are each amended to read as follows:

The director ((of fisheries)) shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate

the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

Sec. 49. RCW 75.52.010 and 1988 c 36 s 41 are each amended to read as follows:

The fish and ~~((game))~~ wildlife resources of the state benefit by the contribution of volunteer recreational and commercial fishing organizations, schools, and other volunteer groups in cooperative projects under agreement with the department ~~((of fisheries or the department of wildlife))~~. These projects provide educational opportunities, improve the communication between the natural resources agencies and the public, and increase the fish and game resources of the state. In an effort to increase these benefits and realize the full potential of cooperative projects, the department ~~((of fisheries and the department of wildlife each))~~ shall administer a cooperative fish and wildlife enhancement program and enter agreements with volunteer groups relating to the operation of cooperative projects.

Sec. 50. RCW 75.52.020 and 1988 c 36 s 42 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department ~~((of fisheries or the department of wildlife))~~ relating to a cooperative fish or ~~((game))~~ wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and ~~((game))~~ wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(3) "Department" means ~~((either))~~ the department of ~~((fisheries or the department of))~~ fish and wildlife ~~((, whichever is responsible for managing the species of fish or game most affected by the cooperative project))~~.

Sec. 51. RCW 75.52.035 and 1987 c 48 s 1 are each amended to read as follows:

The department ~~((of fisheries))~~ may authorize the sale of surplus salmon eggs and carcasses by permitted cooperative projects for the purposes of defraying the expenses of the cooperative project. In no instance shall the department allow a profit to be realized through such sales. The department shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 52. RCW 75.52.100 and 1989 c 85 s 3 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the ~~((state))~~ department ~~((of fisheries))~~. The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW to assist in the planning, construction, and operation of the spawning channel.

Sec. 53. RCW 75.52.110 and 1989 c 85 s 4 are each amended to read as follows:

The department ~~((of fisheries))~~ shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department ~~((of fisheries))~~, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130. The technical committee will be guided by a policy committee, also to be chaired by the department ~~((of fisheries))~~, which shall consist of not more than six members: One representative from the department ~~((of fisheries))~~, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130. The policy committee shall present a progress report to the senate and house of representatives natural resources and environment committees by January 1, 1990, and shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120.

Sec. 54. RCW 75.52.160 and 1989 c 85 s 10 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 not be met, the department ~~((of fisheries))~~ shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

Sec. 55. RCW 75.58.010 and 1988 c 36 s 43 are each amended to read as follows:

(1) The director of agriculture and the director ~~((of fisheries))~~ shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department ~~((of fisheries))~~ under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The director ~~((of fisheries))~~ shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department ~~((of fisheries))~~ by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 constitute the only authorities of the department ~~((of fisheries))~~ to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the

department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department ((of fisheries)), and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department ((of fisheries)) from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) It is unlawful for any person to violate the rules adopted under subsection (2) or (3) of this section or to violate RCW 75.58.040.

(5) In administering the program established under this section, the department ((of fisheries)) shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department ((of fisheries, the department of wildlife,)) or other fish-rearing entities.

Sec. 56. RCW 75.58.020 and 1985 c 457 s 9 are each amended to read as follows:

The directors of agriculture and ((fisheries)) fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010. The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010.

Sec. 57. RCW 75.58.030 and 1988 c 36 s 44 are each amended to read as follows:

(1) The director ((of fisheries)) shall consult regarding the disease inspection and control program established under RCW 75.58.010 with ((the department of wildlife,)) federal agencies((,)) and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director ((of fisheries)) may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director ((of fisheries)) shall provide for the creation and distribution of a roster of biologists having a speciality in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

Sec. 58. RCW 75.58.040 and 1988 c 36 s 45 are each amended to read as follows:

All aquatic farmers as defined in RCW 15.85.020 shall register with the department ((of fisheries)). The director shall develop and maintain a registration list of all aquaculture farms. Registered aquaculture farms shall provide the department production statistical data. The state veterinarian ((and the department of wildlife)) shall be provided with registration and statistical data by the department.

Sec. 59. RCW 77.04.020 and 1987 c 506 s 4 are each amended to read as follows:

The department ((of wildlife)) consists of the state fish and wildlife commission and the director ((of wildlife)). The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed pursuant to RCW 77.04.055.

Sec. 60. RCW 77.04.030 and 1987 c 506 s 5 are each amended to read as follows:

The state fish and wildlife commission consists of ((six)) nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large effective July 1, 1993; one of whom shall serve a one and one-half year term to end December 31, 1994; one of whom shall serve a three and one-half year term to end December 31, 1996; and one of whom shall serve a five and one-half year term to end December 31, 1998. Thereafter all members are to serve a six-year term. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 61. RCW 77.04.040 and 1987 c 506 s 6 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of game fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of game fish and wildlife. Persons eligible for appointment as wildlife commissioners shall not have a monetary interest in any private business that is involved with consumptive or nonconsumptive use of game fish or wildlife.

Sec. 62. RCW 77.04.055 and 1990 c 84 s 2 are each amended to read as follows:

~~((1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate wildlife and wildlife habitat. The commission shall maximize hunting and fishing recreational opportunities.~~

~~((2))~~ The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

Sec. 63. RCW 77.04.060 and 1987 c 506 s 8 and 1987 c 114 s 1 are each reenacted and amended to read as follows:

The commission shall hold at least one regular meeting during the first two months of each calendar quarter, and special meetings when called by the ((chairman or)) chair and by ((four)) five members. ((Four)) Five members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Sec. 64. RCW 77.04.080 and 1987 c 506 s 9 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of fish and wildlife. The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

Sec. 65. RCW 77.04.100 and 1985 c 208 s 2 are each amended to read as follows:

The director(~~(, in cooperation with the director of fisheries)~~) shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3).

Sec. 66. RCW 77.08.010 and 1989 c 297 s 7 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.
- (6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries (~~(commission)~~) service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.
- (12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.
- (13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.
- (14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.
- (15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.
- (16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director (~~(of fisheries)~~). The term "wildlife" includes all stages of development and the bodily parts of wildlife members.
- (17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).
- (18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.
- (19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.
- (20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.
- (21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.
- (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.
- (23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.
- (24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.
- (25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.
- (26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.
- (27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

Sec. 67. RCW 77.12.055 and 1988 c 36 s 50 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other

statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department ((of wildlife)) and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 68. RCW 77.12.103 and 1989 c 314 s 3 are each amended to read as follows:

(1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.

(2) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.12.101 for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director ((of wildlife)), the fish and wildlife commission, or the department ((of wildlife)) may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with wildlife offenses.

Sec. 69. RCW 77.12.440 and 1987 c 506 s 47 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. Sec. 777). The department ((of wildlife and the department of fisheries)) shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 70. RCW 77.12.710 and 1990 c 110 s 2 are each amended to read as follows:

The legislature hereby directs the department ((of wildlife)) to determine the feasibility and cost of doubling the state-wide game fish production by the year 2000. The department shall seek to equalize the effort and investment expended on anadromous and resident game fish programs. The department ((of wildlife)) shall provide the legislature with a specific plan for legislative approval that will outline the feasibility of increasing game fish production by one hundred percent over current levels by the year 2000. The plan shall contain specific provisions to increase both hatchery and naturally spawning game fish to a level that will support the production goal established in this section consistent with ((wildlife commission)) department policies. Steelhead trout, searun cutthroat trout, resident trout, and warmwater fish producing areas of the state shall be included in the plan. The department ((of wildlife)) shall provide the plan to the house of representatives and senate ways and means, environment and natural resources, environmental affairs, fisheries and wildlife, and natural resources committees by December 31, 1990.

The plan shall include the following critical elements:

- (1) Methods of determining current catch and production, and catch and production in the year 2000;
- (2) Methods of involving fishing groups, including Indian tribes, in a cooperative manner;
- (3) Methods for using low capital cost projects to produce game fish as inexpensively as possible;
- (4) Methods for renovating and modernizing all existing hatcheries and rearing ponds to maximize production capability;
- (5) Methods for increasing the productivity of natural spawning game fish;
- (6) Application of new technology to increase hatchery and natural productivity;
- (7) Analysis of the potential for private contractors to produce game fish for public fisheries;
- (8) Methods to optimize public volunteer efforts and cooperative projects for maximum efficiency;
- (9) Methods for development of trophy game fish fisheries;
- (10) Elements of coordination with the Pacific Northwest Power Council programs to ensure maximum Columbia river

benefits;

(11) The role that should be played by private consulting companies in developing and implementing the plan;

(12) Coordination with federal fish and wildlife agencies, Indian tribes, and department ((of fisheries)) fish production programs;

(13) Future needs for game fish predator control measures;

(14) Development of disease control measures;

(15) Methods for obtaining access to waters currently not available to anglers; and

(16) Development of research programs to support game fish management and enhancement programs.

The department ((of wildlife)), in cooperation with the department of revenue, shall assess various funding mechanisms and make recommendations to the legislature in the plan. The department ((of wildlife)), in cooperation with the department of trade and economic development, shall prepare an analysis of the economic benefits to the state that will occur when the game fish production is increased by one hundred percent in the year 2000.

Sec. 71. RCW 77.12.730 and 1990 c 195 s 3 are each amended to read as follows:

(1) A ten-member firearms range advisory committee is hereby created to provide advice and counsel to the interagency committee for outdoor recreation. The members shall be appointed by the director of the interagency committee for outdoor recreation from the following groups:

(a) Law enforcement;

(b) Washington military department;

(c) Black powder shooting sports;

(d) Rifle shooting sports;

(e) Pistol shooting sports;

(f) Shotgun shooting sports;

(g) Archery shooting sports;

(h) Hunter education;

(i) Hunters; and

(j) General public.

(2) The firearms range advisory committee members shall serve two-year terms with five new members being selected each year beginning with the third year of the committee's existence. The firearms range advisory committee members shall not receive compensation from the firearms range account. However, travel and per diem costs shall be paid consistent with regulations for state employees.

(3) The interagency committee for outdoor recreation shall provide administrative, operational, and logistical support for the firearms range advisory committee. Expenses directly incurred for supporting this program may be charged by the interagency committee for outdoor recreation against the firearms range account. Expenses shall not exceed ten percent of the yearly income for the range account.

(4) The interagency committee for outdoor recreation shall in cooperation with the firearms range advisory committee:

- (a) Develop an application process;
- (b) Develop an audit and accountability program;
- (c) Screen, prioritize, and approve grant applications; and
- (d) Monitor compliance by grant recipients.

(5) The department of natural resources, the department of fish and wildlife, and the Washington military department are encouraged to provide land, facilitate land exchanges, and support the development of shooting range facilities.

Sec. 72. RCW 77.12.750 and 1992 c 63 s 13 are each amended to read as follows:

(1) The department (~~(of wildlife)~~) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

- Appoint a representative to the coordinating council;
- Develop project proposals;
- Administer project activities within the agency;
- Develop appropriate procedures for the use of volunteers;
- Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;
- Maintain project records and provide project reports;
- Apply for and accept grants or contributions for corps approved projects; and
- With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 73. RCW 77.16.060 and 1987 c 506 s 61 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by the commission or director (~~(of fisheries)~~). Game fish taken incidental to a lawful season established by the director (~~(of fisheries)~~) shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 74. RCW 77.16.135 and 1991 c 211 s 1 are each amended to read as follows:

(1) The director shall revoke all licenses and privileges extended under Title 77 RCW of a person convicted of assault on a state wildlife agent or other law enforcement officer provided that:

- (a) The wildlife agent or other law enforcement officer was on duty at the time of the assault; and
- (b) The wildlife agent or other law enforcement officer was enforcing the provisions of Title 77 RCW.

(2) For the purposes of this section, the definition of assault includes:

- (a) RCW 9A.32.030; murder in the first degree;
- (b) RCW 9A.32.050; murder in the second degree;
- (c) RCW 9A.32.060; manslaughter in the first degree;
- (d) RCW 9A.32.070; manslaughter in the second degree;
- (e) RCW 9A.36.011; assault in the first degree;
- (f) RCW 9A.36.021; assault in the second degree; and
- (g) RCW 9A.36.031; assault in the third degree.

(3) For the purposes of this section, a conviction includes:

- (a) A determination of guilt by the court;
- (b) The entering of a guilty plea to the charge or charges by the accused;
- (c) A forfeiture of bail or a vacation of bail posted to the court; or
- (d) The imposition of a deferred or suspended sentence by the court.

(4) No license described under Title 77 RCW shall be reissued to a person violating this section for a minimum of ten years, at (~~that [which]~~) which time a person may petition the director (~~(of wildlife)~~) for a reinstatement of his or her license or licenses. The ten-year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section. Upon review by the director, and if all provisions of the court that imposed sentencing have been completed, the director may reinstate in whole or in part the licenses and privileges under Title 77 RCW.

Sec. 75. RCW 77.16.170 and 1988 c 36 s 51 are each amended to read as follows:

It is unlawful to take a wild animal from another person's trap without permission, or to spring, pull up, damage, possess, or destroy the trap; however, it is not unlawful for a property owner, lessee, or tenant to remove a trap placed on the owner's, lessee's, or tenant's property by a trapper.

Trappers shall attach to the chain of their traps or devices a legible metal tag with either the department (~~(of wildlife)~~) identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

When an individual presents a trapper identification number to the department (~~(of wildlife)~~) and requests identification of the trapper, the department (~~(of wildlife)~~) shall provide the individual with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department (~~(of wildlife)~~) shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed.

Sec. 76. RCW 77.18.010 and 1991 c 253 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the ((Washington)) department of fish and wildlife.

(2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

(3) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

(4) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(5) "Person" means a natural person, corporation, trust, or other legal entity.

Sec. 77. RCW 77.32.380 and 1991 sp.s. c 7 s 12 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ten dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use department lands and access facilities when accompanied by the license holder.

Youth groups may use department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified department ((of wildlife)) lands shall exhibit the required license.

NEW SECTION. Sec. 78. A new section is added to chapter 77.12 RCW to read as follows:

Steelhead trout shall be managed solely as a recreational fishery for non-Indian fishermen under the rule-setting authority of the fish and wildlife commission.

Commercial non-Indian steelhead fisheries are not authorized.

NEW SECTION. Sec. 79. On July 1, 1994, the state treasurer shall follow the recommendations of the director of financial management on the disbursement of funds from the state wildlife fund to the department of fish and wildlife solely for the purposes of funding programs for wildlife and game fish. Funds from the state wildlife fund shall be used only for the department of fish and wildlife after June 30, 1994.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

(1) RCW 43.131.375 and 1991 c 253 s 5; and

(2) RCW 43.131.376 and 1991 c 253 s 6.

NEW SECTION. Sec. 81. Sections 1 through 6 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 82. The legislature finds that recreational fishing opportunities for salmon and marine bottomfish have been dwindling in recent years. It is important to restore diminished recreational fisheries and to enhance the salmon and marine bottomfish resource to assure sustained productivity. Investments made in recreational fishing programs will repay the people of the state many times over in increased economic activity and in an improved quality of life.

NEW SECTION. Sec. 83. There is created within the department of fish and wildlife the Puget Sound recreational salmon and marine fish enhancement program. The department of fish and wildlife shall identify a coordinator for the program who shall act as spokesperson for the program and shall:

(1) Coordinate the activities of the Puget Sound recreational salmon and marine fish enhancement program, including the Lake Washington salmon fishery;

(2) Provide reports as needed to the legislature and the public; and

(3) Work within and outside of the department to achieve the goals stated in this chapter.

NEW SECTION. Sec. 84. The department shall: Develop a short-term program of hatchery-based salmon enhancement using freshwater pond sites for the final rearing phase; solicit support from cooperative projects, regional enhancement groups, and other supporting organizations; conduct comprehensive research on resident and migratory salmon production opportunities; and conduct research on marine bottomfish production limitations and on methods for artificial propagation of marine bottomfish.

Long-term responsibilities of the department are to: Fully implement enhancement efforts for Puget Sound and Hood Canal resident salmon and marine bottomfish; identify opportunities to reestablish salmon runs into areas where they no longer exist; encourage naturally spawning salmon populations to develop to their fullest extent; and fully utilize hatchery programs to improve recreational fishing.

NEW SECTION. Sec. 85. The department shall seek recommendations from persons who are expert on the planning and operation of programs for enhancement of recreational fisheries. The department shall fully use the expertise of the University of Washington college of fisheries and the sea grant program to develop research and enhancement programs.

NEW SECTION. Sec. 86. The department shall develop new locations for the freshwater rearing of delayed-release chinook salmon. In calendar year 1994, at least one freshwater pond chinook salmon rearing site shall be developed and begin production in each of the following areas: South Puget Sound, central Puget Sound, north Puget Sound, and Hood Canal. Natural or artificial pond sites shall be preferred to net pens due to higher survival rates experienced from pond rearing. Rigorous predatory bird control measures shall be implemented. The goal of the program is to increase the production and planting of delayed release chinook salmon to a level of three million fish annually by the year 2000.

NEW SECTION. Sec. 87. The department shall conduct research, develop methods, and implement programs for the artificial rearing and release of marine bottomfish species. Lingcod, halibut, rockfish, and Pacific cod shall be the species of primary emphasis due to their importance in the recreational fishery.

NEW SECTION. Sec. 88. The department shall undertake additional research to more fully evaluate improved enhancement techniques, hooking mortality rates, methods of mass marking, improvement of catch models, and sources of marine bottomfish mortality. Research shall be designed to give the best opportunity to provide information that can be applied to real-world recreational fishing needs.

NEW SECTION. Sec. 89. The department shall work with the department of ecology, the department of wildlife, and local government entities to streamline the siting process for new enhancement projects. The department is encouraged to work

with the legislature to develop statutory changes that enable expeditious processing and granting of permits for fish enhancement projects.

NEW SECTION. Sec. 90. The department's information and education section shall develop a public awareness program designed to educate the public on the elements of the recreational fishing program and to recruit volunteers to assist the department in implementing recreational fishing projects. Economic benefits of the program shall be emphasized.

NEW SECTION. Sec. 91. The department shall increase efforts to document the effects of bird predators, harbor seals, sea lions, and predatory fish upon the salmon and marine fish resource. Every opportunity shall be explored to convince the federal government to amend the marine mammal protection act to allow for balanced management of predators, as well as to work with the United States fish and wildlife service to achieve workable control measures for predatory birds.

NEW SECTION. Sec. 92. Indian tribal fishing interests and non-Indian commercial fishing groups shall be invited to participate in development of plans for selective fisheries that target hatchery-produced fish and minimize catch of naturally spawned fish. In addition, talks shall be initiated on the feasibility of altering the rearing programs of department hatcheries to achieve higher survival and greater production of chinook and coho salmon.

NEW SECTION. Sec. 93. The department shall coordinate the sport fishing program with the wild stock initiative to assure that the two programs are compatible and potential conflicts are avoided.

NEW SECTION. Sec. 94. The department shall develop plans for increased recreational access to salmon and marine fish resources. Proposals for new boat launching ramps and pier fishing access shall be developed.

NEW SECTION. Sec. 95. The department shall contract with private consultants, aquatic farms, or construction firms, where appropriate, to achieve the highest benefit-to-cost ratio for recreational fishing projects.

NEW SECTION. Sec. 96. The requirements and provisions of this chapter are to be performed in addition to and not at the expense of existing salmon programs of the department. Nothing in this chapter shall be construed to authorize the department to advocate or to improve recreational fishing at the expense of commercial fishing or to increase recreational enhancement to the detriment of commercial enhancement.

NEW SECTION. Sec. 97. Beginning January 1, 1994, persons who recreationally fish for salmon or marine bottomfish in marine area codes 5 through 13 and Lake Washington shall be assessed an annual recreational surcharge of ten dollars, in addition to other licensing requirements. Funds from the surcharge shall be deposited in the recreational fisheries enhancement account created in section 98 of this act, except that the first five hundred thousand dollars shall be deposited in the general fund before June 30, 1995, to repay the appropriation made by section 105, chapter, Laws of 1993 (section 105 of this act).

NEW SECTION. Sec. 98. The recreational fisheries enhancement account is created in the state treasury. All receipts from section 97 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

NEW SECTION. Sec. 99. A new section is added to chapter 75.08 RCW to read as follows:

The department may adopt rules pertaining to harvest of fish and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

NEW SECTION. Sec. 100. A new section is added to chapter 1.20 RCW to read as follows:

The legislature finds that the arboreta in this state act as urban wildlife habitat and living museums devoted to the display and conservation of woody plant species from around the world that can grow in the Pacific Northwest. Arboreta enhance public appreciation for the aesthetic diversity of temperate woody plants, conserve both natural and cultivated woody plant taxa to preserve their diversity for future appreciation, educate the public and students concerning urban landscape use and the natural biology of temperate woody plants, and cooperate with similar institutions in this region and around the world in achieving these common goals.

The Washington park arboretum, formerly known as the University of Washington arboretum, is one of the chief centers for accurate botanical and gardening information on the Pacific coast. The two hundred-acre arboretum is run in a cooperative effort by the city of Seattle and the University of Washington. The legislature finds that it is fitting and proper to recognize the importance of the overall mission of the Washington park arboretum and declares that the Washington park arboretum is an official arboretum of the state of Washington.

NEW SECTION. Sec. 101. The department shall develop and present to the legislature, no later than January 1, 1994, proposed legislation for a recreational fishing capital facilities improvement program financed through general obligation bonds.

NEW SECTION. Sec. 102. Sections 1 through 6, 8 through 59, 61, and 63 through 79 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 103. Section 62 of this act shall take effect July 1, 1995.

NEW SECTION. Sec. 104. Sections 83 through 98 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 105. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the recreational fisheries enhancement account created in section 98 of this act for the purpose of achieving early implementation of this act. Funds appropriated by this section shall be repaid to the general fund from the proceeds of the surcharge established in section 97 of this act. Repayment shall occur before June 30, 1995.

NEW SECTION. Sec. 106. Sections 60, 82 through 99, 103, and 104 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 107. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 41.06.070, 43.17.010, 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.035, 75.08.055, 75.08.400, 75.10.010, 75.10.200, 75.12.040, 75.20.005, 75.20.050, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.110, 75.20.130, 75.20.300, 75.20.310, 75.24.065, 75.25.005, 75.25.080, 75.25.170, 75.25.180, 75.50.010, 75.50.070, 75.50.080, 75.50.130, 75.52.010, 75.52.020, 75.52.035, 75.52.100, 75.52.110, 75.52.160, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.080, 77.04.100, 77.08.010, 77.12.055, 77.12.103, 77.12.440, 77.12.710, 77.12.730, 77.12.750, 77.16.060, 77.16.135, 77.16.170, 77.18.010, and 77.32.380; reenacting and amending RCW 75.08.011 and 77.04.060; adding a new section to chapter 77.12 RCW; adding a new section to chapter 75.08 RCW; adding a new section to chapter 1.20 RCW;

adding a new chapter to Title 43 RCW; adding a new chapter to Title 75 RCW; creating new sections; repealing RCW 43.131.375 and 43.131.376; making an appropriation; providing effective dates; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Owen, Oke, Hargrove; Representatives Anderson, Reams, King.

MOTION

Senator Owen moved that the Senate adopt the Report of the Conference Committee on Substitute House Bill No. 2055. Debate ensued.

POINT OF ORDER

Senator Roach: "Mr. President, a point of order. I would ask that you look at the scope and object of the New Section, Section 100. I think this bill is addressing the merger of two departments. This particular section involves the establishing of an arboretum as being a Washington State Park. I don't think that this is within the scope and object of this bill." Further debate ensued.

MOTION

On motion of Senator Jesernig, further consideration of Substitute House Bill No. 2055 was deferred.

REPORT OF CONFERENCE COMMITTEE

ESHB 1372 April 24, 1993

Includes "NEW ITEM": YES

Creating the government accountability task force

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, Emergency communic/privacy, have had the same under consideration and we recommend that:

The Senate Committee on Ways and Means striking amendment(s) adopted on April 16, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many of the systems currently in place for assuring accountability in state government programs are not operated comprehensively, do not take advantage of modern management techniques, and do not contribute adequately to the optimum use of scarce resources. Critical variables that are not always taken into account include whether stated goals and objectives are being achieved, and whether desired results are being accomplished.

Agency executives need more accurate information for setting policy, determining whether new or existing programs are effective, and improving internal controls for agency management. These needs must be met at all levels of operation, and must be clearly communicated to the legislature and all interested parties.

Ensuring accountability in government involves a long-term commitment to policy planning, quality management, and results-oriented evaluation. It is the intent of the legislature to facilitate program evaluations and performance audits of selected state agencies and programs through the coordinated resources of the executive and legislative branches of state government.

Sec. 2. RCW 43.88.020 and 1991 c 358 s 6 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensnuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(27) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(28) "Performance audit" means an audit that determines the following: (a) Whether a government entity is acquiring, protecting, and using its resources economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; (c) whether the entity has complied with laws and rules applicable to the program; (d) the extent to which the desired results or benefits established by the legislature are being achieved; and (e) the effectiveness of organizations, programs, activities, or functions.

(29) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.

Sec. 3. RCW 43.88.090 and 1989 c 273 s 26 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

~~((2) Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results.))~~

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

~~((3))~~ (2) It is the policy of the state that each state agency define its mission and establish measurable goals for achieving desirable results for those who receive its services. This section shall not be construed to require an agency to develop a

new mission or goals in place of identifiable missions or goals that meet the intent of this section. State agencies should involve affected groups and individuals in developing their missions and goals.

(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives shall be consistent with the missions and goals developed under this section. The objectives shall be expressed to the extent practicable in outcome-based, objective, and measurable form unless permitted by the office of financial management to adopt a different standard.

(4) In concert with legislative and executive agencies, the office of financial management shall develop a plan for using these outcome-based objectives in the evaluation of agency performance for improved accountability of state government. Any elements of the plan requiring legislation shall be submitted to the legislature no later than November 30, 1994.

(5) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 4. RCW 43.88.160 and 1992 c 118 s 8 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

~~((b))~~ (c) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

~~((e))~~ (d) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

~~((d))~~ (e) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

~~((e))~~ (f) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

~~((f) Promulgate regulations)~~ (g) Adopt rules to effectuate provisions contained in (a) through ((e)) (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include ~~((at least the following:))~~ determinations as to whether agencies, in making expenditures, complied with the laws of this state ~~((: PROVIDED, That nothing in this section may be construed to grant))~~. The state auditor ((the right)) is authorized to perform or participate in performance audits only as expressly authorized by the legislature in the omnibus biennial appropriations acts. A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. ~~((The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.))~~ The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW, may report to the legislative budget committee or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 5. A new section is added to chapter 44.28 RCW to read as follows:

(1) In conducting program evaluations as defined in RCW 43.88.020, the legislative budget committee may establish a biennial work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plan are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree.

(2) The project description for each program evaluation shall include start and completion dates, the proposed research approach, and cost estimates.

(3) The overall plan may include proposals to employ contract evaluators. As conditions warrant, the program evaluation work plan may be amended from time to time. All biennial work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

Sec. 6. RCW 44.28.085 and 1975 1st ex.s. c 293 s 15 are each amended to read as follows:

The legislative budget committee shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any public agency, officer, administrator, or employee has discharged the responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination(~~(- PROVIDED, That)~~). Nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by ((subsection (3) of)) RCW 43.88.160 ((as now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor)).

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate.

NEW SECTION. Sec. 7. This act may be known and cited as the performance-based government act of 1993.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.88.020, 43.88.090, 43.88.160, and 44.28.085; adding a new section to chapter 44.28 RCW; and creating new sections.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Skratek, Bluechel, Quigley; Representatives Sommers, Reams, Pruitt.

MOTION

Senator Skratek moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1372.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Skratek that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1372.

The motion by Senator Skratek carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1372.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1372, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1372, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Drew, Haugen, Rinehart, Sellar, Spanel and Vogndild - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:38 p.m., on motion of Senator Jesernig, the Senate recessed until 2:30 p.m.

The Senate was called to order at 3:00 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of the Report of the Conference Committee on Substitute House Bill No. 2055, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Roach, the President finds that Substitute House Bill No. 2055 is a measure which authorizes the creation of a new State Department of Fish and Wildlife and provides for the transfer and reorganization of the functions structure and functions of the former Departments of Fisheries and Wildlife.

"The Conference Committee Report would accomplish similar purposes and, also, designate the Washington Park Arboretum as an official arboretum of the state of Washington.

"The President, therefore, finds that the proposed Conference Committee Report does change the scope and object of the bill and the point of order is well taken."

The Report of the Conference Committee on Substitute House Bill No. 2055 was ruled out of order.

MOTION

On motion of Senator Owen, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2055 was returned to the Conference Committee.

MESSAGE FROM THE HOUSE

April 18, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5720 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 1991 c 352 s 10 (uncodified) is repealed.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Owen moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5720.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Owen that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5720.

The motion by Senator Owen carried on a rising vote and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5720.

MOTION

On motion of Senator Jesernig, further consideration of Engrossed Senate Bill No. 5720 was deferred.

MESSAGES FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2028, as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5239, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESHB 1512 April 24, 1993

Includes "NEW ITEM": YES

Changing provisions relating to dependent children

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, Dependent children, have had the same under consideration and we recommend that:

The Senate striking amendment(s) by Senators Talmadge, Hargrove, Fraser and Roach adopted on April 16, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 13.34.145 and 1989 1st ex.s. c 17 s 18 are each amended to read as follows:

(1) In all cases where a child has been placed in substitute care for at least fifteen months, the agency having custody of the child shall prepare a permanency ((planning)) plan and present it in a hearing ((shall be)) held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(((4)))(5). In addition the court shall: (a) Approve a ((permanent plan of care)) permanency plan which ((can)) shall include one of the following: Adoption, guardianship, ((or)) placement of the child in the home of the child's parent, relative placement with written permanency plan, or family foster care with written permanency agreement; (b) require filing of a petition for termination of parental rights; or (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond eighteen months, based on ((a permanent plan of care)) the permanency plan. Extensions may only be granted in increments of twelve months or less.

Sec. 2. RCW 13.34.180 and 1990 c 246 s 7 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(7), and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and

(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and

(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and

(4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(a) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(b) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been offered or provided.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 3. RCW 13.34.190 and 1992 c 145 s 15 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), (5), and (6) are established beyond a reasonable doubt; or

(3) The allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider whether one or more of the ((following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim)) aggravated circumstances listed in RCW 13.34.130(2) exist; and

(4) Such an order is in the best interests of the child.

Sec. 4. RCW 13.34.232 and 1981 c 195 s 3 are each amended to read as follows:

If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a guardianship for the child.

The order shall:

(1) Appoint a person or agency to serve as guardian;

(2) Specify the guardian's rights and responsibilities concerning the care, custody, and control of the child. A guardian shall not have the authority to consent to the child's adoption;

(3) Specify an appropriate frequency of visitation between the parent and the child; and

(4) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

The order shall not affect the child's status as a dependent child, and the child shall remain dependent for the duration of the guardianship.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

(a) Type of treatment;

(b) Nature of treatment;

(c) Length of treatment;

(d) A treatment time schedule; and

(e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate plan of treatment. The plan of treatment must be signed by treatment provider and the affected person. The initial written report based on the treatment plan and response to treatment shall be sent to appropriate persons six weeks after initiation of treatment, and after three months, after six months, after twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

The report with the treatment plan shall be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding: (a) The person's cooperation with the treatment plan proposed; and (b) the person's progress in treatment.

(4) In addition, if the party fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) The court or the department, upon receiving a report under section 5(4) of this act, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 7. RCW 13.34.110 and 1991 c 340 s 3 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if ((a)) the parties, their attorneys, the

guardian ad litem, and court-appointed special advocates, if any, are all in agreement~~((;but))~~. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 8. RCW 13.34.120 and 1987 c 524 s 5 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file ~~((and))~~, social study, guardian ad litem report, the court-appointed special advocates report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 9. RCW 13.34.150 and 1990 c 246 s 6 are each amended to read as follows:

Any order made by the court in the case of a dependent child may be changed, modified, or set aside, only upon a showing of a change in circumstance or as provided in section 8 of this act.

Sec. 10. RCW 13.34.162 and 1988 c 275 s 15 are each amended to read as follows:

A determination of child support shall be based upon the child support schedule and standards ~~((adopted))~~ provided under chapter 26.19 RCW ((26.19.040)).

NEW SECTION. Sec. 11. A new section is added to chapter 26.44 RCW to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(4) A person reporting injury, abuse, or neglect to an adult dependent person shall not suffer negative consequences if the person reporting believes in good faith that the adult dependent person has been found legally incompetent or disabled.

Sec. 12. RCW 26.44.020 and 1988 c 142 s 1 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ~~((podiatry))~~ podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults

or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "~~(Child)~~ Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, ~~((or))~~ negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed ~~((thereby))~~. An abused child is a child who has been subjected to child abuse or neglect as defined herein ~~((: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap))~~.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons ~~((not able to provide for their own protection through the criminal justice system))~~" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW ~~((or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW))~~.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child ~~((for commercial purposes as those acts are defined by state law))~~ by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW ~~((71.20.016))~~ 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

Sec. 13. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read as follows:

(1)(a) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(c) The report shall be made at the first opportunity, but ; and in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department ~~((of social and health services)) shall ((-within funds appropriated for this purpose-)) use a risk assessment ((tool)) process when investigating child abuse and neglect referrals. ((The tool shall be used, on a pilot basis, in three local office service areas-))~~ The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the ((ways and means)) appropriate committees of the senate and house of representatives on the ((use)) effectiveness of the ((tool by December 1, 1989- The report shall include recommendations on the continued use and possible expanded use of the tool)) risk assessment process.

(14) Upon receipt of ~~((such)) a report of abuse or neglect~~ the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

Sec. 14. RCW 26.44.040 and 1987 c 206 s 4 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child or adult dependent or developmentally disabled person;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult dependent or developmentally disabled person;
- (3) The nature and extent of the injury or injuries;
- (4) The nature and extent of the neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's or adult dependent or developmentally disabled person's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

Sec. 15. RCW 26.44.063 and 1988 c 190 s 3 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or

the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

- (a) Molesting or disturbing the peace of the alleged victim;
- (b) Entering the family home of the alleged victim except as specifically authorized by the court; or
- (c) Having any contact with the alleged victim, except as specifically authorized by the court.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

Sec. 16. RCW 26.44.067 and 1989 c 373 s 23 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order (~~when requested by any peace officer of the state~~) shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section shall bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 17. RCW 26.44.100 and 1985 c 183 s 1 are each amended to read as follows:

The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this (~~act~~) chapter, provided that nothing contained in this (~~act~~) chapter shall cause any delay in protective custody action.

NEW SECTION. Sec. 18. A new section is added to chapter 26.44 RCW to read as follows:

(1) If a person who has unsupervised visitation rights with a minor child pursuant to a court order is accused of sexually or physically abusing a child and the alleged abuse has been reported to the proper authorities for investigation, the law enforcement officer conducting the investigation may file an affidavit with the prosecuting attorney stating that the person is currently under investigation for sexual or physical abuse of a child and that there is a risk of harm to the child if a temporary restraining order is not entered. Upon receipt of the affidavit, the prosecuting attorney shall determine whether there is a risk of harm to the child if a temporary restraining order is not entered. If the prosecutor determines there is a risk of harm, the prosecutor shall immediately file a motion for an order to show cause seeking to restrict visitation with the child, and seek a temporary restraining order. The restraining order shall be issued for up to ninety days or until the investigation has been concluded in favor of the alleged abuser, whichever is shorter.

(2) Willful violation of a court order entered under this section is a misdemeanor. The court order shall state: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject the violator to arrest."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.145, 13.34.180, 13.34.190, 13.34.232, 13.34.110, 13.34.120, 13.34.150, 13.34.162, 26.44.020, 26.44.030, 26.44.040, 26.44.063, 26.44.067, and 26.44.100; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.44 RCW; and prescribing penalties.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Talmadge, Roach, Hargrove; Representatives Appelwick, Brough, Leonard.

MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1512 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1512, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1512, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5407,
SENATE BILL NO. 5638,
SUBSTITUTE SENATE BILL NO. 5704,
ENGROSSED SENATE BILL NO. 5745,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,
SECOND SUBSTITUTE SENATE BILL NO. 5836,
SENATE BILL NO. 5851,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5948,
SENATE BILL NO. 5977.

REPORT OF CONFERENCE COMMITTEE

EHB 1708 April 24, 1993

Includes "NEW ITEM": YES

Increasing the membership of the commission on student learning

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1708, Student learning commission, have had the same under consideration and we recommend that:

The Senate Committee on Education amendment(s) adopted, as amended, on April 9, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the student learning goals of the governor's council on education reform and funding, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed no later than ~~((February))~~ June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies of gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ The commission shall begin its substantive work subject to subsection (1) of this section.

~~((4))~~ (2) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (3) The commission, with the assistance of the technical advisory committees, shall:

(a) Identify what all elementary and secondary students need to know and be able to do. At a minimum, these essential academic learning requirements shall include reading, writing, speaking, science, history, geography, mathematics, and critical

thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary grades designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of methodologies, including performance-based measures. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the academic assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and shall lead to a certificate of mastery. The certificate of mastery shall be required for graduation. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Develop strategies that will assist educators in helping students master the essential academic learning requirements;

(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;

(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;

(h) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary academic assessment systems during the 1995-97 biennium and beyond;

(i) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements;

(j) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section;

(k) Report annually by December 1st to the legislature and the state board of education on the progress, findings, and recommendations of the commission; and

(l) Complete other tasks, as appropriate.

~~((6))~~ (4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

~~((7))~~ (5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

~~((8))~~ (6) The commission shall select an entity to provide staff support and the office of financial management shall contract with that entity. The commission may direct the office of financial management to enter into subcontracts with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

~~((9))~~ (7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28A.630.885; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Pelz, Hochstatter, McAuliffe; Representatives Dorn, Brough, Cothorn.

Senator Pelz moved that the Senate adopt the Report of the Conference Committee on Engrossed House Bill No. 1708. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do adopt the Report of the Conference Committee on Engrossed House Bill No. 1708.

The motion by Senator Pelz carried and the Senate adopted the Report of the Conference Committee on Engrossed House Bill No. 1708.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1708, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1708, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Barr, Cantu and von Reichbauer - 3.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED HOUSE BILL NO. 1708, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 1785 April 24, 1993

Includes "NEW ITEM": YES

Creating jobs to restore and enhance Washington's estuaries,
waterways, forests, and watersheds

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, Waterway/watershed restoratn, have had the same under consideration and we recommend that:

The Senate Committee on Trade, Technology and Economic Development striking amendment(s) adopted, as amended, on April 12, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) The legislature finds that the long-term health of the economy of Washington state depends on the sustainable management of its natural resources. Washington's forests, estuaries, waterways, and watersheds provide a livelihood for thousands of citizens of Washington state and millions of dollars of income and tax revenues every year from forests, fisheries, shellfisheries, recreation, tourism, and other water-dependent industries.

(2) The legislature further finds that the livelihoods and revenues produced by Washington's forests, estuaries, waterways, and watersheds would be enhanced by immediate investments in clean water infrastructure and habitat restoration.

(3) The legislature further finds that an insufficiency in financial resources, especially in timber-dependent communities, has resulted in investments in clean water and habitat restoration too low to ensure the long-term economic and environmental health of Washington's forests, estuaries, waterways, and watersheds.

(4) The legislature further finds that unemployed workers and Washington's economically distressed communities, especially timber-dependent areas, can benefit from opportunities for employment in environmental restoration projects.

(5) The legislature therefore declares that immediate investments in a variety of environmental restoration projects, based on sound principles of watershed management and environmental and forest restoration, are necessary to rehabilitate damaged watersheds and to assist dislocated workers and the unemployed gain job skills necessary for long-term employment.

NEW SECTION. Sec. 2. PURPOSE AND INTENT--DEFINITIONS. (1) It is the intent of this chapter to provide financial resources to make substantial progress toward: (a) Implementing the Puget Sound water quality management plan and other watershed-based management strategies and plans; (b) ameliorating degradation to watersheds; and (c) keeping and creating stable, environmentally sound, good wage employment in Washington state. The legislature intends that employment under this chapter is not to result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

(2) It is the purpose of this chapter to:

(a) Implement clean water, forest, and habitat restoration projects that will produce measurable improvements in water and habitat quality, that rate highly when existing environmental ranking systems are applied, and that provide economic stability.

(b) Facilitate the coordination and consistency of federal, state, tribal, local, and private water and habitat protection and enhancement programs in the state's watersheds.

(c) Fund necessary projects for which a public planning process has been completed.

(d) Provide immediate funding to create jobs and training for environmental restoration and enhancement jobs for unemployed workers and displaced workers in impact areas, especially timber-dependent communities.

(3) For purposes of this chapter "impact areas" means: (a) Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty areas in those counties not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (c) urban subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that the task force determines are likely to experience dislocations in the near future from downturns in natural resource-based industries.

(4) For purposes of this chapter, "high-risk youth" means youth eligible for Washington conservation corps programs under chapter 43.220 RCW or Washington service corps programs under chapter 50.65 RCW.

(5) For purposes of this chapter, "dislocated forest products worker" has the meaning set forth in RCW 50.70.010.

(6) For purposes of this chapter, "task force" means the environmental enhancement and job creation task force created under section 5 of this act.

NEW SECTION. Sec. 3. ENVIRONMENTAL AND FOREST RESTORATION ACCOUNT. (1) The environmental and forest restoration account is established in the state treasury. Money in the account may be spent only after appropriation by the legislature and in a manner consistent with this chapter. Private nonprofit organizations and state, local, and tribal entities are eligible for funds under this chapter. Money in the account may be used to make grants, loans, or interagency contracts as needed to implement environmental and forest restoration projects.

(2) For fiscal years 1994 through 1998, at least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in rural communities impacted by the decline in timber harvest levels as defined in chapter 50.70 RCW and that employ displaced timber workers. These projects may include watershed restoration such as removing or upgrading roads to reduce erosion and sedimentation, and improvements in forest habitat such as thinning and pruning. Beginning July 1, 1998, at least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in counties with unemployment rates above the state average.

(3) The environmental and forest restoration account shall consist of funds appropriated by law, principal and interest from the repayment of loans granted under this chapter, and federal and other money received by the state for deposit in the account.

(4) At least ten percent of the funds distributed from the environmental and forest restoration account annually shall be allocated to the Washington conservation corps established under chapter 43.220 RCW to employ high-risk youth on projects consistent with this chapter and to fund administrative support services required by the senior environmental corps established under chapter 43.63A RCW.

(5) At least five percent of the funds distributed from the environmental and forest restoration account annually shall be used for contracts with nonprofit corporations to fund or finance projects, including those that increase private sector investments in pollution prevention activities and equipment and that are consistent with the provisions of this section and section 4 of this act.

(6) No more than five percent of the annual revenues to the environmental and forest restoration account may be expended for administrative purposes by any state agency or project administration; however, funds expended by the Washington conservation corps shall be subject solely to the limitations set forth in RCW 43.220.230.

(7) Except for essential administrative and supervisory purposes, funds in the environmental and forest restoration account may not be used for hiring permanent state employees.

NEW SECTION. Sec. 4. GRANTS OR LOANS FOR ENVIRONMENTAL AND FOREST RESTORATION PROJECTS--CRITERIA. (1) Subject to the limitations of section 3 of this act, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after the effective date of this act:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to Puget Sound water quality authority rules adopted for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

NEW SECTION. Sec. 5. ENVIRONMENTAL ENHANCEMENT AND JOB CREATION TASK FORCE. (1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force

is to provide a coordinated and comprehensive approach to implementation of chapter . . . , Laws of 1993 (this act). The task force shall consist of the commissioner of public lands, the director of the department of wildlife, the director of the department of fisheries, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget sound water quality authority, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community development, the department of trade and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in section 4 of this act, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department;

(d) No later than December 31, 1993, providing recommendations to the appropriate standing committees of the legislature for improving the administration of grants for projects or training programs funded under this chapter that prevent habitat and environmental degradation or provide for its restoration;

(e) Submitting to the appropriate standing committees of the legislature a biennial report summarizing the jobs and the environmental benefits created by the projects funded under this chapter.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with section 4 of this act; and

(c) To determine funding allocations for projects to be funded from the account created in section 3 of this act and for projects or programs as designated in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 6. FIRST YEAR PROJECT FUNDING. The legislature recognizes the need for immediate job creation and environmental and forest restoration, especially in timber-dependent communities. For fiscal year 1994, funding to implement the purposes of this chapter shall be provided through individual agency appropriations as specified in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 7. UNANTICIPATED FEDERAL FUNDS. When an agency submits an unanticipated federal receipt under RCW 43.79.270, the governor shall consider placing these funds into the environmental and forest restoration account or requiring that the funds be used in a manner consistent with the criteria established in section 4 of this act.

NEW SECTION. Sec. 8. RECRUITMENT AND EMPLOYMENT. (1) Eligibility for training or employment in projects funded through the environmental and forest restoration account shall, to the extent practicable, be for workers who are currently unemployed.

(2) To the greatest extent practicable, the following groups of individuals shall be given preference for training or employment in projects funded through the environmental and forest restoration account:

(a) Dislocated workers who are receiving unemployment benefits or have exhausted unemployment benefits; and

(b) High-risk youth.

(3) Projects funded for forest restoration shall be for workers whose employment was terminated in the Washington forest products industry within the previous four years.

(4) The task force shall submit a list to private industry councils and the employment security department of projects receiving funds under the provisions of this chapter. The list shall include the number, location, and types of jobs expected to be provided by each project. The employment security department shall recruit workers for these jobs by:

(a) Notifying dislocated forest workers who meet the definitions in chapter 50.70 RCW, who are receiving unemployment benefits or who have exhausted unemployment benefits, of their eligibility for the programs;

(b) Notifying other unemployed workers;

(c) Developing a pool of unemployed workers including high-risk youth eligible to enroll in the program; and

(d) Establishing procedures for workers to apply to the programs.

(5) The employment security department shall refer eligible workers to employers hiring under the environmental and forest restoration account programs. Recipients of funds shall consider the list of eligible workers developed by the employment security department before conducting interviews or making hiring decisions. Recipients of funds shall ensure that workers are aware of whatever opportunities for vocational training, job placement, and remedial education are available from the employment security department.

(6) An individual is eligible for applicable employment security benefits while participating in training related to this chapter. Eligibility shall be confirmed by the commissioner of employment security by submitting a commissioner-approved training waiver.

(7) Persons receiving funds from the environmental and forest restoration account shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave, vacation, and civil service but shall receive health benefits. Persons receiving funds from this account who are hired by a state agency, except for Washington conservation and service corps enrollees, shall receive medical and dental benefits as provided under chapter 41.05 RCW and industrial insurance coverage under Title 51 RCW, but are exempt from the provisions of chapter 41.06 RCW.

(8) Compensation for employees, except for Washington conservation and service corps enrollees, hired under the program established by this chapter shall be based on market rates in accordance with the required skill and complexity of the jobs

created. Remuneration paid to employees under this chapter shall be considered covered employment for purposes of chapter 50.04 RCW.

(9) Employment under this program shall not result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

NEW SECTION. Sec. 9. An individual shall be considered to be in training with the approval of the commissioner as defined in RCW 50.20.043, and be eligible for applicable unemployment insurance benefits while participating in and making satisfactory progress in training related to this chapter.

NEW SECTION. Sec. 10. For the purpose of providing the protection of the unemployment compensation system to individuals at the conclusion of training or employment obtained as a result of this chapter, a special base year and benefit year are established.

(1) Only individuals who have entered training or employment provided by the environmental and forest restoration account, and whose employment or training under such account was not considered covered under chapter 50.04 RCW, shall be allowed the special benefit provisions of this chapter.

(2) An application for initial determination made under this chapter must be filed in writing with the employment security department within twenty-six weeks following the week in which the individual commenced employment or training obtained as a result of this chapter. Notice from the individual, from the employing entity, or notice of hire from employment security department administrative records shall satisfy this requirement.

(3) For the purpose of this chapter, a special base year is established for an individual consisting of the first four of the last five completed calendar quarters, or if a benefit year is not established using the first four of the last five completed calendar quarters as the base year, the last four completed calendar quarters immediately prior to the first day of the calendar week in which the individual began employment or training provided by the environmental and forest restoration account.

(4) A special individual benefit year is established consisting of the entire period of training or employment provided by the environmental and forest restoration account and a fifty-two consecutive week period commencing with the first day of the calendar week in which the individual last participated in such employment or training. No special benefit year shall have a duration in excess of three hundred twelve calendar weeks. Such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year may elect to establish a special benefit year under this chapter, notwithstanding the provisions in RCW 50.04.030 relating to establishment of a subsequent benefit year, and RCW 50.40.010 relating to waiver of rights. Such unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish a special benefit year under this chapter.

(5) The individual's weekly benefit amount and maximum amount payable during the special benefit year shall be governed by the provisions contained in RCW 50.20.120. The individual's basic and continuing right to benefits shall be governed by the general laws and rules relating to the payment of unemployment compensation benefits to the extent that they are not in conflict with the provisions of this chapter.

(6) The fact that wages, hours, or weeks worked during the special base year may have been used in computation of a prior valid claim for unemployment compensation shall not affect a claim for benefits made under the provisions of this chapter. However, wages, hours, and weeks worked used in computing entitlement on a claim filed under this chapter shall not be available or used for establishing entitlement or amount of benefits in any succeeding benefit year.

(7) Benefits paid to an individual filing under the provisions of this section shall not be charged to the experience rating account of any contribution paying employer.

NEW SECTION. Sec. 11. On or before June 30, 1998, the legislative budget committee shall prepare a report to the legislature evaluating the implementation of the environmental restoration jobs act of 1993, chapter . . . , Laws of 1993 (this act).

NEW SECTION. Sec. 12. RCW 43.220.900 and 1987 c 367 s 5 & 1983 1st ex.s. c 40 s 22 are each repealed.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

The Washington conservation corps and its powers and duties shall be terminated on June 30, 1999, as provided in section 14 of this act.

NEW SECTION. Sec. 14. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 43.220.010 and 1983 1st ex.s. c 40 s 2;
- (2) RCW 43.220.020 and 1988 c 36 s 23 & 1983 1st ex.s. c 40 s 1;
- (3) RCW 43.220.030 and 1987 c 367 s 1 & 1983 1st ex.s. c 40 s 3;
- (4) RCW 43.220.040 and 1987 c 367 s 2 & 1983 1st ex.s. c 40 s 4;
- (5) RCW 43.220.050 and 1983 1st ex.s. c 40 s 5;
- (6) RCW 43.220.060 and 1987 c 505 s 44 & 1983 1st ex.s. c 40 s 6;
- (7) RCW 43.220.070 and 1990 c 71 s 2, 1988 c 78 s 1, & 1986 c 266 s 48;
- (8) RCW 43.220.080 and 1983 1st ex.s. c 40 s 8;
- (9) RCW 43.220.090 and 1983 1st ex.s. c 40 s 9;
- (10) RCW 43.220.120 and 1988 c 36 s 24 & 1983 1st ex.s. c 40 s 12;
- (11) RCW 43.220.130 and 1983 1st ex.s. c 40 s 13;
- (12) RCW 43.220.140 and 1983 1st ex.s. c 40 s 14;
- (13) RCW 43.220.150 and 1983 1st ex.s. c 40 s 15;
- (14) RCW 43.220.160 and 1983 1st ex.s. c 40 s 16;
- (15) RCW 43.220.170 and 1983 1st ex.s. c 40 s 17;
- (16) RCW 43.220.180 and 1983 1st ex.s. c 40 s 18;
- (17) RCW 43.220.190 and 1987 c 367 s 3 & 1983 1st ex.s. c 40 s 20;
- (18) RCW 43.220.210 and 1987 c 367 s 4 & 1985 c 230 s 1;
- (19) RCW 43.220.220 and 1985 c 230 s 2;
- (20) RCW 43.220.230 and 1990 c 71 s 3 & 1985 c 230 s 3;
- (21) RCW 43.220.240 and 1985 c 230 s 4; and

(22) RCW 43.220.250 and 1985 c 230 s 5.

NEW SECTION. Sec. 15. SHORT TITLE. This act shall be known as the environmental restoration jobs act of 1993.

NEW SECTION. Sec. 16. CAPTIONS AND PART HEADINGS. Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 17. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 20. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 2 of the title, after "watersheds;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.220.900; providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Fraser, Barr, Skratek; Representatives Rust, Horn, Kohl.

MOTION

Senator Fraser moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1785.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1785.

The motion by Senator Fraser carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1785.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1785, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1785, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Sutherland, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Sutherland, the following resolution was adopted:

SENATE RESOLUTION 1993-8647

By Senators Sutherland and Bauer

WHEREAS, The Phi Rho Pi speech and debate competition traditionally showcases exceptional talent from community colleges across the nation; and

WHEREAS, The Phi Rho Pi is the largest forensic competition in the nation with over sixty colleges and six hundred participants; and

WHEREAS, The Clark College Penguins have an outstanding academic and athletic tradition; and

WHEREAS, The Penguins capped an exceptional forensic season by winning first in the nation in the individual speaking and debate competitions; and

WHEREAS, Team members Kim Triplett, Jeff Markle, Jennifer Close, Bill Knight, and Beth Huston showed their mastery of issues and the English language by winning numerous individual awards; and

WHEREAS, Coach Orv Iverson received the Distinguished Service Award for his contributions to forensic competition and his notable coaching ability;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize the outstanding accomplishments of the Clark College Forensics Team; and

BE IT FURTHER RESOLVED, That the Senate also recognize and applaud the leadership of Coaches Orv Iverson and Roxane Sutherland and Clark College President Dr. Joe Johnson; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Penguins Coaches, Orv Iverson and Roxane Sutherland, Clark College President Dr. Joe Johnson, and to the Student Body President at Clark College.

Senators Sutherland and Bauer spoke to Senate Resolution 1993-8647.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House receded from its amendment to page 5, line 34, to SENATE BILL NO. 5474, and has passed the bill without said amendment, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8; and the bill failed to pass the Senate by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Drew, Franklin, Fraser, Gaspard, Jesernig, McCaslin, Moore, Moyer, Nelson, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Talmadge, Vognild and von Reichbauer - 19.

Voting nay: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, Loveland, McAuliffe, McDonald, Newhouse, Niemi, Oke, Owen, Prince, Roach, Sellar, Smith, A., Smith, L., Snyder, Sutherland, West, Williams, Winsley and Wojahn - 28.

Excused: Senators Haugen and Spanel - 2.

SENATE BILL NO. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Senator Adam Smith, having voted on the prevailing side, served notice that he would move to reconsider the vote by which Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8; failed to pass the Senate.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5720, as amended by the House, deferred earlier today.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5720, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 19.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SENATE BILL NO. 5720, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5971 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.235.140 and 1989 c 239 s 2 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Free or reduced-price lunches" means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. Requirements that school districts have school breakfast programs (~~established~~) under this section (~~shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and~~) shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.235 RCW to read as follows:

State funds received by school districts under this chapter for school breakfast and lunch programs shall be used to support the operating costs of the program, including labor, unless specific appropriations for nonoperating costs are provided.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

(1) To the extent funds are appropriated, the superintendent of public instruction may award grants to school districts to increase participation in school breakfast and lunch programs, to improve program quality, and to improve the equipment and facilities used in the programs. School districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated, the superintendent of public instruction shall increase the state support for school breakfasts and lunches.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The superintendent of public instruction shall administer funds for the federal summer food service program.

(2) The superintendent of public instruction may award grants, to the extent funds are appropriated, to eligible organizations to help start new summer food service programs for children or to help expand summer food services for children.

Sec. 5. RCW 28A.235.100 and 1990 c 33 s 245 are each amended to read as follows:

The superintendent of public instruction shall have power to (~~promulgate~~) adopt rules (~~and regulations~~) as may be necessary to effectuate the purposes of (~~RCW 28A.235.040 through 28A.235.110~~) this chapter.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void.", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

Senator Pelz moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5971.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pelz that the Senate do concur in the House amendment to Substitute Senate Bill No. 5971.

The motion by Senator Pelz carried on a rising vote and the Senate concurred in the House amendment to Substitute Senate Bill No. 5971.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5971, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5971, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Bluechel, Cantu, Deccio, Drew, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moyer, Nelson, Newhouse, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Smith, A., Snyder and Winsley - 31.

Voting nay: Senators Amondson, Barr, Erwin, Franklin, McCaslin, Moore, Niemi, Skratek, Smith, L., Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Wojahn - 15.

Absent: Senator West - 1.

Excused: Senators Haugen and Spanel - 2.

SUBSTITUTE SENATE BILL NO. 5971, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5978 with the following amendment(s):

On page 2, line 12, after "July 1," strike "1997" and insert "1995"

On page 2, line 14, after (~~1993~~) strike "1997" and insert "1995", and the same are herewith transmitted.

MARILYN SHOWALTER, Deputy Chief Clerk

MOTION

Senator Vognild moved that the Senate concur in the House amendments to Engrossed Senate Bill No. 5978.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5978.

The motion by Senator Vognild carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 5978.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5978, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5978, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Williams and Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., Vognild, von Reichbauer, West and Winsley - 22.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SENATE BILL NO. 5978, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5981 with the following amendment(s):

On page 11, line 9, after "applications" insert "or notifications"

On page 11, line 11, after "dollars for" strike all material through "WAC 222-16-050." on line 12 and insert "class IV forest practices applications on lands being converted to other uses or on lands which are not to be reforested because of the likelihood of future conversion to urban development.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5981.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5981, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5981, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognilid, West, Winsley and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and Williams - 19.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5981, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1855 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESHB 1529 April 24, 1993

Includes "NEW ITEM": YES

Reauthorizing certain timber programs

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, Timber programs reauthorized, have had the same under consideration and we recommend that:

The Senate Committee on Trade, Technology and Economic Development striking amendment(s) adopted on April 8, 1993, not be adopted, and that the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.31.611 and 1991 c 314 s 3 are each amended to read as follows:

(1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to timber impact areas.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serving as executive secretary of the economic recovery coordination board and directing staff associated with the board.

(b) Chairing the agency timber task force and directing staff associated with the task force.

(c) Coordinating and maximizing the impact of state and federal assistance to timber impact areas.

(d) Coordinating and expediting programs to assist timber impact areas.

(e) Providing the legislature with a status and impact report on the timber recovery program in January 1992.

(3) This section shall expire June 30, (~~1993~~) 1995.

Sec. 2. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

(1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the

following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community and technical colleges ((education)), state ((board for vocational education)) work force training and education coordinating board, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, ((1993)) 1995.

Sec. 3. RCW 43.31.631 and 1991 c 314 s 6 are each amended to read as follows:

(1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each county that is a timber impact area. The timber recovery coordinator shall also be a member of the board. Each associate development organization from counties that are timber impact areas, in consultation with the county legislative authority, shall submit to the governor the names of three nominees representing different interests in each county. Within sixty days after July 28, 1991, the governor shall select one nominee from each list submitted by associate development organizations. In making the appointments, the governor shall endeavor to ensure that the board represents a diversity of backgrounds. Vacancies shall be filled in the same manner as the original appointment.

(2) The board shall:

(a) Advise the timber recovery coordinator and the agency timber task force on issues relating to timber impact area economic and social development, and review and provide recommendations on proposals for the diversification of the timber impact areas presented to it by the timber recovery coordinator.

(b) Respond to the needs and concerns of citizens at the local level.

(c) Develop strategies for the economic recovery of timber impact areas.

(d) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that affect timber impact areas.

(e) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber impact areas.

(3) Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) This section shall expire June 30, ((1993)) 1995.

Sec. 4. RCW 43.160.200 and 1991 c 314 s 23 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

(12) Cities and counties otherwise eligible under and in compliance with this section are authorized to use the loans or grants for buildings and structures.

Sec. 5. 1991 c 314 s 26 (uncodified) is amended to read as follows:

(1) For the period beginning July 1, 1991, and ending June 30, ~~((1993))~~ 1995, in timber impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27 of this act:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

Sec. 6. 1991 c 314 s 32 (uncodified) is amended to read as follows:

RCW 43.160.076 and 1991 c 314 s 24 and 1985 c 446 s 6 are each repealed effective June 30, ~~((1993))~~ 1995.

Sec. 7. 1991 c 314 s 33 (uncodified) is amended to read as follows:

RCW 43.160.200 expires June 30, ~~((1993))~~ 1995.

Sec. 8. 1991 c 314 s 34 (uncodified) is amended to read as follows:

~~((Section 25 of this act))~~ RCW 43.160.210 shall take effect July 1, ~~((1993))~~ 1995.

Sec. 9. 1991 c 315 s 2 (uncodified) is amended to read as follows:

(1) Coordination of the programs in this act shall be through the economic recovery coordination board created in RCW 43.31.631, the timber recovery coordinator created in RCW 43.31.611, and the agency timber task force created in RCW 43.31.621.

(2) This section shall expire June 30, ~~((1993))~~ 1995.

Sec. 10. RCW 50.22.090 and 1992 c 47 s 2 are each amended to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after July 1, 1991, and for the forest products industry beginning with the third week after the first Sunday after July 1, 1991. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July ~~((3))~~ 1, ~~((1993))~~ 1995, but for claims established on or before July ~~((3))~~ 1, ~~((1993))~~ 1995, weeks of unemployment occurring after July ~~((3))~~ 1, ~~((1993))~~ 1995, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be ~~((fifty-two))~~ one hundred four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than ~~((one))~~ two years beyond the end of the benefit year of the regular claim for an individual whose benefit year ends on or after July 27, 1991, and shall not be payable for weeks ending on or after ~~((one))~~ two years after March 26, 1992, for individuals who become eligible as a result of chapter 47, Laws of 1992 ~~((and shall be payable for up to five weeks following the completion of the training required by this section))~~.

(c) Notwithstanding the provisions of (b) of this subsection, individuals will be entitled to up to five additional weeks of benefits following the completion or termination of training.

~~((d))~~ (d) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

~~((e))~~ (e) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(f) The amendments in chapter . . . , Laws of 1993 (this act) affecting subsection (3) (b) and (c) of this section shall apply in the case of all individuals determined to be monetarily eligible under this section without regard to the date eligibility was determined.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b)(i) Has received notice of termination or layoff; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i)(A) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after July 1, 1991, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(B) Is unemployed as the result of a plant closure that occurs after November 1, 1992, in a county identified under subsection (2) of this section, did not comply with the requirements of (c)(i)(A) of this subsection due to good cause as demonstrated to the department, such as ambiguity over possible sale of the plant, develops a training program that is submitted to the commissioner for approval not later than sixty days from a date determined by the department to accommodate the good cause, and enters the approved training program not later than ninety days after the revised date established by the department, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

(7) For the purpose of this section, an individual who has a benefit year beginning after January 1, 1989, and ending before July 27, 1991, shall be treated as if his or her benefit year ended on July 27, 1991.

NEW SECTION. Sec. 11. Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1993."

On page 1, line 2 of the title, after "1991;" strike the remainder of the title and insert "amending RCW 43.31.611, 43.31.621, 43.31.631, 43.160.200, and 50.22.090; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); amending 1991 c 314 s 34 (uncodified); amending 1991 c 315 s 2 (uncodified); providing an effective date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Skratek, Hargrove; Representatives Springer, Jones.

MOTION

Senator Hargrove moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1529.

Debate ensued.

POINT OF INQUIRY

Senator Linda Smith: "Senator Hargrove, it is not all that tough and I am just wanting to make sure that I understand. I don't think that it just extends to cities and counties. I think it also extends to buildings. Is there already something in the law--I've never seen it used for buildings--I've just seen it used for infrastructure in my communities. Is this an expansion beyond, also?"

Senator Hargrove: "No, what I tried to make clear, and apparently did not, currently ports can get CERB funds to do structures. Port districts can, that is current law. There are some places in these distressed areas that do not fall within a Port District--small cities for instance. To do economic development, we would be extending that provision for buildings and structures, like an industrial park, to these small cities. Now, ports currently can. I wanted to make that clear. Ports can use this money for structures. Again, it is on an application basis. It goes through the CERB Board, nothing is guaranteed to be spent."

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1529.

The motion by Senator Hargrove carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1529.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1529, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1529, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Barr, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Sellar and West - 15.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 1509 April 24, 1993

Includes "NEW ITEM": YES

Increasing flexibility of institutions of higher education

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, Higher ed administration, have had the same under consideration and we recommend that:

The Senate striking amendment(s) by Senator Bauer adopted, as amended, on April 15, 1993, be adopted with the following Conference Committee amendments to page 26, after line 27, and page 28, after line 14, of the striking amendment and the corresponding title amendments be adopted:

On page 26, after line 27, strike all of section 306 and insert the following:

"**Sec. 306.** RCW 41.06.070 and 1993 c ... (Engrossed Substitute House Bill No. 2054) s 21 are each amended to read as follows:

- (1) The provisions of this chapter do not apply to:
 - (a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
 - (b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
 - (c) Officers, academic personnel, and employees of technical colleges;
 - (d) The officers of the Washington state patrol;
 - (e) Elective officers of the state;
 - (f) The chief executive officer of each agency;
 - (g) In the departments of employment security, fisheries, social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;
 - (h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
 - (i) All members of such boards, commissions, or committees;
 - (ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;
 - (iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;
 - (iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;
 - (i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
 - (j) Assistant attorneys general;
 - (k) Commissioned and enlisted personnel in the military service of the state;
 - (l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;
 - (m) The public printer or to any employees of or positions in the state printing plant;
 - (n) Officers and employees of the Washington state fruit commission;
 - (o) Officers and employees of the Washington state apple advertising commission;
 - (p) Officers and employees of the Washington state dairy products commission;
 - (q) Officers and employees of the Washington tree fruit research commission;
 - (r) Officers and employees of the Washington state beef commission;
 - (s) Officers and employees of any commission formed under chapter 15.66 RCW;
 - (t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;
 - (u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;
 - (v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted by the Washington personnel resources board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(x) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(y) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(z) All employees of the marine employees' commission;

(aa) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training ~~((, and principal assistants to executive heads of major administrative or academic divisions,))~~ as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington;

(3) In addition to the exemptions specifically provided by this chapter, the Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (1) (x) and (y) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1) (j) through (v) and (2) of this section, shall be determined by the Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 307. RCW 28B.16.200 and 1979 c 151 s 18 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, the budget for which shall be subject to review and approval and appropriation by the legislature. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges ((education)) and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged

against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

(2) If employees cease to be classified under this chapter pursuant to an agreement authorized by section 304 of this act, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel board service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel board service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board based on the salaries and wages of the remaining employees classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature. The director of financial management shall report the amount and impact of any across-the-board reductions made under this section to the appropriations committee of the house of representatives and the ways and means committee of the senate, or appropriate successor committees, within thirty days of making the reductions.

(3) Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

NEW SECTION. Sec. 308. A new section is added to chapter 41.06 RCW to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of institutions of higher education and related boards, the budget for which shall be subject to review and approval and appropriation by the legislature. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges and credited to the higher education personnel service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

(2) If employees of institutions of higher education cease to be classified under this chapter pursuant to an agreement authorized by section 304 of this act, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board for community and technical colleges based on the salaries and wages of the remaining employees of institutions of higher education and related boards classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature. The director of financial management shall report the amount and impact of any across-the-board reductions made under this section to the appropriations committee of the house of representatives and the ways and means committee of the senate, or appropriate successor committees, within thirty days of making the reductions.

(3) Moneys from the higher education personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 309. RCW 41.06.280 and 1993 c ... (Engrossed Substitute House Bill No. 2054) s 34 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "department of personnel service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.--- and 41.06.--- (sections 9 and 12, chapter ... (Engrossed Substitute House Bill No. 2054), Laws of 1993).

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and deposited by him in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, after line 14, insert the following:

NEW SECTION. Sec. 401. Section 305 of this act shall take effect if section 21 of Engrossed Substitute House Bill No. 2054 is not signed into law by June 30, 1993.

NEW SECTION. Sec. 402. Section 306 of this act shall take effect if section 21 of Engrossed Substitute House Bill No. 2054 is signed into law by June 30, 1993.

NEW SECTION. Sec. 403. Section 307 of this act shall take effect if section 68 of Engrossed Substitute House Bill No. 2054 is not signed into law by June 30, 1993.

NEW SECTION. Sec. 404. Section 308 of this act shall take effect if sections 34 and 68 of Engrossed Substitute House Bill No. 2054 are signed into law by June 30, 1993.

NEW SECTION. Sec. 405. Section 309 of this act shall take effect if section 34 of Engrossed Substitute House Bill No. 2054 is signed into law by June 30, 1993."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 29, line 3 of the title amendment, after "28B.16.040," strike "and 28B.16.200" and insert "41.06.070, 28B.16.200, and 41.06.280"

On page 29, line 6 of the title amendment, after "41.56 RCW;" insert "adding a new section to chapter 41.06 RCW;"

On page 29, line 7 of the title amendment, after "28B.16 RCW;" strike "creating a new section" and insert "creating new sections", and the bill do pass as recommended by the Conference Committee.

Signed by: Senators Bauer, Rinehart; Representatives Locke, Brumsickle, Sommers.

MOTION

Senator Bauer moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1509.

POINT OF INQUIRY

Senator Anderson: "Senator Bauer, I feel comfortable with the explanation you have given us so far, but there had been some talk of having the tuition fee increase in this bill. Is that present in the Conference Committee Report?"

Senator Bauer: "Tuition fee increase?"

Senator Anderson: "Right."

Senator Bauer: "In Engrossed Senate Bill No. 1509, we allowed the institutions to retain the tuition, but we did not put a fee increase in this bill."

Senator Anderson: "And that is the same--"

Senator Bauer: "There is another bill with the tuition coming along."

Senator Anderson: "That is not in here, though?"

Senator Bauer: "No, not an increase."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1509.

The motion by Senator Bauer carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1509.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1509, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1509, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 37.

Voting nay: Senators Barr, Cantu, McCaslin, Nelson, Newhouse, Oke, Prince, Sellar, Smith, L. and von Reichbauer - 10.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 1562 April 23, 1993

Includes "NEW ITEM": YES

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households

MR. PRESIDENT:

MR. SPEAKER:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, Property tax limitations, have had the same under consideration and we recommend that:

The Senate amendment(s) by Senator West to page 2, lines 7 and 18; page 4, strike all of section 4; and page 1, line 4; of the title, adopted on April 17, 1993, be not adopted, and that the following Conference Committee amendment to page 4, line 32, be adopted:

On page 4, line 32, after "then" strike "these levies" and insert "the levies imposed under RCW 84.34.230 and section 2 of this act, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Fraser, Prentice; Representatives Brown, H. Myers.

MOTION

Senator Fraser moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1562.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate do adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1562.

The motion by Senator Fraser carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 1562.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1562, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1562, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Barr, Bauer, Deccio, Franklin, Fraser, Gaspard, Jesernig, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Bluechel, Cantu, Drew, Erwin, Hargrove, Hochstatter, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Rasmussen, M., Roach, Sellar, Smith, L., von Reichbauer and West - 20.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Adam Smith moved to reconsider the vote by which Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8, failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Adam Smith that the Senate reconsider the vote by which Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8, failed to pass the Senate.

The motion for reconsideration of Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8, carried.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Moyer, Nelson, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Hochstatter, McDonald, Newhouse, Niemi, Oke, Owen, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Excused: Senators Haugen and Spanel - 2.

SENATE BILL NO. 5474, without the House amendment on page 5, line 34, but with the House amendments on page 3, line 32; page 6, line 15; and page 18, line 8, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5844 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESSB 5844 April 23, 1993

Includes "NEW ITEM": YES

Allowing volunteers to assist agencies to serve at-risk children's needs

MR. SPEAKER:

MR. PRESIDENT:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, allowing volunteers to assist agencies to serve at-risk children's needs, have had the same under consideration and we recommend that:

All previous amendment(s) not be adopted, and that the following Conference Committee amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.150 RCW to read as follows:

A volunteer organization or individual volunteer may assist a public agency, with the agency's approval, in a collaborative program designed to serve the needs of at-risk children. The center, with the advice and counsel of the attorney general, shall develop guidelines defining at-risk children and establish reasonable safety standards to protect the safety of program participants and volunteers, including but not limited to background checks as appropriate as provided in RCW 43.43.830 through 43.43.834. In carrying out the volunteer activity, the individual volunteer or member of the volunteer organization shall not be considered to be an employee or agent of any public agency involved in the collaborative program. The public agency shall have no liability for any acts of the individual volunteer or volunteer organization. Prior to participation, a volunteer and the public agency administering the collaborative program shall sign a written master agreement, approved in form by the attorney general, that includes provisions defining the scope of the volunteer activities and waiving any claims against each other. A volunteer organization or individual volunteer shall not be liable for civil damages resulting from any act or omission arising from volunteer activities which comply with safety standards issued by the center for volunteerism and citizen service, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

On page 1, line 2 of the title after "children;" strike the remainder of the title and insert "and adding a new section to chapter 43.150.RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Haugen, Winsley, McAuliffe; Representatives Leonard, Brown, Cooke.

MOTION

On motion of Senator McAuliffe, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5844 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5844, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5844, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Haugen and Spanel - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5375 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SB 5375 April 22, 1993

Includes "NEW ITEMS": YES

Regulating personal service contracts

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5375, regulating personal service contracts, have had the same under consideration and we recommend that the House Floor Amendments by Representatives Ogden and Valle on page 1, line 11; and page 4, after line 8; adopted April 8, 1993, be adopted with the following changes:

On page 1, line 22 of the amendment, after "newspapers" strike all material through "management" on line 24; and

On page 1, line 31 of the amendment, after "year." strike "The office of financial management" and insert "Agencies", and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Haugen, Bauer; Representatives Ogden, Valle, Reams.

MOTION

Senator Bauer moved that the Senate adopt the Report of the Conference Committee on Senate Bill No. 5375.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do adopt the Report of the Conference Committee on Senate Bill No. 5375.

3. The motion by Senator Bauer carried and the Senate adopted the Report of the Conference Committee on Senate Bill No. 5375.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5375, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5375, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 47.

Excused: Senators Haugen and Spanel - 2.

SENATE BILL NO. 5375, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2135, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2135 by Representative G. Fisher

Relating to revenue.

MOTION

Senator Jesernig moved that the rules be suspended and Engrossed House Bill No. 2135 be advanced to second reading and placed on the second reading calendar.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. Mr. President, I believe that Engrossed House Bill No. 2135 is improperly before us. It, in fact, violates House Concurrent Resolution No. 4420 in that that particular House Concurrent Resolution required that all matters now before us must be necessary to implement the budget. No budget document that we have made reference at all to Engrossed House Bill No. 2135.

"In addition, I would like to point out that the bill as introduced in the House of Representatives, an act relating to revenue, had as its title, 'this act shall be know as the revenue act of 1993.' Subsequent to that time through the process, there is now an addition of information in this particular bill that imposes an excise tax of ten percent for the privilege of parking a motor vehicle in a facility operated by a commercial parking business. It has the imposition of the hotel/motel tax for the restrooms and picnic areas for tourists visiting a county with a national monument, which was a measure before us. It also expands the public facilities districts within the state of Washington and permits them to now have additional taxation for public facilities in those districts of a county of specific sizes and locations. In fact, it permits a rate of tax in a public facilities district of a population of one million or more to be up to one percent of the proceeds of taxes collected and using those taxes for the design, construction, maintenance of facilities for youth and senior citizen programs.

"In addition, it also permits non-voter approved general obligation indebtedness. I would suggest to the President that this particular measure has gone far beyond, not only the scope and object of the original intent of the bill, but it is improperly before this body."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President, I just wanted to point out that there is reference in both the Capital Budget and the Operating Budget to the Mount St. Helen's Monument. In the Capital Budget, there is an appropriation of three and one-half million for the Johnson Observatory at Mount St. Helen's National Volcano Monument, funds provided by the state to assist in accelerating the project there. Also, in the Operating Budget, there is a proviso for seventy thousand dollars for emergency medical services to support the Mount St. Helen's National Volcano Monument area. So, I think that the bill is properly before the Senate."

REPLY BY PRESIDENT PRITCHARD

President Pritchard: "Just a moment. In a way of explanation, I would like to ask Senator Snyder a question. Senator Snyder, does the appropriation in the Capital Budget lapse if 2135 fails to pass the Legislature?"

Senator Snyder: "No. Well, the capital budget hasn't passed yet, so it could lapse if that would happen."

RULING BY THE PRESIDENT

President Pritchard: "The President feels that given the explanation, the President rules that Engrossed House Bill No. 2135 is not a bill to implement the budget and the point is well taken."

Engrossed House Bill No. 2135 was ruled to be not properly before the Senate.

MOTION

At 5:33 p.m., on motion of Senator Jesernig, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:53 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1175 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2098 and has passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s), as further amended, to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493 and has passed the bill as further amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1069,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1214,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393,
SUBSTITUTE HOUSE BILL NO. 1428,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1870,
SUBSTITUTE HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1910, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1069,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1214,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393,
SUBSTITUTE HOUSE BILL NO. 1428,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1870,
SUBSTITUTE HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1910.

MOTION

On motion of Senator Oke, Senator von Reichbauer was excused.

MESSAGE FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1808 and again asks the Senate for a conference thereon, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Skratek, the rules were suspended, Substitute House Bill No. 1808 was returned to second reading and read the second time.

MOTION

Senator Skratek moved to reconsider the vote by which the striking amendment by Senator Skratek, as amended, was adopted April 16, 1993.

The President declared the question before the Senate to be the motion by Senator Skratek to reconsider the vote by which the striking amendment by Senator Skratek, as amended, was adopted.

The motion by Senator Skratek for reconsideration of the striking amendment, as amended, carried.

MOTION

Senator Skratek moved that the following amendment to the striking amendment, as amended, on reconsideration be adopted:

On page 2, after line 2 of the amendment, strike all material through "development." on line 17 and insert the following:

"(1) The council on international trade is established. The council shall consist of fifteen members as follows:

(a) Two members of trade organizations, appointed by the governor;

(b) Two representatives of ports, appointed by the governor;

(c) Two representatives of businesses active in exporting goods, appointed by the governor;

(d) Three representatives from the executive-legislative committee on economic development created in chapter

. . . (Senate Bill No. 5300), Laws of 1993;

(e) Two members with experience in foreign marketing, appointed by the governor;

(f) Two experts in financing export transactions, appointed by the governor;

(g) The director of the department of trade and economic development or the director's designee; and

(h) The director of the department of agriculture or the director's designee."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Skratek on page 2, after line 2, to the striking amendment, as amended, on reconsideration, to Substitute House Bill No. 1808.

The amendment on page 2, line 2, to the striking amendment, as amended, on reconsideration, to Substitute House Bill No. 1808 was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Skratek, as further amended, on reconsideration, to Substitute House Bill No. 1808.

The striking amendment by Senator Skratek, as further amended, on reconsideration, to Substitute House Bill No. 1808 was adopted.

MOTION

On motion of Senator Skratek, the rules were suspended, Substitute House Bill No. 1808, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1808, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1808, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 6; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, West, Williams, Winsley and Wojahn - 40.

Absent: Senators Anderson, Deccio, Pelz, Rinehart, Smith, L. and Vognild - 6.

Excused: Senators Haugen, Spanel and von Reichbauer - 3.

SUBSTITUTE HOUSE BILL NO. 1808, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senators Anderson and Linda Smith were excused.

MESSAGE FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 5675 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SB 5675 April 24, 1993

Includes "NEW ITEM": NO

Concerning the financing of bonds for storm water facilities

MR. SPEAKER:

MR. PRESIDENT:

We of your CONFERENCE COMMITTEE, to whom was referred SENATE BILL NO. 5675, concerning the financing of bonds for storm water facilities, have had the same under consideration and we recommend that:

The House Committee on Local Government striking amendment adopted April 12, 1993, be adopted with the following deletion:

On page 2, beginning line 21 of the amendment, strike all of section 3, and that the bill do pass as recommended by the Conference Committee.

Signed by: Senators Haugen, Winsley, Loveland; Representatives H. Meyers, Bray, Reams.

MOTION

On motion of Senator Drew, the Report of the Conference Committee on Senate Bill No. 5675 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5675, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5675, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, McDonald, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 42.

Voting nay: Senator Moore - 1.

Absent: Senator Rinehart - 1.

Excused: Senators Anderson, Haugen, Smith, L., Spanel and von Reichbauer - 5.

SENATE BILL NO. 5675, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

APPOINTMENT OF INTERIM COMMITTEES

The President announced the following appointments to interim committees:

LEGISLATIVE BUDGET COMMITTEE: Senators Bauer, Gaspard, Rinehart, Wojahn, von Reichbauer, Barr, Oke and West

LEAP COMMITTEE: Senators Jesernig, Niemi, Cantu and Winsley

LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Drew, Loveland, Prentice, Sheldon, Skratek, Vognild, Nelson, von Reichbauer, Erwin, Prince and Sellar

JOINT COMMITTEE ON ENERGY AND UTILITIES: Senators Sutherland, Williams, Newhouse, Hochstatter

MOTION

On motion of Senator Jesernig, the Interim Committee appointments were confirmed.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Moore, the following resolution was adopted:

SENATE RESOLUTION 1993-8645

By Senators Moore and McCaslin

WHEREAS, The spread of legalized gambling in this state has occurred as a result of the federal Indian Gaming and Regulatory Act of 1988; and

WHEREAS, Nontribal interests in the gambling industry are seeking expansion of their activities; and

WHEREAS, Expansion of commercial and tribal gambling seriously impacts the revenues generated by nonprofit and charitable organizations in the operation of bingo, pull tabs, and "casino night" activities; and

WHEREAS, The citizens of this state clearly support the operation of gambling activities by nonprofit and charitable organizations; and

WHEREAS, The 1993 Legislature passed Substitute House Concurrent Resolution No. 4403 which requires a review of the state's overall policy on gambling, including the potential expansion of legalized forms of gambling;

NOW, THEREFORE, BE IT RESOLVED, That the Senate members of the Legislative Task Force on Washington State Gambling Policy be directed to work with the Washington State Gambling Commission to review by November 1, 1993, laws and rules necessary to implement options for charitable gaming; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Gambling Commission.

Senators Moore and McCaslin spoke to Senate Resolution 1993-8645.

MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1993-8648

By Senators Gaspard and Sellar

WHEREAS, The 1993 Regular Session of the Fifty-third Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 1993 Regular Session of the Fifty-third Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have a copy of the Senate Journals of the 1993 Regular Session of the Fifty-third Legislature, together with a suitable index therefor prescribed by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice-President Pro Tempore of the Senate, the Senate Majority and Minority Leadership, the Secretary of the Senate, and the Deputy Secretary of the Senate are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That all keys distributed by the Secretary of the Senate's Office be returned to the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

MOTION

Senator Erwin moved that the following resolution be adopted:

SENATE RESOLUTION 1993-8641

By Senators Erwin and Bauer

WHEREAS, Thousands of Washingtonians say that RVing and camping are their number one vacation choices; and
WHEREAS, RVing and camping are great fun and can be outstanding forms of recreation for individuals and families alike; and

WHEREAS, The Evergreen State is a fabulous place to camp and RV, whether by backpack, horseback, recreational vehicle, or car; and

WHEREAS, Thousands of citizens in this state are unaware of the joys and lifestyle of RVing and camping and the excitement of exploring the beautiful forests, rivers, mountains, and urban delights of this state; and

WHEREAS, A national information program called "Go Camping America" has been instituted to introduce people across the country to the fun and adventure of camping in national, state, and private campgrounds and recreational vehicle parks; and

WHEREAS, The state can become a full participant in this national program to increase the awareness of the citizens of this state concerning camping opportunities in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the month of May as "Go Camping America" month; and

BE IT FURTHER RESOLVED, That the Department of Parks and Recreation work with the camping and RVing industry to promote the enjoyment of camping and RVing to the citizens of Washington.

POINT OF INQUIRY

Senator Skratek: "Senator Erwin, I have a very difficult time camping. In order to honor this resolution, would it be within the context of this, would it be appropriate for me to go to the Westin for a week and shop and camp on the doorsteps of Nordstroms?"

Senator Erwin: "It is subject to interpretation, so the Westin Hotel would be perfectly appropriate for camping as long as you have a view of the stars as you sleep."

Senator Skratek: "I can handle that. Thank you."

The President declared the question before the Senate to be the adoption of Senate Resolution 1993-8641.

Senate Resolution 1993-8641 was adopted.

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION 1993-8650

By Senators Fraser, Franklin and Amondson

WHEREAS, The Reverend Wendell Dennis Morris devoted his life to goodwill and peace and was a powerful beacon in our state as an articulate spokesperson for human dignity, justice, the importance of all people developing their potential to the fullest, and the importance of each person contributing to the betterment of the community and our world; and

WHEREAS, He steadfastly believed in education, continuing his own education at The Evergreen State College, while pastoring at New Life Baptist Church in Olympia, visiting the sick and house-bound, and creating and running a successful prison ministry; and

WHEREAS, In the tradition of other celebrated African-American leaders, Reverend Morris's participation in the community did not end at the pulpit; and

WHEREAS, His enthusiastic and effective participation in local, state, and national politics sets an outstanding example for others; and

WHEREAS, Reverend Morris was a faithful and diligent member of organizations in his community, including the Urban League and the Board of Directors of the Olympia YMCA; and

WHEREAS, He was a powerful role model for the youth of his community, as they saw in Pastor Morris a strong, principled man who led not only by his words, but by his actions; and

WHEREAS, His selfless, lifetime devotion to students included founding the New Life Mary Graham Scholarship Fund for youths who plan to continue their education after high school; and

WHEREAS, For the last eight years, Reverend Morris ministered to the spiritual needs of the community at New Life Baptist Church in Olympia; and

WHEREAS, He honorably and faithfully served his country for twenty years in the United States Army, including tours of duty in Germany and Vietnam, providing spiritual guidance to our fighting men and women; and

WHEREAS, On March 15, 1993, Reverend Wendell Dennis Morris died very unexpectedly at the age of forty-seven; and

WHEREAS, It now falls upon all of us to continue the message of human dignity, justice, opportunity, and service to others for which Pastor Morris stood;

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the Washington State Senate, along with the people of our state, pay tribute to the life and memory of Reverend Wendell Dennis Morris.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 5239,
ENGROSSED SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5971,
ENGROSSED SENATE BILL NO. 5978,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5981.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5375,
SENATE BILL NO. 5474,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5844.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 1993

MR. PRESIDENT:

The House has refused to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464 and asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate refuses to recede from its amendment(s) to Engrossed Substitute House Bill No. 1464, and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1464 and the Senate amendment(s) thereto: Senators Jesernig, Winsley and Haugen.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1708 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2098 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1808 and passed the bill as further amended by the Senate. ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2070 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House concurred in the return of SUBSTITUTE HOUSE BILL NO. 2055 to the Conference Committee for further conference.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5969, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

There being no objection, the President returned the Senate to the third order of business.

PROCLAMATION BY THE GOVERNOR No. 93-03

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
Olympia, Washington 98504-0002

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the State Constitution, the 1993 Regular Session of the Legislature adjourned April 25, 1993, the 105th day, without completing its work on the 1993-95 budget; and

WHEREAS, it is therefore necessary for me to convene a Special Session for purposes of addressing matters related to the 1993-95 Operating, Capital and Transportation Budgets;

NOW THEREFORE, I, Mike Lowry, Governor of the state of Washington by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the State Constitution, do hereby convene the Legislature of the state of Washington on Monday, the 26th day of April, 1993, at 9:00 a.m. in Special Session in the Capitol in Olympia for the purposes stated herein.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 25th day of April, A.D., nineteen hundred and ninety-three.

MIKE LOWRY,
Governor of Washington

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5675.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The House receded from its amendment to SENATE BILL NO. 5925; returned the bill to second reading adopted a striking amendment, as amended on pages 1 and 2; and by title amendments, and passed the bill as amended by the House, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate refuses to concur in the House amendments to Senate Bill No. 5925 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5925 and the House amendment(s) thereto: Senators Snyder, Deccio and Bauer.

MOTION

On motion of Senator Jesernig, the Conference Committee appointments were confirmed.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8411 by Senators Gaspard and Sellar

Notifying the Governor that the legislature is about to adjourn sine die.

SCR 8412 by Senators Gaspard and Sellar

Returning measures to their house of origin.

SCR 8413 by Senators Gaspard and Sellar

Adjourning Sine Die.

MOTION

On motion of Senator Jesernig, Senate Concurrent Resolution No. 8411 was held on the desk.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8412 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8412 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8413 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5969.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The Speaker has signed:
HOUSE JOINT RESOLUTION NO. 4200,
SECOND SUBSTITUTE SENATE BILL NO. 5239,
SENATE BILL NO. 5251,
SENATE BILL NO. 5375,
SUBSTITUTE SENATE BILL NO. 5407,
SENATE BILL NO. 5474,
SENATE BILL NO. 5638,
SENATE BILL NO. 5675,
SUBSTITUTE SENATE BILL NO. 5704,
ENGROSSED SENATE BILL NO. 5720,
ENGROSSED SENATE BILL NO. 5745,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,
SECOND SUBSTITUTE SENATE BILL NO. 5836,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5844,
SENATE BILL NO. 5851,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5948,
SUBSTITUTE SENATE BILL NO. 5971,
SENATE BILL NO. 5977,
ENGROSSED SENATE BILL NO. 5978,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5981, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1072,
ENGROSSED HOUSE BILL NO. 1107,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1350,
HOUSE BILL NO. 1384,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1444,
ENGROSSED HOUSE BILL NO. 1456,
HOUSE BILL NO. 1479,
HOUSE BILL NO. 1490,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500,
HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1545,
SUBSTITUTE HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 1602,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1635,
HOUSE BILL NO. 1644,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1648,
SUBSTITUTE HOUSE BILL NO. 1667,
SUBSTITUTE HOUSE BILL NO. 1673,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1733,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734,
SUBSTITUTE HOUSE BILL NO. 1741,
ENGROSSED HOUSE BILL NO. 1748,
SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1801,
HOUSE BILL NO. 2028,
HOUSE BILL NO. 2066,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4003, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1260,
SUBSTITUTE HOUSE BILL NO. 1325,
SUBSTITUTE HOUSE BILL NO. 1357,
HOUSE BILL NO. 1379,
SUBSTITUTE HOUSE BILL NO. 1469,
HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1766,
SUBSTITUTE HOUSE BILL NO. 1808,
HOUSE BILL NO. 1809,
SUBSTITUTE HOUSE BILL NO. 1912,
SUBSTITUTE HOUSE BILL NO. 1931,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT RESOLUTION NO. 4200.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1072,
ENGROSSED HOUSE BILL NO. 1107,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1350,
HOUSE BILL NO. 1384,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1444,
ENGROSSED HOUSE BILL NO. 1456,
HOUSE BILL NO. 1479,
HOUSE BILL NO. 1490,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500,
HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1545,
SUBSTITUTE HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 1602,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1635,
HOUSE BILL NO. 1644,

HOUSE BILL NO. 1645,
HOUSE BILL NO. 1648,
SUBSTITUTE HOUSE BILL NO. 1667,
SUBSTITUTE HOUSE BILL NO. 1673,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734,
SUBSTITUTE HOUSE BILL NO. 1741,
ENGROSSED HOUSE BILL NO. 1748,
SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1801,
HOUSE BILL NO. 2028,
HOUSE BILL NO. 2066,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4003.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1260,
SUBSTITUTE HOUSE BILL NO. 1325,
SUBSTITUTE HOUSE BILL NO. 1357,
HOUSE BILL NO. 1379,
SUBSTITUTE HOUSE BILL NO. 1469,
HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1766,
SUBSTITUTE HOUSE BILL NO. 1808,
HOUSE BILL NO. 1809,
SUBSTITUTE HOUSE BILL NO. 1912,
SUBSTITUTE HOUSE BILL NO. 1931,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071.

MESSAGES FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5969, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk
April 25, 1993

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8412, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8413, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provision of Senate Concurrent Resolution No. 8412, the Senate returned the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1122,
SUBSTITUTE HOUSE BILL NO. 1275,
SUBSTITUTE HOUSE BILL NO. 1458,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761,
HOUSE BILL NO. 1984,
SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED HOUSE BILL NO. 2123.

Under the provision of Senate Concurrent Resolution No. 8412, the Senate returned the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1005,
HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1011,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
SUBSTITUTE HOUSE BILL NO. 1019,
HOUSE BILL NO. 1020,
HOUSE BILL NO. 1027,
HOUSE BILL NO. 1029,
ENGROSSED HOUSE BILL NO. 1043,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1045,
HOUSE BILL NO. 1053,
HOUSE BILL NO. 1066,
SUBSTITUTE HOUSE BILL NO. 1080,
ENGROSSED HOUSE BILL NO. 1083,
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1093,
HOUSE BILL NO. 1097,
SUBSTITUTE HOUSE BILL NO. 1108,
HOUSE BILL NO. 1112,
HOUSE BILL NO. 1126,
HOUSE BILL NO. 1132,
HOUSE BILL NO. 1133,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
ENGROSSED HOUSE BILL NO. 1146,
HOUSE BILL NO. 1151,
HOUSE BILL NO. 1155,
SUBSTITUTE HOUSE BILL NO. 1159,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160,
ENGROSSED HOUSE BILL NO. 1177,
SUBSTITUTE HOUSE BILL NO. 1190,
HOUSE BILL NO. 1203,
HOUSE BILL NO. 1204,
HOUSE BILL NO. 1206,
SUBSTITUTE HOUSE BILL NO. 1210,
HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1221,
HOUSE BILL NO. 1224,
SUBSTITUTE HOUSE BILL NO. 1235,
HOUSE BILL NO. 1243,
SUBSTITUTE HOUSE BILL NO. 1254,
ENGROSSED HOUSE BILL NO. 1256,
ENGROSSED HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1267,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268,
SUBSTITUTE HOUSE BILL NO. 1276,
HOUSE BILL NO. 1277,
SUBSTITUTE HOUSE BILL NO. 1287,
HOUSE BILL NO. 1290,
HOUSE BILL NO. 1295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1299,
SUBSTITUTE HOUSE BILL NO. 1300,
SUBSTITUTE HOUSE BILL NO. 1308,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
HOUSE BILL NO. 1315,
ENGROSSED HOUSE BILL NO. 1330,

SUBSTITUTE HOUSE BILL NO. 1336,
HOUSE BILL NO. 1359,
HOUSE BILL NO. 1361,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1363,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369,
SUBSTITUTE HOUSE BILL NO. 1375,
HOUSE BILL NO. 1376,
HOUSE BILL NO. 1394,
SUBSTITUTE HOUSE BILL NO. 1396,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399,
ENGROSSED HOUSE BILL NO. 1402,
ENGROSSED HOUSE BILL NO. 1404,
HOUSE BILL NO. 1406,
HOUSE BILL NO. 1410,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412,
SUBSTITUTE HOUSE BILL NO. 1418,
HOUSE BILL NO. 1419,
HOUSE BILL NO. 1424,
SUBSTITUTE HOUSE BILL NO. 1429,
ENGROSSED HOUSE BILL NO. 1437,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442,
SUBSTITUTE HOUSE BILL NO. 1443,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,
HOUSE BILL NO. 1447,
HOUSE BILL NO. 1460,
HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,
ENGROSSED HOUSE BILL NO. 1510,
SUBSTITUTE HOUSE BILL NO. 1514,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519,
ENGROSSED HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1547,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
HOUSE BILL NO. 1557,
HOUSE BILL NO. 1561,
SUBSTITUTE HOUSE BILL NO. 1567,
HOUSE BILL NO. 1572,
SUBSTITUTE HOUSE BILL NO. 1583,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1585,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1603,
HOUSE BILL NO. 1606,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630,
HOUSE BILL NO. 1632,
SUBSTITUTE HOUSE BILL NO. 1640,
ENGROSSED HOUSE BILL NO. 1653,
HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 1681,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
SUBSTITUTE HOUSE BILL NO. 1690,
HOUSE BILL NO. 1694,
ENGROSSED HOUSE BILL NO. 1695,
SUBSTITUTE HOUSE BILL NO. 1703,
SUBSTITUTE HOUSE BILL NO. 1704,
HOUSE BILL NO. 1705,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,
SUBSTITUTE HOUSE BILL NO. 1728,
HOUSE BILL NO. 1731,
HOUSE BILL NO. 1735,
SUBSTITUTE HOUSE BILL NO. 1737,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1743,
ENGROSSED HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1759,
HOUSE BILL NO. 1764,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1776,
HOUSE BILL NO. 1777,

SUBSTITUTE HOUSE BILL NO. 1781,
SUBSTITUTE HOUSE BILL NO. 1795,
SUBSTITUTE HOUSE BILL NO. 1799,
HOUSE BILL NO. 1804,
SUBSTITUTE HOUSE BILL NO. 1814,
HOUSE BILL NO. 1833,
HOUSE BILL NO. 1842,
SUBSTITUTE HOUSE BILL NO. 1844,
HOUSE BILL NO. 1867,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1871,
SUBSTITUTE HOUSE BILL NO. 1877,
SUBSTITUTE HOUSE BILL NO. 1879,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1897,
SUBSTITUTE HOUSE BILL NO. 1914,
ENGROSSED HOUSE BILL NO. 1925,
SUBSTITUTE HOUSE BILL NO. 1928,
HOUSE BILL NO. 1929,
HOUSE BILL NO. 1930,
HOUSE BILL NO. 1940,
SUBSTITUTE HOUSE BILL NO. 1941,
HOUSE BILL NO. 1942,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949,
SUBSTITUTE HOUSE BILL NO. 1955,
SUBSTITUTE HOUSE BILL NO. 1959,
SUBSTITUTE HOUSE BILL NO. 1969,
HOUSE BILL NO. 1975,
SUBSTITUTE HOUSE BILL NO. 1976,
HOUSE BILL NO. 1985,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1999,
SUBSTITUTE HOUSE BILL NO. 2003,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2004,
SUBSTITUTE HOUSE BILL NO. 2007,
HOUSE BILL NO. 2029,
SUBSTITUTE HOUSE BILL NO. 2047,
HOUSE BILL NO. 2049,
ENGROSSED HOUSE BILL NO. 2122,
HOUSE JOINT MEMORIAL NO. 4009,
HOUSE JOINT MEMORIAL NO. 4016,
HOUSE CONCURRENT RESOLUTION NO. 4412.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8412,
SENATE CONCURRENT RESOLUTION NO. 8413.

MESSAGES FROM THE HOUSE

April 25, 1993

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8412, the House returns herewith the following Senate Bills:

ENGROSSED SENATE BILL NO. 5018,
ENGROSSED SENATE BILL NO. 5020,
SENATE BILL NO. 5024,
SENATE BILL NO. 5028,
SUBSTITUTE SENATE BILL NO. 5034,
SUBSTITUTE SENATE BILL NO. 5044,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5050,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,
SENATE BILL NO. 5062,
SENATE BILL NO. 5094,
SENATE BILL NO. 5104,
ENGROSSED SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5130,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,
SUBSTITUTE SENATE BILL NO. 5135,
ENGROSSED SENATE BILL NO. 5138,
SENATE BILL NO. 5149,
ENGROSSED SENATE BILL NO. 5155,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5162,
SENATE BILL NO. 5164,
SENATE BILL NO. 5172,
SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5212,
SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5221,
SUBSTITUTE SENATE BILL NO. 5222,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
SENATE BILL NO. 5228,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5230,
SENATE BILL NO. 5242,
SUBSTITUTE SENATE BILL NO. 5246,
SENATE BILL NO. 5247,
SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5256,
SECOND SUBSTITUTE SENATE BILL NO. 5264,
SUBSTITUTE SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5278,
SUBSTITUTE SENATE BILL NO. 5284,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,
SENATE BILL NO. 5287,
SENATE BILL NO. 5301,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5306,
SUBSTITUTE SENATE BILL NO. 5329,
SENATE BILL NO. 5334,
SENATE BILL NO. 5340,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5341,
ENGROSSED SENATE BILL NO. 5355,
SENATE BILL NO. 5363,
ENGROSSED SENATE BILL NO. 5367,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5390,
SUBSTITUTE SENATE BILL NO. 5391,
SUBSTITUTE SENATE BILL NO. 5392,
SUBSTITUTE SENATE BILL NO. 5395,
SUBSTITUTE SENATE BILL NO. 5397,
SUBSTITUTE SENATE BILL NO. 5405,
SUBSTITUTE SENATE BILL NO. 5418,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5425,
SUBSTITUTE SENATE BILL NO. 5430,
SUBSTITUTE SENATE BILL NO. 5445,
SENATE BILL NO. 5447,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5454,
SENATE BILL NO. 5470,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5477,
SUBSTITUTE SENATE BILL NO. 5481,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5491,
SENATE BILL NO. 5509,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5512,
SECOND SUBSTITUTE SENATE BILL NO. 5514,
ENGROSSED SENATE BILL NO. 5522,
SENATE BILL NO. 5526,
SUBSTITUTE SENATE BILL NO. 5537,
ENGROSSED SENATE BILL NO. 5544,
SUBSTITUTE SENATE BILL NO. 5557,
SENATE BILL NO. 5563,
SENATE BILL NO. 5568,
SUBSTITUTE SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5608,
ENGROSSED SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5620,
SENATE BILL NO. 5632,

SUBSTITUTE SENATE BILL NO. 5636,
SENATE BILL NO. 5645,
SUBSTITUTE SENATE BILL NO. 5652,
SUBSTITUTE SENATE BILL NO. 5657,
SENATE BILL NO. 5659,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5667,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5682,
SENATE BILL NO. 5689,
SUBSTITUTE SENATE BILL NO. 5698,
SECOND SUBSTITUTE SENATE BILL NO. 5715,
SENATE BILL NO. 5725,
SUBSTITUTE SENATE BILL NO. 5739,
SUBSTITUTE SENATE BILL NO. 5753,
SENATE BILL NO. 5757,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5773,
SENATE BILL NO. 5779,
ENGROSSED SENATE BILL NO. 5780,
SENATE BILL NO. 5787,
SUBSTITUTE SENATE BILL NO. 5800,
ENGROSSED SENATE BILL NO. 5843,
SECOND SUBSTITUTE SENATE BILL NO. 5850,
SENATE BILL NO. 5870,
SUBSTITUTE SENATE BILL NO. 5874,
SUBSTITUTE SENATE BILL NO. 5909,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5910,
SUBSTITUTE SENATE BILL NO. 5918,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5940,
SENATE BILL NO. 5943,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,
SENATE JOINT MEMORIAL NO. 8001,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8005, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8412, the House returns herewith the following Senate Bills:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5794,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,
SENATE JOINT MEMORIAL NO. 8000,
SENATE CONCURRENT RESOLUTION NO. 8406,
SENATE CONCURRENT RESOLUTION NO. 8409, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1175,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,
ENGROSSED HOUSE BILL NO. 1708,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
SUBSTITUTE HOUSE BILL NO. 1855,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862,
SUBSTITUTE HOUSE BILL NO. 2070,
SUBSTITUTE HOUSE BILL NO. 2098, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8412, and the same is herewith transmitted.
ALAN THOMPSON, Chief Clerk

April 25, 1993

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8413, and the same is herewith transmitted.
ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1175,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,
ENGROSSED HOUSE BILL NO. 1708,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
SUBSTITUTE HOUSE BILL NO. 1855,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862,
SUBSTITUTE HOUSE BILL NO. 2070,
SUBSTITUTE HOUSE BILL NO. 2098.

MOTION

On motion of Senator Jesernig, the following bills on the Conference Calendar, the Concurring Calendar and the Second Reading Calendar were referred to the Committee on Rules:

BILLS FROM CONFERENCE CALENDAR REFERRED TO RULES
THIRD READING

SSB 5044 City/town incorprtn procdurs

SSB 5405 School district compet bids

2SSB 5781 Higher education access

SB 5925 f Lodging tax

ESSB 5972 \$ Transportation budget

BILLS ON CONCURRING CALENDAR REFERRED TO RULES
THIRD READING

ESSB 5054 Sports memorabilia sales

E2SSB 5451 Sentencing for felons

SSB 5717 \$ 1993-95 capital budget

ESB 5719 General obligation bonds

ESSB 5967 State revenues increase

SSB 5968 \$ 1993-95 operating budget

ESB 5983 Agriculture fees

SSCR 8400 Taiwan sister state

BILLS ON SECOND READING CALENDAR REFERRED TO RULES
SECOND READING

SB 5724 f Nursing home auditing/reimbu

SB 5976 Advertising state measures

SB 5980 Fishing licenses

SCR 8410 Workers' comp task force

PERSONAL PRIVILEGE

Senator Sutherland: "Mr. President, a point of personal privilege. I would like to draw the attention to the more freshmen members and the little weather vanes that are blowing and going around repeatedly in the back of the room. I think that is probably from the excitement and the waiting of the Sine Die from the freshman row."

MOTION

On motion of Senator Jesernig, the Senate Journal for the one hundred-fifth day of the 1993 Regular Session of the Fifty-third Legislature was approved.

MOTION

At 8:43 p.m., on motion of Senator Jesernig, the 1993 Regular Session of the Fifty-third Legislature adjourned Sine Die.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-FIFTH DAY, APRIL 25, 1993

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1993 FIRST SPECIAL SESSION
FIFTY-THIRD LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 26, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Bluechel, Haugen, McDonald, Niemi, Pelz, Rinehart, Roach, Linda Smith and Spanel. On motion of Senator Loveland, Senators Haugen, Niemi, Pelz, Rinehart and Spanel were excused. On motion of Senator Oke, Senators Amondson, Bluechel, McDonald, Roach and Linda Smith were excused.

The Color Guard, consisting of Sergeant at Arms Jack Miller and Donald Beatty, presented the Colors. Reverend Joseph E. Mason, Jr., pastor of the Faith Lutheran Church of Lacey, offered the prayer.

INTRODUCTION AND FIRST READING

SCR 8414 by Senators Gaspard and Sellar

Reintroducing bills from the regular session.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
Legislature of the State of Washington
Olympia, Washington 98504

Mr. President:

We respectfully transmit for your consideration the following bill which has been partially vetoed by the Governor, together with the official veto message of the Governor setting forth his objections to the sections or items as required by Article III, section 12, of the Washington State Constitution.

Section 6, Engrossed Senate Bill No. 5362, the remainder of which has been designated Chapter 17, Laws of 1993.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the state of Washington, this 26th day of April, 1993.

(Seal)

RALPH MUNRO,
Secretary of State

EDITOR'S NOTE: See Governor's Partial Veto Message on Engrossed Senate Bill No. 5362 which was read in on the ninety-third day, April 13, 1993.

MOTION

On motion of Adam Smith, Engrossed Senate Bill No. 5362 was held on the desk.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8415 by Senators Gaspard and Snyder

Limiting the measures to be considered in the 1993 first special session of the Fifty-third Legislature.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTION

At 9:14 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 10:10 a.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate advanced to the ninth order of business.

MOTION

On motion of Senator Jesernig, the rules were suspended and the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 5044, Substitute Senate Bill No. 5405, Second Substitute Senate Bill No. 5781, Senate Bill No. 5925 and Engrossed Substitute Senate Bill No. 5972, and the bills were placed on the third reading calendar.

MOTION

Senator Jesernig moved that the rules be suspended and Substitute Senate Bill No. 5044, Substitute Senate Bill No. 5405, Second Substitute Senate Bill No. 5781, Senate Bill No. 5925 and Engrossed Substitute Senate Bill No. 5972 be placed on the second reading calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Jesernig to suspend the rules and place Substitute Senate Bill No. 5044, Substitute Senate Bill No. 5405, Second Substitute Senate Bill No. 5781, Senate Bill No. 5925 and Engrossed Substitute Senate Bill No. 5972 on the second reading calendar.

The motion by Senator Jesernig carried and the bills were placed on the second reading calendar.

MOTION

At 10:22 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 4:21 p.m. by Vice President Pro Tempore Williams.

MOTION

At 4:21 p.m., on motion of Senator Snyder, the Senate adjourned until 9:00 a.m., Tuesday, April 27, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FIRST DAY, FIRST SPECIAL SESSION, APRIL 26, 1993

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FIRST SPECIAL SESSION

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 27, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Niemi, Rinehart, Linda Smith and Spanel. On motion of Senator Oke, Senator Linda Smith was excused. On motion of Senator Snyder, Senators Rinehart and Spanel were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sam McCartney and Randall Tate, presented the Colors. Reverend Joseph E. Mason, Jr., pastor of the Faith Lutheran Church of Lacey, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

April 24, 1993

TO THE HONORABLE, THE SENATE AND
HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the convening of the 1993 Regular Session of the Fifty-Third Legislature, copy of which is attached.

Respectfully submitted,
ED FLEISHER, Legal Counsel to the Governor

ORDER OF REPRIEVE
FOR
WILLIAM CHARLES BRAND

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

On February 6, 1986, William Charles Brand was found guilty of murder in the second degree by the Superior Court of the state of Washington for King County and was sentenced on August 1 of that year to 164 months of total confinement. Mr. Brand shot his wife on February 20, 1985. The possibility of a link between the combination of medications taken by Mr. Brand and his mental state at the time of the shooting led the original trial judge to grant a motion for a new trial and to release Mr. Brand on bail on October 11, 1991. Mr. Brand served a total of almost 6 years and 8 months in confinement. While incarcerated, Mr. Brand worked as a clerk in the law library until medically unable to continue. He incurred no infractions.

Since his release, Mr. Brand's health has deteriorated. He suffers from emphysema, requires an oxygen supplement and is confined to a wheelchair. He has spent the 1 year and 5 months since his release in the care of his daughters Denise and Lisa in Seattle. Mr. Brand's physician estimates a life expectancy of no more than 1 to 2 years due to his severe chronic lung disease.

The Court of Appeals remanded the case back to the trial court for further proceedings but the Washington State Supreme Court reversed. Mr. Brand is now required to report to the Department of Corrections March 17, 1993, to continue serving his sentence.

In November of 1992, Mr. Brand petitioned the Clemency and Pardons Board for relief. In its meeting of March 12, 1993, the Board voted to defer a decision on the petition until their June 11 meeting so as to gather further medical information and input from the King County Prosecuting Attorney. When questioned by the Board as to why he should be pardoned, Mr. Brand stated that

he believed he had little time left, he was not a threat to anyone and had become only a burden. He added that he preferred being a burden to his family rather than the state. The Board did not consider the issue of a reprieve during the March 12 meeting.

NOW THEREFORE, I, Mike Lowry, Governor of the state of Washington, do hereby grant William Charles Brand a reprieve from the sentence of the Court until such time as the Clemency and Pardons Board recommends, and I render, a decision on his petition.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the state of Washington to be affixed at Olympia, this 15th day of March, A.D., nineteen hundred and ninety-three.

(Seal)

MIKE LOWRY
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

ORDER OF CLEMENCY
LUPE ORTEGA FIGUEROA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

Lupe Ortega Figueroa was charged on February 22, 1990, with one count of possession of heroin with the intent to manufacture or deliver, in violation of the Uniform Control Substance Act. Ms. Figueroa was found guilty on July 27, 1990, by jury verdict in the Superior Court of the state of Washington for King County.

Ms. Figueroa was sentenced to a term of total confinement in the custody of the Department of Corrections for a term of 27 months.

Ms. Figueroa is in poor health. According to Dr. Marcus Rempel, she has a past history of seizure disorder, hypothyroidism, and myocardial infarction. She has had two angioplastys for coronary ischemia and is currently suffering from arthritis.

On March 12, 1993, the Clemency and Pardons Board met to review the Clemency Petition presented on behalf of Ms. Figueroa. The Board voted unanimously to recommend that the Governor grant clemency to Ms. Figueroa due to her diminished health and other extraordinary circumstances discussed in executive session.

This is an extraordinary case and justifies granting clemency at this time.

NOW THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant a full pardon for Lupe Ortega Figueroa for the conviction noted herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the state of Washington to be affixed at Olympia, this 19th day of March, A.D., nineteen hundred and ninety-three.

(Seal)

MIKE LOWRY
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

CONDITIONAL COMMUTATION ORDER
JOEL STEPHEN ROSE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

On August 13, 1989, while working as a contract attorney with the Department of Assigned Counsel in Tacoma, Joel Rose contacted a mentally ill patient at Western State Hospital and offered him payment for oral sex. At Mr. Rose's request, this patient brought in another patient who was then fondled by Mr. Rose, also for payment. Both patients involved were committed as "gravely disabled." At the time of this incident, Mr. Rose was aware that he was HIV positive.

Mr. Rose was sentenced by the Superior Court of the state of Washington for Pierce County on May 1, 1990. Mr. Rose was given an exceptional sentence of 60 months and 20 months, concurrently, for Rape in the Second Degree and Indecent Liberties.

Mr. Rose is currently incarcerated at the Washington State Reformatory with an anticipated release date of September 1, 1993. While incarcerated, he attended college classes, but has been unable to work due to his debilitating medical condition. He has been a volunteer for the Community AIDS Coalition Program.

Information provided by the Department of Corrections, the University of Washington Medical Center, Mr. Rose's attorney, and representatives from the International Coalition for Jewish Prisoner Services, and the ALEPH Institute verify that Mr. Rose is in the last stages of AIDS. His prognosis is very poor. He is dying from complications associated with the HIV virus, including thrush and skin cancer. He is AIDS active and his T cell count is below 25. Mr. Rose will probably perish in the very near future, with the most optimistic prognosis being that he will not survive beyond the next six to twelve months.

It must be noted that in the pre-sentence investigation into Mr. Rose's case, his behavior was described as being predatory. His victims were described as being extremely vulnerable due to their grave mental disabilities and susceptibility to victimization, particularly by an individual in the trusted position of attorney.

Mr. Rose made application to the Clemency and Pardons Board on January 29, 1993. The basis for his request is that he is near death, but for the fact that he was sentenced to an exceptional sentence, he would, in all likelihood, be eligible for release at the present time. He asks that his family and friends be allowed to care for him in this last stage of his life.

The Clemency and Pardons Board, at its March 12, 1993 meeting, reviewed and discussed the petition of Mr. Rose. Testimony and associated documents were presented on his behalf by his attorney, Mr. John Cain; Mr. Gary Friedman of the International Coalition for Jewish Prisoner Services; and Rabbi James Brinell. After deliberation, the Board voted 4-0 to recommend to the Governor that conditional clemency be granted on the basis of Mr. Rose's grave medical condition.

This is an extraordinary case which, because of Mr. Rose's medical condition, justifies granting conditional clemency at this time, for the remainder of Mr. Rose's sentence. By this order, I hereby commute the sentence imposed upon Joel Rose to a term of community placement not to exceed the term imposed by the sentencing court, with the following conditions:

1. Mr. Rose shall be released from the Washington State Reformatory and placed in a hospice or functionally equivalent institution with specific procedures for his release, transfer, and placement, to be determined by the Department of Corrections in consultation with the Department of Social and Health Services.

2. Upon his placement, Mr. Rose shall have his access limited only to the confines of that placement institution, unless specific authorization otherwise is secured from a community corrections officer.

3. In the event that Mr. Rose's condition improves to the point that, in the opinion of the Department of Corrections, he presents a viable threat to the community, the Department of Corrections shall return Mr. Rose to the Washington State Reformatory, or such other institution as the Secretary deems appropriate, until such time as that threat is alleviated and/or his full sentence is completed without benefit of sentence reduction credits; and

4. In the event that Mr. Rose violates the conditions of this order or conditions imposed by the Department of Corrections, the Department of Corrections shall return Mr. Rose to the Washington State Reformatory, or such other institution as the Secretary deems appropriate. Should this occur, this Conditional Clemency shall be revoked and the sentence imposed by the Court reinstated without benefit of sentence reduction credits.

The Department of Corrections, in consultation with the Department of Social and Health Services, shall set such conditions as deemed necessary to meet the general conditions enumerated above.

NOW THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant conditional clemency for Joel Stephen Rose, Department of Corrections No. 965354, and commute his sentence subject and pursuant to the conditions set forth herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the state of Washington to be affixed at Olympia, this 19th day of March, A.D., nineteen hundred and ninety-three.

(Seal)

MIKE LOWRY
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

MESSAGES FROM THE HOUSE

April 26, 1993

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8414,

SENATE CONCURRENT RESOLUTION NO. 8415, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 26, 1993

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 1464, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 26, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

REESHB 1464 by House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer)

Making laws relating to local government office vacancies more uniform.

ESHB 1761 by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Former)

Clarifying and extending dates established under the growth management act.

MOTION

On motion of Senator Jesernig, the rules were suspended, Reengrossed Substitute House Bill No. 1464 and Engrossed Substitute House Bill No. 1761 were advanced to second reading and placed on the second reading calendar.

MOTION

At 9:13 a.m., on motion of Senator Jesernig, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:34 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8414,
SENATE CONCURRENT RESOLUTION NO. 8415.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 26, 1993

GA 9172 JOYCE GILLIE, reappointed February 9, 1993, for a term ending January 19, 1996, as a member of the Board of Pharmacy.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, and Prentice.

Passed to Committee on Rules.

April 26, 1993

GA 9195 KAREN KIESSLING, reappointed February 9, 1993, for a term ending January 19, 1994, as a member of the Board of Pharmacy.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, and Prentice.

Passed to Committee on Rules.

April 26, 1993

GA 9245 SuANN M. STONE, reappointed February 9, 1993, for a term ending January 19, 1995, as a member of the Board of Pharmacy.
Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, and Prentice.

Passed to Committee on Rules.

April 26, 1993

GA 9315 G. KIRBY WHITE, appointed February 26, 1993, for a term ending January 21, 1997, as a member of the Board of Pharmacy.

Reported by Committee on Health and Human Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, and Prentice.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5925, by Senator Snyder

Allowing lodging tax for counties with national monuments.

The bill was read the second time.

MOTIONS

Senator Snyder moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any county with a population greater than seventy-five thousand in which is located all or part of a national monument is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over the tax to the county as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county. The taxes shall only be used for the acquisition, construction, repair, and improvement of a rest area for tourists which includes restrooms, picnic areas, trails and viewpoints, emergency facilities, transient parking facilities, concession and gift sales, and marketing of facilities for tourists visiting the county or the national monument, or to pay or secure the payment of all or any portion of general obligation bonds issued for such purposes. As used in this section, "transient parking facilities" does not include parking spaces to be used for overnight stays.

(5) The tax authorized in subsection (1) of this section may only be imposed if the county and at least one of the two largest cities in the county provide moneys for the project described in subsection (4) of this section from revenue received under RCW 67.28.180 or if the county provides moneys for the project from revenue received under RCW 82.14.030. Moneys provided under this section shall be deposited in the special fund created under subsection (4) of this section and may be used only as provided in subsection (4) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

The department of revenue shall perform the collection of taxes under section 1 of this act on behalf of the county at no cost to the county."

On motion of Senator Deccio, the following amendment by Senators Deccio, Moyer, Newhouse, Loveland, Jesernig and Sellar to the striking amendment by Senator Snyder was adopted:

On page 2, after line 13, insert the following:

"Sec. 3. RCW 67.28.240 and 1991 c 363 s 140 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of ~~((two))~~ up to five percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section."

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senator Snyder to Senate Bill No. 5925.

The motion by Senator Snyder carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Snyder, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "lodging;" strike the remainder of the title and insert "adding new sections to chapter 67.28 RCW."

On page 1, line 2 of the title, after "67.28.200" insert "and 67.28.240"

On motion of Senator Snyder, the rules were suspended, Engrossed Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5925.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 1; Excused, 3.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Sellar, Sheldon, Skratek, Smith, A., Snyder, Talmadge, Vognild, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Cantu, McCaslin, Nelson, Oke, Roach, Sutherland, von Reichbauer, West and Williams - 11.

Absent: Senator Niemi - 1.

Excused: Senators Rinehart, Smith, L. and Spanel - 3.

ENGROSSED SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:45 p.m., on motion of Senator Jesernig, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:59 p.m. by President Pro Tempore Wojahn.

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION 1993-8646

By Senators Fraser, Prentice, Prince, Williams, Amondson, Gaspard, Snyder, Sutherland and Owen

WHEREAS, Richard J. "Dick" Clifton devoted his life to preserving and interpreting the rich heritage of the state of Washington, including a human history stretching back over ten thousand years, and a wealth of natural wonders and beauty; and

WHEREAS, He was born in Shelton, Washington, in 1935, and was a lifelong resident of the Evergreen State, graduating with a B.A. in art from Pacific Lutheran University in 1959; and

WHEREAS, Dick Clifton was an exhibit designer and then Chief of Interpretive Services for the Washington State Parks and Recreation Commission for thirty-one years; and

WHEREAS, His intense love of history and artistic ability enabled him to design and develop some of Washington's best interpretive centers, among them the Lewis and Clark Center at Cape Disappointment, Fort Columbia near Chinook, and many other centers from one end of the state to the other; and

WHEREAS, The forty heritage sites developed under Dick's guidance provide a wide range of enriching educational experiences for Washington families including tours of historic homes, a trip into one of our state's largest limestone caves, and fourteen interpretive centers offering guided walks, campfire talks, and audio-visual programs describing the fascinating history of our state; and

WHEREAS, Dick Clifton actively contributed to his community by serving on the Department of Transportation's Scenic Highways Task Force, the Washington Heritage Caucus, the Northwest Visual Art Center at Freighthouse Square in Tacoma, and as a member of the Board of Directors of the Capital City Marathon; and

WHEREAS, He served twenty-two years in the National Guard and Army Reserve and was transferred as a major to the Retired Reserve in 1984; and

WHEREAS, Dick retired from the Washington State Parks and Recreation Commission in 1991, to pursue his art work which included hand-cut serigraphs and silk-screen prints; and

WHEREAS, On March 24, 1993, Richard J. "Dick" Clifton died at the age of fifty-seven; and

WHEREAS, His enthusiasm, laughter, easy-going nature, and infectious personality will be sorely missed by his family, friends, coworkers, and anyone who ever met Dick Clifton; and

WHEREAS, It now falls upon all of us to continue his mission of protecting and preserving unique and special sites of human and natural history in our state;

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the Washington State Senate, along with the people of our state, pay tribute to the life and memory of Richard J. "Dick" Clifton.

MOTION

On motion of Senator Oke, Senator Amondson, was excused.

MOTION

On motion of Senator Jesernig, the Senate returned to the sixth order of business to commence consideration of Engrossed Substitute Senate Bill No. 5972.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5972, by Committee on Transportation (originally sponsored by Senator Vognild) (by request of Office of Financial Management)

Adopting the transportation budget.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1995.

Any bill enacted during the 1993 legislative session requiring expenditure from a transportation-related fund or account that was not heard by either of the transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 212,000

Highway Safety Fund--Federal Appropriation \$ 2,545,000

General Fund--Public Safety &

Education Account--State Appropriation \$ 600,000

TOTAL APPROPRIATION \$ 3,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the public safety and education account shall be used solely to fund community DWI task forces. Funding from the public safety and education account for any community DWI task force may not exceed fifty percent of total expenditures in support of that task force.

(2) It is the intent of the legislature that the Washington traffic safety commission be abolished as of July 1, 1994. The office of the governor shall submit to the legislative transportation committee by December 15, 1993, a plan for transferring the responsibilities of the Washington traffic safety commission to an existing transportation agency. The appropriations from the highway safety fund--state and highway safety fund--federal represent funding necessary to operate the agency for fiscal year 1994 only.

(3) \$175,000 of the highway safety fund--federal appropriation may be used only to fund the law and justice program. As of July 1, 1993, the law and justice program shall be transferred from the department of licensing to the Washington traffic safety commission.

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ 218,000

NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation

Account--State Appropriation \$ 24,247,000

Motor Vehicle Fund--Rural Arterial Trust

Account--State Appropriation \$ 61,838,000

Motor Vehicle Fund--Private Local Appropriation \$ 508,000

Motor Vehicle Fund--State Appropriation \$ 1,331,000

TOTAL APPROPRIATION \$ 87,924,000

NEW SECTION. Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation \$ 184,000,000
Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 26,322,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,500,000
TOTAL APPROPRIATION \$ 211,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement board shall present to the legislative transportation committee by December 15, 1993, proposed legislation and an action plan to address the recommendations identified in the 1992 evaluation of the transportation improvement board by the subcommittee on transportation boards and commissions of the legislative transportation committee.

(2) The transportation improvement board shall on a quarterly basis present to the legislative transportation committee and the office of financial management an analysis of project cost changes as they apply to overall project costs, for projects funded from the transportation improvement account and the urban arterial trust account. The initial report, due October 31, 1993, shall compare cost estimates at the time of project approval to present estimate or final cost for all urban arterial trust account projects selected from 1989 forward and for all transportation improvement account projects. The board shall provide an update to the report each quarter thereafter citing the amount and reason for additional changes in actual or estimated costs for any project.

(3) \$50,000,000 of the transportation improvement account--state appropriation in this section is conditioned on the enactment of Senate Bill No. 5969, authorizing bond sales for projects funded from the transportation improvement account.

NEW SECTION. Sec. 6. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 143,616,000
Motor Vehicle Fund--State Patrol Highway Account--
Federal Appropriation \$ 3,218,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 788,000
TOTAL APPROPRIATION \$ 147,622,000

The appropriations in this section are subject to the following conditions and limitations:

Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--INVESTIGATIVE SERVICES BUREAU

General Fund--Public Safety &
Education Account--State Appropriation \$ 22,757,000
General Fund--Death Investigations Account--State
Appropriations \$ 24,000
General Fund--Private/Local Appropriation \$ 184,000
General Fund--Federal Appropriation \$ 1,037,000
TOTAL APPROPRIATION \$ 24,002,000

NEW SECTION. Sec. 8. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 57,474,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 4,490,000
TOTAL APPROPRIATION \$ 61,964,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation \$ 46,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 414,000
Highway Safety Fund--State Appropriation \$ 5,523,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 96,000
Motor Vehicle Fund--State Appropriation \$ 4,379,000
TOTAL APPROPRIATION \$ 10,458,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation \$ 221,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 247,000
Highway Safety Fund--State Appropriation \$ 5,131,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 50,000
Motor Vehicle Fund--State Appropriation \$ 9,869,000
TOTAL APPROPRIATION \$ 15,518,000

Contained in this appropriation is \$10,000,000 for the licensing application migration project (LAMP), of which \$6,000,000 is motor vehicle fund--state and \$4,000,000 highway safety fund--state. Of the \$10,000,000 appropriation \$500,000 is provided solely as a contingency amount. The appropriation for LAMP is conditioned upon compliance with section 49 of this act. If section 49 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ 49,076,000
General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000

General Fund--Wildlife Account--State Appropriation \$ 520,000
Department of Licensing Services Account--
State Appropriation \$ 676,000

TOTAL APPROPRIATION \$ 50,298,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety &
Education Account--State Appropriation \$ 4,396,000
Highway Safety Fund--State Appropriation \$ 51,929,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,300,000

TOTAL APPROPRIATION \$ 57,625,000

\$400,000 of the highway safety fund - motorcycle safety education account appropriation in this section is provided solely to enhance the motorcycle testing program. If Senate Bill No. 5101 is not enacted during the 1993 legislative session, the \$400,000 appropriation is null and void.

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,644,000

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 410,000

NEW SECTION. Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 373,000

NEW SECTION. Sec. 16. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,637,000

The Washington state transportation commission shall make recommendations on the facility, operations, and funding components of implementing passenger-only service from Seattle/Vashon/Southworth and Seattle/Kingston. Such recommendations shall be submitted to the governor and the legislative transportation committee on or before September 30, 1993.

NEW SECTION. Sec. 17. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 534,000

The appropriation in this section assumes that as of January 1, 1994, commission staff shall be reduced from four full-time equivalent to two full-time equivalent and that the appropriation shall expire on April 1, 1994.

Sec. 18. RCW 47.86.030 and 1992 c 190 s 3 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, ((1994)) 1993, with completed reports to be presented to the legislative transportation committee on the dates as provided in subsection (3) of this section.

(3) A report on the following work program projects by December 1, 1992:

(a) Evaluation of the importance of air transportation in the economic and social vitality of the state including costs and effects of delay of air capacity expansion;

(b) Air transportation demand, aviation industry trends, and air capacity in Washington through 2020;

(c) A review of the final draft of the Puget Sound air transportation committee's flight plan assessments of air capacity and demand.

(4) A transportation systems planning evaluation of air transportation planning options in Washington by July 1, 1993.

(5) The work program project reports as provided in subsection (3) of this section and the policy recommendations of the commission shall be transmitted to regional transportation planning organizations created pursuant to chapter 47.80 RCW. Each regional transportation planning organization shall consider the commission's project reports and policy recommendations when adopting its regional transportation plan and in its review of local comprehensive plans for consistency with the regional transportation plans.

(6) A review of the environmental, social, and economic costs associated with Washington state's air transportation system. The commission shall review and comment upon the effectiveness and reasonableness of current or planned practices to mitigate the adverse environmental effects of operating, developing, or expanding the state's air transportation system.

NEW SECTION. Sec. 19. Effective April 1, 1994, the following acts or parts of acts are each repealed:

(1) RCW 47.86.010 and 1990 c 298 s 39;

(2) RCW 47.86.020 and 1990 c 298 s 40;

(3) RCW 47.86.030 and 1993 c . . . s 18 (section 18 of this act), 1992 c 190 s 3, 1991 c 231 s 7, & 1990 c 298 s 41;

- (4) RCW 47.86.035 and 1992 c 190 s 1;
- (5) RCW 47.86.040 and 1990 c 298 s 42;
- (6) RCW 47.86.050 and 1990 c 298 s 43;
- (7) RCW 47.86.060 and 1990 c 298 s 44;
- (8) RCW 47.86.900 and 1990 c 298 s 45; and
- (9) RCW 47.86.901 and 1990 c 298 s 47.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 418,000

The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee on December 15th of each year.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 174,337,000
 Motor Vehicle Fund--Federal Appropriation \$ 98,040,000
 Motor Vehicle Fund--Local Appropriation \$ 3,460,000

TOTAL APPROPRIATION \$ 275,837,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(2) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(3) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

(4) Up to \$33,400,000 of the motor vehicle fund--state appropriation is provided for a one-time expenditure for additional category A projects. It is the intent that the appropriations in this section do not commit the governor or the legislature to the transportation commission's proposed category A program update.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation \$ 85,245,000
 Motor Vehicle Fund--Federal Appropriation \$ 446,000,000
 Motor Vehicle Fund--Local Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ 535,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$50,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000 as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) Up to \$30,000,000 of the motor vehicle fund--state appropriation in this section is provided to expedite high occupancy vehicle lane construction on the interstate system.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation \$ 73,433,000
 Motor Vehicle Fund--Federal Appropriation \$ 66,948,000
 Motor Vehicle Fund--Local Appropriation \$ 5,000,000
 Transportation Fund--State Appropriation \$ 68,831,000
 Special Category C--State Appropriation \$ 166,833,000

Puyallup Tribal Settlement Account--
 State Appropriation \$ 44,024,000

Puyallup Tribal Settlement Account--
 Private Local Appropriation \$ 6,000,000

TOTAL APPROPRIATION \$ 431,069,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$32,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$11,000,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(3) The special category C fund--state appropriation of \$166,833,000 includes \$108,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5343 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) Up to \$41,653,000 of the motor vehicle fund--state appropriation, \$68,831,000 of the transportation fund--state appropriation, and \$14,948,000 of the motor vehicle fund--federal appropriation provided for in this section are for regular category C projects. Of the appropriations specified in this subsection, up to ten percent may be expended for preliminary engineering and right of way. The remainder shall be expended for construction contracts, including \$10,295,000 for HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

(5) \$21,000,000 of the motor vehicle fund--state appropriation is provided solely for additional HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

(6) Up to \$2,000,000 of the motor vehicle fund--state appropriation and \$1,000,000 of the motor vehicle fund--local appropriation contained in this section is provided solely for the construction of rest areas provided local and/or private contributions of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services.

NEW SECTION. Sec. 24. If Substitute Senate Bill No. 5963 becomes law, the department of transportation, in consultation with the legislative transportation committee, shall develop a plan to implement the requirements of such legislation that includes program performance and monitoring procedures. The implementation plan shall be submitted to the house and senate transportation committees on or before January 1, 1994.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation \$ 31,028,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000

Motor Vehicle Fund--Transportation Capital Facilities

Account--State Appropriation \$ 40,480,000

TOTAL APPROPRIATION \$ 71,908,000

(1) Up to \$750,000 of the motor vehicle fund--transportation capital facilities account--state appropriation is provided to implement the Americans with Disabilities Act (P.L. 101-336 42 U.S.C. Sec. 12101 et seq.).

(2) The transportation commission shall evaluate the current organizational structure of the department of transportation with regard to: (a) The number and allocation of full-time employees required to support the department's environmental efforts; (b) the qualifications of such full-time employees; (c) the amount of authority each environmental position carries; (d) the chain of command governing such environmental positions; (e) the effectiveness of the organization with regard to proactively negotiating environmental policies with state, federal, and local units of government; (f) the ability of the department to assimilate, incorporate, and disseminate environmental information between and among the department's various divisions, branches, sections, and districts; and (g) the ability of the department to plan, budget, and account for such environmental costs. The transportation commission shall develop a plan to maximize the effectiveness of the environmental activities within the department and shall provide specific recommendations regarding any organizational changes that may be warranted.

The plan shall be submitted to the legislative transportation committee no later than December 15, 1993. The department shall not proceed with implementation prior to receiving legislative transportation committee approval.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F

General Fund--Aeronautics Account--State

Appropriation \$ 3,106,000

General Fund--Aeronautics Account--Federal

Appropriation \$ 652,000

General Fund--Search and Rescue Account--State

Appropriation \$ 130,000

TOTAL APPROPRIATION \$ 3,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The aeronautics account appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, and federal inspections.

(2) The search and rescue account--state appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G

Motor Vehicle Fund--Economic Development Account--
State Appropriation \$ 5,020,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--

PROGRAM H

Motor Vehicle Fund--State Appropriation \$ 45,027,000
Motor Vehicle Fund--Federal Appropriation \$ 71,000,000
Motor Vehicle Fund--Local Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 117,027,000

(1) The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program.

(2) Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided solely for rehabilitation of state-owned moveable bridges.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 238,692,000
Motor Vehicle Fund--Local Appropriation \$ 4,690,000
TOTAL APPROPRIATION \$ 243,382,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$300,000 of the motor vehicle fund--state appropriation is provided to develop and implement a roadside vegetation management plan to comply with the Puget Sound water quality authority management plan. Emphasis shall be placed on nonchemical vegetation control.

(2) Up to \$910,000 of the motor vehicle fund--state appropriation is provided for additional maintenance to prevent mechanical and electrical problems on floating bridges, maintenance on the Lacey V. Murrow floating bridge, and compliance with department of labor and industries maintenance regulations.

(3) Up to \$600,000 of the motor vehicle fund--state appropriation is provided for testing and disposal of hazardous materials and for interjurisdictional and/or interagency development of eight treatment facilities.

(4) Up to \$2,411,000 of the motor vehicle fund--state appropriation is provided to expedite and enhance traffic signal improvements.

(5) It is the intent of the legislature that the legislative transportation committee study the impact upon the department of transportation of the utilities accommodation policy, requiring the removal of power poles, guy lines, and junction boxes adjacent to state highways. The committee shall report its findings to the legislature no later than November 15, 1995. No additional moneys are appropriated in this section for the purpose of doing additional utility clear zone work.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R

Motor Vehicle Fund--State Appropriation \$ 2,894,000
Motor Vehicle Fund--Federal Appropriation \$ 33,400,000
Motor Vehicle Fund--Local Appropriation \$ 28,892,000
TOTAL APPROPRIATION \$ 65,186,000

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 1,109,000
Motor Vehicle Fund--State Appropriation \$ 51,475,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 1,105,000
Transportation Fund--State Appropriation \$ 897,000
TOTAL APPROPRIATION \$ 54,586,000

Up to \$526,000 of the transportation fund--state appropriation is provided for the implementation of Substitute House Bill No. 1006.

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Motor Vehicle Fund--State Appropriation \$ 16,376,000
Motor Vehicle Fund--Federal Appropriation \$ 16,314,000
High Capacity Transportation Account--
State Appropriation \$ 17,500,000
Transportation Fund--State Appropriation \$ 44,088,000
Transportation Fund--Federal Appropriation \$ 5,852,000
Transportation Fund--Local Appropriation \$ 100,000
Central Puget Sound Public Transportation Account--
State Appropriation \$ 21,100,000
Public Transportation Systems Account--State
Appropriation \$ 5,500,000
TOTAL APPROPRIATION \$ 126,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$31,000,000 of the transportation fund--state appropriation is provided for administrative costs, operating subsidies for contracted AMTRAK 403(b) service, and for capital projects to improve train speeds and service.

(2) Up to \$9,200,000 of the transportation fund--state appropriation is provided for state participation in the planning and construction of passenger rail depots and other passenger intermodal facilities.

(3) The central Puget Sound public transportation account--state appropriation and the public transportation systems account--state appropriation shall be distributed to local transit agencies based on the allocation process defined in Substitute House Bill No. 2036. These appropriations are null and void if Substitute House Bill No. 2036 is not enacted by the legislature.

(4) Of the \$3,400,000 transportation fund--state appropriation provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) Up to \$250,000 of the motor vehicle fund--state appropriation contained in this section is provided solely for the Puget Sound transportation investment program. The program shall pay special attention to the Edmonds/Kingston run and development of an intermodal terminal at Point Edwards. Work on the program shall be completed and reported to the legislative transportation committee no later than December 15, 1993.

(6) Up to \$1,500,000 of the transportation fund--state appropriation contained in this section is provided solely for the rural mobility program.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T--CAPITAL

Essential Rail Assistance Account--State

Appropriation \$ 1,000,000

Essential Rail Banking Account--State

Appropriation \$ 1,100,000

TOTAL APPROPRIATION \$ 2,100,000

The appropriations in this section are provided for the purposes authorized in chapter 47.76 RCW.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation \$ 30,124,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ 32,124,000

The appropriations in this section are to provide for costs billed to the department for the services or other state agencies as follows:

- (1) Archives and records management, \$258,000 motor vehicle fund--state appropriation;
- (2) Attorney general tort claims support, \$4,692,000 motor vehicle fund--state appropriation;
- (3) Office of the state auditor, \$793,000 motor vehicle fund--state appropriation;
- (4) Department of general administration facility and services, \$3,406,000 motor vehicle fund--state appropriation;
- (5) Department of personnel, \$3,088,000 motor vehicle fund--state appropriation;
- (6) Self-insurance liability premiums and administration, \$15,824,000 motor vehicle fund--state appropriation;
- (7) Department of general administration for capital projects on the transportation Olympia headquarters building and for maintenance work on the department of transportation/plaza parking garage, \$1,704,000 motor vehicle fund--state appropriation;
- (8) Office of minority and women's business enterprises, \$359,000 motor vehicle fund--state appropriation;
- (9) Marine division self-insurance liability premiums and administration \$2,000,000 motor vehicle fund--Puget Sound ferry operations account--state appropriation.

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 235,746,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 32,237,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 900,000

TOTAL APPROPRIATION \$ 268,883,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 4) for the 1993-95 budget. The department shall reconcile the 1991-93 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$116,126,000 in proceeds from the sale of bonds authorized by RCW 47.60.800. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriation in this section provides for the construction, in the state of Washington, of new jumbo ferry vessels in accordance with the requirements of Substitute House Bill No. 1635. The transportation commission shall provide progress reports to the legislative transportation committee and the governor regarding the implementation of Substitute House Bill No. 1635.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 237,559,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$27,123,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$159,183,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

(3) The appropriation in this section includes \$500,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

(4) The appropriation in this section includes \$154,000 for support of Clinton terminal agent expenses, but shall be expended only upon the construction of a new Clinton terminal.

(5) The appropriation in this section includes \$359,000 to provide, during the summer, eight hours of Issaquah vessel class service on the Edmonds/Kingston route. This amount shall be expended only if the super class vessel refurbishment program impacts super class vessel service on this route.

(6) The appropriation in this section includes \$185,000 to assess the ability of enhancing vessel maintenance for those routes that require extensive service schedules throughout the year by placing additional oiler staff hours on two routes during the 1993-94 fiscal year. The results of this maintenance approach shall be reported to the legislative transportation committee and the office of financial management by December 1, 1993.

(7) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 7,594,000

Motor Vehicle Fund--Federal Appropriation \$ 161,033,000

Motor Vehicle Fund--Local Appropriation \$ 5,086,000

Transfer Relief Account--State Appropriation \$ 3,920,000

TOTAL APPROPRIATION \$ 177,633,000

The appropriations in this section are subject to the following conditions and limitations: Up to \$6,774,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$570,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--RV Account--State Appropriation

For transfer to the Motor Vehicle Fund \$ 427,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation

For transfer to the Transportation Capital Facilities

Account--State Appropriation \$ 40,480,000

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION EMERGENCY PROJECTS--PROGRAM

A

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5370.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION FEDERAL MATCH PROJECTS--

PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5371. The state finance committee shall administer the repayment of loans authorized in Senate Bill No. 5371.

NEW SECTION. Sec. 42. The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle fund to fund the appropriations contained in this act.

NEW SECTION. Sec. 43. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 44. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 45. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 46. A new section is added to chapter 46.01 RCW to read as follows:

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

NEW SECTION. Sec. 47. FOR THE WASHINGTON STATE PATROL--CAPITAL

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 10,485,000

Motor Vehicle Fund--State Appropriation \$ 765,000

Highway Safety Fund--State Appropriation \$ 765,000

TOTAL APPROPRIATION \$ 12,015,000

The appropriations in this section are provided for the following projects:

WSP/DOL Dist Office--Tacoma

Everett Dist Hdqtrs Building

Minor Works Preservation

Shelton Trng Acad Restroom Repair

Replace Underground Storage Tanks

Replace Rattlesnake Ridge Communication Site

Shelton Academy Property Acquisition

Vancouver Cve Inspection Station

Mt. Vernon Comm Site Construction

Spokane Cve Inspection Station

Replace Scale Mechanism SeaTac South

Yakima District Hdqtrs Predesign

I-90 Port of Entry Weigh Station

Smokey Point Weigh Station Design

Morton Detachment Property Acquisition

Longview Vin Lane Construction Property Acquisition

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF LICENSING--CAPITAL

Highway Safety Fund--State Appropriation \$ 61,000

Motor Vehicle Fund--State Appropriation \$ 20,000

TOTAL APPROPRIATION \$ 81,000

The appropriations in this section are provided for the following projects:

Longview Customer Service Center

North Spokane Customer Service Center

Vancouver Customer Service Center

NEW SECTION. Sec. 49. In addition to compliance with the requirements of RCW 43.105.190, titled "Major information technology projects standards and policies," agencies shall comply with the following requirements: For projects funded through the transportation budget, the agency and the department of information services shall provide the office of financial management, the legislative transportation committee, and the information services board with a written bi-monthly project oversight and risk assessment report for designated projects. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

NEW SECTION. Sec. 50. The legislature supports the proposed reduction by the governor of state agency, middle management level employees and recognizes that such reduction is essential to achieve more efficient and effective delivery of state services. Further, the legislature finds that employee reductions in agencies providing state transportation programs and services are necessary to the extent such reductions do not jeopardize transportation program and service delivery.

NEW SECTION. Sec. 51. To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 52. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its

application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 53. The commission for efficiency and accountability in Washington state government shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine the cost allocation for actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles and represent a pro rata share in relation to all other agencies.

NEW SECTION. Sec. 54. Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

- (1) Scheduled increment increases to any employee classified under chapter 41.06 RCW;
- (2) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch;
- (3) Salary increases to the agency officials listed in RCW 43.03.028 and 47.01.041.

The office of financial management shall reduce allotments to all transportation agencies to reflect the elimination of these salary increases.

NEW SECTION. Sec. 55. The department of licensing shall review the pricing of fees related to the licensing and operation of motor vehicles to determine whether any such fees should be eliminated to reduce costs, whether the pricing of any fees should be adjusted to cover costs of administration or to be more equitable, and whether any other related modifications may be justified, and make recommendations to the governor and the legislative transportation committee by October 15, 1993, as to any price-setting policies or guidelines, pricing changes, or other statutory modifications pertaining to such fees.

Sec. 56. 1991 sp.s. c 15 s 4 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State
Appropriation \$ ((185,000))

202,000

((No more than \$80,000 may be expended for attorney general fees.))

Sec. 57. 1992 c 166 s 8 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ ((45,695,000))

46,089,500

General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 25,000

General Fund--Wildlife Account--State
Appropriation \$ 504,000

TOTAL APPROPRIATION \$ ((46,224,000))

46,618,500

Sec. 58. 1992 c 166 s 9 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--
State Appropriation \$ 4,394,000

Highway Safety Fund--State Appropriation \$ ((48,256,000))

48,405,078

Highway Safety Fund--Motorcycle Safety Education Account--
State Appropriation \$ 884,000

TOTAL APPROPRIATION \$ ((53,534,000))

53,683,078

Sec. 59. 1992 c 166 s 20 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ ((217,750,000))

221,550,000

Motor Vehicle Fund--Local Appropriation \$ 750,000

TOTAL APPROPRIATION \$ ((218,500,000))

222,300,000

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner.

Sec. 60. RCW 46.16.070 and 1993 c ... (Substitute Senate Bill No. 5535) s 5 and 1993 c ... (Senate Bill No. 5426) s 1 are each reenacted and amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

4,000 lbs.	\$ 37.00
6,000 lbs.	\$ 44.00
8,000 lbs.	\$ 55.00
10,000 lbs.	\$ 62.00

12,000 lbs.	\$ 72.00
14,000 lbs.	\$ 82.00
16,000 lbs.	\$ 92.00
18,000 lbs.	\$ 137.00
20,000 lbs.	\$ 152.00
22,000 lbs.	\$ 164.00
24,000 lbs.	\$ 177.00
26,000 lbs.	\$ 187.00
28,000 lbs.	\$ 220.00
30,000 lbs.	\$ 253.00
32,000 lbs.	\$ 304.00
34,000 lbs.	\$ 323.00
36,000 lbs.	\$ 350.00
38,000 lbs.	\$ 384.00
40,000 lbs.	\$ 439.00
42,000 lbs.	\$ 546.00
44,000 lbs.	\$ 556.00
46,000 lbs.	\$ 591.00
48,000 lbs.	\$ 612.00
50,000 lbs.	\$ 656.00
52,000 lbs.	\$ 685.00
54,000 lbs.	\$ 732.00
56,000 lbs.	\$ 767.00
58,000 lbs.	\$ 794.00
60,000 lbs.	\$ 840.00
62,000 lbs.	\$ 894.00
64,000 lbs.	\$ 912.00
66,000 lbs.	\$ 1,005.00
68,000 lbs.	\$ 1,044.00
70,000 lbs.	\$ 1,117.00
72,000 lbs.	\$ 1,188.00
74,000 lbs.	\$ 1,283.00
76,000 lbs.	\$ 1,379.00
78,000 lbs.	\$ 1,497.00
80,000 lbs.	\$ 1,608.00
82,000 lbs.	\$ ((1,623.00)) <u>1,713.00</u>
84,000 lbs.	\$ ((1,728.00)) <u>1,818.00</u>
86,000 lbs.	\$ ((1,833.00)) <u>1,923.00</u>
88,000 lbs.	\$ ((1,938.00)) <u>2,028.00</u>
90,000 lbs.	\$ ((2,043.00)) <u>2,133.00</u>
92,000 lbs.	\$ ((2,148.00)) <u>2,238.00</u>
94,000 lbs.	\$ ((2,253.00)) <u>2,343.00</u>
96,000 lbs.	\$ ((2,358.00)) <u>2,448.00</u>
98,000 lbs.	\$ ((2,463.00)) <u>2,553.00</u>
100,000 lbs.	\$ ((2,568.00)) <u>2,658.00</u>
102,000 lbs.	\$ ((2,673.00)) <u>2,763.00</u>
104,000 lbs.	\$ ((2,778.00)) <u>2,868.00</u>
105,500 lbs.	\$ ((2,883.00)) <u>2,973.00</u>

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 61. RCW 82.44.020 and 1993 c ... (Substitute Senate Bill No. 5535) s 2 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the value of such vehicle.

(3) Effective with October 1992 motor vehicle registration expirations, a clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that farm vehicles as defined in RCW 46.04.181 shall not be subject to the tax imposed by this subsection. The annual amount of the

additional excise tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars.

(4) An additional excise tax is imposed on truck-type power units that are used in combination with a trailer to transport loads in excess of forty thousand pounds combined gross weight. The ~~((rate))~~ annual amount of such additional excise tax shall be fifty-eight one-hundredths of one percent of the value of the vehicle.

The department shall distribute the additional tax collected under this subsection as follows:

(a) For each trailing unit subject to subsection (5) of this section, an amount equal to the clean air excise tax prescribed in subsection (3) of this section shall be distributed in the manner prescribed in RCW 82.44.110(3);

(b) Of the remainder of the additional excise tax collected under this subsection, ten percent ((of the additional tax collected under this subsection)) shall be distributed in the manner prescribed in RCW 82.44.110(2)((- The remainder of the excise tax collected under this subsection)) and ninety percent shall be distributed in the manner prescribed in RCW 82.44.110(1). This tax shall not apply to power units used exclusively for hauling logs.

(5) The excise taxes imposed by subsections (1) through (3) of this section shall not apply to trailing units which are used in combination with a power unit subject to the additional excise tax imposed by subsection (4) of this section. This subsection shall not apply to trailing units used for hauling logs. ~~((The department of licensing is authorized to adopt rules to implement subsection (4) of this section and this subsection to assure that total motor vehicle excise tax revenue is not affected.))~~

(6) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(7) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

Sec. 62. RCW 81.112.030 and 1992 c 101 s 3 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

~~(3) ((If any of the counties does not opt to participate in the authority, the joint regional policy committee shall, within forty-five days, redefine the system and financing plan and resubmit the adopted redefined plan to the remaining county legislative authorities for their decision as to whether to participate. This action shall be completed within forty-five days following receipt of the redefined plan.~~

~~(4))~~ Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

~~((5))~~ (4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

~~((6))~~ (5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

~~((7))~~ (6) If the authority determines that major modifications to the plan are necessary before being submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to ~~((ratify formation of the authority.))~~ approve the system and finance plan~~((;))~~ and authorize the imposition of the taxes to support the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan submitted to voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the plan. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

~~((8))~~ (9) If the vote fails, the board may redefine the system and financing plan, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised plan to voters. No single system and financing plan may be submitted to the voters more than twice.

If the authority is unable to achieve a positive vote within two years from the date of the first election on a system plan, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. Sec. 63. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately except for sections 60 and 61, which shall take effect January 1, 1994.

NEW SECTION. Sec. 64. Chapter . . . (Senate Bill No. 5426), Laws of 1993 and chapter . . . (Substitute Senate bill No. 5535), Laws of 1993 each take effect January 1, 1994."

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Barr and Sellar to the striking amendment by Senator Vognild be adopted:

On page 25, after line 32, insert the following:

"**Sec. 55.** RCW 47.17.145 and 1970 ex.s. c 51 s 30 are each amended to read as follows:

A state highway to be known as state route number 92 is established as follows:

Beginning at a junction with state route number 9 northeast of Everett, thence northeasterly by the most feasible route to Granite Falls, then east on Stanley street to the intersection with North Alder avenue, then north on North Alder avenue to Mountain Loop Highway."

Renumber the remaining sections and correct internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Sutherland: "Senator Vognild, these kinds of discussions about which roads or portions of roads should be on the state highway system versus on a city or a county highway system has been the topic of debate for many, many years in the legislative arena. In fact, I am recalling a process that we set up in the Legislative Transportation Committee that would have a number of entities review all of the roads in the state and then propose which ones should be appropriately on city, county or the state's system. Is that process still in place and did this amendment or this portion of road go through that process to determine a priority of its importance or which road system it ought to belong to?"

Senator Vognild: The answer to your question is 'yes,' the process is completely in place and is functioning. Every year we have a bill here which is a result of the TIB study and the second answer would be 'no,' it did not go through the process and is not a recommendation from that study."

Senator Sutherland: "Thank you, Senator Vognild."

Further debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Nelson, Barr and Sellar to the striking amendment by Senator Vognild to Engrossed Substitute Senate Bill No. 5972.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 16; Nays, 29; Absent, 1; Excused, 3.

Voting yea: Senators Barr, Bluechel, Cantu, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Roach, Sellar, Smith, L., von Reichbauer and West - 16.

Voting nay: Senators Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 29.

Absent: Senator Niemi - 1.

Excused: Senators Amondson, Anderson and Spanel - 3.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Vognild to Engrossed Substitute Senate Bill No. 5972.

The motion by Senator Vognild carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.86.030, 82.44.020, and 81.112.030; amending 1991 sp.s. c 15 s 4 (uncodified); amending 1992 c 166 s 8 (uncodified); amending 1992 c 166 s 9 (uncodified); amending 1992 c 166 s 20 (uncodified); reenacting and amending RCW 46.16.070; adding a new section to

chapter 46.01 RCW; creating new sections; repealing RCW 47.86.010, 47.86.020, 47.86.030, 47.86.035, 47.86.040, 47.86.050, 47.86.060, 47.86.900, and 47.86.901; making appropriations; providing effective dates; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Reengrossed Substitute Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Gaspard, Senator Niemi was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5972.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Excused: Senators Amondson, Niemi and Spanel - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:32 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Wednesday, April 28, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

SECOND DAY, FIRST SPECIAL SESSION, APRIL 27, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 28, 1993

The Senate was called to order at 9:00 a.m. by Vice President Pro Tempore Williams. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present except Senators Amondson, Barr, Erwin, McDonald, Moyer, Nelson, Niemi, Prince, Roach, Sheldon, Skratek, Linda Smith, Spanel, Talmadge, von Reichbauer and West. On motion of Senator Oke, Senators Amondson, Barr, Erwin, McDonald, Moyer, Nelson, Prince, Roach, Linda Smith, von Reichbauer and West were excused. On motion of Senator Loveland, Senators Niemi, Sheldon, Skratek, Spanel and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Krysta Caturia and Travis Hackney, presented the Colors. Reverend Joseph E. Mason, Jr. pastor of the Faith Lutheran Church of Lacey, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

**MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

April 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Linda Sprenger, appointed April 19, 1993, for a term ending September 30, 1997, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 19, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Harry Yamamoto, reappointed April 19, 1993, for a term ending September 30, 1994, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

April 22, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

George Masten, appointed April 22, 1993, for a term ending December 31, 1995, as a member of the Investment Board.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Ways and Means.

MESSAGE FROM THE HOUSE

April 27, 1993

MR. PRESIDENT:

The House has passed:
REENGROSSED SUBSTITUTE HOUSE BILL NO 1309,
ENGROSSED HOUSE BILL NO. 2123, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5989 by Senators Hargrove and Rinehart

AN ACT Relating to a six-year phased expansion of class I and class II correctional industries while revising the deductions from inmate wages; amending RCW 43.19.534, 72.09.070, 72.09.080, and 72.09.110; adding a new section to chapter 72.09 RCW; creating new sections; and repealing RCW 72.09.102 and 72.60.190.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

RESHB 1309 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Orr, Scott, G. Cole, Basich, Lemmon, Morris, Jones, Rust, Holm, R. Meyers, Johanson, J. Kohl, Jacobsen and Leonard)

Protecting and recovering wild salmonids.

EHB 2123 by Representatives Jacobsen, Quall and Brumsickle (by request of Office of Financial Management)

Allowing insurance benefits for graduate service appointments.

MOTION

On motion of Senator Jesernig, the rules were suspended and Senate Bill No. 5989, Reengrossed Substitute House Bill No. 1309 and Engrossed House Bill No. 2123 were advanced to second reading and placed on the second reading calendar.

MOTION

At 9:12 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:05 p.m. by President Pro Tempore Wojahn.

MOTION

At 1:05 p.m., on motion of Senator Jesernig, the Senate adjourned until 9:00 a.m., Thursday, April 29, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, FIRST SPECIAL SESSION, APRIL 28, 1993

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FIRST SPECIAL SESSION

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 29, 1993

The Senate was called to order at 9:00 a.m. by President Pro Tempore Wojahn. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Erwin, McDonald, Nelson, Niemi, Oke, Prince, Sellar, Skratek, Snyder, Spanel and Talmadge. There being no objection, the President Pro Tempore excused Senators Anderson, Erwin, McDonald, Nelson, Niemi, Oke, Prince, Sellar, Skratek, Snyder, Spanel and Talmadge.

The Sergeant at Arms Color Guard, consisting of Pages Teresa Comer and Brendan Heath, presented the Colors. Reverend Joseph E. Mason, Jr., pastor of the Faith Lutheran Church of Lacey, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

INTRODUCTION AND FIRST READING

SB 5990 by Senators Pelz, Rinehart, Williams, Niemi, Prentice, Moore and Talmadge

AN ACT Relating to school-based budgeting based on the characteristics and educational needs of students; and creating a new section.

Referred to Committee on Education.

MOTION

At 9:08 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:05 p.m. by President Pro Tempore Wojahn.

MOTION

At 1:06 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 4:57 p.m. by President Pritchard.

MOTION

At 4:57 p.m., on motion of Senator Bauer, the Senate adjourned until 9:00 a.m., Friday, April 30, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, FIRST SPECIAL SESSION, APRIL 29, 1993

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FIRST SPECIAL SESSION

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 30, 1993

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Snyder and Spanel. On motion of Senator Oke, Senator Bluechel was excused.

The Sergeant at Arms Color Guard, consisting of Pages Hutch Heath and Jay Griffith, presented the Colors. Reverend Joseph E. Mason, Jr., pastor of the Faith Lutheran Church of Lacey, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

**REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT**

April 28, 1993

GA 9294 WARREN A. BISHOP, reappointed February 5, 1993, for a term ending at the Governor's pleasure, as Chair of the Energy Facility Site Evaluation Council.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, Owen, Voghild, and Williams.

Passed to Committee on Rules.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT**

April 13, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

F. J. Truebenbach, appointed April 13, 1993, for a term ending September 30, 1996, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
MIKE LOWRY, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

April 29, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk,

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2055 by House Committee on State Government (originally sponsored by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway) (by request of Governor Lowry)

Creating the department of fish and wildlife.

MOTION

On motion of Senator Jesernig, the rules were suspended, Engrossed Substitute House Bill No. 2055 was advanced to second reading and placed on the second reading calendar.

MOTION

At 9:08 a.m., on motion of Senator Jesernig, the Senate recessed until 10:00 a.m.

The Senate was called to order at 10:22 a.m. by President Pritchard.

MOTIONS

On motion of Senator Jesernig, the Senate advanced to the ninth order of business.
Senator Jesernig moved that the Committee on Rules be relieved of Substitute Senate Bill No. 5717, Engrossed Substitute Senate Bill No. 5967 and Substitute Senate Bill No. 5968 and the bills be placed on the third reading calendar.
Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Jesernig, did you say 'ominous tax package' or omnibus tax package?"

Senator Jesernig: "Omnibus revenue package, Senator."

The President declared the question before the Senate to be the motion by Senator Jesernig that the Committee on Rules be relieved of further consideration of Substitute Senate Bill No. 5717, Engrossed Substitute Senate Bill No. 5967 and Substitute Senate Bill No. 5968 and the bills be placed on the third reading calendar.

The motion by Senator Jesernig carried and Substitute Senate Bill No. 5717, Engrossed Substitute Senate Bill No. 5967 and Substitute Senate Bill No. 5968 were placed on the third reading calendar.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761, by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Forner)

Clarifying and extending dates established under the growth management act.

The bill was read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen, Loveland, Hargrove, Winsley and von Reichbauer be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall (~~adopt comprehensive land use plans and development regulations under~~) conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by

December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with ~~((RCW 36.70A.040 through 36.70A.160))~~ all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet ~~((the requirements of))~~ either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall ~~((adopt a comprehensive land use plan in accordance with))~~ conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county ~~((cannot remove itself from))~~ and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to ~~((adopt a comprehensive land use plan))~~ conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt ((the)) a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, ((1993)) 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to ~~((adopt a comprehensive land use plan))~~ conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt ((the)) a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than ((three)) four years from the date the county legislative ((body takes action as required by subsection (2) of this section)) authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((4))~~ (5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the ((requirements of)) sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall ~~((adopt))~~ take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; ((b)) (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan ((under this chapter)) and development regulations that are consistent with and implement the comprehensive plan within ((three)) four years of the certification by the office of financial management((; and (e) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan)), but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

Sec. 2. RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended to read as follows:

(1) Each county that is required or chooses to ~~((adopt a comprehensive land use))~~ plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county ~~((required to designate urban growth areas))~~ that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the

city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice, public hearing, and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth planning hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 3. RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each amended to read as follows:

~~((Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under RCW 36.70A.040 shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities))~~ Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform ((their)) its activities and make capital budget decisions in conformity with ((their)) its comprehensive plan((s)).

Sec. 4. RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of ((the)) each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy((:)). In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith((:)).

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340((:)).

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction((: and)).

(e) No later than July 1, 1992, the legislative authority of ((the)) each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

- (a) Policies to implement RCW 36.70A.110;
- (b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;
- (c) Policies for siting public capital facilities of a county-wide or state-wide nature;
- (d) Policies for county-wide transportation facilities and strategies;
- (e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;
- (f) Policies for joint county and city planning within urban growth areas;
- (g) Policies for county-wide economic development and employment; and
- (h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

The governor may impose a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of a sanction or sanctions under this section shall be preceded by written findings by the governor, that either the county or city is not proceeding in good faith to meet the requirements of the act; or that the county or city has unreasonably delayed taking the required action. The governor shall consult with and communicate his or her findings to the appropriate growth planning hearings board prior to imposing the sanction or sanctions. For those counties or cities that are not required to plan or have not opted in, the governor in imposing sanctions shall consider the size of the jurisdiction relative to the requirements of this chapter and the degree of technical and financial assistance provided.

Sec. 6. RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After ((July 1, 1993)) the date a county, city, or town is required to adopt its comprehensive plan and development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1993."

Debate ensued.

MOTION

Senator Nelson moved that the following amendments to the striking amendment by Senators Haugen, Loveland, Hargrove, Winsley and von Reichbauer be considered simultaneously and be adopted:

On page 6, line 14 of the amendment, after "cities." insert "The exercise of the right of the people to petition for referendum is protected under RCW 4.24.500 through 4.24.520."

On page 9, line 13 of the amendment, after "provided." insert "A delay caused by an initiative or referendum on subjects covered in chapter ..., Laws of 1993 (this act) is not an unreasonable delay."

Debate ensued.

Senator McCaslin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Nelson on page 6, line 14, and page 9, line 13, to the striking amendment by Senators Haugen, Loveland, Hargrove, Winsley and von Reichbauer to Engrossed Substitute House Bill No. 1761.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 19.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 27.

Absent: Senators Snyder and Spanel - 2.

Excused: Senator Bluechel - 1.

MOTION

On motion of Senator Williams, Senators Snyder and Spanel were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Loveland, Hargrove, Winsley and von Reichbauer to Engrossed Substitute House Bill No. 1761.

The motion by Senator Haugen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "years;" strike the remainder of the title and insert "amending RCW 36.70A.040, 36.70A.110, 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter 36.70A RCW; providing an effective date; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1761, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1761, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1761, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Barr, Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Moyer, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Amondson, Anderson, Cantu, McCaslin, McDonald, Roach and West - 7.

Excused: Senators Bluechel, Snyder and Spanel - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055, by House Committee on State Government (originally sponsored by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway) (by request of Governor Lowry)

Creating the department of fish and wildlife.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 37, after line 23, strike all of Sec. 62, through and including "wildlife." on page 38, line 6

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 37, after line 23, to Engrossed Substitute House Bill No. 2055.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

On motion of Senator Oke, Senator Moyer was excused.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 2055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Barr: "Senator Owen, I notice that in all of your remarks, they were entirely about fish. Those of us in Eastern Washington--it's a great fishery--but it is a great game part of the state, also. What assurance can you give me that the upland birds and the big game will get a fair shake in this consolidation?"

Senator Owen: "Senator Barr, I am as equally interested in the wildlife resources--I thought I said fish and wildlife in my comments--I am as equally interested and concerned about fish and wildlife as you and, I think, anybody in Eastern Washington. I think there are several members on this floor, Senator Oke included, that are concerned about the upland birds and the wildlife resources.

"I don't see anything being diminished in combining the Department of Fishery and the Department of Wildlife. I see things being enhanced by combining the two resources. In other words, if you have a problem with the biology, if you have a problem with--I am trying to think of one that would be consistent with your area--I know that you have animals that feed off of your crops and things like that. We'll have more technical people available to us.

"If, in fact, you have enforcement problems--people poaching in your area--at that time of year, I believe we will be able to channel more resources at the times of the year, where it is important to do that. If your people have questions, whether they be fisheries or whether they be wildlife questions, they can go to one agency, they can go to that one office in your area and that would allow them to get answers to their questions.

"I don't see anything in this bill that diminishes the interest in wildlife. Furthermore, you may notice, that in the bill, we maintained the dedicated fund that we've had over the years, that goes directly for the Department of Wildlife's traditional resources, which would be warm-water game fish, game fish and wildlife resources. I don't see anything that would diminish the attention to Eastern Washington or wildlife that you would be interested in."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2055.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2055 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, Moore, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, McCaslin, McDonald, Nelson, Roach, Smith, L., von Reichbauer and West - 11.

Excused: Senators Bluechel, Moyer, Snyder and Spanel - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1464, by House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer)

Making laws relating to local government office vacancies more uniform.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen, McAuliffe, Loveland, Skratek and Gaspard was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.12 RCW to read as follows:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in RCW 29.15.190 and 29.21.410, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29.01.135 and shall service both the remainder of the unexpired term and the succeeding term.

Sec. 2. RCW 42.12.010 and 1981 c 180 s 4 are each amended to read as follows:

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) His or her ceasing to be a legally ~~((qualified elector))~~ registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

Sec. 3. RCW 43.06.010 and 1992 c 172 s 1 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) The governor shall supervise the conduct of all executive and ministerial offices;
- (2) The governor shall see that all offices are filled, including as provided in section 1 of this act and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) The governor shall make the appointments and supply the vacancies mentioned in this title;
- (4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of ~~((his))~~ the prosecutor's duties;
- (8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;
- (9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) The governor shall issue and transmit election proclamations as prescribed by law;
- (11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;

(14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

Sec. 4. RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to read as follows:

The board of airport district commissioners shall consist of three members (~~(, who shall each be a registered voter and actually a resident of the district)~~). The first commissioners shall be appointed by the county legislative authority. At the next general district election, held as provided in RCW 29.13.020, three airport district commissioners shall be elected. The terms of office of airport district commissioners shall be two years, or until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170. Members of the board of airport district commissioners shall be elected at each regular district general election on a nonpartisan basis in accordance with the general election law. (~~(They shall be nominated by petition of ten registered voters of the district.)~~) Vacancies on the board of airport district commissioners shall occur and shall be filled (~~(by appointment by the remaining commissioners)~~) as provided in chapter 42.12 RCW. Members of the board of airport district commissioners shall receive no compensation for their services, but shall be reimbursed for actual necessary traveling and sustenance expenses incurred while engaged on official business.

Sec. 5. RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read as follows:

A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall be sufficient cause for the remaining members of the board to declare by resolution that such board member position is vacated. In addition, vacancies shall occur as provided in RCW 42.12.010.

Sec. 6. RCW 29.15.050 and 1990 c 59 s 85 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ~~((ten))~~ twenty dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis, nor for the filing of any declaration of candidacy by a write-in candidate.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for ~~(:~~

~~(1))~~ a legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

~~((2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.)~~

Sec. 7. RCW 29.15.120 and 1990 c 59 s 86 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29.15.020 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the general election ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

NEW SECTION. Sec. 8. A new section is added to chapter 29.15 RCW to read as follows:

Each person who files a declaration of candidacy for an elected office of a city, town, or special district shall be given written notice of the date by which a candidate may withdraw his or her candidacy under RCW 29.15.120.

Sec. 9. RCW 29.15.200 and 1975-76 2nd ex.s. c 120 s 13 are each amended to read as follows:

If, after both the normal filing period and special three day filing period as provided by RCW 29.15.170 and 29.15.180 ~~(, as now or hereafter amended,)~~ have passed ~~((and still))~~, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until ~~((his))~~ a successor is elected at the next election when such positions are voted upon ~~((as provided by RCW 29.21.410, as now or hereafter amended))~~.

NEW SECTION. Sec. 10. A new section is added to chapter 35.02 RCW to read as follows:

An election shall be held to elect city or town elected officials at the next municipal general election occurring more than twelve months after the date of the first election of councilmembers or commissioners. Candidates shall run for specific council or

commission positions. The staggering of terms of members of the city or town council shall be established at this election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office. Newly elected councilmembers or newly elected commissioners shall serve until their successors are elected and qualified. The terms of office of newly elected commissioners shall not be staggered, as provided in chapter 35.17 RCW. All councilmembers and commissioners who are elected subsequently shall be elected to four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 11. RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended to read as follows:

All regular elections in cities organized under the statutory commission form of government shall be held quadrennially in the odd-numbered years on the dates provided in RCW 29.13.020. The commissioners shall be nominated and elected at large. Their terms shall be for four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. ~~((If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.))~~ Vacancies on a commission shall occur and shall be filled as provided in chapter 42.12 RCW, except that in every instance a person shall be elected to fill the remainder of the unexpired term at the next general municipal election that occurs twenty-eight or more days after the occurrence of the vacancy.

Sec. 12. RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended to read as follows:

The first election of commissioners shall be held ~~((within))~~ at the next special election that occurs at least sixty days after the ~~((adoption of))~~ election results are certified where the proposition to organize under the commission form was approved by city voters, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. The date of the second election for commissioners shall be in accordance with RCW 29.13.020 such that the term of the first commissioners will be as near as possible to, but not in excess of, four years calculated from the first day in January in the year after the year in which the first commissioners were elected.

Sec. 13. RCW 35.18.020 and 1981 c 260 s 7 are each amended to read as follows:

(1) The number of ~~((councilmen))~~ councilmembers in a city or town operating with a council-manager plan of government shall be ~~((in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last))~~ based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five ~~((councilmen))~~ councilmembers; and

(b) A city or town having more than two thousand, seven ~~((councilmen))~~ councilmembers.

(2) ~~((All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. PROVIDED, HOWEVER, That at the first general municipal election held in the city in accordance with RCW 29.13.020, after the election approving the council-manager plan, the following shall apply:~~

(a) ~~One councilman shall be nominated and elected from each ward or such other existing district of said city as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.~~

(b) ~~In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.~~

(c) ~~In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.~~

(d) ~~In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman at large or councilmen at large, are to be considered.)~~ Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Councilmembers may be elected on a city-wide or town-wide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29.70 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.

(3) When a ~~((municipality))~~ city or town has qualified for an increase in the number of ~~((councilmen))~~ councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management ~~((after the majority of the voters thereof have approved operation under the council-manager plan)),~~ two additional council positions shall be filled at the ~~((first))~~ next municipal general election ~~((when two additional councilmen are to be elected, one of the two additional councilmen receiving))~~ with the person elected to one of the new council positions receiving the ~~((highest))~~ greatest number of votes ~~((shall be))~~ being elected for a four-year term of office and the person elected to the other additional ~~((councilman shall be))~~ council position being elected for a two-year term of office. The ~~((terms of the))~~ two additional ~~((councilmen))~~ councilmembers shall ~~((commence))~~ assume office immediately when qualified in accordance with RCW 29.01.135, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office.

~~((4))~~ In the event such population determination as provided in subsection (3) of this section requires an increase in the number of councilmen) Prior to the election of the two new councilmembers, the city or town council shall fill the additional ~~((councilmanic))~~ positions by appointment not later than ~~((thirty))~~ forty-five days following the release of ~~((said))~~ the population determination, and ~~((the))~~ each appointee shall hold office only until ~~((the next regular city or town election at which a person shall~~

be elected to serve for the remainder of the unexpired term. In the event such population determination results in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election: PROVIDED, That)) the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) ((If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term)) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 14. RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended to read as follows:

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town ((at its next regular election)) shall elect the council required under the council-manager plan in number according to ((the)) its population ((of the municipality: PROVIDED, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately when they are qualified in accordance with RCW 29.01.135 following the canvass of votes as certified and shall remain in office until their successors are elected at the next general municipal election: PROVIDED, That such successor shall hold office for staggered terms as provided in RCW 35.18.020 as now or hereafter amended. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the county auditor as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names)) at the next municipal general election. However, special elections shall be held to nominate and elect the new city councilmembers at the next primary and general election held in an even-numbered year if the next municipal general election is more than one year after the date of the election at which the voters approved the council-manager plan. The staggering of terms of office shall occur at the election when the new councilmembers are elected, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office if the election is held in an odd-numbered year, or one-year terms of office if the election is held in an even-numbered year. The initial councilmembers shall take office immediately when they are elected and qualified, but the lengths of their terms of office shall be calculated from the first day in January in the year following the election.

Sec. 15. RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended to read as follows:

All municipal elections held under the provisions of this chapter shall be conducted according to the general election laws of this state(, as far as practicable: PROVIDED, That any qualified voter of such city, duly registered for the general county or state election next preceding any municipal election, general or special, shall be qualified to vote at such municipal election. No person shall be qualified to vote at such election unless he is a qualified elector of the county and has resided in such city for at least thirty days next preceding such election)).

Sec. 16. RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended to read as follows:

The city council may declare an office vacant: (1) If anyone either elected or appointed to that office fails for ten days to qualify as required by law or fails to enter upon ((his)) the duties of that office at the time fixed by law or the orders of the city council, ((his)) the office shall become vacant; or (2) if such an officer ((absents himself)) who serves for compensation is absent from the city without the consent of the city council for three consecutive weeks or openly neglects or refuses to discharge ((his)) the duties((, the council may declare his office vacant: PROVIDED, That this penalty for absence from the city shall not apply to such officers as serve without compensation.

If a vacancy occurs by reason of death, resignation, or otherwise in the office of mayor or councilman, the city council shall fill the vacancy until the next general municipal election)) of that office. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

If a vacancy occurs ((by reason of death, resignation, or otherwise)) in any other office it shall be filled by appointment of the mayor and confirmed by the council in the same manner as other appointments are made.

Sec. 17. RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended to read as follows:

At any time not within three months previous to an annual election the city council of a second class city may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any ((councilman, but he)) councilmember, and councilmembers shall serve out ((his)) their terms in the wards of ((his)) their residences at the time of ((his election: PROVIDED, That if this results)) their elections. However, if these boundary changes result in one ward being represented by more ((councilmen)) councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

((No person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election and removal of his residence from the ward for which he was elected renders his office vacant.))

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the

general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 18. RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended to read as follows:

General municipal elections in third class cities not operating under the commission form of government shall be held biennially in the odd-numbered years ~~((as provided in RCW 29.13.020))~~ and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

~~((A councilman-at-large shall be elected biennially for a two-year term and until his or her successor is elected and qualified and assumes office in accordance with RCW 29.04.170. Of the other six councilmen, three shall be elected in each biennial general municipal election for terms of four years and until their successors are elected and qualified and assume))~~ Council positions shall be numbered in each third class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

In its discretion the council of a third class city may divide the city by ordinance into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29.70.100. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 19. RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended to read as follows:

All elections shall be held in accordance with the general election laws of the state ~~((insofar as the same are applicable and no person shall be entitled to vote at any election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election)).~~

Sec. 20. RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended to read as follows:

~~((In cities of))~~ The council of a third class city may declare a council position vacant if ((a member of the city council absents himself)) that councilmember is absent for three consecutive regular meetings ~~((thereof, unless by))~~ without the permission of the council ~~((, his office may be declared vacant by the council.~~

Vacancies in the city council or in the office of mayor shall be filled by majority vote of the council)). In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

Vacancies in offices other than that of mayor or city ~~((councilman))~~ councilmember shall be filled by appointment of the mayor.

~~((If a vacancy occurs in an elective office the appointee shall hold office only until the next regular election at which a person shall be elected to serve for the remainder of the unexpired term.))~~

If there is a temporary vacancy in an appointive office due to illness, absence from the city or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

Sec. 21. RCW 35.24.290 and 1986 c 278 s 5 are each amended to read as follows:

The city council of each third class city shall have power:

- (1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;
- (2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;
- (3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;
- (4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;
- (5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) ~~((In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;~~

(12)) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty;

~~((13))~~ (12) To establish fire limits, with proper regulations;

~~((14))~~ (13) To establish and maintain a free public library;

~~((15))~~ (14) To establish and regulate public markets and market places;

~~((16))~~ (15) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

~~((17))~~ (16) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

~~((18))~~ (17) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 22. RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended to read as follows:

All elections in towns shall be held in accordance with the general election laws of the state ~~((, so far as the same may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of the county, and has resided in the town for at least thirty days next preceding the election)).~~

Sec. 23. RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended to read as follows:

~~((If a member of))~~ The council of a town may declare a council position vacant if that councilmember is absent from the town for three consecutive council meetings ~~((unless by))~~ without the permission of the council ~~((his office shall be declared vacant by the council. A vacancy in the office of mayor and vacancies in the council shall be filled by a majority vote of the council)).~~ In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

A vacancy in any other office shall be filled by appointment by the mayor. ~~((An appointee filling the vacancy in an elective office shall hold office only until the next general election at which time a person shall be elected to serve for the remainder of the unexpired term except that the person appointed to fill a vacancy in the office of mayor shall serve for the unexpired term.))~~

Sec. 24. RCW 35.61.050 and 1979 ex. s. c 126 s 24 are each amended to read as follows:

At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected ~~((to hold office respectively for the following terms: Where the election is held in an odd-numbered year, one commissioner shall be elected to hold office for two years, two shall be elected to hold office for four years, and two shall be elected to hold office for six years. Where the election is held in an even-numbered year, one commissioner shall hold office for three years, two shall hold office for five years, and two shall hold office for seven years)).~~ The election of park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. No primary shall be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a commissioner. The staggering of the terms of office shall occur as follows: (1) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (2) the two persons who are elected

receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January ((of)) in the year after they are elected. ((The term of each nominee for park commissioner shall be expressed on the ballot.)) Thereafter, all commissioners shall ((serve)) be elected to six-year terms of office ((and)). All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled ((by majority action of the remaining commissioners appointing a voter to fill the remainder of the term of the vacant commissioner position)) as provided in chapter 42.12 RCW.

Sec. 25. RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended to read as follows:

Where used in this title with reference to procedures established by this title in regard to a change of plan or classification of government, unless a different meaning is plainly required by the context:

- (1) "Classify" means a change from a city of the first, second, or third class, or a town, to a code city.
- (2) "Classification" means either that portion of the general law under which a city or a town operates under Title 35 RCW as a first, second, or third class city, unclassified city, or town, or otherwise as a code city.
- (3) "Organize" means to provide for officers after becoming a code city, under the same general plan of government under which the city operated prior to becoming a code city, pursuant to RCW 35A.02.055.
- (4) "Organization" means the general plan of government under which a city operates.
- (5) "Plan of government" means ((either the)) a mayor-council form of government under chapter 35A.12 RCW, council-manager form of government under chapter 35A.13 RCW, or a mayor-council, council-manager, or commission form of government in general that is retained by a noncharter code city as provided in RCW 35A.02.130, without regard to variations in the number of elective offices or whether officers are elective or appointive.
- (6) "Reclassify" means changing from a code city to the classification, if any, held by such a city immediately prior to becoming a code city.
- (7) "Reclassification" means changing from city or town operating under Title 35 RCW to a city operating under Title 35A RCW, or vice versa; a change in classification.
- (8) "Reorganize" means changing the plan of government under which a city or town operates to a different general plan of government, for which an election of new officers under RCW 35A.02.050 is required. A city or town shall not be deemed to have reorganized simply by increasing or decreasing the number of members of its legislative body.
- (9) "Reorganization" means a change in general plan of government where an election of all new officers is required in order to accomplish this change, but an increase or decrease in the number of members of its legislative body shall not be deemed to constitute a reorganization.

Sec. 26. RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended to read as follows:

The first election of officers where required for reorganization under a different general plan of government newly adopted in a manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as now or hereafter amended, shall be at the next general municipal election if one is to be held more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or resolution, or otherwise at a special election to be held for that purpose in accordance with RCW 29.13.020. In the event that the first election of officers ((as herein provided)) is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.21.010 and 29.13.070. In the event that the first election of all officers ((as herein provided)) is to be held at a special election rather than at a general election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election to be held on a date authorized by RCW 29.13.010, and the persons nominated at that primary election shall be voted upon at the next succeeding special election that is authorized by RCW 29.13.010: PROVIDED, That in the event the ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A.02.040 in an even-numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in ((chapter 35A.29 RCW)) general election law.

Upon reorganization, candidates for all offices shall file or be nominated for and successful candidates shall be elected to specific council positions((- and an)). The initial terms ((of)) of office for those elected at a first election of all officers ((to positions one and two for a five member council, or positions one through three for a seven member council, shall if the election occurs at a general municipal election be only until the second Monday in January first following the next general municipal election two years hence and if the election occurs at a special election, the duration of these initial terms shall be until the second Monday in January in the first even-numbered year that follows the next general municipal election. The duration of the initial term attaching to the remaining councilmanic positions shall be until the second Monday in January two years next thereafter, so that staggered regular four-year terms will ultimately result. Any declarations of candidacy for any primary or other election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as now or hereafter amended)) shall be as follows: (1) A simple majority of the persons who are elected as councilmembers receiving the greatest numbers of votes and the mayor in a city with a mayor-council plan of government shall be elected to four-year terms of office, if the election is held in an odd-numbered year, or three-year terms of office, if the election is held in an even-numbered year; and (2) the other persons who are elected as councilmembers shall be elected to two-year terms of office, if the election is held in an odd-numbered year, or one-year terms of office, if the election is held in an even-numbered year. The newly elected officials shall take office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day of January in the year following the election. Thereafter, each person elected as a councilmember or mayor in a city with a mayor-council plan of government shall be elected to a four-year term of office. Each councilmember and mayor in a city with a mayor-council plan of government shall serve until a successor is elected and qualified and assumes office as provided in RCW 29.04.170.

The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. ((Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.))

Sec. 27. RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each amended to read as follows:

Any incorporated city or town governed under a plan of government authorized prior to the time this title takes effect may become a noncharter code city without changing such plan of government by the use of the petition-for-election or resolution-for-election procedures provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a proposal that such municipality adopt the classification of noncharter code city while retaining its existing plan of government, and upon a favorable vote on the proposal, such municipality shall be classified as a noncharter code city and retain its old plan of government, such reclassification to be effective upon the filing of the record of such election with the office of the secretary of state. Insofar as the provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an election on such a reclassification proposal they shall apply to such election.

Sec. 28. RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each amended to read as follows:

The classifications of municipalities which existed prior to the time this title goes into effect--first class city, second class city, third class (and fourth class) city, town, and unclassified city--and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city changes its plan of government to the provisions of either chapter 35A.12 or 35A.13 RCW.

Sec. 29. RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended to read as follows:

By use of the resolution for election or petition for election methods described in RCW 35A.06.040, any noncharter code city which has operated for more than six consecutive years under one of the optional plans of government authorized by this title, or for more than a combined total of six consecutive years under a particular plan of government both as a code city and under the same general plan under Title 35 RCW immediately prior to becoming a code city, may abandon such organization and may reorganize and adopt another plan of government authorized for noncharter code cities, but only after having been a noncharter code city for more than one year or a city after operating for more than six consecutive years under a particular plan of government as a noncharter code city ~~(or may reclassify and adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any))~~: PROVIDED, That these limitations shall not apply to a city seeking to adopt a charter.

In reorganization under a different general plan of government as a noncharter code city, officers shall all be elected as provided in RCW 35A.02.050. When a noncharter code city adopts a plan of government other than those authorized under Title 35A RCW, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law.

Sec. 30. RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended to read as follows:

The proposal for abandonment of a plan of government as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general municipal election if one is to be held within one hundred and eighty days or otherwise at a special election called for that purpose in accordance with RCW 29.13.020. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 29.27.060 and 35A.29.120 ~~(- as now or hereafter amended. If the plan proposed in the petition is not a plan authorized for noncharter code cities by this title, the ballot statement shall clearly set forth that adoption of such plan by the voters would require abandonment of the classification of noncharter code city and that government would be under the general law relating to cities of the class specified in the resolution or petition. If the plan proposed in the petition is a plan authorized for noncharter code cities the ballot statement shall clearly set forth that adoption of such plan by the voters would not affect the eligibility of the noncharter code city to be governed under this optional municipal code))~~.

Sec. 31. RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of ~~((councilmen))~~ councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old mayor-council plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 32. RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended to read as follows:

Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29 RCW. The mayor and the ~~((councilmen))~~ councilmembers shall be elected for four-year terms of office and until their successors are elected and qualified ~~((- except that at any first election three councilmen in cities having seven councilmen, and two councilmen in cities having~~

five councilmen, shall be elected for two-year terms and the remaining councilmen shall be elected for four-year terms)) and assume office in accordance with RCW 29.04.170. At any first election upon reorganization, councilmembers shall be elected as provided in RCW 35A.02.050. Thereafter the requisite number of ~~((councilmen))~~ councilmembers shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes ~~((, as provided in RCW 35A.29.105. In any city which holds its first election under this title in the calendar year 1970, candidates elected for two-year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1973 and candidates elected for four-year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1975)).~~ Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. ~~((The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law.))~~ The mayor and ~~((councilmen))~~ councilmembers shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 33. RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each amended to read as follows:

The office of a mayor or ~~((councilman))~~ councilmember shall become vacant if ~~((he))~~ the person who is elected or appointed to that position fails to qualify as provided by law ~~((or))~~, fails to enter upon ~~((his))~~ the duties of that office at the time fixed by law without a justifiable reason, ~~((upon his death, resignation, removal from office by recall as provided by law, or when his office is forfeited))~~ or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office of mayor or in the council shall be filled ~~((for the remainder of the unexpired term, if any, at the next regular municipal election but the council, or the remaining members thereof, by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If at any time the membership of the council is reduced below the number required for a quorum, the remaining members, nevertheless, by majority action may appoint additional members to fill the vacancies until persons are elected to serve the remainder of the unexpired terms. If, after thirty days have passed since the occurrence of a vacancy, the council are unable to agree upon a person to be appointed to fill a vacancy in the council, the mayor may make the appointment from among the persons nominated by members of the council))~~ as provided in chapter 42.12 RCW.

Sec. 34. RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each amended to read as follows:

~~((A mayor or councilman shall forfeit his office, creating a vacancy, if he ceases to have the qualifications prescribed for such office by law, charter, or ordinance, or if he is convicted of a crime involving moral turpitude or an offense involving a violation of his oath of office. A councilman also shall forfeit his office if he))~~ In addition a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

Sec. 35. RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each amended to read as follows:

(1) At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any ~~((councilman, but he))~~ councilmember, and councilmembers shall serve out ~~((his))~~ their terms in the wards of ~~((his))~~ their residences at the time of ~~((his))~~ their elections; PROVIDED, That if this results in one ward being represented by more ~~((councilmen))~~ councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable. ~~((When the city has been divided into wards no person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election, and removal of his residence from the ward for which he was elected renders his office vacant.))~~

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (a) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (b) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

(2) If on the effective date of this section or thereafter, a ward represented by more than one councilmember does not have at least one councilmember elected to office at each municipal election, then the council may change the terms of or renumber councilmember positions to be filled at the next general election if necessary, so that at least one councilmember within the ward is elected to office at each municipal general election, and the city complies with RCW 35A.12.040. The council shall determine by lot which councilmember positions shall be renumbered or terms changed prior to the date for filing declarations of candidacy for election to councilmember positions.

Sec. 36. RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read as follows:

The ~~((councilmen))~~ councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members; PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a council-manager code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title,

incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of ~~((councilmen))~~ councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 37. RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each amended to read as follows:

In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan ~~((: PROVIDED, That))~~, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one ~~((on or after September 8, 1975,))~~ shall be the council chairman and shall carry out the duties prescribed by RCW 35A.13.030 ~~((as now or hereafter amended)).~~

Sec. 38. RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each amended to read as follows:

An annexation election shall be held in accordance with ~~((chapter 35A.29 RCW of this title))~~ general election law and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

Sec. 39. RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as stated in the resolution, and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against Annexation and Adoption of Proposed Zoning Regulation", or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of all or a portion of indebtedness is proposed, shall contain an appropriate, separate proposition for or against the portion of indebtedness that the city requires to be assumed. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by ~~((RCW 35A.29.140))~~ general election law.

Sec. 40. RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each amended to read as follows:

~~((The election shall be conducted and the returns canvassed as provided in chapter 35A.29 RCW.))~~ Ballot titles shall be prepared by the city as provided in RCW 35A.29.120 and shall contain the words "For Dissolution" and "Against Dissolution", and shall contain on separate lines, alphabetically, the names of candidates for receiver. If a majority of the votes cast on the proposition are for dissolution, the municipal corporation shall be dissolved upon certification of the election results to the office of the secretary of state.

Sec. 41. RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each amended to read as follows:

~~((The election returns shall be canvassed as provided in RCW 35A.29.070 and))~~ If three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the ~~((legislative body, by an order entered on its minutes, shall direct the clerk to))~~ county auditor shall make and transmit to the office of the secretary of state a certified abstract of the vote.

NEW SECTION. Sec. 42. A new section is added to chapter 35A.29 RCW to read as follows:

Elections for code cities shall comply with general election law.

Sec. 43. RCW 36.69.020 and 1969 c 26 s 2 are each amended to read as follows:

The formation of a park and recreation district shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters residing within the area so described. ~~((No person signing the petition may withdraw his name therefrom after filing.))~~ The name of a person who has signed the petition may not be withdrawn from the petition after the petition has been filed.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof ~~((; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate)).~~

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with ~~((his))~~ a certificate of sufficiency attached thereto, to the county ~~((commissioners who))~~ legislative authority, which shall by resolution entered upon ~~((their))~~ its minutes ~~((;))~~ receive it and fix a day and hour when ~~((they))~~ the legislative authority will publicly hear the petition, as provided in RCW 36.69.040.

Sec. 44. RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended to read as follows:

~~((All elections pursuant to this chapter shall be conducted in accordance with the provisions of chapter 29.13 RCW for district elections.))~~ A ballot proposition authorizing the formation of the proposed park and recreation district shall be submitted to the voters of the proposed district for their approval or rejection at the next general state election occurring sixty or more days after the county legislative authority fixes the boundaries of the proposed district. Notices of the election for the formation of the park and

recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district (~~((, define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district,))~~) and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. ~~((The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.))~~

The initial park and recreation commissioners shall be elected at the same election, but this election shall be null and void if the district is not authorized to be formed. No primary shall be held to nominate candidates for the initial commissioner positions. Candidates shall run for specific commission positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person who receives the greatest number of votes for each commission position shall be elected to that position. The three persons who are elected receiving the greatest number of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year. The other two persons who are elected shall be elected to two-year terms of office if the election is held in an odd-numbered year or one-year terms of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately upon being elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election.

Sec. 45. RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended to read as follows:

If a majority of all votes cast upon the proposition favors the formation of the district, ~~((the))~~ the county legislative authority shall ~~((f,))~~ by resolution, declare the territory organized as a park and recreation district under the designated name ~~((theretofore designated, and shall declare the candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district. These initial park and recreation commissioners shall take office immediately upon their election and qualification and hold office until their successors are elected and qualified and assume office as provided in RCW 36.69.090 as now or hereafter amended)).~~

Sec. 46. RCW 36.69.090 and 1987 c 53 s 1 are each amended to read as follows:

A park and recreation district shall be governed by a board of five commissioners. Except for the initial commissioners, all commissioners shall be elected to staggered four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Candidates shall run for specific commissioner positions.

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election in each odd-numbered year. ~~((Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election.))~~ Elections shall be held in accordance with the provisions of Title 29 RCW dealing with general elections. ~~((All commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. At the first election following the formation of the district, the two candidates receiving the highest number of votes shall serve for terms of four years, and the three candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for four year terms: PROVIDED, That if there would otherwise be two commissioners elected at the November 1987 general election, the candidate receiving the highest number of votes shall serve a four-year term, and the commissioner receiving the second highest number of votes shall serve a two-year term.))~~

Sec. 47. RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended to read as follows:

Vacancies on the board of park and recreation commissioners shall occur and shall be filled ~~((by a majority vote of the remaining commissioners))~~ as provided in chapter 42.12 RCW.

Sec. 48. RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to read as follows:

(1) If the petition filed under RCW 36.69.430 is found to contain a sufficient number of signatures, the legislative authority of each county shall set a time for a hearing on the petition for the formation of a park and recreation district as prescribed in RCW 36.69.040.

(2) At the public hearing the legislative authority ~~((for each authority))~~ for each county shall fix the boundaries for that portion of the proposed park and recreation district that lies within the county as provided in RCW 36.69.050. Each county shall notify the other county or counties of the determination of the boundaries within ten days.

(3) If the territories created by the county legislative authorities are not contiguous, a joint park and recreation district shall not be formed. If the territories are contiguous, the county containing the portion of the proposed joint district having the larger population shall determine the name of the proposed joint district.

(4) ~~((If the proposed district encompasses portions of two counties, the county containing the portion of the district having the larger population shall divide the territory into three subdivisions and shall name three resident electors as prescribed by RCW 36.69.060. The county containing the territory having the smaller population shall divide that territory into two subdivisions and name two resident electors.~~

~~((5) If the proposed district encompasses portions of more than two counties, the district shall be divided into five subdivisions and resident electors shall be named as follows:~~

~~The number of subdivisions and resident electors to be established by each county shall reflect the proportion of population within each county portion of the proposed district in relation to the total population of the proposed district, provided that each county shall designate one subdivision and one resident elector.~~

~~((6))~~ The proposition for the formation of the proposed joint park and recreation district shall be submitted to the voters of the district at the next general election, which election shall be conducted as required by RCW 36.69.070 and 36.69.080.

Sec. 49. RCW 36.105.010 and 1991 c 363 s 99 are each amended to read as follows:

Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter. It is the purpose of this chapter to provide voters of unincorporated areas in counties with a population of over thirty thousand that are made up entirely of islands and in counties with a population of over one million with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt proposed community comprehensive plans and proposed community zoning ordinances that are consistent with an overall guide and framework adopted by the county legislative authority. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

Sec. 50. RCW 36.105.020 and 1991 c 363 s 100 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area for which a community council has been established and which is located in a county with a population of over thirty thousand that is made up entirely of islands and in counties with a population of over one million.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

Sec. 51. RCW 36.105.030 and 1991 c 363 s 101 are each amended to read as follows:

A community for which a community council is created may include only unincorporated territory located in a single county with a population of over thirty thousand that is made up entirely of islands and in counties with a population of over one million and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation.

Sec. 52. RCW 52.14.010 and 1985 c 330 s 2 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three ~~((resident electors of))~~ registered voters residing in the district except as provided in RCW 52.14.015 and 52.14.020. Each member shall each receive fifty dollars per day or portion thereof, not to exceed four thousand eight hundred dollars per year, for attendance at board meetings and for performance of other services in behalf of the district.

In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all ~~((firemen))~~ fire fighters of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which ~~((said))~~ the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer ~~((firemen))~~ fire fighters without compensation. A commissioner actually serving as a volunteer ~~((fireman))~~ fire fighter may enjoy the rights and benefits of a volunteer ~~((fireman))~~ fire fighter. ~~((The first commissioners shall take office immediately when qualified in accordance with RCW 29.04.135 and shall serve until after the next general election for the selection of commissioners and until their successors have been elected and have qualified and have assumed office in accordance with RCW 29.04.170.))~~

Sec. 53. RCW 52.14.015 and 1990 c 259 s 14 are each amended to read as follows:

In the event a three member board of commissioners of any fire protection district determines by resolution ~~((and approves by unanimous vote of the board))~~ that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for such an increase in the number of commissioners of the district, the board shall submit a resolution to the county legislative authority or authorities of the county or counties in which the district is located requesting that an election be held. Upon receipt of the resolution, the legislative authority or authorities of the county or counties shall call a special election to be held within the fire protection district at which election the following proposition shall be submitted to the voters substantially as follows:

Shall the board of commissioners of county fire protection district no. . . . be increased from three members to five members?

Yes

No

If the fire protection district is located in more than a single county, this proposition shall indicate the name of the district.

If the proposition receives a majority approval at the election, the board of commissioners of the fire protection district shall be increased to five members. The two additional members shall be appointed in the same manner as provided in RCW 52.14.020.

Sec. 54. RCW 52.14.030 and 1984 c 230 s 31 are each amended to read as follows:

~~((The polling places for district elections shall be those of the county voting precincts which include any of the territory within the fire protection districts. District elections))~~ The polling places for a fire protection district election may be located inside or outside the boundaries of the district ((and)), as determined by the auditor of the county in which the fire protection district is located, and the elections of the fire protection district shall not be held to be irregular or void on that account.

Sec. 55. RCW 52.14.050 and 1989 c 63 s 21 are each amended to read as follows:

~~((In the event of a vacancy occurring in the office of fire commissioner, the vacancy shall, within sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners. If the board of commissioners fails to fill the vacancy within the sixty-day period, the county legislative authority of the county in which all, or the largest portion, of the district is located shall make the appointment. If the number of vacancies is such that there is not a majority of the full number of commissioners in office as fixed by law, the county legislative authority of the county in which all, or the largest portion, of the district is located shall appoint someone to fill each vacancy, within thirty days of each vacancy, that is sufficient to create a majority as prescribed by law.~~

An appointee shall serve ad interim until a successor has been elected and qualified at the next general election as provided in chapter 29.21 RCW. A person who is so elected shall take office immediately after he or she is qualified and shall serve for the remainder of the unexpired term.)

Vacancies on a board of fire commissioners shall occur as provided in chapter 42.12 RCW. In addition, if a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board, the office shall be declared vacant by the board of commissioners ((and the vacancy shall be filled as provided for in this section)). However, such an action shall not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting. Vacancies ~~((additionally shall occur))~~ on a board of fire commissioners shall be filled as provided in chapter 42.12 RCW.

Sec. 56. RCW 52.14.060 and 1989 c 63 s 22 are each amended to read as follows:

The initial three members of the board of fire commissioners shall be elected at the same election as when the ballot proposition is submitted to the voters authorizing the creation of the fire protection district. If the district is not authorized to be created, the election of the initial fire commissioners shall be null and void. If the district is authorized to be created, the initial fire commissioners shall take office immediately when qualified. Candidates shall file for each of the three separate fire commissioner positions. Elections shall be held as provided in chapter 29.21 RCW, with the county auditor opening up a special filing period as provided in RCW ~~((29.21.360 and 29.21.370))~~ 29.15.170 and 29.15.180, as if there were a vacancy. The ~~((candidate for each position))~~ person who receives the greatest number of votes for each position shall be elected to that position. ~~((If the election is held in an odd-numbered year, the winning candidate receiving the highest number of votes shall hold office for a term of six years, the winning candidate receiving the next highest number of votes shall hold office for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. If the election were held in an even-numbered year, the winning candidate receiving the greatest number of votes shall hold office for a term of five years, the winning candidate receiving the next highest number of votes shall hold office for a term of three years, and the winning candidate receiving the next highest number of votes shall hold office for a term of one year.))~~ The terms of office of the initial fire commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when elected and qualified and their terms of office ~~((of the initially elected fire commissioners))~~ shall be calculated from the first day of January in the year following their election.

The term of office of each subsequent commissioner shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

Sec. 57. RCW 53.12.140 and 1959 c 17 s 9 are each amended to read as follows:

A vacancy in the office of port commissioner shall occur ~~((by death, resignation, removal, conviction of a felony,))~~ as provided in chapter 42.12 RCW or by nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission ~~((, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty)).~~ A vacancy on a port commission shall be filled as provided in chapter 42.12 RCW.

Sec. 58. RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended to read as follows:

Whenever a proposition for the formation of a public utility district is to be submitted to voters in any county, the county legislative authority may by resolution call a special election, and at the request of petitioners for the formation of such district contained in the petition shall do so and shall provide for holding the same at the earliest practicable time. If the boundaries of the proposed district embrace an area less than the entire county, such election shall be confined to the area so included. The notice of such election shall state the boundaries of the proposed district and the object of such election; in other respects, such election shall be held and called in the same manner as provided by law for the holding and calling of general elections: PROVIDED, That notice thereof shall be given for not less than ten days nor more than thirty days prior to such special election. In submitting the ~~((said))~~ proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in substantially the following terms:

Public Utility District No. __. YES

Public Utility District No. __. NO

At the same special election on the proposition to form a public utility district, there shall also be an election for three public utility district commissioners ~~((PROVIDED, That))~~. However, the election of such commissioners shall be null and void if the proposition to form the public utility district does not receive approval by a majority of the voters voting on the proposition. ~~((Nomination for and election of public utility district commissioners shall conform with the provisions of RCW 54.12.010 as now or hereafter amended, except for the day of such election and the term of office of the original commissioners.))~~ No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the commissioner of that district. Commissioner districts shall be established as provided in RCW 54.12.010. The terms of the initial commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an even-numbered year or a five-year term if the election is held in an odd-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an even-numbered year or a three-year term of office if the election is held in an odd-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an even-numbered year or a one-year term of office if the election is held in an odd-numbered year. The commissioners first to be elected at such special election shall ~~((held office from the first day of the month following the commissioners' election for the terms as specified in this section which terms shall be computed from the first day in January next following the election. If such special election was held in an even-numbered year, the commissioners residing in commissioner district number one shall hold office for the term of six years, the commissioner residing~~

in commissioner district number two shall hold office for the term of four years, and the commissioner residing in commissioner district number three shall hold office for the term of two years. If such special election was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner residing in commissioner district number two shall hold office for the term of three years, and the commissioner residing in commissioner district number three shall hold office for the term of one year.) assume office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day in January in the year following their elections.

The term "general election" as used herein means biennial general elections at which state and county officers in a noncharter county are elected.

Sec. 59. RCW 54.12.010 and 1990 c 59 s 109 are each amended to read as follows:

~~((Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become))~~ A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

When the public utility district is ~~((coextensive with the limits of such county))~~ county-wide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county ~~((commissioner))~~ legislative authority districts ~~((of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter)).~~ When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is ~~((located in a county operating under a "Home Rule" charter))~~ county-wide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, ~~((having))~~ each with approximately equal population and ~~((boundaries;))~~ following ~~((ward and))~~ precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when ~~((they))~~ it changes the boundaries of the proposed public utility district, and one commissioner shall be elected ~~((from each of said))~~ as a commissioner of each of the public utility district commissioner districts. ~~((In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.))~~ Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((Except as otherwise provided,))~~ The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. ((One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.))

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. ~~((A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of Title 29 RCW. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of Title 29 RCW, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void.))~~

A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by ~~((death, resignation, removal, conviction of a felony,))~~ nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission ~~((, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.~~

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and

ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law)). Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.

The boundaries of the public utility district (~~commissioners~~) commissioner districts may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29.70 RCW, but (~~said~~) the boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility (~~commissioners~~) commissioner districts shall be changed to include such additional territory. The proposed change of the boundaries of the public utility district (~~commissioners~~) commissioner district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of (~~said~~) the petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 60. RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to read as follows:

Within thirty days after the public utility district commission shall divide the district into two at large districts, the county legislative authority shall call a special election, to be held at the next scheduled special election called pursuant to RCW 29.13.010, or not more than ninety days after such call, at which time the initial commissioners to such at large districts shall be elected(~~ed~~). No primary shall be held and a special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected.

The person who is elected receiving the ((largest)) greatest number of votes ((to serve for four years)) shall be elected to a four-year term of office, and the other person ((receiving the next largest number of votes to serve an initial term of two years)) who is elected shall be elected to a two-year term of office, if the election is held in an even-numbered year, or the person who is elected receiving the greatest number of votes shall be elected to a three-year term of office, and the other person who is elected shall be elected to a one-year term of office, if the election is held in an odd-numbered year. The length of these terms of office shall be calculated from the first day in January in the year following their elections.

The newly elected commissioners shall assume office immediately after being elected and qualified and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Each successor shall be elected to a four-year term of office.

Sec. 61. RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended to read as follows:

At the election held to form or reorganize a sewer district, (~~there shall be elected three commissioners who shall assume office immediately when qualified in accordance with RCW 29.04.135 to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.~~

~~The term of each nominee shall be expressed on the ballot and shall be computed from the first day of January next following if the initial election of the sewer district commissioners was in a general district election as provided in RCW 29.13.020, or from the first day of January following the first general election for sewer districts after its creation if the initial election was on a date other than a general district election. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his or her successor is elected and qualified, at the general election held in the odd-numbered years, as provided in RCW 29.13.020, and conducted by the county auditor and the returns shall be canvassed by the county canvassing board of election returns: PROVIDED, That each such commissioner shall assume office in accordance with RCW 29.04.170)) three sewer district commissioners shall be elected. The election of sewer district commissioners shall be null and void if the ballot proposition to form or reorganize the sewer district is not approved. Candidates shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.~~

The newly elected sewer district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new sewer district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January in the year following the election.

Thereafter commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 62. RCW 56.12.030 and 1990 c 259 s 24 are each amended to read as follows:

~~((1) Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty registered voters or ten percent of the registered voters of the district who voted in the last general municipal election, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least forty-five days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general elections laws. A vacancy or vacancies shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority. Any person residing in the district who is at the time of election a registered voter may vote at any election held in the sewer district.~~

~~((2) Subsection (1) of this section notwithstanding,)) The board of commissioners of any sewer district may ((provide by majority vote that subsequent commissioners be elected from commissioner districts)) adopt a resolution providing that each subsequent commissioner be elected as a commissioner of a commissioner district within the district. If the board exercises this option, it shall divide the district into ((three)) a number of commissioner districts ((ef)) equal in number to the number of~~

commissioners on the board, each with approximately equal population following current precinct and district boundaries as far as practicable. ((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the registered voters of the commissioner district.

(3) All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.)) Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire sewer district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

NEW SECTION. Sec. 63. A new section is added to chapter 56.12 RCW to read as follows:

Sewer district elections shall conform with general election laws.

Vacancies on a board of sewer commissioners shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 64. RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each amended to read as follows:

Whenever the boundaries or proposed boundaries of a water district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a sewer district) territory in more than one county, all duties delegated by Title 57 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to ((RCW 57.02.060, as now existing or hereafter amended)) general election law, actions subject to review and approval under RCW 57.02.040 and 56.02.070 shall be reviewed and approved only by the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signators reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 57.16.010 shall be limited to that part of such plans within the respective counties.

Sec. 65. RCW 57.12.020 and 1990 c 259 s 30 are each amended to read as follows:

((Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least ten percent of the registered voters of the district who voted in the last general municipal election, filed in the auditor's office of the county in which the district is located, at least forty-five days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws.))

A vacancy ((or vacancies)) on the board shall occur and shall be filled ((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority.

Any person residing in the district who is a registered voter under the laws of the state may vote at any district election)) as provided in chapter 42.12 RCW.

Sec. 66. RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each amended to read as follows:

((The general laws of the state of Washington governing the registration of voters for a general or a special city election shall govern the registration of voters for elections held under this chapter. The manner of holding any general or special election for said)) Water district elections shall be held in accordance with the general election laws of this state. ((All elections in a water district shall be conducted under RCW 57.02.060. All expenses of elections for a water district shall be paid for out of the funds of the water district: PROVIDED, That if the voters fail to approve the formation of a water district, the expenses of the formation election shall be paid by each county in which the proposed district is located, in proportion to the number of registered voters in the proposed district residing in each county.))

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of January following the election, and ((one commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor is)) commissioners shall serve until their successors are elected and qualified and assume(s) office in accordance with RCW 29.04.170. ((All candidates shall be voted upon by the entire water district.))

Three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. ((The commissioner elected in commissioner position number one shall hold office for the term of six years; the commissioner elected in commissioner position number two shall hold office for the term of four years; and the commissioner elected in commissioner position number three shall hold office for the term of two years: PROVIDED, That the members of the first commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected shall also include the time intervening between the date that the results of their election are declared in the canvass of returns thereof and the first day of January following the next general district election as provided in RCW 29.13.020.)) The election of water district commissioners shall be null and void if the ballot proposition to form the water district is approved. Each candidate shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.

The newly elected water district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new water district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 67. RCW 57.12.039 and 1986 c 41 s 2 are each amended to read as follows:

Notwithstanding RCW 57.12.020 and 57.12.030, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district into three commissioner districts of approximately equal population following current precinct and district boundaries. ~~((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the electors of the commissioner district.))~~

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire water district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

Sec. 68. RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each amended to read as follows:

The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county election officer of each county in which the districts are located. A special election shall be called by the county election officer ~~((under RCW 57.02.060))~~ for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 69. RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts vote in favor of the consolidation, the county canvassing board shall so declare in its canvass ~~((under RCW 57.02.060))~~ and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No.", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

NEW SECTION. Sec. 70. A new section is added to chapter 68.52 RCW to read as follows:

Cemetery district elections shall conform with general election laws.

A vacancy on a board of cemetery district commissioners shall occur and shall be filled as provided in chapter 42.12

RCW.

Sec. 71. RCW 68.52.100 and 1947 c 6 s 2 are each amended to read as follows:

For the purpose of forming a cemetery district, a petition designating the boundaries of the proposed district by metes and bounds or describing the lands to be included in the proposed district by government townships, ranges and legal subdivisions, signed by not less than fifteen percent of the ~~((qualified))~~ registered ~~((electors, who are property owners or are purchasing property under contract and who are resident))~~ voters who reside within the boundaries of the proposed district, setting forth the object of the formation of such district and stating that the establishment thereof will be conducive to the public welfare and convenience, shall be filed with the county auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners agreeing to pay the cost of publishing the notice hereinafter provided for. The county auditor shall, within thirty days from the date of filing of such petition, examine the signatures and certify to the sufficiency or insufficiency thereof ~~((and for such purpose shall have access to registration books and records in possession of the registration officers of the election precincts included in whole or in part within the boundaries of the proposed district and to the tax rolls and other records in the offices of the county assessor and county treasurer. No person having))~~. The name of any person who signed a petition shall not be ~~((allowed to withdraw his name therefrom))~~ withdrawn from the petition after it has been filed with the county auditor. If the petition is found to contain a sufficient number of valid signatures ~~((of qualified persons))~~, the county auditor shall transmit it, with ~~((his))~~ a certificate of sufficiency attached, to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, which shall thereupon, by resolution entered upon its minutes, receive the same and fix a day and hour when it will publicly hear ~~((said))~~ the petition.

Sec. 72. RCW 68.52.140 and 1982 c 60 s 2 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall have full authority to hear and determine the petition, and if it finds that the formation of the district will be conducive to the public welfare and convenience, it shall by resolution so declare, otherwise it shall deny the petition. If the ~~((board))~~ county legislative authority finds in favor of the formation of the district, it shall designate the name and number of the district, fix the boundaries thereof, and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this chapter, and for the purpose of electing its first cemetery district commissioners. ~~((The board shall, prior to calling the said election, name three registered resident electors who are property owners or are purchasing property under contract within the boundaries of the district as candidates for election as cemetery district commissioners. These electors are exempt from the requirements of chapter 42.17 RCW.))~~ At the same election three cemetery district commissioners shall be elected, but the election of the commissioners shall be null and void if the district is not created. No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall run for specific commissioner positions. The person receiving the greatest number of votes for each commissioner position shall be elected to that commissioner position. The terms of office of the initial commissioners shall be as provided in RCW 68.52.220.

Sec. 73. RCW 68.52.160 and 1947 c 6 s 8 are each amended to read as follows:

The ballot for ~~((said))~~ the election shall be in such form as may be convenient but shall present the propositions substantially as follows:

"......(insert county name)..... cemetery district No.(insert number).....
.....Yes.....
.....(insert county name)..... cemetery district No.(insert number).....

.....No....."

((and shall specify the names of the candidates nominated for election as the first cemetery district commissioners with appropriate space to vote for the same.))

Sec. 74. RCW 68.52.220 and 1990 c 259 s 33 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three ((qualified registered voters of the district)) members. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. ((The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They and all subsequently elected cemetery commissioners shall have the same qualifications as required of the first three cemetery commissioners and)) Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17 RCW. ((The candidate receiving the highest number of votes shall serve for a term of six years beginning on the first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from the date; and the candidate receiving the next higher number of votes shall serve for a term of two years from the date. Upon the expiration of their respective terms, all cemetery commissioners shall be elected for terms of six years to begin on the first day in January next succeeding the day of election and shall serve until their successors have been elected and qualified and assume office in accordance with RCW 29.04.170. Elections shall be called, noticed, conducted and canvassed and in the same manner and by the same officials as provided for general county elections.))

The initial cemetery district commissioners shall assume office immediately upon their election and qualification. Staggering of terms of office shall be accomplished as follows: (1) The person elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall assume office immediately after they are elected and qualified but their terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office as provided in RCW 29.04.170.

The polling places for a cemetery district election ((shall be those of the county voting precincts which include any of the territory within the cemetery district, and)) may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account.

Sec. 75. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

(1) The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except ((that:-(1))) as provided in this chapter.

A public hospital district shall be created when the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters of the proposed district voting on the proposition and the total vote cast upon the proposition ((to form a hospital district shall)) exceeds forty percent of the total number of votes cast in the ((precincts comprising the)) proposed district at the preceding state general ((and county)) election((: and (2) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election)).

At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected ((to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.04.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district. PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)). The election of the initial commissioners shall be null and void if the district is not authorized to be created.

No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the

commissioner of that district. The terms of office of the initial public hospital district commissioners shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election. The term of office of each successor shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) Commissioner districts shall be used as follows: (a) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (b) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public hospital district may vote at a general election to elect a person as a commissioner of the commissioner district.

If the proposed public hospital district is county-wide, and the county has three county legislative authority districts, the county legislative authority districts shall be used as public hospital district commissioner districts. In all other instances the county auditor of the county in which all or the largest portion of the proposed public hospital district is located shall draw the initial three public hospital district commissioner districts, each of which shall constitute as nearly as possible one-third of the total population of the proposed public hospital district and number the districts one, two, and three. Each of the three commissioner positions shall be numbered one through three and associated with the district of the same number.

The public hospital district commissioners may redraw commissioner districts, if the public hospital district has boundaries that are not coterminous with the boundaries of a county with three county legislative authority districts, so that each district comprises as nearly as possible one-third of the total population of the public hospital district. The commissioners of a public hospital district that is not coterminous with the boundaries of a county that has three county legislative authority districts shall redraw hospital district commissioner boundaries as provided in chapter 29.70 RCW.

Sec. 76. RCW 70.44.045 and 1982 c 84 s 13 are each amended to read as follows:

A vacancy in the office of commissioner shall occur as provided in chapter 42.12 RCW or by ((death, resignation, removal, conviction of felony,)) nonattendance at meetings of the commission for sixty days, unless excused by the commission ((, by any statutory disqualification, by any permanent disability preventing the proper discharge of his duty, or by creation of positions pursuant to RCW 70.44.051, et seq)). A vacancy ((or vacancies on the board)) shall be filled ((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners as provided by RCW 70.44.040: PROVIDED, That if there is only one remaining commissioner, one vacancy shall be filled by appointment by the remaining commissioner and the remaining vacancy or vacancies shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners: PROVIDED FURTHER, That if there is a vacancy of the entire board, a new board may be appointed by the board of county commissioners or county council)) as provided in chapter 42.12 RCW.

Sec. 77. RCW 70.44.053 and 1967 c 77 s 2 are each amended to read as follows:

At any general or special election which may be called for that purpose the board of public hospital district commissioners may, or on petition of ten percent of the ((electors)) voters based on the total vote cast in the last district general election in the public hospital district shall, by resolution, submit to the voters of the district the proposition increasing the number of commissioners to ((any number authorized in RCW 70.44.054)) either five or seven members. The petition or resolution shall specify whether it is proposed to increase the number of commissioners to either five or seven members.

If the voters of the district approve the ballot proposition authorizing the increase in the number of commissioners to either five or seven members, the board of commissioners shall redistrict the public hospital district into the appropriate number of commissioner districts. The additional commissioners shall be elected from commissioner districts in which no existing commissioner resides at the next state general election occurring one hundred twenty days or more after the date of the election at which the voters of the district approved the ballot proposition authorizing the increase in the number of commissioners. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the candidate receiving the greatest number of votes for each position shall be elected. Except for the initial terms of office, persons elected to each of these additional commissioner positions shall be elected to a six-year term.

Where the number of commissioners is increased from three to five, the initial terms of the two new commissioners shall be staggered so that the person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term if the election is held in an even-numbered year, and the other person elected shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term if the election is held in an even-numbered year. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

Where the number of commissioners is increased from three or five to seven, the county auditor of the county in which all or the largest portion of the hospital district is located shall cause the initial terms of office of the additional commissioners to be staggered over the next three district general elections so that two commissioners would normally be elected at the first district general election following the election where the additional commissioners are elected, two commissioners are normally elected at the second district general election after the election of the additional commissioners, and three commissioners are normally elected at the third district general election following the election of the additional commissioners. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

Sec. 78. RCW 70.77.177 and 1984 c 249 s 6 are each amended to read as follows:

"Local fire official" means the chief of a local fire department or ((fire protection district,)) a chief fire protection officer or such other person as may be designated by the governing body of a city((,)) or county((, or district)) to act as a local fire official under this chapter.

NEW SECTION. Sec. 79. A new section is added to chapter 70.77 RCW to read as follows:

"City" means any city or town.

Sec. 80. RCW 70.77.265 and 1984 c 249 s 12 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(1) shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city~~(,)~~ or county~~(, or fire protection district)~~.

Sec. 81. RCW 70.77.270 and 1984 c 249 s 13 are each amended to read as follows:

The governing body of a city~~(,)~~ or county~~(, or fire protection district)~~ may grant or deny an application for a permit under RCW 70.77.260(1). The governing body may place reasonable conditions on any permit it issues.

Sec. 82. RCW 70.77.280 and 1984 c 249 s 14 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(2) for a public display of fireworks shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the official shall submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city~~(,)~~ or county~~(, or fire protection district)~~. The governing body may grant or deny the application and may place reasonable conditions on any permit it issues.

Sec. 83. RCW 70.77.355 and 1986 c 266 s 105 are each amended to read as follows:

(1) Any adult person may secure a general license from the director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city~~(,)~~ or county~~(, or fire protection district)~~, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260.

Sec. 84. RCW 70.77.450 and 1986 c 266 s 113 are each amended to read as follows:

The director of community development, through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he or she may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the director of community development, through the director of fire protection, his or her deputies~~(, his or her)~~ or salaried assistants ~~(and the chief of any city or county fire department or fire protection district)~~, the local fire official, and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Sec. 85. RCW 70.95A.030 and 1973 c 132 s 4 are each amended to read as follows:

In addition to any other powers which it may now have, each municipality shall have the following powers:

(1) To acquire, whether by construction, purchase, devise, gift or lease, or any one or more of such methods, one or more facilities which shall be located within, or partially within the municipality. Each facility must have a separate value to the municipality beyond its potential use to an entity that has leased the facility from the municipality;

(2) To lease, lease with option to purchase, sell or sell by installment sale, any or all of the facilities upon such terms and conditions as the governing body may deem advisable but which shall ~~((at least))~~ more than fully reimburse the municipality for all debt service on any bonds issued to finance the facilities and for all costs incurred by the municipality in financing and operating the facilities and as shall not conflict with the provisions of this chapter. The term of each lease must be less than the term of the municipality's ownership in the leased facility by at least one month;

(3) To issue revenue bonds for the purpose of defraying the cost of acquiring or improving any facility or facilities or refunding any bonds issued for such purpose and to secure the payment of such bonds as provided in this chapter. Revenue bonds may be issued in one or more series or issues where deemed advisable, and each such series or issue may have the same or different maturity dates, interest rates, priorities on revenues available for payment of such bonds and priorities on security available for assuring payment thereof, and such other differing terms and conditions as are deemed necessary and are not in conflict with the provisions of this chapter.

Sec. 86. RCW 70.95A.060 and 1973 c 132 s 7 are each amended to read as follows:

Prior to the issuance of the bonds authorized by this chapter, the municipality may lease the facilities to a lessee or lessees under an agreement providing for payment to the municipality of such rentals as will be more than sufficient (a) to pay the principal of and interest on the bonds issued to finance the facilities, (b) to pay the taxes on the facilities, (c) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (d) unless the agreement of lease obligates the lessees to pay for the maintenance and insurance of the facilities, to pay the costs of maintaining the facilities in good repair and keeping the same properly insured. Subject to the limitations of this chapter, the lease or extensions or modifications thereof may contain such other terms and conditions as may be mutually acceptable to the parties~~(, and)~~. The term of the lease must be less than the term of the municipality's ownership in the leased facility by at least one month. Notwithstanding any other provisions of law relating to the sale of property owned by municipalities, such lease may contain an option for the lessees to purchase the facilities on such terms and conditions with or without consideration as may be mutually acceptable to the parties.

Sec. 87. RCW 84.09.030 and 1989 c 378 s 8 and 1989 c 217 s 1 are each reenacted and amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any

portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district shall be established on the first day of October if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

(4) The boundaries of a newly incorporated water district formed as a result of a special election held in March shall be established as of the first day of June next following the election.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

Sec. 88. RCW 54.16.030 and 1955 c 390 s 4 are each amended to read as follows:

A district may construct, purchase, condemn and purchase, acquire, add to, maintain, conduct, and operate water works and irrigation plants and systems, within or without its limits, for the purpose of furnishing the district, and the inhabitants thereof, and any other persons including public and private corporations within or without its limits, with an ample supply of water for all purposes, public and private, including water power, domestic use, and irrigation, with full and exclusive authority to sell and regulate and control the use, distribution, and price thereof. The district may exercise all powers granted to water districts pursuant to chapter 57.08 RCW that are not inconsistent with the express provisions of this title.

NEW SECTION. Sec. 89. A new section is added to chapter 35.21 RCW to read as follows:

The council of a city or town that has territory included in two counties may adopt an ordinance creating an urban emergency medical service district in all of the portion of the city or town that is located in one of the two counties if: (1) The county in which the urban emergency medical service district is located does not impose an emergency medical service levy authorized under RCW 84.52.069; and (2) the other county in which the city or town is located does impose an emergency medical service levy authorized under RCW 84.52.069. The ordinance creating the district may only be adopted after a public hearing has been held on the creation of the district and the council makes a finding that it is in the public interest to create the district. The members of the city or town council, acting in an ex officio capacity and independently, shall compose the governing body of the urban emergency medical service district. The voters of an urban emergency medical service district shall be all registered voters residing within the urban emergency medical service district.

An urban emergency medical service district shall be a quasi- municipal corporation and an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution. Urban emergency medical service districts shall also be "taxing authorities" within the meaning of Article VII, section 2 of the state Constitution.

An urban emergency medical service district shall have the authority to contract under chapter 39.34 RCW with a county, city, town, fire protection district, public hospital district, or emergency medical service district to have emergency medical services provided within its boundaries.

Territory located in the same county as an urban emergency medical service district that is annexed by the city or town shall automatically be annexed to the urban emergency medical service district.

Sec. 90. RCW 84.52.069 and 1991 c 175 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total ((votes-east)) number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total ((votes-east)) number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total ((votes-east)) number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the

county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(7) No taxing district may levy under this section more than twenty-five cents per thousand dollars of assessed value of property if reductions under RCW 84.52.010(2) are made for the year within the boundaries of the taxing district.

Sec. 91. RCW 53.12.010 and 1992 c 146 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three or, when permitted by this title, five members. Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into ~~((three))~~ the same number of commissioner districts as there are commissioner positions, each having approximately equal population. Where a port district with three commissioner positions is coextensive with the boundaries of a county that has a population of less than five hundred thousand and the county has three county legislative authority districts, the port ~~((district))~~ commissioner districts shall be the county legislative authority districts. In other instances where a port district is divided into commissioner districts, the ~~((petition proposing the formation of such a))~~ port commission shall divide the port district ((shall describe three)) into commissioner districts ((each having approximately the same population and)) unless the commissioner districts have been described pursuant to section 93 of this act. The commissioner districts shall be altered as provided in chapter 53.16 RCW.

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only the voters of a commissioner district may vote at a primary ~~((election))~~ to nominate candidates for a commissioner of the commissioner district. Voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((In port districts having additional commissioners as authorized by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.))~~

NEW SECTION. Sec. 92. A new section is added to chapter 53.12 RCW to read as follows:

Any less than county-wide port district that uses commissioner districts may cease using commissioner districts as provided in this section.

The commissioners of a less than county-wide port district that is divided into commissioner districts may adopt a resolution eliminating the use of commissioner districts in the port district. A copy of the resolution shall be transmitted to the county auditor. Commissioner districts shall not be used in that port district commencing at the next district election occurring one hundred twenty or more days after the county auditor receives a copy of the resolution.

A ballot proposition authorizing the elimination of commissioner districts shall be submitted to the voters of a less than county-wide port district that is divided into commissioner districts if a petition is submitted to the port commission proposing that the port district cease using commissioner districts, that is signed by registered voters of the port district equal in number to at least ten percent of the number of voters who voted at the last district general election. The port commission shall transfer the petition immediately to the county auditor who shall review the signatures and certify its sufficiency. A ballot proposition authorizing the elimination of commissioner districts shall be submitted at the next district general election occurring sixty or more days after a petition with sufficient signatures was submitted. If the ballot proposition authorizing the port district to cease using commissioner districts is approved by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections. The port commission may adopt a resolution eliminating the use of commissioner districts in lieu of having the ballot proposition submitted to district voters.

NEW SECTION. Sec. 93. A new section is added to chapter 53.04 RCW to read as follows:

Three commissioner districts, each with approximately the same population, shall be described in the petition proposing the creation of a port district under RCW 53.04.020, if the process to create the port district was initiated by voter petition, or shall be described by the county legislative authority, if the process to initiate the creation of the port district was by action of the county legislative authority. However, commissioner districts shall not be described if the commissioner districts of the proposed port district shall be the same as the county legislative authority districts.

The initial port commissioners shall be elected as provided in RCW 53.12.172.

Sec. 94. RCW 53.04.023 and 1993 c 70 s 1 are each amended to read as follows:

A less than county-wide port district with an assessed valuation of at least seventy-five million dollars may be created in a county that already has a less than county-wide port district located within its boundaries. Except as provided in this section, such a port district shall be created in accordance with the procedure to create a county-wide port district.

The effort to create such a port district is initiated by the filing of a petition with the county auditor calling for the creation of such a port district, describing the boundaries of the proposed port district, designating either three or five commissioner positions, describing commissioner districts if the petitioners propose that the commissioners represent districts, and providing a name for the proposed port district. The petition must be signed by voters residing within the proposed port district equal in number to at least ten percent of such voters who voted at the last county general election.

A public hearing on creation of the proposed port district shall be held by the county legislative authority if the county auditor certifies that the petition contained sufficient valid signatures. Notice of the public hearing must be published in the county's official newspaper at least ten days prior to the date of the public hearing. After taking testimony, the county legislative authority may make changes in the boundaries of the proposed port district if it finds that such changes are in the public interest and shall determine if the creation of the port district is in the public interest. No area may be added to the boundaries unless a subsequent public hearing is held on the proposed port district.

The county legislative authority shall submit a ballot proposition authorizing the creation of the proposed port district to the voters of the proposed port district, at any special election date provided in RCW 29.13.020, if it finds the creation of the port district to be in the public interest.

The port district shall be created if a majority of the voters voting on the ballot proposition favor the creation of the port district. The initial port commissioners shall be elected at the same election, from districts or at large, as provided in the petition initiating the creation of the port district. The election shall be otherwise conducted as provided in RCW 53.12.172, but the election of commissioners shall be null and void if the port district is not created. ~~((Commissioner districts shall not be used in the initial election of the port commissioners.))~~

This section shall expire July 1, 1997.

Sec. 95. RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and amended to read as follows:

(1) In every port district the term of office of each port commissioner shall be four years in each port district that is county-wide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in RCW 53.12.175, and until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

(3) The terms of office of the initial port commissioners shall be staggered as follows in a port district that is county-wide with a population of one hundred thousand or more: ~~((+))~~ (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29.04.170; and ~~((2))~~ (b) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(4) The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(5) The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections.

Sec. 96. RCW 53.12.115 and 1992 c 146 s 7 are each amended to read as follows:

A ballot proposition shall be submitted to the voters of any port district authorizing an increase in the number of port commissioners to five whenever the port commission adopts a resolution proposing the increase in number of port commissioners or a petition ~~((requesting))~~ proposing such an increase has been submitted to the county auditor of the county in which the port district is located that has been signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election. The ballot proposition shall be submitted at the next general or special election occurring sixty or more days after the petition was submitted or resolution was adopted.

At the next general or special election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 97. RCW 53.12.120 and 1992 c 146 s 8 are each amended to read as follows:

When the population of a port district that has three commissioners reaches five hundred thousand, in accordance with the latest United States regular or special census or with the official state population estimate, there shall be submitted to the voters of the district, at the next district general election or at a special port election called for that purpose, the proposition of increasing the number of commissioners to five. ~~((At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is approved by the voters, the commission in that port district shall consist of five commissioners.))~~

At the next district general election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 98. RCW 53.12.130 and 1992 c 146 s 9 are each amended to read as follows:

Two additional port commissioners shall be elected at the next district general election following the election at which voters authorized the increase in port commissioners to five members. ~~((The two additional positions shall be numbered positions four and five.))~~

The port commissioners shall divide the port district into five commissioner districts prior to the first day of June in the year in which the two additional commissioners shall be elected. The new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected from commissioner districts four and five at the general election. The persons ((receiving the highest number of votes for each position shall be elected to that position and)) elect as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29.01.135.

In a port district where commissioners are elected to four-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a four-year term of office and the other additional commissioner thus elected shall be elected to a term of office of two years, if the election ~~((were))~~ is held in an odd-numbered year, or the additional

commissioner thus elected receiving the highest number of votes shall be elected to a term of office of three years and the other shall be elected to a term of office of one year, if the election ~~(were)~~ is held in an even-numbered year. In a port district where the commissioners are elected to six-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a six-year term of office and the other additional commissioner shall be elected to a four-year term of office, if the election is held in an odd-numbered year, or the additional commissioner receiving the highest number of votes shall be elected to a term of office of five-years and the other shall be elected to a three-year term of office, if the election is held in an even-numbered year. The length of terms of office shall be computed from the first day of January in the year following this election.

~~((A successor to a commissioner holding position four or five whose term is about to expire, shall be elected at the general election next preceding such expiration, for a))~~ Successor commissioners from districts four and five shall be elected to terms of either six or four years, depending on the length of terms of office to which commissioners of that port district are elected. ((Positions four and five shall not be associated with a commissioner district and the elections to both nominate candidates for those positions and elect commissioners for these positions shall be held on a port district-wide basis.))

Sec. 99. RCW 53.12.175 and 1992 c 146 s 3 are each amended to read as follows:

A ballot proposition to reduce the terms of office of port commissioners from six years to four years shall be submitted to the voters of any port district that otherwise would have commissioners with six-year terms of office upon either resolution of the port commissioners or petition of voters of the port district proposing the reduction in terms of office, which petition has been signed by voters of the port district equal in number to at least ten percent of the number of voters in the port district voting at the last ~~((district))~~ general election. The petition shall be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition shall be submitted at the next ~~((district))~~ general or special election that occurs sixty or more days after the adoption of the resolution or submission of the petition.

If the ballot proposition reducing the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner or commissioners who are elected at that election shall be elected to four-year terms of office. The terms of office of the other commissioners shall not be reduced, but each successor shall be elected to a four-year term of office.

Sec. 100. RCW 53.16.015 and 1992 c 146 s 10 are each amended to read as follows:

~~((In a port district that is not coterminous with a county that has three county legislative authority districts and that has port commissioner districts.))~~ The port commission of a port district that uses commissioner districts may redraw the commissioner district boundaries as provided in chapter 29.70 RCW at any time and submit the redrawn boundaries to the county auditor if the port district is not coterminous with a county that has the same number of county legislative authority districts as the port has port commissioners. The new commissioner districts shall be used at the next election at which a port commissioner is regularly elected that occurs at least one hundred eighty days after the redrawn boundaries have been submitted. Each commissioner district shall encompass as nearly as possible ~~((one-third of the population of the port district))~~ the same population.

Sec. 101. RCW 9.46.110 and 1991 c 161 s 1 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross income from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount paid for as prizes. No tax shall be imposed on the first ten thousand dollars of net proceeds from raffles conducted by any bona fide charitable or nonprofit organization as defined in this chapter. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games.

Taxes imposed under this chapter become a lien upon personal and real property in the same manner as provided for under RCW 84.60.010.

Sec. 102. RCW 28A.315.440 and 1975 1st ex.s. c 275 s 99 are each amended to read as follows:

Upon receipt of the aforesaid certificate, it shall be the duty of the board of county commissioners of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the educational service district superintendent of the district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded ~~((quarterly))~~ monthly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district.

Sec. 103. RCW 35.49.130 and 1965 c 7 s 35.49.130 are each amended to read as follows:

~~((In county foreclosures for delinquency in the payment of general taxes, the county treasurer shall mail a copy of the published summons to the treasurer of every city and town within which any property involved in the foreclosure proceeding is situated. The copy of the summons shall be mailed within fifteen days after the first publication thereof, but the county treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed.))~~

If any property situated in a city or town is offered for sale for general taxes by the county treasurer, the city or town shall have power to protect the lien or liens of any local improvement assessments outstanding against the whole or portion of such property by purchase thereof or otherwise.

Sec. 104. RCW 36.21.011 and 1973 1st ex.s. c 11 s 1 are each amended to read as follows:

Any assessor who deems it necessary to enable him or her to complete the listing and the valuation of the property of his or her county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as ~~((his))~~ assistants or deputies who shall not engage in the private practice of appraising within the county ~~((in which he is))~~ where employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

~~((If))~~ An assessor who intends to put such plan into effect ~~((in his county, he))~~ shall inform the department of revenue and the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of this intent in writing. The department of revenue and the ~~((board))~~ authority may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the ~~((board))~~ legislative authority, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of ~~((his))~~ the four next succeeding annual budget estimates, for as many positions as are established in such determination. Each ~~((board of))~~ county ~~((commissioners))~~ legislative authority to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

Sec. 105. RCW 46.44.175 and 1985 c 22 s 2 are each amended to read as follows:

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a penalty of not less than one hundred dollars or more than five hundred dollars shall be assessed. In addition to the above penalty, the department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person who shall alter, re-use, transfer, or forge the decal required by RCW 46.44.170, or who shall display a decal knowing it to have been forged, re-used, transferred, or altered, shall be guilty of a gross misdemeanor.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the department of transportation or the local authority having jurisdiction. The department or the local authority after such hearing may revise its previous action.

NEW SECTION. Sec. 106. A new section is added to chapter 82.03 RCW to read as follows:

In all appeals taken pursuant to RCW 84.08.130 the assessor or taxpayer shall submit evidence of comparable sales to be used in a hearing to the board and to all parties at least ten business days in advance of such hearing. Failure to comply with the requirements set forth in this section shall be grounds for the board, upon objection, to continue the hearing or refuse to consider evidence not timely submitted.

Sec. 107. RCW 84.08.130 and 1992 c 206 s 10 are each amended to read as follows:

(1) Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the ~~((county auditor))~~ board of tax appeals a notice of appeal ~~((in duplicate))~~ within thirty days after the mailing of the decision of such board of equalization, which notice shall specify the actions complained of ~~((, and said auditor shall forthwith transmit one of said notices to the board of tax appeals))~~; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. There shall be no fee charged for the filing of an appeal. The petitioner shall ~~((provide))~~ serve a copy of the notice of appeal ~~((to))~~ on all named parties within the same thirty-day time period ~~((provided in the rules of practice and procedure of the board of tax appeals))~~. Appeals which are not filed and served as provided in this section shall be ~~((continued or))~~ dismissed. The board of tax appeals shall require the board appealed from to file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper. An appeal of an action by a county board of equalization shall be deemed to have been filed and served within the thirty-day period if it is postmarked on or before the thirtieth day after the mailing of the decision of the board of equalization.

(2) The board of tax appeals may enter an order, pursuant to subsection (1) of this section, that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the assessed value during that time.

Sec. 108. RCW 84.08.140 and 1975 1st ex.s. c 278 s 157 are each amended to read as follows:

Any taxpayer feeling aggrieved by the levy or levies of any taxing district except levies authorized by a vote of the people of the district may appeal therefrom to the department of revenue as hereinafter provided. Such taxpayer, upon the execution of a bond, with two or more sufficient sureties to be approved by the county auditor, payable to the state of Washington, in the penal sum of two hundred dollars and conditioned that if the petitioner shall fail in his or her appeal for a reduction of said levy or levies ~~((he))~~ the taxpayer will pay the taxable costs of the hearings hereinafter provided, not exceeding the amount of such bond, may file a

written complaint with the county auditor wherein such taxing district is located not later than ten days after the making and entering of such levy or levies, setting forth in such form and detail as the department of revenue shall by general rule prescribe, ~~((his))~~ the taxpayer's objections to such levy or levies. Upon the filing of such complaint, the county auditor shall immediately transmit a certified copy thereof, together with a copy of the budget or estimates of such taxing district as finally adopted, including estimated revenues and such other information as the department of revenue shall by rule require, to the department of revenue. The department of revenue shall fix a date for a hearing on said complaint at the earliest convenient time after receipt of said record, which hearing shall be held in the county in which said taxing district is located, and notice of such hearing shall be given to the officials of such taxing district, charged with determining the amount of its levies, and to the taxpayer on said complaint by registered mail at least five days prior to the date of said hearing. At such hearings all interested parties may be heard and the department of revenue shall receive all competent evidence. After such hearing, the department of revenue shall either affirm or decrease the levy or levies complained of, in accordance with the evidence, and shall thereupon certify its action with respect thereto to the county auditor, who, in turn, shall certify it to the taxing district or districts affected, and the action of the department of revenue with respect to such levy or levies shall be final and conclusive.

Sec. 109. RCW 84.12.360 and 1987 c 153 s 3 are each amended to read as follows:

The actual cash value of the operating property assessed to a company, as fixed and determined by the ~~((state board))~~ department of ((equalization)) revenue, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of steam, suburban, and interurban railroad companies, telegraph companies and pipe line companies--upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies), and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies--upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies--upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies--upon the basis set forth in ~~((subdivision))~~ subsection (2) ((hereof)) of this section.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Sec. 110. RCW 84.12.370 and 1975 1st ex.s. c 278 s 171 are each amended to read as follows:

When the ~~((state board))~~ department of ((equalization)) revenue shall have determined the equalized assessed value of the operating property of each company in each of the respective counties and in the taxing districts thereof, as hereinabove provided, the department of revenue shall certify such equalized assessed value to the county assessor of the proper county. The county assessor shall enter the company's real operating property upon the real property tax rolls and the company's personal operating property upon the personal property tax rolls of ~~((his))~~ the county assessor's county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating property of the company in such county and the taxing districts therein for that year, upon which taxes shall be levied and collected in the same manner as on the general property of such county.

Sec. 111. RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision (3) of RCW 84.16.010 or otherwise, following which shall be entered the actual cash value of the operating property as determined by the department of revenue. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the actual cash value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll; and thereupon such valuation shall become the actual cash value of the operating property of the company, subject to revision or correction by the ~~((state board))~~ department of ((equalization)) revenue as hereinafter provided; and shall be the valuation upon which, after equalization by the ~~((state board))~~ department of ((equalization)) revenue as hereinafter provided, the taxes of such company shall be based and computed.

Sec. 112. RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended to read as follows:

The actual cash value of the property of each company as fixed and determined by the ~~((state board))~~ department of ((equalization)) revenue as herein provided shall be apportioned to the respective counties in the following manner:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is situate, located and operated.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

Sec. 113. RCW 84.16.130 and 1975 1st ex.s. c 278 s 183 are each amended to read as follows:

When the ~~((state board))~~ department of ~~((equalization))~~ revenue shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, the department of revenue shall certify such equalized or assessed value to the county assessor of the proper county; and the county assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of ~~((his))~~ the county assessor's county entitled to a proportionate value thereof in the manner prescribed in RCW 84.16.120 for apportionment of values between counties. The county assessor shall enter such assessment upon the personal property tax rolls of ~~((his))~~ the county assessor's county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

Sec. 114. RCW 84.33.130 and 1986 c 100 s 57 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year commencing with 1972 shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

- (a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;
- (b) The date or dates of acquisition of such land;
- (c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;
- (d) Whether there is a forest management plan for such land;
- (e) If so, the nature and extent of implementation of such plan;
- (f) Whether such land is used for grazing;
- (g) Whether such land has been subdivided or a plat filed with respect thereto;
- (h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;
- (i) Whether such land is subject to forest fire protection assessments pursuant to RCW 76.04.610;
- (j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;
- (k) A summary of the past experience and activity of the applicant in growing and harvesting timber;
- (l) A summary of current and continuing activity of the applicant in growing and harvesting timber;
- (m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;
- (n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined ~~((in RCW 76.08.010, or any laws or regulations adopted to replace such minimum standards))~~ by rule adopted by the forest practices board, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, he or she shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his or her application has been denied may appeal such denial to the county board of equalization.

Sec. 115. RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW ~~((84.52.050 and))~~ 84.52.043.

Sec. 116. RCW 84.36.381 and 1992 c 187 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied ((or if));

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-six thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

NEW SECTION. Sec. 117. Section 116 of this act is effective for taxes levied for collection in 1993 and thereafter.

Sec. 118. RCW 84.38.040 and 1984 c 220 s 22 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW ((84.64.030-04)) 84.64.050, whichever is later: PROVIDED, That for good cause shown, the department may waive this requirement.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter ((9.72)) 9A.72 RCW for ((the)) false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

Sec. 119. RCW 84.40.0301 and 1971 ex.s. c 288 s 2 are each amended to read as follows:

((4)) Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence.

((2) In any administrative or judicial proceeding pending upon May 21, 1971 or arising from the property revaluation under the provisions of section 4, chapter 282, Laws of 1969 ex. sess., and section 1, chapter 95, Laws of 1970 ex. sess., the provisions of this section will apply. This paragraph shall not be construed so as to limit in any way the provisions of subsection (1) of this section.)

Sec. 120. RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended to read as follows:

The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a maximum civil penalty of five ((dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five)) thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

Sec. 121. RCW 84.40.080 and 1973 2nd ex.s. c 8 s 1 are each amended to read as follows:

((The)) An assessor((, upon his own motion, or upon the application of any taxpayer,)) shall enter ((in the detail and assessment list of the current)) on the assessment roll in any year any property shown to have been omitted from the assessment

~~((list)) roll of any preceding year, at the ((valuation of that)) value for the preceding year, or if not then valued, at such ((valuation)) value as the assessor shall determine ((from)) for the preceding year, and such ((valuation)) value shall be stated ((in a separate line)) separately from the ((valuation)) value of ((the current)) any other year. ((Where improvements have not been valued and assessed as a part of the real estate upon which the same may be located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property under this section)) When any improvement has not been placed on an assessment roll as a part of the real estate upon which it is located, the improvement may, subject to RCW 84.40.085, be subsequently placed upon the assessment roll regardless of whether any other improvement on the real estate is listed on the assessment roll. For purposes of this section it is immaterial whether an assessment roll lists each improvement separately: PROVIDED, That no such assessment shall be made in any case where a bona fide purchaser(~~(, encumbrancer,)) or contract buyer has acquired any interest in said property prior to the time such improvements are assessed. When such an omitted assessment is made, the taxes levied thereon may be paid within one year of the due date of the taxes for the year in which the assessment is made without penalty or interest: AND PROVIDED FURTHER, That in the assessment of personal property, the assessor shall assess the omitted value not reported by the taxpayer as evidenced by an inspection of either the property or the books and records of said taxpayer by the assessor.~~~~

Sec. 122. RCW 84.40.090 and 1961 c 15 s 84.40.090 are each amended to read as follows:

~~It shall be the duty of assessors, when assessing real or personal property, to designate the name or number of each taxing and road district in which each person and each description of property assessed is liable for taxes((, which designation shall be made by writing the name or number of the districts opposite each assessment in the column provided for that purpose in the detail and assessment list)). When the real and personal property of any person is assessable in several taxing districts and/or road districts, the amount in each shall be assessed ((on separate detail and assessment lists, and all property assessable in incorporated cities or towns shall be assessed in consecutive books, where more than one book is necessary, separate from outside property and separately, and the name of the owner, if known, together with his post office address, placed opposite each amount)) separately.~~

Sec. 123. RCW 84.40.170 and 1961 c 15 s 84.40.170 are each amended to read as follows:

(1) In all cases of irregular subdivided tracts or lots of land other than any regular government subdivision the county assessor shall outline a plat of such tracts or lots and notify the owner or owners thereof with a request to have the same surveyed by the county engineer, and cause the same to be platted into numbered (or lettered) lots or tracts: PROVIDED, HOWEVER, That where any county has in its possession the correct field notes of any such tract or lot of land a new survey shall not be necessary, but such tracts may be mapped from such field notes. In case the owner of such tracts or lots neglects or refuses to have the same surveyed or platted, the county assessor shall notify the ((board of)) county ((commissioners)) legislative authority in and for the county, who may order and direct the county engineer to make the proper survey and plat of the tracts and lots. A plat shall be made on which said tracts or lots of land shall be accurately described by lines, and numbered (or lettered), which numbers (or letters) together with number of the section, township and range shall be distinctly marked on such plat, and the field notes of all such tracts or lots of land shall describe each tract or lot according to the survey, and such tract or lot shall be numbered (or lettered) to correspond with its number (or letter) on the map. The plat shall be given a designated name by the surveyor thereof. When the survey, plat, field notes and name of plat, shall have been approved by the ((board of)) county ((commissioners)) legislative authority, the plat and field notes shall be filed and recorded in the office of the county auditor, and the description of any tract or lot of land described in said plats by number (or letter), section, township and range, shall be a sufficient and legal description for revenue and all other purposes.

(2) Upon the request of eighty percent of the owners of the property to be surveyed and the approval of the county legislative authority, the county assessor may charge for actual costs and file a lien against the subject property if the costs are not repaid within ninety days of notice of completion, which may be collected as if such charges had been levied as a property tax.

Sec. 124. RCW 84.41.070 and 1975 1st ex.s. c 278 s 198 are each amended to read as follows:

~~If the department of revenue finds upon its own investigation, or upon a showing by others, that the revaluation program for any county is not proceeding for any reason as herein directed, ((or is not proceeding for any reason with sufficient rapidity to be completed before June 1, 1958,)) the department of revenue shall advise both the ((board of)) county ((commissioners)) legislative authority and the county assessor of such finding. Within thirty days after receiving such advice, the ((board of)) county ((commissioners)) legislative authority, at regular or special session, either (1) shall authorize such expenditures as will enable the assessor to complete the revaluation program as herein directed, or (2) shall direct the assessor to request special assistance from the department of revenue for aid in effectuating the county's revaluation program.~~

Sec. 125. RCW 84.44.010 and 1961 c 15 s 84.44.010 are each amended to read as follows:

~~Personal property, except such as is required in this title to be listed and assessed otherwise, shall be listed and assessed in the county where it is situated. ((The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or place where his business is carried on.))~~

Sec. 126. RCW 84.48.050 and 1961 c 15 s 84.48.050 are each amended to read as follows:

~~The county assessor shall, on or before the fifteenth day of January in each year, make out and transmit to the state auditor, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres of land assessed, the value of such land, including the structures thereon; the value of town and city lots, including structures; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized and the total amount of taxes levied in the county for state, county, city and other taxing district purposes, for that year. Should the assessor of any county fail to transmit to the ((state board)) department of ((equalization)) revenue the abstract provided for in RCW 84.48.010 by the ((time the state board of equalization convenes)) eighteenth of August, and if, by reason of such failure to transmit such abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the ((state board)) department of ((equalization)) revenue shall, at its next annual session, ascertain what amount of state tax said county has failed to collect, and certify the same to the state auditor, who shall charge the amount to the proper county and notify the auditor of said county of the amount of said charge; said sum shall be due and payable immediately by warrant in favor of the state on the current expense fund of said county.~~

Sec. 127. RCW 84.48.080 and 1990 c 283 s 1 are each amended to read as follows:

~~Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and~~

other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 128. RCW 84.48.110 and 1987 c 168 s 1 are each amended to read as follows:

Within three days after the record of the proceedings of the ~~((state board))~~ department of ~~((equalization))~~ revenue is certified by the director of the department, the department shall transmit to each county assessor a copy of the record of the proceedings of the ~~((board))~~ department, specifying the amount to be levied and collected ~~((on said assessment books))~~ for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the fifth preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The department shall close the account of each county for the fifth preceding year and charge the amount of such delinquency to the tax levy of the current year. These delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the fifth preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

Sec. 129. RCW 84.48.120 and 1987 c 168 s 2 are each amended to read as follows:

It shall be the duty of the county assessor of each county, when he or she shall have received from the state department of revenue the assessed valuation of the property of railroad and other companies assessed by the department of revenue and apportioned to the county, and placed the same on the tax rolls, and received the report of the department of revenue of the amount of taxes levied for state purposes, to compute the required percent on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: PROVIDED, That the rates so computed shall not be such as to raise a surplus of more than five percent over the total amount required by the ~~((state board))~~ department of ~~((equalization))~~ revenue: PROVIDED FURTHER, That any surplus raised shall be remitted to the state in accordance with RCW 84.56.280.

Sec. 130. RCW 84.48.150 and 1973 1st ex.s. c 30 s 1 are each amended to read as follows:

The assessor shall, upon the request of any taxpayer who petitions the board of equalization for review of a tax claim or valuation dispute, make available to said taxpayer a compilation of comparable sales utilized by the assessor in establishing such taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall furnish the taxpayer with such other factors and the addresses of such other property used in making the determination of value.

The assessor shall within ~~((thirty))~~ sixty days of such request but at least ~~((ten))~~ fifteen business days prior to such taxpayer's appearance before the board of equalization make available to the taxpayer the valuation criteria and/or comparable ~~((s))~~ sales which shall not be subsequently changed ~~((or modified))~~ by the assessor ~~((during review or appeal proceedings))~~ unless the assessor has found new evidence supporting the assessor's valuation, in which situation the assessor shall provide such additional evidence to the taxpayer and the board of equalization at least ~~((ten))~~ fifteen business days prior to the hearing ~~((on appeal or review proceedings))~~ at the board of equalization. A taxpayer who lists comparable sales on ~~((his))~~ a notice of appeal ~~((shall not thereafter use other comparables during the review of appeal proceedings: PROVIDED, That the taxpayer may change the comparable sales he is using in proceedings subsequent to the county board of equalization only if he provides a listing of such different comparables to the assessor at least five business days prior to such subsequent proceedings: PROVIDED FURTHER, That the board of equalization may waive the requirements contained in the preceding proviso or allow the assessor a continuance of reasonable duration to check the comparables furnished by the taxpayer))~~ shall not subsequently change such sales unless the taxpayer has found new evidence supporting the taxpayer's proposed valuation in which case the taxpayer shall provide such additional evidence to the assessor and board of equalization at least ten business days prior to the hearing. If either the assessor or taxpayer do not meet the requirements of this section the board of equalization may continue the hearing to provide the parties an opportunity to review all evidence or, upon objection, refuse to consider sales not submitted in a timely manner.

NEW SECTION. Sec. 131. A new section is added to chapter 84.48 RCW to read as follows:

The board of equalization may enter an order that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the assessed value during that time.

Sec. 132. RCW 84.52.043 and 1990 c 234 s 1 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) ~~((Except as provided in RCW 84.52.100;))~~ The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

NEW SECTION. Sec. 133. A new section is added to chapter 84.52 RCW to read as follows:

(1) Annually, at the time required by law for the levying of taxes for county purposes, the proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies as follows:

(a) A levy upon all of the taxable property within the county for the amount of all taxes levied by the county for county or state purposes that were:

(i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or

(ii) Not collected because of changes made after final certification of the assessment roll.

(b) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes levied by the county for the purposes of such taxing district that were:

(i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or

(ii) Not collected because of changes made after final certification of the assessment roll.

(2) For purposes of this section, "changes" means increases or decreases in assessed value of property resulting from an error or final adjustments made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction, including changes reflecting settlements of proceedings in such board or court. "Changes" does not include changes in assessed value of property resulting from actions brought to recover taxes under RCW 84.68.020.

Sec. 134. RCW 84.55.005 and 1983 1st ex.s. c 62 s 11 are each amended to read as follows:

As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes ~~((under RCW 84.09.080)).~~

Sec. 135. RCW 84.55.070 and 1982 1st ex.s. c 28 s 2 are each amended to read as follows:

The provisions of this chapter shall not apply to a levy, including the state levy, or that portion of a levy, made by or for a taxing district for the purpose stated in section 133 of this act, or made by or for a taxing district for the purpose of funding a property tax refund paid or to be paid pursuant to the provisions of chapter 84.68 RCW or attributable to a property tax refund paid or to be paid pursuant to the provisions of chapter 84.69 RCW, attributable to amounts of state taxes withheld under RCW 84.56.290 or the provisions of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully owing by reason of adjustments made under RCW 84.48.080.

Sec. 136. RCW 84.56.340 and 1985 c 395 s 4 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use, or where a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise, no segregation of property for tax purposes shall be made unless all delinquent taxes and assessments on the entire tract have been paid in full ~~((: AND PROVIDED FURTHER, That where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from date of notice.))~~. The county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county commissioners at their next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by county commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Sec. 137. RCW 84.60.050 and 1971 ex.s. c 260 s 2 are each amended to read as follows:

(1) When real property is acquired by purchase or condemnation by the state of Washington, any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such property shall continue to be subject to the tax lien for the years prior to the year in which the property is so acquired or placed under such agreement or order, of any tax levied by the state, county, municipal corporation or other tax levying public body, except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real property being acquired or placed under immediate possession and use for the year in which such real property is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such property allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as provided in RCW ((84.56.400)) 84.48.065. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he or she shall be entitled to a pro rata refund of the amount paid on the property so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede February 15th of the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW ((84.56.400)) 84.48.065.

Sec. 138. RCW 84.69.020 and 1991 c 245 s 31 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
- (8) Paid ((~~or overpaid~~)) as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person ((~~paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same~~)) with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board;
- (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or
- (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights ((~~that would preclude the assessment and collection of the refunded tax from~~)) in the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

Sec. 139. RCW 84.70.010 and 1987 c 319 s 6 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the true cash value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true cash value of such taxable property before destruction or reduction in value and deduct therefrom the true cash value of the remaining property after destruction or reduction in value.

(b) Then divide any amount remaining by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property.

(2) No reduction in the true cash value shall be made more than three years after the date of destruction or reduction in value.

(3) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(4) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July ((~~15th~~)) 1st of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal.

NEW SECTION. Sec. 140. The following acts or parts of acts are each repealed:

- (1) RCW 35.49.120 and 1965 c 7 s 35.49.120;

- (2) RCW 36.21.020 and 1963 c 4 s 36.21.020;
- (3) RCW 36.21.030 and 1963 c 4 s 36.21.030; and
- (4) RCW 84.56.023 and 1989 c 378 s 38.

NEW SECTION. Sec. 141. The following acts or parts of acts are each repealed:

- (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- (7) RCW 35A.02.001 and 1989 c 84 s 35;
- (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s 35A.02.110;
- (10) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- (11) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- (12) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- (13) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- (14) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- (15) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
- (16) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
- (17) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
- (18) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
- (19) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
- (20) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
- (21) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
- (22) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s 35A.29.105;
- (23) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
- (24) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
- (25) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s 35A.29.150;
- (26) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s 36.54.080;
- (27) RCW 36.54.090 and 1963 c 4 s 36.54.090;
- (28) RCW 36.54.100 and 1963 c 4 s 36.54.100;
- (29) RCW 36.69.060 and 1963 c 4 s 36.69.060;
- (30) RCW 44.70.010 and 1987 c 298 s 7;
- (31) RCW 53.12.047 and 1992 c 146 s 6;
- (32) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1, 1959 c 175 s 8, & 1959 c 17 s 8;
- (33) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
- (34) RCW 68.52.240 and 1947 c 6 s 16;
- (35) RCW 70.44.051 and 1967 c 77 s 1;
- (36) RCW 70.44.055 and 1967 c 77 s 3; and
- (37) RCW 70.44.057 and 1967 c 77 s 4.

NEW SECTION. Sec. 142. (1) Sections 35, 87, 116, and 117 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 101 through 115 and 118 through 140 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.200, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240, 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100, 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060, 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440, 36.105.010, 36.105.020, 36.105.030, 52.14.010, 52.14.015, 52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020, 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045, 70.44.053, 70.77.177, 70.77.265, 70.77.270, 70.77.280, 70.77.355, 70.77.450, 70.95A.030, 70.95A.060, 54.16.030, 84.52.069, 53.12.010, 53.04.023, 53.12.115, 53.12.120, 53.12.130, 53.12.175, 53.16.015, 9.46.110, 28A.315.440, 35.49.130, 36.21.011, 46.44.175, 84.08.130, 84.08.140, 84.12.360, 84.12.370, 84.16.090, 84.16.120, 84.16.130, 84.33.130, 84.34.230, 84.36.381, 84.38.040, 84.40.0301, 84.40.045, 84.40.080, 84.40.090, 84.40.170, 84.41.070, 84.44.010, 84.48.050, 84.48.080, 84.48.110, 84.48.120, 84.48.150, 84.52.043, 84.55.005, 84.55.070, 84.56.340, 84.60.050, 84.69.020, and 84.70.010; reenacting and amending RCW 84.09.030 and 53.12.172; adding a new section to chapter 42.12 RCW; adding a new section to chapter 29.15 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35A.29 RCW; adding a new section to chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.77 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 53.12 RCW; adding a new section to chapter 53.04 RCW; adding a new section to chapter 82.03 RCW; adding a new section to chapter 84.48 RCW; adding a new section to chapter 84.52 RCW; creating a new section; repealing RCW 35.49.120, 36.21.020, 36.21.030, 84.56.023, 35.23.070, 35.24.070, 35.27.110, 35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100,

35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Reengrossed Substitute House Bill No. 1464, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1464, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1464, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McCaslin, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Sutherland, Talmadge, Vognilid, West, Williams, Winsley and Wojahn - 43.

Voting nay: Senator von Reichbauer - 1.

Absent: Senator McDonald - 1.

Excused: Senators Bluechel, Moyer, Snyder and Spanel - 4.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1464, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5989, by Senators Hargrove and Rinehart

Expanding correctional industries.

The bill was read the second time.

MOTIONS

On motion of Senator Hargrove, the following amendments were considered simultaneously and were adopted:

On page 2, line 14, after "wage," insert "other than an inmate under the jurisdiction of the division of community corrections"

On page 7, after line 4, insert the following:

"NEW SECTION. Sec. 10. Section 2 of this act shall take effect June 30, 1994."

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 4 of the title, after "sections;" strike "and" and on line 5 of the title, after "72.60.190" insert "; and providing an effective date"

MOTION

On motion of Senator Adam Smith, Senator Vognilid was excused.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 5989 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5989.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5989 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Sutherland, Talmadge, von Reichbauer, Williams, Winsley and Wojahn - 41.

Voting nay: Senators Amondson, McCaslin and West - 3.

Excused: Senators Bluechel, Moyer, Snyder, Spanel and Vognilid - 5.

ENGROSSED SENATE BILL NO. 5989, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1309, by House Committee on Fisheries and Wildlife (originally sponsored by Representatives King, Orr, Scott, G. Cole, Basich, Lemmon, Morris, Jones, Rust, Holm, R. Myers, Johanson, J. Kohl, Jacobsen and Leonard)

Protecting and recovering wild salmonids.

The bill was read the second time.

MOTION

Senator Barr moved that the following amendment by Senators Snyder and Barr be adopted:

On page 3, line 32, after "fisheries" insert "in conjunction with the technical advisory committee appointed in subsection (2) of this section"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. Can the rostrum staff correct the amendment to reflect the fact that we are talking about subsection 2 of Section 5 of the Act, which is, I believe, what is being attempted to be amended?"

REPLY BY THE PRESIDENT

President Pritchard: "I was about to--it is actually on page 3, line 32, and it is a technical correction here on the Snyder/Barr amendment. Hearing no objection, that correction will be made."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment was Senators Snyder and Barr on page 3, line 32, to Reengrossed Substitute House Bill No. 1309.

The motion by Senator Barr failed and the amendment was not adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 7, after line 14, strike all material through "diverted" on page 8, line 13, and insert the following:

"NEW SECTION. Sec. 12. The departments of ecology, fisheries and wildlife shall study the adequacy of current water diversion metering requirements in furthering the purposes of this act, and shall jointly make a final report and recommendations to the legislature by January 1, 1994."

Renumber the remaining sections and correct internal references accordingly.

Debate ensued.

Senator Barr demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hochstatter on page 7, after line 14, to Reengrossed Substitute House Bill No. 1309.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 23; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hargrove, Hochstatter, Jesernig, Loveland, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Voting nay: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Haugen, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Sutherland, Talmadge, Vognild, Williams and Wojahn - 23.

Excused: Senators Bluechel, Moyer, Snyder and Spanel - 4.

MOTION

On motion of Senator Owen, the rules were suspended, Reengrossed Substitute House Bill No. 1309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1309.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1309 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, McAuliffe, McCaslin, McDonald, Moore, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 39.

Voting nay: Senators Anderson, Hochstatter, Jesernig, Loveland, Newhouse and Roach - 6.

Excused: Senators Bluechel, Moyer, Snyder and Spanel - 4.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5717, by Committee on Ways and Means (originally sponsored by Senators Rinehart, Bluechel and Snyder) (by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Barr, Bauer, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Sutherland, Talmadge, Vognild, West, Williams, Winsley and Wojahn - 36.

Voting nay: Senators Amondson, Anderson, McCaslin, Newhouse, Oke, Roach, Sellar, Smith, L. and von Reichbauer - 9.

Excused: Senators Bluechel, Moyer, Snyder and Spanel - 4.

SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Linda Smith was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5968, by Committee on Ways and Means (originally sponsored by Senators Rinehart and Gaspard) (by request of Office of Financial Management)

Making appropriations.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5968.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5968 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 18; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Sutherland, Talmadge, Vognil, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Newhouse, Oke, Prince, Roach, Sellar, von Reichbauer, West and Winsley - 18.

Excused: Senators Bluechel, Moyer, Smith, L., Snyder and Spanel - 5.

SUBSTITUTE SENATE BILL NO. 5968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, by Committee on Ways and Means (originally sponsored by Senator Rinehart) (by request of Governor Lowry)

Increasing state revenues.

MOTIONS

On motion of Senator Rinehart, the rules were suspended and Engrossed Substitute Senate Bill No. 5967 was returned to second reading and read the second time.

Senator Rinehart moved that the following amendment be adopted:

Beginning on page 2, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to increase revenues in the amount necessary both to fund Substitute Senate Bill No. 5968, the omnibus appropriations act for the 1993-95 biennium, and to maintain a reserve of three hundred sixty million dollars."

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Gaspard, I know that this is a step toward conference committee appointments and so forth later today, we hope. Can we have your assurance that it will be at this point like now, finally a bipartisan effort?"

Senator Gaspard: "Senator Newhouse, it is my understanding that the House will also take up the capital budget, which we have passed; the operating budget, which we have passed; and also the consideration, hopefully, to pass this revenue package, as a process that they will send that back to us with amendments. We'll ask for a conference thereon and we will appoint those conferees. It is my understanding, we know the conferees that you have appointed already and we will also have ours ready to be appointed. We expect those conferees to be working."

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart beginning on page 2 to Engrossed Substitute Senate Bill No. 5967.

The motion by Senator Rinehart carried and the amendment was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, on line 1 of the title, after "taxation;" strike the remainder of the title and insert "and creating a new section."

On motion of Senator Rinehart, the rules were suspended, Reengrossed Substitute Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Sutherland, Talmadge, Vognil, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Newhouse, Oke, Prince, Roach, Sellar, von Reichbauer, West and Winsley - 19.

Excused: Senators Bluechel, Smith, L., Snyder and Spanel - 4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 29, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5925 with the following amendment(s):

On page 2, line 34, after "~~two~~" strike "up to five" and insert "three", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Jesernig moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5925.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Jesernig that the Senate do concur in the House amendment on page 2, line 34, to Engrossed Senate Bill No. 5925.

The motion by Senator Jesernig carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5925.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5925, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5925, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Barr, Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Newhouse, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Talmadge, Vognild, Winsley and Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Cantu, Erwin, McCaslin, Nelson, Oke, Roach, Sellar, Sutherland, von Reichbauer, West and Williams - 13.

Excused: Senators Bluechel, Smith, L., Snyder and Spanel - 4.

ENGROSSED SENATE BILL NO. 5925, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 29, 1993

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8414,

SENATE CONCURRENT RESOLUTION NO. 8415, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

At 12:13 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 1:40 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

April 30, 1993

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 5967 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to increase revenues by no more than the amount strictly necessary to fund Substitute Senate Bill No. 5968, the omnibus appropriations act for the 1993-95 biennium, and to maintain a reserve of three hundred sixty million dollars.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendment to Reengrossed Substitute Senate Bill No. 5967 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Reengrossed Substitute Senate Bill No. 5967 and the House amendment thereto: Senators Rinehart, McDonald and Owen.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 30, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5968 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1994" or "FY 1994" means the fiscal year ending June 30, 1994.

(b) "Fiscal year 1995" or "FY 1995" means the fiscal year ending June 30, 1995.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 50,119,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 35,621,000

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,085,000

The appropriation in this section is subject to the following conditions and limitations: \$18,800 is provided solely for the legislative budget committee to conduct an examination of the department of veteran's affairs, the Washington soldiers' home, and the Washington veterans' home to implement Engrossed House Bill No. 1437 to the extent permitted by the amount provided.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM

COMMITTEE

General Fund Appropriation \$ 2,412,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense

Fund Appropriation \$ 1,649,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$150,000 is provided solely for an actuarial study of local government liabilities for law enforcement officers' and fire fighters' retirement system medical benefits.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 9,380,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 6,415,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided for the expenses of the law revision commission under chapter 1.30 RCW.

NEW SECTION. Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation \$ 9,870,000

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,200,000

NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 17,123,000

NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 1,033,000

NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 24,327,000

Public Safety and Education Account Appropriation \$ 37,195,000

Judicial Information System Account Appropriation \$ 655,000

Drug Enforcement and Education Account Appropriation \$ 6,992,000

TOTAL APPROPRIATION \$ 69,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,107,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) The entire drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(3) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(4) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(5) \$9,820,000 of the public safety and education account appropriation is provided solely for the indigent appeals program.

NEW SECTION. Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 6,476,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$450,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION. Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 456,000

NEW SECTION. Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 2,067,000

NEW SECTION. Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,193,000

Archives and Records Management Account

Appropriation \$ 3,122,000

Department of Personnel Service Fund

Appropriation \$ 391,000

Savings Recovery Account Appropriation \$ 412,000

TOTAL APPROPRIATION \$ 12,118,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,532 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,095,465 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) \$200,000 of the department of personnel service fund appropriation is provided solely for the implementation of the citizen suggestion program. If Engrossed Substitute House Bill No. 1739 is not enacted by June 30, 1993, \$200,000 of the department of personnel service fund appropriation shall lapse.

NEW SECTION. Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 302,000

NEW SECTION. Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 340,000

NEW SECTION. Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 8,940,000

TOTAL APPROPRIATION \$ 8,984,000

The appropriations in this section are subject to the following conditions and limitations: \$284,000 of the state treasurer's service account appropriation is provided solely for the information systems project known as "upgrade mainframe." Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 120. FOR THE STATE AUDITOR

General Fund--State Appropriation \$ 174,000

General Fund--Federal Appropriation \$ 158,000

Motor Vehicle Fund Appropriation \$ 335,000

Municipal Revolving Fund Appropriation \$ 23,297,000
Auditing Services Revolving Fund Appropriation \$ 11,222,000

TOTAL APPROPRIATION \$ 35,186,000

The appropriations in this section are subject to the following conditions and limitations: \$174,000 of the general fund--state appropriation is provided solely to implement sections 3 and 4 of Engrossed Substitute House Bill No. 1372 (accountability task force). If sections 3 and 4 of Engrossed Substitute House Bill No. 1372 are not enacted by June 30, 1993, \$174,000 of the general fund--state appropriation shall lapse.

NEW SECTION. Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 67,000

NEW SECTION. Sec. 122. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation \$ 5,840,000
General Fund--Federal Appropriation \$ 1,631,000
Public Safety and Education Account Appropriation \$ 1,244,000
Health Services Account Appropriation \$ 700,000
Legal Services Revolving Fund Appropriation \$ 96,367,000
Motor Vehicle Fund Appropriation \$ 743,000
New Motor Vehicle Arbitration Account Appropriation \$ 1,780,000

TOTAL APPROPRIATION \$ 108,305,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,210,000 of the public safety and education account appropriation and \$406,000 of the general fund--state appropriation are provided solely for the attorney general's criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

NEW SECTION. Sec. 123. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 818,000

NEW SECTION. Sec. 124. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ 19,092,000
General Fund--Federal Appropriation \$ 916,000
Motor Vehicle Fund Appropriation \$ 109,000
Department of Personnel Service Fund Appropriation \$ 714,000
Health Systems Capacity Account Appropriation \$ 250,000

TOTAL APPROPRIATION \$ 21,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$714,000 of the department of personnel service fund appropriation is provided solely for labor negotiation services required by Engrossed Substitute House Bill No. 2054 (civil service reform). If Engrossed Substitute House Bill No. 2054 is not enacted by June 30, 1993, \$714,000 of the department of personnel service fund appropriation shall lapse.

(2) \$200,000 of the general fund--state appropriation is provided solely for support of the governor's task force on regulatory reform which shall report its recommendations for minimizing the impacts of state administrative and regulatory processes on small business by November 30, 1994.

(3) The office of financial management shall evaluate the extent to which state employees could receive more efficient and less expensive service, as well as increased flexibility and return on their investments, from a deferred compensation program contracted with a private organization, and shall report its findings and recommendations to the legislature by December 1, 1993.

(4) The efficiency commission shall undertake studies to determine the most effective means of delivering services currently provided by the state printer and the department of general administration's central stores.

(5) \$160,000 of the general fund--state appropriation is provided solely to implement the state-wide justice system information strategic plan.

(6) The office of financial management shall report to the fiscal committees of the house of representatives and the senate by February 15 of each year, the total number of state employees for the prior calendar year. The report shall include a summary of the highest monthly total of employees of each agency. The report shall note the number of employees of each agency paid from state general funds and from other fund sources.

NEW SECTION. Sec. 125. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund
Appropriation \$ 12,189,000

The appropriation in this section is subject to the following conditions and limitations: \$655,000 of the appropriation is provided to address increased workload, but may be expended only if the office works in conjunction with the attorney general and other involved agencies to improve the efficiency and cost-effectiveness of administrative appeals processing by such measures as using teleconferencing and, where parties are represented by counsel, having counsel prepare findings of fact and conclusions of law.

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ 16,100,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$600,000 of the appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.

NEW SECTION. Sec. 127. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account Appropriation \$ 382,000

NEW SECTION. Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 20,262,000

NEW SECTION. Sec. 129. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 380,000

NEW SECTION. Sec. 130. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 290,000

NEW SECTION. Sec. 131. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation \$ 1,557,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 31,675,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,530,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project including an assessment of the savings the department is likely to achieve as a result of this project by January 15, 1994.

(2) \$1,136,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the office of financial management on the status of this project by January 15, 1995.

(3) \$404,000 is provided solely for the increased workload resulting from the *Bowles* decision.

(4) \$382,000 is provided solely for the temporary increase in workload resulting from 1993 legislation providing for early retirement. If House Bill No. 2122 (early retirement) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) The appropriation contains sufficient funds to implement the provisions of House Bill No. 2028 (restoration notification).

(6) The department shall adjust the retirement systems administrative rate during the 1993-95 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding of a study of LEOFF Plan I medical liabilities by the office of the state actuary.

(7) The department shall reduce its administrative charge rate from .22 percent to .17 percent for the 1993-95 biennium.

NEW SECTION. Sec. 133. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ 7,110,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 122,694,000

Timber Tax Distribution Account Appropriation \$ 4,387,000

State Toxics Control Account Appropriation \$ 77,000

Solid Waste Management Account Appropriation \$ 90,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ 237,000

Vehicle Tire Recycling Account Appropriation \$ 129,000

Air Operating Permit Account Appropriation \$ 36,000

State Oil Spill Administration Account Appropriation \$ 20,000

Litter Control Account Appropriation \$ 97,000

TOTAL APPROPRIATION \$ 127,767,000

The appropriations in this section are subject to the following conditions and limitations: \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management". Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 135. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,357,000

NEW SECTION. Sec. 136. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,943,000

NEW SECTION. Sec. 137. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 54,000

NEW SECTION. Sec. 138. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Minority and Women's Business Revolving Fund Account

Appropriation \$ 2,116,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ 393,000
General Fund--Federal Appropriation \$ 1,307,000
General Fund--Private/Local Appropriation \$ 392,000
Risk Management Account Appropriation \$ 2,249,000
State Capitol Vehicle Parking Account Appropriation \$ 739,000
Motor Transport Account Appropriation \$ 11,034,000
Air Pollution Control Account Appropriation \$ 149,000
Central Stores Revolving Account Appropriation \$ 4,281,000
General Administration Facilities and Services
Revolving Fund Appropriation \$ 20,919,000
TOTAL APPROPRIATION \$ 41,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.

(2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.

(4) \$35,000 of the air pollution control account appropriation is provided solely for the purpose of hiring one full-time equivalent employee to develop procurement specifications consistent with the requirements of RCW 43.19.570, the national energy policy act of 1992, and to the extent possible, with the procurement specifications of other states. If matching funds are not provided by the alternative fuels industry by July 1, 1993, the amount provided in this subsection shall lapse.

(5) The department shall develop a plan for the removal and relocation of the murals in the chambers of the Washington state house of representatives and shall implement the plan by January 1, 1994. The department shall work with the Washington state arts commission to determine a new location for the murals.

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ 3,521,000

NEW SECTION. Sec. 141. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account
Appropriation \$ 18,190,000
General Fund--Federal Appropriation \$ 104,000
TOTAL APPROPRIATION \$ 18,294,000

The appropriations in this section are subject to the following conditions and limitations: \$890,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 142. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account Appropriation \$ 1,303,000

NEW SECTION. Sec. 143. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 13,000

NEW SECTION. Sec. 144. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,947,000

The appropriations in this section are subject to the following conditions and limitations: None of the horse racing commission fund appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION. Sec. 145. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 111,710,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The liquor control board shall conduct a study that identifies possible savings in contracting outbound freight with a single or small number of carriers. The board shall report to the director of financial management and the fiscal committees of the legislature by September 1, 1994, on the findings of the study, including documentation of cost savings.

(2) The appropriation in this section is sufficient to implement Engrossed House Bill No. 1330 (regulating liquor licenses).

NEW SECTION. Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 29,855,000
Grade Crossing Protective Fund Appropriation \$ 323,000
TOTAL APPROPRIATION \$ 30,178,000

NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension
Administrative Fund Appropriation \$ 414,000

NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ 8,404,000
General Fund--Federal Appropriation \$ 8,850,000
General Fund--Private/Local Appropriation \$ 186,000
TOTAL APPROPRIATION \$ 17,440,000

NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 1,782,000
Department of Personnel Service
Account Appropriation \$ 837,000

TOTAL APPROPRIATION \$ 2,619,000

NEW SECTION. Sec. 150. DEPARTMENT OF COMMUNITY AND ECONOMIC RESOURCES.

On July 1, 1994, all appropriations and all conditions and limitations contained in sections 216, 301, and 308 of this act shall be provided for the department of community and economic resources. If Engrossed Substitute Senate Bill No. 5868 or substantially similar legislation creating a department of community and economic resources is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Fund Appropriation \$ 3,031,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute House Bill No. 1396, or substantially similar legislation, creating a department of financial institutions is not enacted by July 1, 1993, the securities regulation fund appropriation shall be null and void and the department of licensing general fund--state appropriation shall be increased by \$3,031,000.

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation \$ 292,900,000

General Fund--Federal Appropriation \$ 191,403,000

Drug Enforcement and Education Account Appropriation \$ 3,998,000

TOTAL APPROPRIATION \$ 488,301,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely for the operation of one pediatric interim care program facility.

(2) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each

program may serve up to three medically fragile nonsubstance abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) \$6,213,000 of the general fund--state appropriation is provided solely to implement the following programs: \$400,000 of this amount is provided for the medical training project on the evaluation and care of child sexual abuse, \$4,784,000 of this amount is provided for contracts for domestic violence shelters and comprehensive domestic violence service planning, \$2,841,000 of this amount is provided for early identification and treatment of child sexual abuse, and \$782,000 of this amount is provided for sexual assault centers.

(5) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 600,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

(6) \$120,000 is provided solely for the continuation of the counseling position in the Olympia school district project.

(7) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

(8) The department shall reimburse child care providers at the 75th percentile of the 1992 market rate based on the market survey conducted by the department. The revised rate schedule shall be phased-in beginning on December 1, 1993, and shall be fully implemented by May 31, 1994.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 61,514,000

General Fund--Federal Appropriation \$ 6,641,000

Drug Enforcement and Education Account Appropriation \$ 1,762,000
TOTAL APPROPRIATION \$ 69,917,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,700,000 of the general fund--state appropriation is provided solely to expand community programs for youth who are currently being sent to the state institutions.

(b) \$1,797,000 of the general fund--state appropriation is provided solely to increase the following transitional services provided to youths committed to the state: \$1,129,000 is provided for increasing the number of youth trackers and case managers, and \$668,000 is provided for enhanced placement services for hard to place youths.

(c) \$447,000 of the general fund--state appropriation shall be provided for additional certified drug and alcohol counselors for youths in state group homes.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 56,692,000
Drug Enforcement and Education Account Appropriation \$ 940,000
TOTAL APPROPRIATION \$ 57,632,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 2,863,000
General Fund--Federal Appropriation \$ 156,000
Drug Enforcement and Education Account Appropriation \$ 342,000
TOTAL APPROPRIATION \$ 3,361,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 1,296,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation \$ 241,919,000
General Fund--Federal Appropriation \$ 170,120,000
General Fund--Local Appropriation \$ 9,000,000
TOTAL APPROPRIATION \$ 421,039,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund--state appropriation and \$5,409,000 of the general fund--federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of social and health services shall issue practice guidelines to assist mental health regional support networks and providers in determining the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund--state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,200,000 of the general fund--federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 157,421,000
General Fund--Federal Appropriation \$ 70,401,000
General Fund--Local Appropriation \$ 42,498,000
Charitable, Educational, Penal and
Reform Institutions Appropriation \$ 3,000,000
TOTAL APPROPRIATION \$ 273,320,000

The appropriations in this subsection are subject to the following conditions and limitations: The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma pre-release program of the department of corrections.

(3) CIVIL COMMITMENT

General Fund Appropriation \$ 5,718,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation \$ 1,899,000
General Fund--Federal Appropriation \$ 2,946,000
TOTAL APPROPRIATION \$ 4,845,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation \$ 4,977,000
General Fund--Federal Appropriation \$ 1,928,000

TOTAL APPROPRIATION \$ 6,905,000

(6) The appropriations in this section are subject to the following conditions and limitations: General fund--state amounts are provided for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 205,506,000
General Fund--Federal Appropriation \$ 133,587,000

TOTAL APPROPRIATION \$ 339,093,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,571,000 of the general fund--state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

(b) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programmatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment related work expenses (IRWE).

(c) General fund--state amounts are provided for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 122,881,000
General Fund--Federal Appropriation \$ 167,611,000
General Fund--Local Appropriation \$ 9,143,000

TOTAL APPROPRIATION \$ 299,635,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 5,951,000
General Fund--Federal Appropriation \$ 1,403,000

TOTAL APPROPRIATION \$ 7,354,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing or consolidating institutional living units, programs, and administrative functions. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual is moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund--state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

(iii) The needs of each institutional resident are assessed to identify the level of support needed to maintain the person in the most normal and least restrictive setting consistent with the person's needs. The secretary shall prioritize placement for those individuals whose needs can be addressed most cost-effectively in community-based settings;

(iv) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs;

(v) The secretary shall report to a legislative oversight committee, appointed by the speaker of the house of representatives and the president of the senate, on a quarterly basis concerning progress of the implementation of the management plan to close Interlake school;

(vi) A report is submitted to the appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4)(a).

(b) In accomplishing any reconfiguration of community residential services and costs, the secretary shall assure that:

(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers;

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level; and

(iii) Reconfigurations are planned locally, involve county developmental disability boards and county governments, and include maximum flexibility to tailor residential support arrangements to fit local resources and opportunities and the needs of individual residents and families.

(c) The secretary shall seek federal approval to expand by at least 500 the number of persons receiving services under federal medicaid home- and community-based services waivers.

(d) The general fund--state and general fund--federal appropriations provide sufficient money to implement Engrossed Substitute House Bill No. 1552 (modifying provisions regarding persons with developmental disabilities).

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation \$ 610,089,000
General Fund--Federal Appropriation \$ 725,550,000

General Fund--Local Appropriation \$ 2,004,000
Health Services Account--State Appropriation \$ 166,000
TOTAL APPROPRIATION \$ 1,337,809,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$2,077,000 of the general fund--state appropriation shall be used solely for the volunteer chore services program.

(2) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The enhancement shall be effective July 1, 1993. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 652,721,000
General Fund--Federal Appropriation \$ 619,262,000
TOTAL APPROPRIATION \$ 1,271,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more
Exemption: \$55 71 86 102 117 133 154 170

(2) Of the general fund--state appropriation, no more shall be expended for the state supplementary payment for supplemental security income (SSI) payments than is required to comply with 20 C.F.R. ch. III, s 416.2096(c)(1). The department shall adjust the state supplementary payment in order to comply with this subsection.

(3) \$1,000,000 of the general fund--state appropriation is provided solely to continue the general assistance - unemployable work experience program. All three project sites shall be operated consistent with the lowest cost method of operations of the existing sites.

(4) \$1,000,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1197 (public assistance).

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation \$ 9,761,000
General Fund--Federal Appropriation \$ 65,475,000
Drug Enforcement and Education Account
State Appropriation \$ 72,384,000
TOTAL APPROPRIATION \$ 147,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$304,000 of the general fund--federal appropriation is provided to implement three pilot projects involving pretreatment drug and alcohol services for high risk women of child bearing age under Engrossed Senate Bill No. 5522 (high risk pregnancies).

(2) \$10,300,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through RCW 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 1,173,906,000
General Fund--Federal Appropriation \$ 1,833,298,000
General Fund--Local Appropriation \$ 361,996,000
Health Services Account Appropriation \$ 2,337,000
TOTAL APPROPRIATION \$ 3,371,537,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons.

(2) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(3) \$148,000 of the general fund--state appropriation is provided solely to continue the DECODE program.

(4) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(5) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(6) \$1,684,000 of the health services account appropriation is provided solely to expand maternity care to women not meeting medicaid eligibility requirements.

(7) The department shall expand categorical medical eligibility for children through age eighteen to 200 percent of the federal poverty level effective January 1, 1994. Appropriations for the state funds for this expansion are contained in section 216 of this act.

(8) The department shall purchase continued insurance coverage for persons with acquired human immunodeficiency syndrome. The department shall contract to administer the program through a nonprofit entity with experience in administering an insurance continuation program.

(9) \$3,372,000 of the general fund--state appropriation and \$3,586,000 of the general fund--federal appropriation are provided solely for restoring chiropractic services.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation \$ 14,422,000

General Fund--Federal Appropriation \$ 68,994,000

TOTAL APPROPRIATION \$ 83,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,358,000 of the general fund--federal appropriation is provided solely for vocational rehabilitation services for severely handicapped individuals who complete a high school curriculum during the 1993-95 biennium.

(2) General fund--federal amounts are provided for vocational programs as match for state and local appropriations included in other sections of this act to the department of social and health services. The combined general fund--federal and general fund--state appropriations shall be used to provide employment opportunities for groups of individuals with severe disabilities, based on agreements developed with mental health regional support networks and community developmental disabilities programs.

(3) The division of vocational rehabilitation shall assure that individuals affected by reductions in the job support services (extended sheltered employment) program have access to services under the regular state and federal vocational rehabilitation program that will enable them to obtain and maintain ongoing competitive or supported employment.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation \$ 46,795,000

General Fund--Federal Appropriation \$ 37,409,000

TOTAL APPROPRIATION \$ 84,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation \$ 219,790,000

General Fund--Federal Appropriation \$ 257,681,000

TOTAL APPROPRIATION \$ 477,471,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,953,000 of the general fund--state appropriation and \$21,683,000 of the general fund--federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads. In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation \$ 35,581,000

General Fund--Federal Appropriation \$ 178,042,000

General Fund--Local Appropriation \$ 280,000

TOTAL APPROPRIATION \$ 214,173,000

The appropriations in this section are subject to the following conditions and limitations: \$415,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation \$ 34,110,000

General Fund--Federal Appropriation \$ 15,759,000

TOTAL APPROPRIATION \$ 49,869,000

The appropriations in this section are subject to the following conditions and limitations: \$2,100,000 of the general fund--state appropriation is provided solely for increased assistant attorney general support for the office of support enforcement.

NEW SECTION. Sec. 215. FOR THE HEALTH CARE COMMISSION

Health System Capacity Account Appropriation \$ 2,720,000

NEW SECTION. Sec. 216. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation \$ 6,810,000

Health System Capacity Account Appropriation \$ 626,000

Personal Health Services Account--

State Appropriation \$ 178,900,000

State Health Care Authority Administrative Account

Appropriation \$ 12,460,000

TOTAL APPROPRIATION \$ 198,796,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$419,000 of the state health care authority administrative account appropriation is provided solely to reimburse the department of retirement systems for enrolling K-12 retirees in a state-administered health benefits plan. If legislation providing for state-administered health benefits for K-12 retirees is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(2) \$496,000 of the health system capacity account appropriation and \$466,000 of the health care authority administrative account appropriation are provided solely to implement health care reform. If Engrossed Substitute Senate Bill No. 5304 (health care reform) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund--state appropriation and \$5,000,000 of the personal health services account appropriation are provided solely to implement the transfer of funding for the community health clinics from the department of health.

(4) \$1,124,000 of the state health care authority administrative account is provided to administer health benefits for K-12 retirees. If legislation providing for state administered health benefits for K-12 retirees is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) \$173,900,000 of the personal health services account--state appropriation is provided solely for subsidized health coverage for low-income residents. In expanding access to low-income residents, the administrator shall give priority to children who become eligible for Title XIX match as a result of expanding state eligibility standards to 200 percent of the federal poverty level. The administrator shall coordinate with the department of social and health services to market the program through the basic health plan. The administrator and the division of medical assistance shall endeavor to purchase basic health services and additional Title XIX services from the same managed care provider on a capitated basis for a given child. This appropriation contains state funds for basic health plan services and for additional Title XIX services for children made eligible through expanded Title XIX coverage and for children currently covered by the basic health plan. In geographic areas not covered by the basic health plan, the administrator shall arrange to purchase services through medical assistance, until the plan becomes available in that area.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ 87,971,000

General Fund--Federal Appropriation \$ 184,967,000

General Fund--Private/Local Appropriation \$ 624,000

Public Safety and Education Account Appropriation \$ 8,391,000

Building Code Council Account Appropriation \$ 1,067,000

Fire Service Training Account Appropriation \$ 1,747,000

Public Works Assistance Account Appropriation \$ 1,192,000

Drug Enforcement and Education Account Appropriation \$ 4,200,000

Low Income Weatherization Account Appropriation \$ 6,582,000

State Toxics Control Account Appropriation \$ 467,000

Washington Housing Trust Fund Appropriation \$ 4,641,000

Oil Spill Administration Account Appropriation \$ 345,000

Enhanced 911 Account Appropriation \$ 20,050,000

Fire Service Trust Account Appropriation \$ 89,000

TOTAL APPROPRIATION \$ 322,333,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,857,832 of the general fund--state appropriation is provided solely for emergency food assistance. Of this amount, \$300,000 shall be allocated to food banks in targeted areas as determined by the timber and targeted areas policy office and \$225,000 shall be allocated for food stamp outreach.

(2) \$8,208,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:

(a) \$4,041,750 to local units of government for local drug task forces;

(b) \$1,264,600 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;

(c) \$765,000 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$100,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$300,000 to local units of government to continue urban projects;

(f) \$188,000 to the department of community development to establish the youth violence prevention and intervention project;

(g) \$275,000 to the department of community development for the state-wide drug offense indigent defense program;

(h) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$46,000 to the Washington state patrol for data collection;

(j) \$410,400 to the office of financial management for the criminal history records improvement program;
(k) \$138,250 for continuation of the high impact offender prosecution project; and
(l) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(3) \$70,000 of the general fund--state appropriation is provided solely to contract with north county emergency medical services to provide emergency medical services support to the Mt. St. Helens national volcanic monument area.

(4) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$2,400,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.

(5) \$34,390,000 of the general fund--state appropriation and \$917,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program PROVIDED, That: Beginning in September, 1994, the department shall contract for early childhood education and assistance programs on a school year basis. Prior to negotiating contracts for each school year, the department shall determine the increase in the number of children served with federal head start funding for that school year compared to the 1992-93 school year. For each school year, the department shall place general fund--state appropriations allocated in this subsection in reserve in an amount equal to the increase in the number of children served with federal head start funding multiplied by the state funding level per child for the year for the state early childhood education and assistance program. The department shall notify the governor and the fiscal committees of the house and senate that these reserve funds are available for appropriation for readiness to learn programs through the office of the superintendent of public instruction for the school year beginning the following September. It is the intent of the legislature to continue providing income eligible four year olds, as identified by the office of financial management census data forecast, with a preschool program either through headstart or the early childhood education program. Therefore in determining the reserve, the department shall factor in the amount needed to continue serving income eligible four year olds.

(6) \$10,000 of the general fund--state appropriation is provided solely to the developmental disabilities planning council to convene, in conjunction with the appropriate legislative committees, a broad-based group of stakeholders to obtain consensus on a means to achieve comprehensive reform of the service delivery system for people with developmental disabilities. The council's recommendations shall be submitted to the legislature by December 1, 1993. This appropriation is contingent on a match of \$10,000 from nonstate sources provided for this purpose.

(7) \$2,815,000 of the general fund--state appropriation is provided solely for the fire protection services division.

(8) \$450,000 of the general fund--state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities, including but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.

(9) Within the funds appropriated in this section the department shall use existing staff resources to research the availability of and apply for economic development grants from federal and private sources and to assist state and local organizations in doing the same.

(10) \$90,000 of the general fund--state appropriation is provided solely for the state center for volunteerism.

(11) \$20,000 of the general fund--state appropriation is provided solely for the children's museum.

(12) \$975,000 of the general fund--state appropriation is provided solely for the long-term care ombudsman program.

(13) \$5,268,000 of the general fund--state appropriation is provided solely for emergency shelter assistance.

(14) \$4,791,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.

(15) \$13,203,000 of the general fund--state appropriation is provided solely for grants to local governments for comprehensive planning activities pursuant to the growth management act.

(16) \$5,000,000 of the public safety and education account appropriation is provided solely for the office of crime victim's advocacy and for sexual assault treatment services.

(17) \$150,000 of the general fund--state appropriation is provided solely for the link-deposit program established under sections 28 through 35 of the Senate committee amendment (S2789.4) to Engrossed Substitute House Bill No. 1493.

(18) \$8,268,000 of the general fund--state appropriation and \$41,610,000 of the general fund--federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program.

NEW SECTION. Sec. 218. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation \$ 3,895,000

General Fund--Federal Appropriation \$ 1,033,000

General Fund--Private/Local Appropriation \$ 198,000

TOTAL APPROPRIATION \$ 5,126,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation provides sufficient money to implement Substitute House Bill No. 1443 (jurisdiction of the human rights commission).

(2) \$197,964 of the general fund--private/local appropriation is provided solely for the provision of technical assistance services by the commission.

(3) \$50,000 of the general fund--state appropriation is provided to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

NEW SECTION. Sec. 219. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund Appropriation \$ 111,000

Worker and Community Right-to-Know Account

Appropriation \$ 20,000

Accident Fund Appropriation \$ 10,259,000

Medical Aid Fund Appropriation \$ 10,258,000

TOTAL APPROPRIATION \$ 20,648,000

NEW SECTION. Sec. 220. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000
Public Safety and Education Account Appropriation \$ 10,918,000
Drug Enforcement and Education Account Appropriation \$ 387,000
TOTAL APPROPRIATION \$ 11,343,000

The appropriations in this section are subject to the following conditions and limitations: The public safety and education account appropriation provides sufficient money to implement Engrossed Substitute House Bill No. 1569 (malicious harassment).

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation \$ 9,637,000
Public Safety and Education Account State
Appropriation \$ 20,548,000
Public Safety and Education Account Federal
Appropriation \$ 4,783,000
Public Safety and Education Account Private/Local
Appropriation \$ 100,000
Accident Fund--State Appropriation \$ 147,671,000
Accident Fund--Federal Appropriation \$ 7,832,000
Electrical License Fund Appropriation \$ 17,359,000
Farm Labor Revolving Account Appropriation \$ 28,000
Medical Aid Fund--State Appropriation \$ 169,466,000
Medical Aid Fund--Federal Appropriation \$ 1,592,000
Plumbing Certificate Fund Appropriation \$ 226,000
Pressure Systems Safety Fund Appropriation \$ 1,984,000
Worker and Community Right-to-Know Fund
Appropriation \$ 2,174,000
TOTAL APPROPRIATION \$ 383,400,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration," "state fund information system," and "safety and health information management system" is conditioned upon compliance with section 902 of this act.

NEW SECTION. Sec. 222. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ 2,532,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation \$ 20,687,000
General Fund--Federal Appropriation \$ 15,839,000
General Fund--Private/Local Appropriation \$ 10,090,000
Industrial Insurance Premium Refund Account
Appropriation \$ 50,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation \$ 4,000
TOTAL APPROPRIATION \$ 46,670,000

The appropriations in this section are subject to the following conditions and limitations: The general fund--state and general fund--federal appropriations provide sufficient money to establish, on approval by the federal medicaid program, a personal needs allowance of \$160 per month for nursing care clients at the Soldiers Home and Veterans Home provided that the federal medicaid program recognizes this level for federal participation. Should this level of personal needs allowance not be recognized for federal participation, the personal needs allowance shall be set at \$90 per month.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ 102,370,000
General Fund--Federal Appropriation \$ 161,097,000
General Fund--Local Appropriation \$ 21,182,000
Hospital Commission Account Appropriation \$ 3,028,000
Medical Disciplinary Account Appropriation \$ 1,806,000
Health Professions Account Appropriation \$ 26,573,000
State Toxics Control Account Appropriation \$ 3,091,000
Drug Enforcement and Education Account Appropriation \$ 502,000
Medical Test Site Licensure Account Appropriation \$ 2,584,000

Safe Drinking Water Account Appropriation \$ 1,848,000
Public Health Services Account Appropriation \$ 20,000,000
Youth Tobacco Prevention Account Appropriation \$ 1,830,000
Health Services Account Appropriation \$ 2,576,000
Health System Capacity Account \$ 7,530,000
TOTAL APPROPRIATION \$ 356,017,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,525,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan.
- (2) \$250,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1309, an act relating to the protection of wild salmonids. If Engrossed Substitute House Bill No. 1309 or substantially similar legislation is not approved by the legislature by June 30, 1993, this appropriation shall lapse.
- (3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.
- (4) \$1,200,000 of the public health services account appropriation is provided solely for tuberculosis control in communities with high or increasing rates of infection.
- (5) \$2,290,000 of the public health services account appropriation is provided solely for AIDS services, sexually transmitted disease programs, and pregnancy prevention services for substance abusing women.
- (6) \$2,930,000 of the public health services account appropriation is provided solely for immunization programs to include: \$750,000 for Hepatitis B vaccine for fiscal year 1994, \$600,000 for provider and public education, \$280,000 for child care facility enforcement, \$300,000 for demonstration projects in low income or economically distressed areas, and \$1,000,000 for competitive challenge grants to be matched on a one to one basis by applicant communities.
- (7) \$600,000 of the public health services account appropriation is provided solely for improving food handling practices.
- (8) \$3,519,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.
- (9) \$1,500,000 of the public health services account appropriation is provided solely for a counter message advertizing campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.
- (10) \$150,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.
- (11) \$281,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.
- (12) \$3,900,000 of the public health services account appropriation is provided for the operation of a single poison information center as required by Substitute House Bill No. 1221 (poison information). If the bill or substantially similar legislation providing for poison control activities is not enacted by June 30, 1993, this appropriation shall lapse.
- (13) \$480,000 of the public health services account appropriation is provided solely for targeted maternity outreach for groups with low birth weight or infant mortality rates at least fifty percent higher than the state average.
- (14) \$1,000,000 of the public health services account appropriation is provided solely to match a federal grant for outreach and screening for cervical and breast cancer. If the state is not successful in obtaining the federal grant by January 1, 1994, the amount in this subsection shall lapse.
- (15) \$150,000 of the public health services account appropriation is provided solely for the Indian health services component of the public health improvement plan.
- (16) \$2,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.
- (17) \$1,000,000 of the health systems capacity account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.
- (18) \$850,000 of the health systems capacity account appropriation is provided solely for training emergency medical service personnel.
- (19) \$200,000 of the health systems capacity account appropriation is provided solely for malpractice insurance for volunteer primary care providers.
- (20) \$350,000 of the health system capacity account appropriation is provided solely for development of the health personnel improvement plan.
- (21) \$1,200,000 of the health systems capacity account appropriation is provided solely for special services for children from throughout the state through Children's hospital.
- (22) \$3,530,000 of the health systems capacity account appropriation is provided solely for data activities associated with health care reform.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation \$ 159,980,000
Drug Enforcement and Education Account Appropriation \$ 122,000
TOTAL APPROPRIATION \$ 160,102,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$586,000 of the general fund appropriation is provided solely for an intensive drug treatment program for offenders. Whenever feasible, the department shall consider use of the TASC (treatment alternatives to street crime) program.

(b) \$4,143,000 of the general fund appropriation is provided solely for an increase in the supervision and monitoring of offenders.

(c) \$328,000 of the general fund appropriation is provided solely to establish a special program for offenders to assist them in developing more responsibility for their children's care while they are incarcerated.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 495,045,000

Drug Enforcement and Education Account Appropriation \$ 1,982,000

Transportation Account Appropriation \$ 1,075,000

TOTAL APPROPRIATION \$ 498,102,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,631,000 of the general fund appropriation is provided solely for an intensive drug treatment program for offenders.

(b) \$462,000 of the general fund appropriation is provided solely to establish a special program for offenders to assist them in developing more responsibility for their children's care while they are incarcerated.

(c) \$1,900,000 of the general fund appropriation is provided solely to develop a pilot program to expand mental health services to incarcerated inmates. The pilot project is to include an enhanced reliance on the local regional support networks and the state's mental health hospitals.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 25,693,000

Industrial Insurance Premium Refund Account

Appropriation \$ 147,000

TOTAL APPROPRIATION \$ 25,840,000

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation \$ 5,351,000

(5) REVOLVING FUNDS

General Fund Appropriation \$ 12,380,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation \$ 2,728,000

General Fund--Federal Appropriation \$ 8,773,000

General Fund--Private/Local Appropriation \$ 80,000

TOTAL APPROPRIATION \$ 11,581,000

NEW SECTION. Sec. 227. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ 690,000

NEW SECTION. Sec. 228. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$ 144,812,000

General Fund--Local Appropriation \$ 19,979,000

Employment and Training Trust Fund--State

Appropriation \$ 7,804,000

Administrative Contingency Fund--Federal

Appropriation \$ 8,978,000

Unemployment Compensation Administration Fund--Federal

Appropriation \$ 152,373,000

Employment Service Administration Account

Federal Appropriation \$ 11,261,000

TOTAL APPROPRIATION \$ 345,207,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(2) \$215,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(3) \$643,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(4) \$304,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$289,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits (Timber AB Screening - UI Benefits Extensions).

(6) \$671,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse coordinator.

(7) \$778,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse ex-offender program.

(8) \$313,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse career awareness program.

(9) \$2,490,000 of the administrative contingency fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$270,000 of the unemployment compensation account--federal appropriation is provided solely for the resource center for the handicapped.

(11) \$400,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.

(12) The employment security department shall spend no more than \$13,778,541 of general fund--federal appropriation for the general unemployment insurance development effort (GUIDE) project.

(13) \$400,000 of the administrative contingency fund--federal appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, this amount shall lapse.

(14) \$300,000 of the administrative contingency fund--federal appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, this amount shall lapse.

(15) \$275,000 of the administrative contingency fund--federal appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, this amount shall lapse.

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation \$ 1,601,000
General Fund--Federal Appropriation \$ 23,663,000
General Fund--Private/Local Appropriation \$ 6,763,000
Geothermal Account--Federal Appropriation \$ 41,000
Building Code Council Account Appropriation \$ 93,000
Air Pollution Control Account Appropriation \$ 6,180,000
Industrial Insurance Premium Refund Account
Appropriation \$ 4,000
Energy Efficiency Services Account Appropriation \$ 1,088,000
TOTAL APPROPRIATION \$ 39,433,000

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation \$ 576,000
General Fund--Private/Local Appropriation \$ 521,000
TOTAL APPROPRIATION \$ 1,097,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation \$ 51,768,000
General Fund--Federal Appropriation \$ 44,966,000
General Fund--Private/Local Appropriation \$ 1,118,000
Special Grass Seed Burning Research Account
Appropriation \$ 133,000
Reclamation Revolving Account Appropriation \$ 1,249,000
Emergency Water Project Revolving Account
Appropriation: Appropriation pursuant to
chapter 1, Laws of 1977 ex.s. \$ 307,000
Litter Control Account Appropriation \$ 6,275,000
State and Local Improvements Revolving Account--
Waste Disposal Facilities: Appropriation
pursuant to chapter 127, Laws of 1972
ex.s. (Referendum 26) \$ 2,680,000
Industrial Insurance Premium Refund Account
Appropriation \$ 41,000
State and Local Improvements Revolving Account--
Water Supply Facilities: Appropriation pursuant
to chapter 234, Laws of 1979 ex.s.
(Referendum 38) \$ 1,347,000
Stream Gaging Basic Data Fund Appropriation \$ 298,000
Vehicle Tire Recycling Account Appropriation \$ 7,890,000
Water Quality Account Appropriation \$ 2,700,000
Wood Stove Education Account Appropriation \$ 1,392,000
Worker and Community Right-to-Know Fund
Appropriation \$ 408,000
State Toxics Control Account--State Appropriation \$ 57,123,000
Local Toxics Control Account Appropriation \$ 3,342,000
Water Quality Permit Account Appropriation \$ 20,529,000
Solid Waste Management Account Appropriation \$ 11,350,000
Underground Storage Tank Account Appropriation \$ 3,006,000
Hazardous Waste Assistance Account Appropriation \$ 4,126,000
Air Pollution Control Account Appropriation \$ 14,316,000
Oil Spill Response Account Appropriation \$ 8,491,000

Oil Spill Administration Account Appropriation \$ 3,751,000
Fresh Water Aquatic Weed Control Account
Appropriation \$ 1,711,000
Air Operating Permit Account Appropriation \$ 4,479,000
Water Pollution Control Revolving Account--State
Appropriation \$ 204,000
Water Pollution Control Revolving Account--Federal
Appropriation \$ 1,014,000
Public Works Assistance Account Appropriation \$ 4,000,000
TOTAL APPROPRIATION \$ 260,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,222,000 of the general fund--state appropriation and \$1,071,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$7,800,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$400,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.

(4) \$4,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(5) \$4,580,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 or substantially similar legislation is not enacted by June 30, 1993, \$4,580,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.

(6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts in this subsection are null and void.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for the continued implementation of the water resources data management system.

(8) The department may expend funds appropriated in this section for administration of water rights only if water rights fees are enacted by June 30, 1993, at a level sufficient to cover the cost of administering the water rights program.

(9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 or substantially similar legislation providing for an equivalent amount of increased revenues for the well drilling program is not enacted by June 30, 1993, this amount shall lapse.

(10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.

(11) \$5,000,000 of the general fund--state appropriation is provided solely for funding labor intensive environmental and forest restoration projects in accordance with the criteria established in Engrossed Substitute House Bill No. 1785 (watershed restoration). During fiscal year 1994, in awarding funds for grant contracts the department shall give priority to projects which implement watershed action plans and are ready to proceed.

(12) \$200,000 of the general fund--state appropriation is provided solely for the Washington water resources policy commission.

(13) \$256,000 of the general fund--state appropriation is provided solely to initiate a water resource planning process in the central Puget Sound basin.

(14) \$238,000 of the water quality permit account appropriation is provided solely for implementation of the provisions of Substitute House Bill No. 1169. If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ 915,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation \$ 54,225,000
General Fund--Federal Appropriation \$ 1,948,000
General Fund--Private/Local Appropriation \$ 1,264,000
Winter Recreation Program Account Appropriation \$ 878,000
ORV (Off-Road Vehicle) Account Appropriation \$ 243,000
Snowmobile Account Appropriation \$ 1,636,000
Public Safety and Education Account Appropriation \$ 49,000
Litter Control Account Appropriation \$ 34,000
Motor Vehicle Fund Appropriation \$ 1,170,000
Oil Spill Administration Account Appropriation \$ 63,000
TOTAL APPROPRIATION \$ 61,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$7,700,000 of the general fund--state appropriation is provided contingent upon the adoption and implementation of a fee schedule by the state parks and recreation commission that provides a like amount of revenue above the 1993-95 forecast for fees authorized under RCW 43.51.060(6) for fees in place as of January 1, 1993. Fees shall be based on the extent to which a facility is developed and maintained for year-round use. Maximum boat launch fees shall be assessed only at water access facilities where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis. Reduced fees may be assessed at water access facilities that are unimproved. Seasonal day area parking fees shall not be assessed. This subsection shall not preclude the assessment of a flat annual fee for use of all water access facilities and other state park facilities throughout the state.

(3) \$3,000,000 of the general fund--state appropriation is provided solely to address stewardship needs for state parks. Of this amount, not less than \$2,500,000 shall be expended for this purpose using the Washington conservation corps program.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation \$ 2,578,000

Outdoor Recreation Account--Federal Appropriation \$ 33,000

Firearms Range Account Appropriation \$ 27,000

TOTAL APPROPRIATION \$ 2,638,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ 1,183,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 is provided solely for the increased costs associated with a half-time administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation \$ 25,861,000

General Fund--Federal Appropriation \$ 458,000

Marketplace Account Appropriation \$ 150,000

Motor Vehicle Fund Appropriation \$ 582,000

Public Facilities Construction Loan Revolving

Account Appropriation \$ 238,000

Litter Control Account Appropriation \$ 3,310,000

State Convention/Trade Center Account Appropriation \$ 3,975,000

Solid Waste Management Account Appropriation \$ 700,000

TOTAL APPROPRIATION \$ 35,274,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund appropriation is provided solely for operation of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$160,000 from port associations for the operation of the office.

(2) The entire litter control account appropriation and the entire solid waste management account appropriation are provided solely for the purposes of operating the clean Washington center created in chapter 319, Laws of 1991.

(3) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

(4) \$6,065,000 of the general fund appropriation is provided solely for the Washington technology center.

(5) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

(6) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.

(7) \$1,500,000 of the general fund--state appropriation is provided solely to enhance the off season tourism program.

(8) \$500,000 of the general fund--state appropriation is provided solely for the components of the economic diversification initiative. Within this amount, the department shall provide training for, and promote the development of, flexible manufacturing networks.

(9) \$500,000 of the general fund--state appropriation is provided for the local economic development capacity building initiative.

(10) \$250,000 of the general fund--state appropriation is provided solely to fund the entrepreneurial training program, referenced in Engrossed Substitute House Bill No. 1493.

(11) \$50,000 of the general fund--state appropriation is provided solely for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

(12) \$874,000 is provided solely for continuation of the Pacific Northwest export assistance project.

(13) \$40,000 is provided solely for development of a Russian trade office.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ 1,690,000

Water Quality Account Appropriation \$ 202,000

TOTAL APPROPRIATION \$ 1,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$371,800 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$750,000 of the general fund appropriation is provided solely for basic operation grants to conservation districts.

(4) \$158,000 of the general fund appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1309 (wild salmonid protection).

NEW SECTION. Sec. 310. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation \$ 3,061,000

General Fund--Federal Appropriation \$ 202,000

Water Quality Account Appropriation \$ 946,000

TOTAL APPROPRIATION \$ 4,209,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$232,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$681,000 of the general fund--state appropriation is provided solely to implement additional provisions of the Puget Sound water quality management plan.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ 54,089,545

General Fund--Federal Appropriation \$ 24,947,000

General Fund--Private/Local Appropriation \$ 9,608,000

Aquatic Lands Enhancement Account Appropriation \$ 2,984,000

Oil Spill Administration Account Appropriation \$ 388,000

TOTAL APPROPRIATION \$ 92,016,545

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,136,418 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin. Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.

(3) \$546,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.

(4) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

(5) \$450,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(7) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1309, an act relating to the protection of wild salmonids. If Engrossed Substitute House Bill No. 1309 or substantially similar legislation is not approved by the legislature by June 30, 1993, this appropriation shall lapse.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ 10,641,000

ORV (Off-Road Vehicle) Account Appropriation \$ 479,000

Aquatic Lands Enhancement Account Appropriation \$ 1,111,000

Public Safety and Education Account Appropriation \$ 589,000

Wildlife Fund--State Appropriation \$ 50,731,000

Wildlife Fund--Federal Appropriation \$ 32,200,000

Wildlife Fund--Private/Local Appropriation \$ 12,396,000

Game Special Wildlife Account Appropriation \$ 1,011,000

Oil Spill Administration Account Appropriation \$ 548,000

TOTAL APPROPRIATION \$ 109,706,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall

implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) \$1,200,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, not less than \$1,000,000 shall be expended for this purpose using the Washington conservation corps program.

NEW SECTION. Sec. 313. DEPARTMENT OF FISH AND WILDLIFE.

On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation \$ 53,603,000
General Fund--Federal Appropriation \$ 906,000
General Fund--Private/Local Appropriation \$ 263,000
ORV (Off-Road Vehicle) Account Appropriation \$ 3,092,000
Forest Development Account Appropriation \$ 37,654,000
Survey and Maps Account Appropriation \$ 1,518,000
Aquatic Lands Enhancement Account Appropriation \$ 4,824,000
Surface Mining Reclamation Account Appropriation \$ 900,000
Resource Management Cost Account Appropriation \$ 82,017,000
Aquatic Land Dredged Material Disposal Site
Account Appropriation \$ 829,000
Air Pollution Control Account Appropriation \$ 1,251,000
Natural Resources Conservation Areas Stewardship
Account Appropriation \$ 1,119,000
Oil Spill Administration Account Appropriation \$ 130,000
Litter Control Account Appropriation \$ 406,000
Industrial Insurance Premium Refund Account
Appropriation \$ 98,000

TOTAL APPROPRIATION \$ 188,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,072,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.
(2) \$993,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.

(4) \$1,300,000 of the general fund--state appropriation and \$500,000 of the aquatic lands enhancement account appropriation are provided solely to address stewardship needs on state lands. Of this amount, not less than \$1,500,000 shall be expended for this purpose using the Washington conservation corps program.

(5) \$1,119,000 of the natural resources conservation areas stewardship account appropriation is contingent upon the passage of House Bill No. 1450 or substantially similar legislation which allows expenditure of the stewardship endowment in the natural resources conservation areas stewardship account established in RCW 79.71.090.

(6) \$900,000 of the surface mining reclamation account is provided solely for surface mining regulation activities. If Substitute House Bill No. 1483 or substantially similar legislation increasing fees for surface mining permits is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$2,698,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(8) \$3,500,000 of the general fund--state appropriation and \$1,500,000 of the aquatic lands enhancement account are provided solely to fund labor intensive natural resource and forest restoration projects in accordance with the criteria established under Engrossed Substitute House Bill No. 1785 (watershed restoration). In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply.

(9) \$2,500,000 of the general fund--state appropriation is provided solely for the additional workload of watershed analysis required under rules adopted by the forest practices board on cumulative effects. If Senate Bill No. 5981 (forest practice fees) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall be null and void.

(10) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(11) \$60,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.

(12) \$450,000 of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation \$ 16,282,000
General Fund--Federal Appropriation \$ 4,320,000
State Toxics Control Account Appropriation \$ 1,141,000
Weights and Measures Account Appropriation \$ 873,000
TOTAL APPROPRIATION \$ 22,616,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.

(2) \$300,000 of the general fund--state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

(3) The appropriations in this section provide sufficient funds to implement Substitute House Bill No. 1287 (agriculture employees/collective bargaining).

(4) \$140,000 of the general fund--state appropriation is provided solely for development of an aquaculture diagnostic and certification program.

(5) \$1,370,000 of the general fund--state appropriation is provided solely to contract for the international marketing program for agricultural commodities and trade (IMPACT).

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation \$ 20,109,000

The appropriation in this section is subject to the following conditions and limitations: \$810,000 of the revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3) is provided solely for marketing the facilities and services of the convention center and for promoting the locale as a convention and visitor destination, and for related activities.

NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation \$ 4,441,000

State Toxics Control Account Appropriation \$ 298,000

TOTAL APPROPRIATION \$ 4,739,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,200,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program.

The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

(2) The marine oversight board shall prepare a report that prioritizes state agencies' spill prevention and response activities on the marine waters of the state. The report shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 1994.

(3) Prior to expending funds provided in this section for a Columbia river field office located in the state of Oregon, the office of marine safety shall enter a memorandum of understanding with the state of Oregon.

NEW SECTION. Sec. 318. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund Appropriation \$ 3,038,000

PART IV TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ 6,564,000

Architects' License Account Appropriation \$ 1,061,000

Cemetery Account Appropriation \$ 216,000

Health Professions Account Appropriation \$ 521,000

Funeral Directors and Embalmers Account

Appropriation \$ 521,000

Mortgage Broker Licensing Account

Appropriation \$ 187,000

Professional Engineers' Account Appropriation \$ 2,546,000

Real Estate Commission Account Appropriation \$ 7,205,000

Uniform Commercial Code Account Appropriation \$ 5,261,000

Real Estate Education Account Appropriation \$ 618,000

Master Licensing Account Appropriation \$ 6,721,000

TOTAL APPROPRIATION \$ 30,900,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If Senate Bill No. 5385 (uniform commercial code) is not enacted by June 30, 1993, the uniform commercial code account appropriation shall lapse and the general fund appropriation shall be increased by \$5,228,000.

(2) If Senate Bill No. 5358 (real estate education) is not enacted by June 30, 1993, the real estate education account appropriation shall lapse and the real estate commission account appropriation shall be increased by \$618,000.

(3) If House Bill No. 2119 (professional athletic commission) is not enacted by June 30, 1993, the general fund appropriation shall be reduced by \$54,000.

(4) \$34,000 of the uniform commercial code account appropriation is provided solely to implement revisions to the uniform commercial code article governing bulk sales. If Substitute House Bill No. 1013 is not enacted by June 30, 1993, \$34,000 of the uniform commercial code account appropriation shall lapse.

(5) \$8,000 of the general fund appropriation is provided solely to implement registration of employment listing agencies. If Engrossed Substitute House Bill No. 1496 is not enacted by June 30, 1993, \$8,000 of the general fund appropriation shall lapse.

(6) \$87,000 of the general fund appropriation is provided solely to implement bail bond agent licensing. If Substitute House Bill No. 1870 is not enacted by June 30, 1993, \$87,000 of the general fund appropriation shall lapse.

(7) If Substitute Senate Bill No. 5026 is not enacted by June 30, 1993, the entire funeral directors and embalmers account appropriation is null and void. If Substitute Senate Bill No. 5026 is enacted by June 30, 1993, the entire health professions account appropriation is null and void.

(8) \$47,000 of the architects' license account appropriation is provided solely for implementing revised architect experience requirements. If Engrossed Senate Bill No. 5545 is not enacted by June 30, 1993, \$47,000 of the architects' license account appropriation shall lapse.

(9) \$187,000 of the mortgage broker licensing account appropriation is provided solely to implement a temporary licensing program for mortgage brokers. If Substitute Senate Bill No. 5829 is not enacted by June 30, 1993, \$187,000 of the mortgage broker licensing account appropriation shall lapse.

PART V EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation \$ 21,785,000
General Fund--Federal Appropriation \$ 13,520,000
Public Safety and Education Account Appropriation \$ 332,000
Drug Enforcement and Education Account Appropriation \$ 158,000
TOTAL APPROPRIATION \$ 35,795,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.

(3) \$439,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(4) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(5) \$750,000 of the general fund--state appropriation is provided for design, development, and implementation, including state support activities, of programs of state-wide significance, including but not limited to drug, alcohol, and child abuse prevention education, youth suicide prevention, and multicultural curriculum. This amount includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 to be dedicated to juvenile drug and alcohol prevention programs pursuant to RCW 66.08.180(4). The superintendent may provide grants to districts or organizations for these programs.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 6,006,502,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 509 of this act;

(ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;

(iii) An additional 5.3 certificated instructional staff units for grades K-3;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.

(B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and

(b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.13 percent in the 1993-94 school year and 21.13 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.86 percent in the 1993-94 school year and 18.86 percent in the 1994-95 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of \$7,468 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of \$14,231 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under

subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$4,945,000 outside the basic education formula during fiscal years 1994 and 1995 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$409,000 may be expended in fiscal year 1994 and a maximum of \$410,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of \$297,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12B, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12B.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12B" means the computerized tabulation of 1992-93, 1993-94, and 1994-95 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 5, 1993, at 04:19 hours.

(3)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1993-94 and 1994-95 school years:

1993-94 AND 1994-95 STATE-WIDE SALARY ALLOCATION
SCHEDULE

FOR INSTRUCTIONAL STAFF

Years of
Service BA BA+15 BA+30 BA+45 BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,127	22,724	23,344	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,680
4	24,361	25,036	25,710	26,490	28,597
5	25,162	25,854	26,548	27,386	29,528
6	25,997	26,687	27,418	28,317	30,491
7	26,845	27,552	28,302	29,259	31,486
8	27,706	28,452	29,219	30,255	32,513
9	29,384	30,188	31,262	33,572	
10	31,170	32,320	34,662		
11	33,410	35,803			
12	34,465	36,973			

13	38,173
14	39,379
15 or more	40,403

Years of
Service BA+135 MA MA+45 MA+90

or PHD

0	26,374	25,687	27,616	28,858
1	27,227	26,467	28,452	29,711
2	28,113	27,282	29,300	30,597
3	29,034	28,110	30,164	31,518
4	29,988	28,974	31,081	32,472
5	30,975	29,870	32,012	33,459
6	31,974	30,801	32,975	34,458
7	33,026	31,743	33,970	35,510
8	34,109	32,739	34,997	36,593
9	35,223	33,745	36,057	37,707
10	36,367	34,804	37,146	38,851
11	37,542	35,894	38,287	40,026
12	38,766	37,027	39,458	41,250
13	40,019	38,198	40,657	42,503
14	41,319	39,405	41,942	43,803
15 or more	42,394	40,429	43,032	44,942

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and
(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(4) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1992-93 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(5) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(6) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(7) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. In order to maintain equity and fairness across all employee groups, the legislature encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS

General Fund Appropriation \$ 23,234,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of \$351.12 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of \$33.33 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

(i) For pupil transportation, an increase of \$.25 per weighted pupil-mile for the 1994-95 school year;

- (ii) For learning assistance, an increase of \$6.96 per pupil for the 1994-95 school year;
- (iii) For education of highly capable students, an increase of \$2.13 per pupil for the 1994-95 school year;
- (iv) For transitional bilingual education, an increase of \$4.51 per pupil for the 1994-95 school year.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 351,326,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) A maximum of \$938,000 may be expended for regional transportation coordinators. However, to the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and \$1.80 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation \$ 6,000,000

General Fund--Federal Appropriation \$ 183,616,000

TOTAL APPROPRIATION \$ 189,616,000

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ 866,503,000

General Fund--Federal Appropriation \$ 98,682,000

General Fund--Private/Local Appropriation \$ 6,427,000

TOTAL APPROPRIATION \$ 971,612,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 6, 1993, at 13:35 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 16,979,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The public safety and education account appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$596,000 may be expended for regional traffic safety education coordinators. To the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) A maximum of \$137.16 per student completing the program may be expended in the 1993-94 and 1994-95 school years.

(4) An additional \$66.81 may be expended to provide tuition assistance for students from low-income families who complete the program in the 1993-94 and 1994-95 school years.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 9,642,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$380,000 is provided solely to implement RCW 28A.415.010 (centers for the improvement of teaching).

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 146,900,000

The appropriation in this section is provided for state matching funds pursuant to RCW 28A.500.010 as amended by this act.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation \$ 197,950,000

(1) Education Consolidation and Improvement Act \$ 197,580,000

(2) Education of Indian Children \$ 370,000

TOTAL APPROPRIATION \$ 395,900,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ 24,623,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 33,171,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 8,974,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.

(3) \$435,000 of the general fund appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 41,766,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent shall distribute a maximum of \$554 per eligible bilingual student in the 1993-94 and the 1994-95 school year.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 116,150,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$56,243,000 may be expended in the 1993-94 school year. Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL PROGRAMS

(1) BLOCK GRANTS FOR LOCAL SCHOOL DISTRICTS (formerly LOCAL ENHANCEMENT FUNDS)

General Fund Appropriation \$ 52,147,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The general fund appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(b) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(c) Allocations to school districts shall be prorated and calculated on the basis of full time enrollment. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(i) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(d) Receipt by a school district of one-fourth of the district's allocation of funds under this subsection (1) for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

(e) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250 for the 1993-94 school year and on a fiscal year basis for 1994-95.

(f) The allocation to school districts shall include funding of state support activities for statutory programs.

(2) SPECIAL PROJECTS

General Fund--State Appropriation \$ 16,005,000

General Fund--Federal Appropriation \$ 12,766,000

Drug Enforcement and Education Account Appropriation \$ 3,276,000

TOTAL APPROPRIATION \$ 32,047,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$419,000 of the general fund appropriation is provided for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting.

(b) \$3,437,000 of the general fund appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(c) \$1,744,000 of the general fund appropriation is provided for small school grants to school districts of the second class under RCW 28A.315.230. Moneys for grants shall be distributed according to the formula for the program identified in Bulletin 15-92 published by the superintendent of public instruction for the 1992-93 school year, except that no grant shall be less than \$5,000 in any year.

(d) \$4,855,000 of the general fund appropriation is provided for grants distributed according to a complex need factor. Grants shall be provided according to funding ratios established in LEAP Document 30A.

(e) \$2,415,000 of the general fund appropriation is provided for inservice training and educational programs conducted by the Pacific science center.

(f) \$70,000 of the general fund appropriation is provided for operation of the Cispus environmental learning center.

(g) \$3,003,000 of the general fund appropriation is provided for educational clinics, including state support activities.

(h) The entire drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,700,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) \$62,000 of the general fund appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine School District.

(3) EDUCATIONAL REFORM PROGRAMS

General Fund Appropriation \$ 74,800,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$40,400,000 of the general fund appropriation is provided solely for resources and planning time to implement education reform under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$2,400,000 is provided solely for paraprofessional training for classified staff. Resources and planning time for classified staff will be provided through the paraprofessional training program funded in this act.

(b) \$4,000,000 of the general fund appropriation is provided solely for the operation of the commission on student learning under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(c) \$5,000,000 of the general fund appropriation is provided solely for development of assessments under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(d) \$2,000,000 of the general fund appropriation is provided for school-to-work transition projects, including state support activities, under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) and in Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(e) \$4,500,000 of the general fund appropriation is provided for mentor teacher assistance, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(f) \$1,000,000 of the general fund appropriation is provided for superintendent and principal internships, including state support activities, under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(g) \$7,000,000 of the general fund appropriation is provided for improvement of technology infrastructure, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(h) \$10,000,000 of the general fund appropriation is provided for the meals for kids program, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) and House Bill No. 2117 (school meals).

(i) \$900,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction and for review of laws and rules necessary to facilitate education reform enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) or substantially similar legislation.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation \$ 11,394,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,704,000 is provided solely to pay the increased retirement contributions resulting from House Bill No. 2128 (plan I postretirement adjustment). If House Bill No. 2128 (plan I postretirement adjustment), or substantially similar legislation providing for a postretirement adjustment of one dollar per month per year of service for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse. If such legislation is enacted, the superintendent of public instruction shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0003 for the PERS rate, and by .0004 for the TRS rate.

(2) \$8,883,000 is provided solely to pay the increased retirement contributions necessary to continue the cost of living adjustment for members of plan I of the teachers' and public employees' retirement systems that was provided in section 711, chapter 232, Laws of 1992 (uncodified). The superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0007 for the PERS rate, and by .0023 for the TRS rate.

(3) \$807,000 is provided solely to pay the increased retirement contributions resulting from House Bill No. 2122 (early retirement). If House Bill No. 2122, or substantially similar legislation providing for early retirement for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse. If such legislation is enacted, the superintendent of public instruction shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0001 for the PERS rate, and by .0002 for the TRS rate.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) The superintendent of public instruction shall reduce allocations to school districts by \$8,609,000 to reflect the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to House Bill No. 2126 (pension contribution rates). If House Bill No. 2126 (pension contribution rates) is enacted, the superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by (.0028) for the PERS rate, and by (.0017) for the TRS rate.

(2) The superintendent of public instruction shall reduce allocations to school districts by \$2,247,000 to reflect the administrative rate reduction contained in section 132 of this act. The superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by (.0005) for the department of retirement systems administration rate.

Sec. 520. RCW 28A.165.070 and 1990 c 33 s 150 are each amended to read as follows:

Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs.

(1) For the 1993-94 and 1994-95 school years, the superintendent of public instruction shall distribute funds appropriated for the learning assistance program in accordance with the biennial appropriations act.

(2) For the 1995-96 school year and thereafter and unless modified under subsection (4) of this section, the superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to RCW 28A.155.010 through 28A.155.100, in distributing state funds for learning assistance.

(3) The distribution formula in this section is for allocation purposes only.

(4) The superintendent of public instruction shall recommend to the legislature a new allocation formula for use in the 1995-97 fiscal biennium that uses additional elements consistent with performance-based education and the new assessment system developed by the commission on student learning. The superintendent may request a delay in development of the new allocation formula if the commission's assessment system is not available for use in the 1995-97 biennium.

Sec. 521. RCW 28A.500.010 and 1992 c 49 s 2 are each amended to read as follows:

(1) Commencing with taxes assessed in ~~((1988))~~ 1993 to be collected in calendar year ~~((1989))~~ 1994 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. For ~~((the first))~~ distribution of local effort assistance funds provided under this section in calendar years ~~((1989))~~ 1994 and 1995, state funds may be prorated ~~((according to the formula in this section))~~ as provided in the omnibus appropriations act.

(2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The "state-wide average ~~((ten))~~ twelve percent levy rate" shall mean ~~((ten))~~ twelve percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "~~((ten))~~ twelve percent levy rate" of a district shall mean:

(i) ~~((Ten))~~ Twelve percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) "Eligible districts" shall mean those districts with a ~~((ten))~~ twelve percent levy rate which exceeds the state-wide average ~~((ten))~~ twelve percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; to (ii) the state-wide average ~~((ten))~~ twelve percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ~~((ten))~~ twelve percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; divided by (ii) the district's ~~((ten))~~ twelve percent levy rate.

~~(4)((a) Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.~~

~~(b))~~ In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows:

- ~~((i))~~ (a) Thirty percent in April;
- ~~((ii))~~ (b) Twenty-three percent in May;
- ~~((iii))~~ (c) Two percent in June;
- ~~((iv))~~ (d) Twenty-six percent in October;
- ~~((v))~~ (e) Seventeen percent in November; and
- ~~((vi))~~ (f) Two percent in December.

Sec. 522. RCW 28A.310.020 and 1990 c 33 s 270 are each amended to read as follows:

The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010(~~(- PROVIDED, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot)~~). Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: (1) Size, population, topography, and climate of the proposed district; and (2) costs associated with the governance, administration, and operation of the educational service district system in whole or part.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

NEW SECTION. Sec. 523. A new section is added to chapter 28A.310 RCW to read as follows:

It is the intent of the legislature that the number of educational service districts in western Washington be reduced from five to four, and that the superintendent of public instruction study the desirability of reducing the number of eastern Washington districts. As soon as practicable, the superintendent of public instruction shall develop a reorganization proposal and submit the proposal to the state board of education, together with a request under RCW 28A.310.020, that the number of western Washington educational service districts be reduced to four.

Sec. 524. RCW 84.52.0531 and 1992 c 49 s 1 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1992, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1991.

(2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(3) For excess levies for collection in calendar year 1993 and thereafter, the maximum dollar amount shall be the sum of (a) and (b) of this subsection minus (c) of this subsection:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation;

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

- (i) Pupil transportation;
- (ii) Handicapped education;
- (iii) Education of highly capable students;

- (iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;
 - (v) Food services; and
 - (vi) State-wide block grant programs; and
 - (c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.
- (5) For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows:
- (a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section;
 - (b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year;
 - (c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; ~~((and))~~
 - (d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year; and
 - (e) For levies to be collected in calendar years 1994 and 1995, the maximum levy rate shall be the district's maximum levy percentage for 1993 plus four percent reduced by any levy reduction funds. For levies collected in 1996, the prior year shall mean 1993.
- (6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.
- (7) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.
- (8) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.
- (9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. HIGHER EDUCATION.

The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

- (1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.
- (2) The general fund--state appropriations in sections 602 through 608 of this act represent significant reductions in current funding levels. In order to provide each institution of higher education with the capability of effectively managing within their unique requirements, some flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources. In establishing spending plans for the next biennium, each institution shall address the needs of its students in keeping with the following directives: (a) Establishing reductions of a permanent nature by avoiding short term solutions; (b) not reducing enrollments more than two percent below budgeted levels; (c) maintaining the current resident to nonresident student proportions; (d) protecting undergraduate programs and support services; (e) protecting assessment activities; (f) protecting minority recruitment and retention efforts; (g) protecting the state's investment in facilities; (h) using institutional strategic plans as a guide for reshaping institutional expenditures; and (i) increasing efficiencies through administrative staff reductions, program consolidation, the elimination of duplication, the use of other resources, and productivity improvements. At the four-year institutions of higher education, productivity improvements shall include increased teaching loads for faculty. Each institution of higher education and the state board for community and technical colleges shall submit a report to the legislative fiscal committees by July 1, 1993, on their spending plans for the 1993-95 biennium. The report should address the approach taken with respect to each of the directives in this subsection. A second report responding to the same directives shall be submitted by November 1, 1993, which describes the implementation of the spending plan and its effects. The July 1, 1993, report submitted by each four-year institution shall include information on faculty teaching loads for the 1992-93 academic year, and the institution's plan to increase teaching loads during the 1993-95 biennium. The November 1, 1993, report submitted by each four-year institution shall include information on the implementation of its increased faculty teaching load plan.
- (3) The appropriations in sections 602 through 608 of this act provide state general fund support for student full time equivalent enrollments at each institution of higher education. The state general fund budget is further premised on a level of specific student tuition revenue collected into and expended from the institutions of higher education--general local accounts. Each institution shall enroll no less than two percent below its budgeted biennial average full time equivalent enrollments. If the estimated 1993-95 average biennial full time equivalent student enrollment of an institution as estimated on April 30, 1995, by the office of financial management using spring enrollment reports submitted by the institutions, is more than two percent below the biennial budgeted amount, then an amount equal to the student quality standard, as defined in the legislative budget notes, multiplied by the number of full time equivalent students below the two percent variance shall revert to the state general fund. Listed below are the annual full time equivalent student enrollments by institution assumed in this act.

	1993-94	1994-95	1993-95
	Annual	Annual	Biennial
	Average	Average	Average
	FTE	FTE	FTE
University of Washington			

Main campus 29,766 29,866 29,816
Evening Degree Program 455 535 495
Tacoma branch 436 522 479
Bothell branch 395 395 395

Washington State University
Main campus 15,975 16,009 15,992
Tri-Cities branch 520 554 537
Vancouver branch 499 647 573
Spokane branch 249 265 257

Eastern Washington University 7,448 7,690 7,569
Central Washington University 6,747 6,941 6,844
The Evergreen State College 3,228 3,278 3,253
Western Washington University 9,201 9,401 9,301
State Board for Community and
Technical Colleges 104,279 106,212 105,246
Higher Education Coordinating
Board 50 50 50

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation \$ 659,570,000
General Fund--Federal Appropriation \$ 11,405,000
Industrial Insurance Premium Refund
Account Appropriation \$ 12,000

Employment and Training Trust
Fund Appropriation \$ 36,100,000
TOTAL APPROPRIATION \$ 707,087,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,883,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).
- (2) \$36,100,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:
 - (a) \$31,790,000 shall provide enrollment opportunity for 5,085 full time equivalent students. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 to Grays Harbor College;
 - (b) \$2,000,000 shall provide child care for the children of the student enrollments funded in (a) of this subsection;
 - (c) \$900,000 shall provide transportation funding for the student enrollments funded in (a) of this subsection;
 - (d) \$500,000 shall provide financial aid and work study assistance for the student enrollments funded in (a) of this subsection.

If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.

- (3) \$3,425,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.
- (4) \$1,412,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.
- (5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund--state level.
- (6) The appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 28B.16 RCW except as restricted under section 913 of this act.
- (7) \$150,000 of the general fund--state appropriation is provided solely for the two-plus-two program at Olympic College.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ 512,906,000
Medical Aid Fund Appropriation \$ 3,758,000
Accident Fund Appropriation \$ 3,764,000
Death Investigations Account Appropriation \$ 1,282,000
Oil Spill Administration Account Appropriation \$ 236,000
Health System Capacity Account Appropriation \$ 2,900,000
TOTAL APPROPRIATION \$ 524,846,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,677,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.
- (2) \$6,747,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.
- (3) The University of Washington shall prepare a plan to remedy the cause of disparate market gaps in compensation for professional/ exempt employees and librarians. The plan shall be presented to the legislative fiscal and policy committees by January 1, 1994.
- (4) \$2,300,000 of the health system capacity account appropriation is provided solely for the implementation of section 276 of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.
- (5) \$300,000 of the health system capacity account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(6) \$300,000 of the health system capacity account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 292,756,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,235,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$6,123,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$6,979,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$85,000 of the general fund appropriation is provided solely for the implementation of section 7 of Engrossed Substitute House Bill No. 1309 or substantially similar legislation.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 71,040,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 64,445,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 35,872,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 79,257,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ 4,053,000

General Fund--Federal Appropriation \$ 265,000

TOTAL APPROPRIATION \$ 4,318,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$717,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full time equivalent students per fiscal year.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation \$ 135,621,000

General Fund--Federal Appropriation \$ 6,381,000

Health System Capacity Account Appropriation \$ 1,000,000

State Education Grant Account Appropriation \$ 40,000

TOTAL APPROPRIATION \$ 143,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$1,000,000 of the health system capacity account appropriation is provided solely for implementation of section 270 of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to provide scholarships and loans and for the health personnel resources plan. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(3) \$134,527,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$96,156,000 is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income. Any state need grant moneys not awarded by April 1st of each year may be transferred to the state work study program.

(b) By January 1, 1994, the higher education coordinating board, in consultation with the house of representatives and senate higher education and fiscal committees, and the institutions of higher education, shall provide to the legislature a plan for the implementation of the comprehensive system of student assistance known as college promise that is contained in Engrossed Substitute House Bill No. 1603 (higher education financial aid).

(c) \$31,847,000 is provided solely for the state work study program.

(d) \$2,000,000 is provided solely for educational opportunity grants.

(e) A maximum of \$2,724,000 may be expended for financial aid administration.

(4) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).

(5) \$50,000 of the general fund--state appropriation is provided solely for a demonstration project that matches money raised for scholarships by new local chapters of the Citizen's Scholarship Foundation of America. To be eligible to receive a state matching grant, the new chapter must be created after June 30, 1993. Each chapter is limited to one matching grant and must raise at least \$2,000 before receiving matching funds.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation \$ 715,000

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ 3,509,000

General Fund--Federal Appropriation \$ 34,651,000

TOTAL APPROPRIATION \$ 38,160,000

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund

Appropriation \$ 2,066,000

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation \$ 14,095,000

General Fund--Federal Appropriation \$ 4,796,000

General Fund--Private/Local Appropriation \$ 46,000

TOTAL APPROPRIATION \$ 18,937,000

The appropriations in this section are subject to the following conditions and limitations: \$2,385,516 of the general fund--state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation \$ 4,314,000

General Fund--Federal Appropriation \$ 933,000

TOTAL APPROPRIATION \$ 5,247,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The portion of the general fund appropriation provided for the institutional and organizational support programs shall be awarded to applicants that have not added to any accumulated deficit in the most recently completed fiscal year. Applicants that provide artistic services to communities that are otherwise artistically underserved, are integral to the arts community in which they are based, and that have budgets of less than \$250,000 shall be exempt from this requirement.

(2) The commission shall work with the department of general administration to determine a new location for the murals currently located in the chambers of the Washington state house of representatives.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 2,322,000

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 872,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation \$ 12,563,000

General Fund--Private/Local Appropriation \$ 40,000

TOTAL APPROPRIATION \$ 12,603,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation \$ 6,868,000

General Fund--Private/Local Appropriation \$ 26,000

TOTAL APPROPRIATION \$ 6,894,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 736,118,685

This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Appropriation \$ 24,071,715

Accident Account Appropriation \$ 5,340,254

Medical Aid Account Appropriation \$ 5,340,254

TOTAL APPROPRIATION \$ 34,752,223

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 28,156,178

Community College Refunding Bond Retirement

Fund 1974 Appropriation \$ 9,856,110

Community College Capital Construction Bond

Retirement Fund 1975, 1976, 1977 Appropriation \$ 10,304,798
Higher Education Bond Retirement Fund 1979
Appropriation \$ 6,354,922
Washington State University Bond Redemption
Fund 1977 Appropriation \$ 516,452
Higher Education Refunding Bond Redemption
Fund 1977 Appropriation \$ 6,245,701
State General Obligation Bond Retirement
1979 Appropriation \$ 65,033,822
TOTAL APPROPRIATION \$ 126,467,983

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Transportation Capital Facilities Account
Appropriation \$ 536,264
Highway Bond Retirement Fund Appropriation \$ 185,753,764
Ferry Bond Retirement 1977 Appropriation \$ 33,034,077
TOTAL APPROPRIATION \$ 219,324,105

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund
1967 Appropriation \$ 6,923,625
State Building Bond Redemption Fund 1967
Appropriation \$ 654,200
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,456,980
TOTAL APPROPRIATION \$ 10,034,805

NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,258,314
Higher Education Construction Account
Appropriation \$ 185,130
State Convention and Trade Center Appropriation \$ 88,050
Excess Earnings Account Appropriation \$ 1,195,400
State Building Construction Account Appropriation \$ 35,298,012
Economic Development Account Appropriation \$ 162,000
Puget Sound Capital Construction Account
Appropriation \$ 2,716,792
Motor Vehicle Fund Appropriation \$ 2,849,751
Special Category C Account Appropriation \$ 974,359
Energy Efficiency Construction Account
Appropriation \$ 515,362
Common School Reimbursable Construction Account
Appropriation \$ 5,666,853
Higher Education Reimbursable Construction Account
Appropriation \$ 4,312,476
Energy Efficiency Services Account Appropriation \$ 51,282
TOTAL APPROPRIATION \$ 55,273,781

Total Bond Retirement and Interest
Appropriations contained in sections 701
through 706 of this act \$ 1,181,971,582

NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation \$ 5,141,000
Motor Vehicle Fund Appropriation \$ 6,234,000
Wildlife Fund Appropriation \$ 148,000
Marine Operating Account Appropriation \$ 2,206,000
Liquor Revolving Fund Appropriation \$ 114,000
Basic Data Account Appropriation \$ 16,000
Resource Management Cost Account Appropriation \$ 132,000
Public Service Revolving Account Appropriation \$ 18,000
Accident Account Appropriation \$ 110,000
TOTAL APPROPRIATION \$ 14,119,000

The appropriations in this section are subject to the following conditions and limitations: The amount of the transfer for the motor vehicle fund and the marine operating account is to be actuarially based and transferred proportionately into the tort claims revolving fund quarterly or as necessary to meet cash flow needs.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

General Fund--State Appropriation \$ 500,000
Americans with Disabilities Special Revolving
Fund Appropriation \$ 425,000
TOTAL APPROPRIATION \$ 925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall be used solely to fund requests from state agencies complying with the program requirements of the federal americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ 2,500,000

Special Fund Agency Tort Defense Services

Revolving Fund Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ 3,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation \$ 1,500,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 711. BELATED CLAIMS.

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. FOR SUNDRY CLAIMS.

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows: King county, in settlement of a claim under RCW 43.135.060, Claim No.

SCO-89-12 \$ 1,950,000

NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS--DEPARTMENT OF LABOR AND INDUSTRIES.

The department of labor and industries is directed to pay, as a legislative relief claim under chapter 4.92 RCW, to Mrs. Esther A. Levang an industrial insurance death benefit, from the effective date of this act, under RCW 51.32.050 for the death of her husband following an industrial chemical exposure (L & I Claim No. F282511).

NEW SECTION. Sec. 714. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation \$ 9,070,000

General Fund--Federal Appropriation \$ 3,255,000

Special Fund Salary and Insurance Contribution

Increase Revolving Fund Appropriation \$ 6,955,000

TOTAL APPROPRIATION \$ 19,280,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) The appropriations in this section shall be distributed by the office of financial management to state agencies to fund the 1993-95 increased costs of health care benefits, administration, and margin in the self-insured medical and dental plans.

(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$317.79 per eligible employee for fiscal year 1994, and \$351.12 for fiscal year 1995.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$6.02 per eligible employee for fiscal year 1994, and \$5.62 for fiscal year 1995.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1993-95 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) A maximum of \$602,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for benefit increases for ferry workers consistent with the 1993-95 appropriations act.

NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund Appropriation	\$ 65,284,000	70,690,000
TOTAL APPROPRIATION	\$ 135,974,000	

FY 1994 FY 1995

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$600,000 is provided solely to pay the increased retirement contributions resulting from Substitute House Bill No. 1294 (LEOFF II age reduction). If Substitute House Bill No. 1294, or substantially similar legislation providing benefit enhancements for

members of plan II of the law enforcement officers' and fire fighters' retirement system, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(b) The appropriations in this subsection reflect the retirement contribution rate reduction for the law enforcement officers' and fire fighters' retirement system contained in House Bill No. 2126 (pension contribution rates) and the change in funding for plan II of the law enforcement officers' and fire fighters' retirement system contained in Engrossed Substitute Senate Bill No. 5967 (revenue enhancements).

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1994	FY 1995
General Fund Appropriation	\$ 4,450,000	4,450,000
TOTAL APPROPRIATION	\$ 8,900,000	

(3) There is appropriated for contributions to the judges retirement system:

	FY 1994	FY 1995
General Fund Appropriation	\$ 650,000	650,000
TOTAL APPROPRIATION	\$ 1,300,000	

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1994	FY 1995
General Fund--State Appropriation	\$ 1,033,000	1,254,000
General Fund--Federal Appropriation	\$ 252,000	308,000
Special Retirement Contribution Increase		
Revolving Fund Appropriation	\$ 839,000	870,000
TOTAL APPROPRIATION	\$ 4,556,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$578,000 of the general fund--state appropriation, \$151,000 of the general fund--federal appropriation, and \$323,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from House Bill No. 2128 (plan I postretirement adjustment). If House Bill No. 2128 (plan I postretirement adjustment), or substantially similar legislation providing for a postretirement adjustment of one dollar per month per year of service for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$1,508,000 of the general fund--state appropriation, \$360,000 of the general fund--federal appropriation, and \$758,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions necessary to continue the cost of living adjustment for members of plan I of the teachers' and public employees' retirement systems that was provided in section 711, chapter 232, Laws of 1992 (uncodified).

(3) \$201,000 of the general fund--state appropriation, \$49,000 of the general fund--federal appropriation, and \$109,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from House Bill No. 2122 (early retirement). If House Bill No. 2122, or substantially similar legislation providing for early retirement for certain members of plan I of the teachers' and public employees' retirement systems, is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(4) \$519,000 of the special retirement contribution increase revolving fund appropriation is provided solely to pay the increased retirement contributions for the Washington state patrol retirement system resulting from enactment of House Bill No. 2126 (pension contribution rates), or substantially similar legislation increasing contribution rates for the state patrol retirement system. If such legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

(1) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$5,539,000 from the general fund--state appropriations, \$1,494,000 from the general fund--federal appropriations, and \$3,211,000 from appropriations from other funds, to reflect savings realized by the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to House Bill No. 2126 (pension contribution rates).

(2) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$945,000 from the general fund--state appropriations, \$251,000 from the general fund--federal appropriations, and \$539,000 from appropriations from other funds, to reflect savings realized by the administrative rate reduction contained in section 132 of this act.

(3) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$1,056,000 from the general fund--state appropriations, \$275,000 from the general fund--federal appropriations, and \$588,000 from appropriations from other funds, to correct erroneous retirement contribution rates required for the teachers' and public employees' retirement systems that were assumed in each agency's 1993-95 budget request.

NEW SECTION. Sec. 718.

The office of financial management shall reduce the appropriations for the agencies of the state by \$1,040,000 from the general fund--state appropriations and \$1,128,000 from appropriations from other funds to reflect the freeze on increment increases that would have been provided to classified state employees whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 719.

The office of financial management shall reduce the appropriations for the institutions of higher education of the state by \$274,000 from the general fund--state appropriations to reflect the freeze on increment increases that would have been provided to classified employees of higher education institutions whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 720. FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the	
Convention and Trade Center Operating Account	\$ 4,004,000
General Fund Appropriation--For transfer to the	
Community College Capital Projects Account	\$ 4,550,000

TOTAL APPROPRIATION \$ 8,554,000

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation \$ 1,369,050
Water Pollution Control Facilities Bond Redemption
Fund 1967 Appropriation \$ 640,313
State Building (Expo 74) Bond Redemption Fund 1973A
Appropriation \$ 374,968
State Building Bond Redemption Fund 1973
Appropriation \$ 3,815,320
State Higher Education Bond Redemption Fund 1973
Appropriation \$ 4,395,023
State Building Authority Bond Redemption Fund
Appropriation \$ 9,397,425
Community College Capital Improvement Bond
Redemption Fund 1972 Appropriation \$ 7,528,400
State Higher Education Bond Redemption Fund 1974
Appropriation \$ 1,187,200
Waste Disposal Facilities Bond Redemption Fund
Appropriation \$ 50,473,075
Water Supply Facilities Bond Redemption Fund
Appropriation \$ 11,109,893
Recreation Improvements Bond Redemption Fund
Appropriation \$ 6,033,190
Social and Health Services Facilities 1972 Bond
Redemption Fund Appropriation \$ 3,713,865
Outdoor Recreation Bond Redemption Fund 1967
Appropriation \$ 1,593,098
Indian Cultural Center Construction Bond
Redemption Fund 1976 Appropriation \$ 127,231
Fisheries Bond Redemption Fund 1976 Appropriation \$ 760,015
Higher Education Bond Redemption Fund 1975
Appropriation \$ 2,168,025
State Building Bond Retirement Fund 1975
Appropriation \$ 422,360
Social and Health Services Bond Redemption Fund
1976 Appropriation \$ 9,464,773
Emergency Water Projects Bond Retirement Fund 1977
Appropriation \$ 2,639,480
Higher Education Bond Redemption Fund 1977
Appropriation \$ 13,296,100
Salmon Enhancement Bond Redemption Fund 1977
Appropriation \$ 3,706,950
Fire Service Training Center Bond Retirement Fund
1977 Appropriation \$ 745,706
State General Obligation Bond Retirement Bond 1979
Appropriation \$ 601,579,585

TOTAL APPROPRIATION \$ 736,118,685

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

State General Obligation Bond Retirement
1979 Appropriation \$ 28,156,178

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
premiums tax distribution \$ 4,382,550
General Fund Appropriation for public utility
district excise tax distribution \$ 29,254,986
General Fund Appropriation for prosecuting
attorneys' salaries \$ 3,300,000

General Fund Appropriation for motor vehicle
 excise tax distribution \$ 96,445,099
 General Fund Appropriation for local mass
 transit assistance \$ 294,186,744
 General Fund Appropriation for camper and
 travel trailer excise tax distribution \$ 3,112,351
 General Fund Appropriation for boating
 safety/education and law enforcement
 distribution \$ 789,528
 Aquatic Lands Enhancement Account Appropriation
 for harbor improvement revenue distribution \$ 154,000
 Liquor Excise Tax Fund Appropriation for
 liquor excise tax distribution \$ 24,307,934
 Motor Vehicle Fund Appropriation for motor
 vehicle fuel tax and overload penalties
 distribution \$ 552,082,000
 Liquor Revolving Fund Appropriation for liquor
 profits distribution \$ 53,570,000
 Timber Tax Distribution Account Appropriation
 for distribution to "Timber" counties \$ 121,724,800
 Municipal Sales and Use Tax Equalization Account
 Appropriation \$ 51,882,670
 County Sales and Use Tax Equalization Account
 Appropriation \$ 17,476,268
 Death Investigations Account Appropriation
 for distribution to counties for publicly
 funded autopsies \$ 1,400,000
 County Criminal Justice Account Appropriation \$ 15,854,547
 Municipal Criminal Justice Account Appropriation \$ 6,341,712
 TOTAL APPROPRIATION \$ 1,276,265,189

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal
 forest reserve fund distribution \$ 56,516,000
 General Fund Appropriation for federal flood
 control funds distribution \$ 46,000
 General Fund Appropriation for federal grazing
 fees distribution \$ 52,000
 General Fund Appropriation for distribution of
 federal funds to counties in conformance with
 Public Law 97-99 \$ 400,000
 TOTAL APPROPRIATION \$ 57,014,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Flood Control Assistance Account: For transfer to
 the General Fund--State \$ 300,000
 State Convention and Trade Center Account: For
 transfer to the State Convention and Trade
 Center Operations Account \$ 5,698,587
 Water Quality Account: For transfer to the water
 pollution revolving fund. Transfers shall be made
 at intervals coinciding with deposits of federal
 capitalization grant money into the revolving fund.
 The amounts transferred shall not exceed the match
 required for each federal deposit \$ 21,500,000
 Trust Land Purchase Account: For transfer to the
 General Fund \$ 24,000,000
 General Government Special Revenue Fund--State
 Treasurer's Service Account: For transfer to the
 General Fund on or before July 20, 1995, in an
 amount up to \$7,200,000 in excess of the cash
 requirements of the state treasurer's service
 account \$ 7,200,000
 Economic Development Finance Authority Account:
 For transfer to the General Fund--Federal an
 amount to include but not exceed all total
 federal equity in the account. The account
 shall be closed after this transfer is made \$ 457,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the
Department of Retirement Systems Expense
Fund \$ 18,000

Motor Vehicle Fund--State Patrol Highway Account
Appropriation: For transfer to the
Department of Retirement Systems Expense
Fund \$ 136,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1993-95 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems projects in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspect critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committee.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.

(1) The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board.

The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

(2) The office of financial management shall encourage and maximize opportunities for state agencies to use the services of the department of information services video conference centers to reduce travel-related expenditures. The office of financial management, in conjunction with the department of information services, shall report to the legislative fiscal committees by November 30, 1994, on the monthly usage volume and the respective costs and benefits of the video conference centers. The office of financial management shall document any savings, project potential savings by each agency, and incorporate the savings in development of the 1995-97 biennial budget.

NEW SECTION. Sec. 904. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS.

(1) No moneys appropriated in this act may be expended by any agency for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW or under other installment purchase agreements unless the office of financial management has determined, for each purchase, that:

(a) The method of acquisition offers a significant financial advantage to the state; and

(b) The term of the installment contract does not exceed the useful life of the item being purchased.

(2) The total principal value of new equipment purchased by the state, as defined in RCW 39.94.020(4), during the 1993-95 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed thirty-five million dollars. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) This section does not apply to contracts entered into prior to July 1, 1993, or to the refinancing of property purchased prior to July 1, 1993.

NEW SECTION. Sec. 905. SAVINGS RECOVERY ACCOUNT.

(1) The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of the state employees' suggestion award program under chapter 41.60 RCW.

(3) Periodically during the 1993-95 fiscal biennium, and by June 30, 1995, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least \$412,000 as a result of implementation of the efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1994, and January 1, 1995, on the amounts and sources of moneys deposited into the savings recovery account.

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS.

In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES.

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1993.

NEW SECTION. Sec. 910. AGENCY RECOVERIES.

Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 911. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 912. TRAVEL EXPENSES.

The office of financial management shall reduce agency allotments from the appropriations in this act and place in reserve status 75 percent of general fund--state moneys allotted to state agencies for out-of-state travel, 10 percent of general fund--state moneys allotted to state agencies for in-state travel, and the savings resulting from the implementation of consolidated mail services by the department of general administration. The amount placed in reserve shall be at least \$14,448,000. The office of financial management shall further reduce agency allotments to state agencies for travel by \$1,400,000.

NEW SECTION. Sec. 913. SALARY FREEZE.

(1) Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

(a) Scheduled increment increases to any employee classified under chapter 41.06 RCW.

(b) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch.

(c) Salary increases to the agency officials listed in RCW 43.03.028.

(2) Job classification revisions or class studies proposed for adoption by the state personnel board or the higher education personnel board shall not take effect unless approved by the office of financial management. The boards shall submit documentation and cost estimates to the office of financial management to justify any such proposal. The office of financial management may approve a proposal if implementation will result in net cost savings, increased efficiencies, or improved management of personnel or services.

(3) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

(a) Scheduled increment increases to any employee classified under chapter 28B.16 RCW.

(b) From the appropriations in this act, salary increases to employees who are exempt from chapter 28B.16 RCW.

(4) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. The legislature intends to freeze salaries for its own employees, and in order to maintain equity and fairness across all employee groups, encourages all state-wide elected officials and the judicial branch to freeze salaries for any of their employees not covered under subsection (1) of this section.

(5) The legislature also encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year.

NEW SECTION. Sec. 914. FULL-TIME EQUIVALENTS.

Agency budgeted full-time equivalent staff (FTE) levels shall be limited to the levels set in this section for the following agencies and institutions. The full-time equivalent staff level is calculated as a biennial average for all budgeted FTEs:

Board of Industrial Insurance Appeals 112
Board for Volunteer Fire Fighters 3
Board of Tax Appeals 8
Columbia River Gorge Commission 9
Commission on Asian-American Affairs 2
Commission on Judicial Conduct 6
Court of Appeals 119
Criminal Justice Training Commission 31
Department of Social and Health Services 16,241
Deferred Compensation Committee 20
Department of Agriculture 671
Department of Community Development 320
Department of Corrections 5,912
Department of Ecology 1,623
Department of Fisheries 711
Department of Health 1,053
Department of Information Services 420
Department of Labor and Industries 2,552
Department of Natural Resources 1,681
Department of Personnel 205
Department of Retirement Systems 249
Department of Revenue 1,026
Department of Veterans Affairs 429
Department of Wildlife 839
Department of Financial Institutions 73
Department of General Administration 510
Department of Services for the Blind 68
Department of Trade and Economic Development 87
Eastern Washington State Historical Society 10
Economic and Revenue Forecast Council 5
Employment Security Department 2,268
Environmental Hearings Office 6
Commission on African-American Affairs 2
Governor's Office of Indian Affairs 2
Growth Planning Hearings Office 12
Health Care Commission 15
Higher Education Coordinating Board 50
Higher Education Personnel Board 14
House of Representatives 385
Human Rights Commission 43
Indeterminate Sentence Review Board 14
Interagency Commission for Outdoor Recreation 18
Joint Legislative Systems Committee 34
LEAP Committee 10
Legislative Budget Committee 14
Military Department 155
Minority and Women's Business Enterprises 19
Office of Administrative Hearings 117
Office of Administrator for the Courts 289

Office of Financial Management 179
Office of Insurance Commissioner 144
Office of Marine Safety 25
Office of the Attorney General 797
Office of the Governor 35
Office of the Lieutenant Governor 3
Office of the Secretary of State 108
Office of the State Actuary 8
Office of the State Auditor 284
Office of the State Treasurer 68
Office of the Superintendent of Public Instruction 245
Personnel Appeals Board 10
Public Disclosure Commission 20
Public Employment Relations Commission 26
Puget Sound Water Quality Authority 19
Senate 284
Sentencing Guidelines Commission 5
State Board of Accountancy 6
State Conservation Commission 9
State Convention and Trade Center 132
State Investment Board 37
State Law Library 15
State Library 122
State Lottery Commission 151
State Parks and Recreation Commission 516
State School for the Blind 58
State School for the Deaf 133
Statute Law Committee 46
Supreme Court 69
Utilities and Transportation Commission 205
Washington Pollution Liability Insurance Program 5
Washington State Commission on Hispanic Affairs 3
Washington State Health Care Authority 181
Washington State Liquor Control Board 1,067
Washington Horse Racing Commission 31
Washington State Arts Commission 16
Washington State Energy Office 159
Washington State Gambling Commission 134
Washington State Historical Society 22
Work Force Training and Education Coordinating Board 29

NEW SECTION. Sec. 915. It is the intent of the legislature to reduce administrative staffing levels in state agencies and institutions by at least fifteen percent. The legislature intends that administrative staff be considered middle and upper-level management positions. The legislature further intends to avoid, wherever possible, reductions to direct service positions that affect the quality of services to the public. The office of financial management shall monitor implementation of funding and staff reductions and shall report to the legislature by January 15, 1994, describing the manner in which state agencies and institutions achieved the funding and staff reductions required by this act.

Sec. 916. RCW 20.01.130 and 1986 c 178 s 8 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted hereunder or for departmental administrative expenses during the 1993-95 biennium. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 917. RCW 74.20A.030 and 1989 c 360 s 14 are each amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation.

(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

(4) ~~((No))~~ A collection action ~~((shall))~~ may be taken against parents of children ~~((eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7)))~~ with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care. The child support obligation shall be calculated pursuant to chapter 26.19 RCW.

Sec. 918. RCW 43.101.200 and 1989 c 299 s 2 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 (~~and 43.101.160~~). For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, subject to available funds, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 919. RCW 43.155.050 and 1985 c 471 s 8 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 920. RCW 70.146.080 and 1991 sp.s. c 16 s 923 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal (year-1992) years 1992 and 1993 and for fiscal year 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

For the biennium ending June 30, 1995, it is the intent of the legislature that at least thirteen million seven hundred and ninety-one thousand dollars from the appropriations or reappropriations provided in the capital appropriations act from the state and local improvement revolving account waste disposal facilities (Referendum 26), the state and local improvement revolving account waste disposal 1980 (Referendum 39), and the water pollution control account--federal be used in a manner consistent with purposes of this chapter.

Sec. 921. RCW 70.170.080 and 1991 sp.s. c 13 s 71 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under *chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

During the 1993-1995 fiscal biennium, moneys in the hospital data collection account may be expended, pursuant to appropriation, for hospital data analysis and the administration of the health information program.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 922. RCW 79.24.580 and 1987 c 350 s 1 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be distributed as follows: (1) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for environmental and forest restoration work that improves fish habitat, shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 923. RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1995-97 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the 1993-95 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

Sec. 924. RCW 43.08.250 and 1992 c 54 s 3 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. ~~((During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services))~~ During the fiscal biennium ending June 30, 1995, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, fire protection services, the criminal litigation unit of the attorney general's office, sexual assault treatment, and operations of the office of administrator for the courts.

NEW SECTION. Sec. 925. WATER RESOURCES POLICY COMMISSION.

(1) The governor shall establish the Washington water resources policy commission. The commission shall meet at least monthly and be comprised of the following members:

- (a) The governor, or the governor's designee, who shall be the chair;
- (b) Three members of the house of representatives to be appointed by the speaker;
- (c) Three members of the senate to be appointed by the president;
- (d) The commissioner of public lands or the commissioner's designee;
- (e) No more than three members, appointed by the governor, from federally recognized Indian tribes, who are intended to provide direct input and to enhance coordination between governments; however such participation does not imply formal representation individually or collectively of those tribes;
- (f) Three members, appointed by the governor, to represent general purpose local governments; and
- (g) No more than six members, appointed by the governor, to represent the following interests: Agriculture, environmental organizations, business, fisheries and wildlife, utilities, and recreation.

(2) The governor shall designate the staff for the commission. Whenever practicable existing employees of state government shall be assigned on a temporary basis to assist in staffing the commission. The governor, the commissioner of public lands, and the attorney general shall cooperate in assuring the assignment of staff which have expertise in the matters under the review of the commission.

(3) Commission members appointed under subsections (1) (d) and (f) of this section are to be reimbursed for reasonable expenses actually incurred in accordance with chapter 43.03 RCW.

(4) The commission shall conduct a comprehensive review of water resources management in Washington that includes:

- (a) An identification of all programs governing water management, water supply delivery, water protection, instream flow and riparian protection, and other water resource management needs;
- (b) An assessment of the performance of existing programs in achieving coordinated water resource management, that identifies specific conflicting or inconsistent policies, strategies, standards, jurisdiction, or planning requirements;
- (c) Recommendations for the coordination and integration of state water resource programs, emphasizing watershed-based strategies for water resource management;
- (d) An identification and assessment of state and local water resources and funding programs and recommendations for consolidation and expansion of those programs with specific attention given to a long-term consistent and stable funding structure; and
- (e) Recommendations for state and local government coordination of water quality and resource planning consistent with the programs and objectives of the growth management act.

(5) The commission shall report to the legislature and the governor no later than December 1, 1994, on the duties enumerated in subsection (4) of this section. The report may include minority positions if any exist. Further, the report shall make recommendations on water resource issues which the commission believes should be the focus of any succeeding commission.

NEW SECTION. Sec. 926. SEVERABILITY.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. EMERGENCY CLAUSE.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5968 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5968 and the House amendment thereto: Senators Rinehart, McDonald and Drew.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 30, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5717 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1995, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;
"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
"Cap Bldg Constr Acct" means Capitol Building Construction Account;
"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;
"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Fruit Comm Fac Acct" means Fruit Commission Facility Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account-- Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;
 "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;
 "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
 "UW Bldg Acct" means University of Washington Building Account;
 "Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;
 "WA St Dairy Prod Comm Fac Acct" means Washington State Dairy Products Commission Facilities Account;
 "WA St Dev Loan Acct" means Washington State Development Loan Account;
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;
 "WSP Constr Acct" means Washington State Patrol Construction Account;
 "WSP Highway Acct" means Washington State Patrol Highway Account;
 "WSU Bldg Acct" means Washington State University Building Account;
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.
 Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**PART 1
 GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS

Division III: Vault enlargement (93-2-001)

Appropriation:

St Bldg Constr Acct \$ 65,000

Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000 -----

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATE

Central Washington Regional Archives--Central Washington University Campus (93-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 3,934,000

Prior Biennia (Expenditures) \$ 259,000
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,343,000 -----

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE

Northwest Washington Regional Branch Archives (90-1-003)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 3,199,000
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,399,000 -----

NEW SECTION. Sec. 104. FOR THE SECRETARY OF STATE

Puget Sound Regional Branch Archives predesign and maintenance (94-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of this appropriation shall be used to conduct a predesign study to determine if the agency should remodel the existing facility, build a new structure, or relocate to a new leased or other state-owned facility. The study shall determine the availability of existing state land and cost of adapting an existing regional archives design.

(2) \$100,000 of this appropriation is for critical deferred maintenance at the existing Puget Sound Regional Archives.

Appropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 3,839,000

TOTAL \$ 3,979,000 -----

NEW SECTION. Sec. 105. FOR THE SECRETARY OF STATE

Eastern Washington Regional Archives predesign (94-2-002)

Appropriation:

St Bldg Constr Acct \$ 58,200

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,058,200

NEW SECTION. Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT

To purchase land for new higher education institution

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the higher education coordinating board has completed its study and has recommended an organizational model that requires additional land for an institution of higher education for meeting the higher education needs of the north King and south Snohomish county area;

(2) The appropriation in this section shall not be expended to purchase property unless the office of financial management has determined that potential storm water and flood water will not damage property or buildings to be constructed on the proposed site, interrupt the operation of a higher education institution or institutions located on the property, or result in mitigation actions that cost more than comparable property in the general area;

(3) The appropriation in this section shall not be expended until the higher education coordinating board has a site development plan for the proposed site that accommodates all proposed buildings outside of any potential flood plain; and

(4) The legislature recognizes that additional appropriations may be required in future biennia.

Appropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground storage tank pool (94-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Reappropriation:

St Bldg Constr Acct \$ 1,748,146

CEP & RI Acct \$ 150,000

Subtotal Reappropriation \$ 1,898,146

Appropriation:

St Bldg Constr Acct \$ 3,120,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 11,018,146

NEW SECTION. Sec. 108. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos removal or abatement pool (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for asbestos removal or abatement projects.

(2) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(3) Subsection (2) of this section does not apply to moneys reappropriated in this act for projects for which the design has been completed, bids have been requested, or a contract has been entered into before the effective date of this act.

Reappropriation:

St Bldg Constr Acct \$ 2,338,088

CEP & RI Acct \$ 268,500

Subtotal Reappropriation \$ 2,606,588 -----

Appropriation:

St Bldg Constr Acct \$ 7,020,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 23,626,588 -----

NEW SECTION. Sec. 109. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Americans with disabilities act modifications pool (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 9,360,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 40,360,000 -----

NEW SECTION. Sec. 110. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital budget system improvements (94-2-002)

Reappropriation:

St Bldg Constr Acct \$ 100,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,600,000 -----

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Cherberg Building remodel (88-2-040)

The reappropriation in this section is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:

St Bldg Constr Acct \$ 2,960,000

Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:

East Cap Constr Acct \$ 750,000

Prior Biennia (Expenditures) \$ 72,250,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highways-Licenses Building: To complete the construction to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall not be expended until the capital project review requirements of section 1015 of this act have been met; and

(2) The department of general administration shall develop a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the renovation, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

Reappropriation:

St Bldg Constr Acct \$ 18,000,000

Prior Biennia (Expenditures) \$ 4,938,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,938,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus minor works: Boiler plant structural repairs (92-5-901)

Reappropriation:

Cap Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 2,790,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,865,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Condition assessment: By December 31, 1993, develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance (92-2-007)

Reappropriation:

St Bldg Constr Acct \$ 500,000
Cap Bldg Constr Acct \$ 340,000

Subtotal Reappropriation \$ 840,000

Prior Biennia (Expenditures) \$ 251,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,091,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Inadequate building systems and Northern State multiservice center repairs (92-5-900)

Reappropriation:

St Bldg Constr Acct \$ 270,000

Prior Biennia (Expenditures) \$ 8,559,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,829,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza garage: Elevator repairs (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 133,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus control system improvements: Phase 2 (92-2-014)

Reappropriation:

Cap Bldg Constr Acct \$ 850,000

Prior Biennia (Expenditures) \$ 521,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,371,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Capitol Campus voltage improvements (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 9,484,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,484,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-2-015)

Reappropriation:

St Bldg Constr Acct \$ 1,100,000

Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Utilities and grounds (92-2-016)

Reappropriation:

Cap Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 1,287,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,487,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Satellite Campus Land Acquisition: To purchase in fee simple real property for future state development in the city of Tumwater **(92-5-000)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for land acquisition, and do not represent a commitment to any specific plan for development of the Tumwater satellite campus.

(2) Before expending any moneys from the appropriations, the department shall obtain a written agreement from the city of Tumwater, the port of Olympia, and the Tumwater school district requiring the consent of the office of financial management for any state responsibility or liability associated with general infrastructure development or facility relocation within the Tumwater campus planning area.

Reappropriation:

St Bldg Constr Acct \$ 890,000

Appropriation:

St Bldg Constr Acct \$ 3,600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,490,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Cap Bldg Constr Acct \$ 300,000

Subtotal Reappropriation \$ 500,000

Prior Biennia (Expenditures) \$ 1,485,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,985,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building interior repairs (92-2-018)

Reappropriation:

Cap Bldg Constr Acct \$ 160,000

St Bldg Constr Acct \$ 450,000

Subtotal Reappropriation \$ 610,000

Prior Biennia (Expenditures) \$ 1,917,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,527,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building mechanical system improvements (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Collocation and consolidation of state facilities: To identify the current locations of major concentrations of state facilities within the state and determine where state facilities can be collocated and consolidated **(92-5-004)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall prepare policy recommendations and cost estimates for opportunities to collocate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts.

(2) The appropriations shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

(3) The reappropriation is provided solely to complete phase one of the project, begun in the 1991-93 biennium.

Reappropriation:

St Bldg Constr Acct \$ 105,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 120,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 525,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake: To develop a dredging plan and to dredge Capitol Lake **(92-3-019)**

\$200,000 of the appropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State facilities--Thurston county: To develop designs and plans to accommodate agency housing needs in Thurston county **(92-5-100)**

This appropriation is provided solely to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for collocation with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Capitol satellite campuses: To develop designs and plans to accommodate agency housing needs in Thurston county **(92-5-101)**

The appropriation in this section is provided to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater, and a facility plan, developed in consultation with the city of Olympia, which includes mixed use in the downtown Olympia area. The plans shall provide for the siting of consumer services within walking distance of the major areas of concentration of state employees.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 650,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Business park facilities: Master plan (92-5-102)

Reappropriation:

St Bldg Constr Acct \$ 175,000

Prior Biennia (Expenditures) \$ 75,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 131. TO THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park: Acquisition. To complete the purchase of property for Heritage Park **(92-5-105)**

The appropriations in this section are provided solely to complete acquisition of the property forming the southern boundary of the park and to update the predesign for the park to reflect the reduced size of the park. The appropriations shall not be used to purchase the two residential properties along Columbia street.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Appropriation:

St Bldg Constr Acct \$ 330,000

Prior Biennia (Expenditures) \$ 2,200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,030,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus geotechnical and hydrologic survey (92-5-108)

Reappropriation:

St Bldg Constr Acct \$ 185,000

Prior Biennia (Expenditures) \$ 15,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2: To upgrade the air supply system by rebuilding the existing system, changing the emergency diesel exhaust system and investigating energy savings to reduce operating and maintenance costs **(93-2-025)**

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Small and emergency repairs (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 275,000

Cap Bldg Constr Acct \$ 671,000

Subtotal Appropriation \$ 946,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,373,380

TOTAL \$ 5,319,380

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multiservice center **(94-1-007)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 90,000

CEP & RI Acct \$ 60,000

Subtotal Appropriation \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

CFC/Halon fire control systems: Removal and replacement (94-1-009)

Appropriation:

Cap Bldg Constr Acct \$ 464,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,534,000

TOTAL \$ 1,998,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus preservation (94-1-010)

Appropriation:

St Bldg Constr Acct \$ 3,037,000
Cap Bldg Constr Acct \$ 388,000

Subtotal Appropriation \$ 3,425,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 27,259,550

TOTAL \$ 30,684,550

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building preservation (94-1-011)

Appropriation:

St Bldg Constr Acct \$ 304,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 304,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Temple of Justice preservation (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 147,000
Cap Bldg Constr Acct \$ 277,000

Subtotal Appropriation \$ 424,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 424,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life and safety repair projects (94-1-014)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The department shall report to the legislature by September 1, 1993, with options for the future disposition of the campus after the closure of state programs.
- (2) The appropriation is provided solely for critical life and safety repair projects pending a decision on future disposition and ownership of the campus.

Appropriation:

CEP & RI Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Office Building 2 preservation (94-1-015)**

Appropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,339,000

TOTAL \$ 2,589,000 -----

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Modular Building preservation (94-1-016)**

Appropriation:

St Bldg Constr Acct \$ 251,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,051,000 -----

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Employment Security Building preservation (94-1-017)**

Appropriation:

St Bldg Constr Acct \$ 74,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 575,000

TOTAL \$ 649,000 -----

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Plaza garage: Repair and study (94-1-023)**

Appropriation:

St Bldg Constr Acct \$ 235,000

Motor Vehicle Acct \$ 26,000

Subtotal Appropriation \$ 261,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,627,000

TOTAL \$ 3,888,000 -----

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Old Capitol Building preservation (94-1-025)**

Appropriation:

St Bldg Constr Acct \$ 1,179,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,179,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Burien conference center preservation (94-1-026)**

Appropriation:

St Bldg Constr Acct \$ 238,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,675,000

TOTAL \$ 1,913,000 -----

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Lacey light industrial park acquisition (94-2-003)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 18,200,000

TOTAL \$ 19,300,000 -----

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
General Administration Engineering and Architectural Services Division: Project management (94-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or projects that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize standard accounting procedures to track expenditures from the appropriation, and expenditures from any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall track expenditures at the project level for projects valued over \$500,000.

(3) The appropriation in this section is contingent on the submission of the final report on phase one of the collocation and consolidation study (project number 92-5-004) to the office of financial management by December 31, 1993. If the final report is not submitted to the office of financial management by December 31, 1993, the appropriation in this section shall lapse.

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 38,563,092

TOTAL \$ 46,563,092 -----

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Library for the Blind and Physically Handicapped: To acquire space for the Washington library for the blind and physically handicapped (92-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,900,000 -----

NEW SECTION. Sec. 150. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Floor voids and wall repair (94-1-002)

Appropriation:

Liquor Revolving Acct \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

NEW SECTION. Sec. 151. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Appropriation:

Liquor Revolving Acct \$ 28,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800 -----

NEW SECTION. Sec. 152. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Receiving dock cut-outs (94-1-004)

Appropriation:

Liquor Revolving Acct \$ 40,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000 -----

NEW SECTION. Sec. 153. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Warehouse reroof (94-1-005)

Appropriation:

Liquor Revolving Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT

Armory life and safety code compliance projects (88-1-005)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 260,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 1,535,000

TOTAL \$ 2,820,000 -----

NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT

Minor works (92-5-900)

In support of federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-004) (86-2-004)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 288,624
General Fund--Federal \$ 615,000

Subtotal Reappropriation \$ 903,624

Prior Biennia (Expenditures) \$ 9,305,376
Future Biennia (Projected Costs) \$ 8,691,000

TOTAL \$ 18,900,000

NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT

Minors works: Support of federal construction projects (93-1-007)

Appropriation:

St Bldg Constr Acct \$ 406,200
General Fund--Federal \$ 3,998,000

Subtotal Appropriation \$ 4,404,200

Prior Biennia (Expenditures) \$ 8,456,500
Future Biennia (Projected Costs) \$ 17,777,000

TOTAL \$ 30,637,700

NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT

State-wide preservation (93-1-008)

Appropriation:

St Bldg Constr Acct \$ 2,518,400

Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 1,766,000

TOTAL \$ 5,084,400

NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT

Buckley Armory construction (93-2-001)

Reappropriation:

St Bldg Constr Acct \$ 1,127,000
General Fund--Federal \$ 1,728,000

Subtotal Reappropriation \$ 2,855,000

Appropriation:

General Fund--Federal \$ 311,000

Prior Biennia (Expenditures) \$ 170,245
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,336,245

NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT
Grandview Armory construction (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 1,102,000
General Fund--Federal \$ 1,602,000

Subtotal Reappropriation \$ 2,704,000

Appropriation:

General Fund--Federal \$ 225,000

Prior Biennia (Expenditures) \$ 162,130
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,091,130

NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT
Moses Lake Armory construction (93-2-003)

Reappropriation:

St Bldg Constr Acct \$ 1,206,000
General Fund--Federal \$ 1,804,000

Subtotal Reappropriation \$ 3,010,000

Appropriation:

General Fund--Federal \$ 229,000

Prior Biennia (Expenditures) \$ 177,245
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,416,245

NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT
Camp Murray--Agency Headquarters predesign (93-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1994.

(2) The department shall ensure the continued preservation of the exterior appearance of building number one at Camp Murray.

Appropriation:

St Bldg Constr Acct \$ 102,948

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,579,000

TOTAL \$ 8,681,948

NEW SECTION. Sec. 162. FOR THE WASHINGTON HORSE RACING COMMISSION

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;
(2) No expenditure from this appropriation may be made to construct horse race or related facilities until the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Appropriation:

**Washington Thoroughbred
Racing Fund \$ 8,200,000**

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,200,000 -----

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Development loan fund recapitalization (88-2-002)

The appropriations in this section are subject to the following conditions and limitations: One million dollars of the state building construction account appropriation is provided solely for loans to minority and women-owned businesses under Engrossed Substitute House Bill No. 1493.

Appropriation:

**St Bldg Constr Acct \$ 2,000,000
WA St Dev Loan Acct \$ 2,000,000**

Subtotal Appropriation \$ 4,000,000 -----

Prior Biennia (Expenditures) \$ 5,429,699
Future Biennia (Projected Costs) \$ 17,000,000

TOTAL \$ 26,429,699 -----

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct \$ 5,688,000

Prior Biennia (Expenditures) \$ 4,312,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Housing assistance program (88-5-015)

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$2,000,000 appropriation from the charitable, educational, penal, and reformatory institutions account is provided to promote development of at least 120 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall convene an advisory group of developmental disabilities service agencies and family members to plan implementation of this initiative.

(2) The department of community development shall conduct a study on the feasibility of providing financial guarantees to housing authorities. The department shall submit its findings to the appropriate legislative committees by December 15, 1993.

(3) It is the intent of the legislature that, in addition to the moneys provided under subsection (1) of this section, a portion of the state building construction account appropriation be used to develop safe and affordable housing for the developmentally disabled.

Reappropriation:

St Bldg Constr Acct \$ 22,000,000

Appropriation:

St Bldg Constr Acct \$ 34,000,000

CEP & RI Acct \$ 2,000,000

Subtotal Appropriation \$ 36,000,000

Prior Biennia (Expenditures) \$ 35,449,197

Future Biennia (Projected Costs) \$ 136,000,000

TOTAL \$ 229,449,197

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

A Contemporary Theatre, Seattle (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation is provided solely for the construction or renovation of a new theater in Seattle.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct \$ 6,525,000

Prior Biennia (Expenditures) \$ 1,975,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Mystic Lake Flood Assistance: For mitigation of development-induced flooding of the lake (92-2-000)

Reappropriation:

St Bldg Constr Acct \$ 39,000

Prior Biennia (Expenditures) \$ 14,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 53,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Resource Center: To construct an Asian Resource Center in Seattle (92-2-002)

This reappropriation shall be matched by at least \$600,000 cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income weatherization: For the low-income weatherization program under chapter 70.164 RCW (92-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,500,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 4,500,000
Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 48,000,000

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency Management Building: Minor works (92-2-009)**

Reappropriation:

St Bldg Constr Acct \$ 120,000
General Fund--Federal \$ 69,000

Subtotal Reappropriation \$ 189,000 -----

Prior Biennia (Expenditures) \$ 97,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000 -----

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands **(92-2-011)**

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 350,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000 -----

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Meeker Mansion (92-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be matched by at least \$100,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(2) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tacoma Educational Enrichment Center (92-2-999)**

The reappropriation in this section shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this section is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 700,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Resource center for the handicapped: To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: No expenditure shall be made until an equal amount of nonstate moneys dedicated to the purchase of the facility have been raised. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Reappropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000 -----

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia river dredging feasibility study: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tears of Joy Theatre (92-5-018)

The reappropriation in this section shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 1,850,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,950,000 -----

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Carolyn Downs Family Medical Center (92-5-021)

The reappropriation in this section shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia River Renaissance (93-5-001)

The reappropriation in this section shall be matched by an equal amount of money from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Pacific Science Center (93-5-002)

Each dollar expended from the reappropriation in this section shall be matched by at least three dollars from nonstate sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 1,061,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,061,000 -----

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. This appropriation shall be matched by at least one million eight hundred thousand dollars provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 1,800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Whatcom Museum (93-5-004)

Expenditures from the reappropriation in this section shall not exceed fifteen percent of the total estimated capital costs of the project. The remaining portions of the project costs shall be a match from nonstate sources. The match may include cash and land value received after January 1, 1990.

Reappropriation:

St Bldg Constr Acct \$ 6,750

Prior Biennia (Expenditures) \$ 293,250

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Science Hall, Walla Walla (93-5-007)

The reappropriation in this section is provided solely for a grant to the Downtown Walla Walla Foundation for facade restoration and preservation of Science Hall, the site of the 1878 constitutional convention. The appropriation in this section shall be matched by an equal amount of nonstate moneys.

Reappropriation:

St Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Fire Training Academy preservation (94-1-016)

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 1,350,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,639,904

TOTAL \$ 4,989,904

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building preservation (94-1-018)

Appropriation:

St Bldg Constr Acct \$ 85,084

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 285,084

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund loans (94-2-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$7,000,000 of the reappropriation is provided solely for the purposes of chapter 314, Laws of 1991.
- (2) \$7,500,000 of the appropriation may be used for projects authorized in House Bill No. 1790 (chapter 3, Laws of 1993).

Reappropriation:

Public Works Assistance Acct \$ 76,357,632

Appropriation:

Public Works Assistance Acct \$ 93,876,640

Prior Biennia (Expenditures) \$ 81,376,520
Future Biennia (Projected Costs) \$ 583,400,000

TOTAL \$ 835,010,792

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Affordable housing program (94-2-019)

Reappropriation:

St Bldg Constr Acct \$ 6,000,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 2,000,000
Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 40,000,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Building for the arts-Phases 1 and 2 (92-5-100) (94-2-021)

For grants to local performing arts and art museum organizations for facility improvements or additions.

The appropriation in this section is subject to the following conditions and limitations:

- (1) Grants are limited to the following projects:

Phase 1 (92-5-100)

Estimated Total State State
Capital Cost Grant Share
@15%

Seattle Children's Theatre \$ 8,000,000 \$ 1,200,000 15%

Admiral Theatre (Bremerton) \$ 4,261,000 \$ 639,000 15%
 Pacific Northwest Ballet \$ 7,500,000 \$ 1,125,000 15%
 Seattle Symphony \$ 54,000,000 \$ 8,100,000 15%
 Seattle Repertory Theatre
 (Phase 1) \$ 4,000,000 \$ 600,000 15%
 Intiman Theatre \$ 800,000 \$ 120,000 15%
 Broadway Theatre District
 (Tacoma) \$ 11,800,000 \$ 1,770,000 15%
 Allied Arts of Yakima \$ 500,000 \$ 75,000 15%
 Spokane Art School \$ 454,000 \$ 68,000 15%
 Seattle Art Museum \$ 4,862,500 \$ 729,000 15%

Total \$ 96,177,500 \$ 14,426,000

Phase 2 (94-2-021)

Estimated Total State State
 Capital Cost Grant Share
 @15%

Bainbridge Performing
 Arts Center \$ 1,200,000 \$ 180,000 15%
 The Children's Museum \$ 2,850,000 \$ 427,500 15%
 Everett Community Theatre \$ 12,119,063 \$ 1,817,859 15%
 Kirkland Center for
 the Performing Arts \$ 2,500,000 \$ 375,000 15%
 Makah Cultural and
 Research Center \$ 1,600,000 \$ 240,000 15%
 Mount Baker Theatre Center \$ 1,581,000 \$ 237,150 15%
 Seattle Group Theatre \$ 334,751 \$ 50,213 15%
 Seattle Opera Association \$ 985,000 \$ 147,750 15%
 Seattle Repertory Theatre
 (Phase 2) \$ 4,000,000 \$ 600,000 15%
 Tacoma Little Theatre \$ 1,250,000 \$ 187,500 15%
 Valley Museum of Northwest
 Art \$ 1,100,000 \$ 165,000 15%
 Village Theatre \$ 6,000,000 \$ 900,000 15%
 The Washington Center
 for the Performing Arts \$ 400,000 \$ 60,000 15%
 Whidbey Island Center
 for the Arts \$ 1,200,000 \$ 180,000 15%
 Olympia Children's Museum \$ 2,000,000 \$ 300,000 15%
 Enumclaw Performing
 Arts Center \$ 4,000,000 \$ 600,000 15%

Total \$ 44,119,814 \$ 6,467,972

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1995-97 capital budget. The list shall result from a competitive grants program developed by the department providing for:

(a) A maximum state funding amount of \$4 million in the 1995-97 biennium for new projects not previously authorized by the legislature. Maximum state grant awards shall be limited to fifteen percent of the total cost of each qualified project;

(b) Uniform criteria for the selection of projects and awarding of grants. The criteria shall address, at a minimum: The administrative and financial capability of the organization to complete and operate the project; local community support for the project; the contribution the project makes to the diversity of performing arts, museum, and cultural organizations operating in the state; and the geographic distribution of projects; and

(c) A process to provide information describing application procedures to performing arts, museum, and cultural organizations state-wide.

The department may consult with and utilize existing arts organizations to assist with developing the grant criteria and administering the grant program.

Reappropriation:

St Bldg Constr Acct \$ 9,475,000

Appropriation:

St Bldg Constr Acct \$ 6,411,086

Prior Biennia (Expenditures) \$ 1,773,900

Future Biennia (Projected Costs) \$ 3,233,986

TOTAL \$ 20,893,972

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building replacement predesign (94-2-026)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 53,425

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,900,000

TOTAL \$ 8,953,425

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tall ships tourist attraction (86-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(2) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(3) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

(4) The reappropriation in this subsection is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Historic community theaters (90-5-014)

The reappropriation in this section is provided solely for grants to preserve historic community theaters. No portion of the reappropriation in this section may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the total amount shall be expended for renovation of the Admiral Theatre in West Seattle.

Reappropriation:

St Bldg Constr Acct \$ 25,000

Prior Biennia (Expenditures) \$ 475,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Community Development Block Grant Federal Stimulus Funding

Appropriation:

General Fund--Federal \$ 7,830,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,830,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Daybreak Star Center Remodel (94-2-100)

Appropriation:

St Bldg Constr Acct \$ 227,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sisters of Visitation Monastery and Retreat Center: For the City of Federal Way to provide up to fifteen percent of the cost of acquiring the Sisters of Visitation Monastery and Retreat Center.

Appropriation:

St Bldg Constr Acct \$ 405,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sand Point Naval Station Planning: For the city of Seattle for community liaison committee planning related to future use of the Sand Point Naval Station on Lake Washington. No more than one percent of the appropriation may be expended by the department of community and development and the city of Seattle for administrative costs.

Appropriation:

St Bldg Constr Acct \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors.

The appropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Appropriation:

St Bldg Constr Acct \$ 308,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Camp North Bend: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center.

The appropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Olympic Peninsula Natural History Museum: For development of the museum.

It is the intent of the legislature that this appropriation represents a one time grant for this project.

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access.

The appropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Complete Labor and Industries Headquarters Building in Tumwater (90-4-004)

Reappropriation:

L&I Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 62,100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 63,000,000

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Division of Alcohol and Substance Abuse (90-3-010)**

Reappropriation:

CEP & RI Acct \$ 336,728

Prior Biennia (Expenditures) \$ 13,272

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Childrens' Center: Security improvements (90-5-002)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 475,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital--Ward phase 5 remodel (92-1-314)**

Reappropriation:

St Bldg Constr Acct \$ 12,669,000

Prior Biennia (Expenditures) \$ 1,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,669,000

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital--Ward phase 3 remodel (92-1-340)**

Reappropriation:

St Bldg Constr Acct \$ 6,328,000

Prior Biennia (Expenditures) \$ 1,250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,578,000

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Alcohol and Substance Abuse Division (92-2-010)**

Reappropriation:

CEP & RI Acct \$ 375,000

Prior Biennia (Expenditures) \$ 102,840
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 477,840

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Construct a 64-bed, level one security facility (92-2-225)

Reappropriation:

St Bldg Constr Acct \$ 6,215,800

Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,715,800

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Construct 48-bed, level 2 security facility (92-2-230)

Reappropriation:

St Bldg Constr Acct \$ 1,553,500

Prior Biennia (Expenditures) \$ 1,553,500
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,107,000

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: Design and construct high school (92-2-319)

Reappropriation:

St Bldg Constr Acct \$ 3,825,000

Prior Biennia (Expenditures) \$ 617,300
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,442,300

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities for state employees, including higher education employees (92-4-050)

Reappropriation:

St Bldg Constr Acct \$ 1,700,000

Appropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital preservation (94-1-004)

Reappropriation:

CEP & RI Acct \$ 1,261,951

Appropriation:

St Bldg Constr Acct \$ 928,000

CEP & RI Acct \$ 3,000,000

Subtotal Appropriation \$ 3,928,000 -----

Prior Biennia (Expenditures) \$ 3,735,931
Future Biennia (Projected Costs) \$ 22,727,750

TOTAL \$ 31,653,632 -----

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Environmental management and planning (94-1-005)**

Reappropriation:

CEP & RI Acct \$ 137,576

Prior Biennia (Expenditures) \$ 221,424
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 359,000 -----

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Energy conservation management and planning (94-1-006)**

Reappropriation:

CEP & RI Acct \$ 230,476

Prior Biennia (Expenditures) \$ 330,624
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 561,100 -----

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency repairs (94-1-007)**

Appropriation:

CEP & RI Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,266,250

TOTAL \$ 1,516,250 -----

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Chlorofluorocarbon abatement (94-1-008)**

Appropriation:

CEP & RI Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 350,000 -----

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Predesign for future projects (94-1-009)**

The agency shall conduct a predesign of future projects in accordance with the predesign manual published by the office of financial management. Future appropriations for these projects are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 350,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects for Juvenile Rehabilitation Division (94-1-020)

Reappropriation:

CEP & RI Acct \$ 245,719

Appropriation:

St Bldg Constr Acct \$ 2,079,600

Prior Biennia (Expenditures) \$ 1,177,843
Future Biennia (Projected Costs) \$ 11,237,000

TOTAL \$ 14,740,162

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects for Mental Health Division (94-1-030)

Reappropriation:

CEP & RI Acct \$ 621,164

Appropriation:

St Bldg Constr Acct \$ 1,845,300

Prior Biennia (Expenditures) \$ 74,872
Future Biennia (Projected Costs) \$ 15,338,000

TOTAL \$ 17,879,336

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects for Developmental Disabilities Division (94-1-040)

Reappropriation:

CEP & RI Acct \$ 203,902

Appropriation:

CEP & RI Acct \$ 1,361,500

Prior Biennia (Expenditures) \$ 504,596
Future Biennia (Projected Costs) \$ 14,389,000

TOTAL \$ 16,458,998

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Removal of underground storage tanks (94-1-060)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 40,290

Appropriation:

CEP & RI Acct \$ 410,000

Prior Biennia (Expenditures) \$ 104,710

Future Biennia (Projected Costs) \$ 350,000

TOTAL \$ 905,000

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Remodel of administrative building (94-1-127)

The appropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Appropriation:

St Bldg Constr Acct \$ 3,273,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,273,500

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Remodel apartment building (94-1-142)

Appropriation:

CEP & RI Acct \$ 2,133,112

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (94-1-150)

Reappropriation:

CEP & RI Acct \$ 109,947

Appropriation:

CEP & RI Acct \$ 309,500

Prior Biennia (Expenditures) \$ 182,853

Future Biennia (Projected Costs) \$ 518,000

TOTAL \$ 1,120,300

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Design and construct a wastewater treatment plant (94-1-201)

Appropriation:

St Bldg Constr Acct \$ 772,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Design and construct a wastewater treatment plant (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 1,165,694

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center: Remodel and construct addition to clinic (94-1-207)**

Appropriation:

St Bldg Constr Acct \$ 1,086,614

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Medical Lake: Replace wastewater treatment plant (94-1-301)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 750,444

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,250,000

TOTAL \$ 8,000,444

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Study and Treatment Center: Remodel administration building (94-1-306)**

Appropriation:

CEP & RI Acct \$ 777,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Remodel ward, phase 6 (94-1-316)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,151,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,151,000

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Remodel ward, phase 4 (94-1-341)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 9,266,900

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,266,900

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances H. Morgan Center: Remodel facility (94-1-402)

Appropriation:

St Bldg Constr Acct \$ 1,721,300
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Sanitary sewer (88-2-400)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 190,000

Prior Biennia (Expenditures) \$ 2,119,238
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,309,238

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)

Reappropriation:

St Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 46,927
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 121,927

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Eagle Lodge Replacement

Appropriation:

St Bldg Constr Acct \$ 2,100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF HEALTH

Referendum 38 water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac \$ 5,366,855

Prior Biennia (Expenditures) \$ 3,742,099
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF HEALTH
Laboratory expansion, phase 2 (92-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 780,000

Appropriation:

St Bldg Constr Acct \$ 12,583,468

Prior Biennia (Expenditures) \$ 420,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,783,468

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF HEALTH
Fircrest Campus: Preservation of health laboratory (94-1-001)**

Reappropriation:

CEP & RI Acct \$ 251,318

Appropriation:

CEP & RI Acct \$ 615,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,043,460

TOTAL \$ 2,909,778

**NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF HEALTH
Remodel regional office in Wenatchee (94-1-002)**

Appropriation:

CEP & RI Acct \$ 91,947

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 91,947

**NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Complete facility improvements on building nine at Soldiers' Home (90-1-009)**

Reappropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

**NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Minor works at veterans' homes (92-2-008)**

Reappropriation:

CEP & RI Acct \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Underground storage tank replacement (92-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 88,280

Prior Biennia (Expenditures) \$ 11,720

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Emergency repairs (94-1-018)

Appropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To replace underground storage tanks (94-1-019)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

CEP & RI Acct \$ 155,902

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 293,320

TOTAL \$ 449,222

NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair mechanical, electrical, and heating, ventilation, and air conditioning systems at Soldiers' Home (94-1-

100)

Appropriation:

CEP & RI Acct \$ 837,057

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,821,835

TOTAL \$ 2,658,892

NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair building exterior at Soldiers' Home (94-1-101)

Appropriation:

CEP & RI Acct \$ 541,570

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 937,546

TOTAL \$ 1,479,116 -----

**NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interior at Soldiers' Home (94-1-102)**

Appropriation:

CEP & RI Acct \$ 162,659

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,659 -----

**NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To make grounds improvements at Soldiers' Home (94-4-103)**

Appropriation:

CEP & RI Acct \$ 275,595

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,446,123

TOTAL \$ 1,721,718 -----

**NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair mechanical, electrical and heating, ventilation, and air conditioning systems at Veterans' Home (94-1-**

200)

Appropriation:

CEP & RI Acct \$ 1,246,611

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 726,722

TOTAL \$ 1,973,333 -----

**NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair building exterior at Veterans' Home (94-1-201)**

Appropriation:

CEP & RI Acct \$ 377,895

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 605,939

TOTAL \$ 983,834 -----

**NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interiors at Veterans' Home (94-1-202)**

Appropriation:

CEP & RI Acct \$ 135,084

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 188,464

TOTAL \$ 323,548 -----

NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To make grounds improvements at Veterans' Home (94-1-203)

Appropriation:

CEP & RI Acct \$ 139,485

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 949,612

TOTAL \$ 1,089,097

NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Korean War Memorial: To complete the erection of the memorial on the capitol campus

Appropriation:

St Bldg Constr Acct \$ 20,000

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS

To make regulatory and code compliance improvements for the preservation of correctional facilities (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 4,183,000

CEP & RI Acct \$ 160,000

Subtotal Reappropriation \$ 4,343,000

Appropriation:

St Bldg Constr Acct \$ 10,736,573

CEP & RI Acct \$ 1,225,953

Subtotal Appropriation \$ 11,962,526

Prior Biennia (Expenditures) \$ 26,210,968

Future Biennia (Projected Costs) \$ 61,726,068

TOTAL \$ 104,242,562

NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS

To make small repairs and improvements to correctional facilities (94-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,234,000

Appropriation:

St Bldg Constr Acct \$ 9,697,577

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 44,652,002

TOTAL \$ 63,583,579

NEW SECTION. Sec. 296. FOR THE DEPARTMENT OF CORRECTIONS

To replace roofs and associated building improvements for the preservation of correctional facilities (94-1-003)

Reappropriation:

St Bldg Constr Acct \$ 680,000

Appropriation:

St Bldg Constr Acct \$ 4,938,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 35,037,216

TOTAL \$ 40,655,216 -----

NEW SECTION. Sec. 297. FOR THE DEPARTMENT OF CORRECTIONS

To repair internal building systems for the preservation of correctional facilities (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 8,779,445

CEP & RI Acct \$ 431,568

Subtotal Appropriation \$ 9,211,013 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 65,561,403

TOTAL \$ 74,772,416 -----

NEW SECTION. Sec. 298. FOR THE DEPARTMENT OF CORRECTIONS

Underground storage tanks (90-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 256,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,500 -----

NEW SECTION. Sec. 299. FOR THE DEPARTMENT OF CORRECTIONS

To repair or replace leaking underground storage tanks (94-1-005)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 513,848

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 989,089

TOTAL \$ 1,502,937 -----

NEW SECTION. Sec. 300. FOR THE DEPARTMENT OF CORRECTIONS

To continue to implement the master plan for capital improvements to McNeil Island Correctional Facility (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 7,936,000

Appropriation:

St Bldg Constr Acct \$ 12,878,689

Prior Biennia (Expenditures) \$ 36,153,201

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 56,967,890

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF CORRECTIONS

For state-wide repairs and improvements (94-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,177,965

Appropriation:

St Bldg Constr Acct \$ 17,767,557

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 110,387,730

TOTAL \$ 137,333,252

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF CORRECTIONS

Western Washington prerelease: For the acquisition and design of the replacement facility and necessary repairs at the current facility at Western State Hospital (94-2-003)

The appropriations in this section shall not be expended for a replacement facility until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,839,510

Prior Biennia (Expenditures) \$ 249,091

Future Biennia (Projected Costs) \$ 14,780,396

TOTAL \$ 18,868,997

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF CORRECTIONS

Dayton: 300-bed minimum security facility (94-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 2,783,000

Future Biennia (Projected Costs) \$ 19,388,011

TOTAL \$ 22,471,011

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF CORRECTIONS

Develop a predesign for a 500-bed reception center at the Washington Corrections Center (94-2-008)

The appropriation in this section shall be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 266,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 39,851,000

TOTAL \$ 40,117,400

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF CORRECTIONS

Continuation of master plan implementation at the Washington Corrections Center for Women (94-2-015)

Reappropriation:

St Bldg Constr Acct \$ 4,574,500

Prior Biennia (Expenditures) \$ 8,265,443
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,839,943

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF CORRECTIONS

Continue construction of Airway Heights (94-2-016)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 13,901,500

Prior Biennia (Expenditures) \$ 80,236,493
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,137,993

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF CORRECTIONS

New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds **(90-2-001)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,512,000

Prior Biennia (Expenditures) \$ 50,570,052
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 54,082,052

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: For initiation of a feasibility for relocation of program and living space at the honor farm **(92-2-029)**

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 30,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights: 512 Bed Special Needs Facility

To design and construct a 512 bed addition to the Airway Heights Corrections Center for medically fragile and other inmates with special needs. The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 30,971,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,971,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF CORRECTIONS

1,936-Bed Multi-Custody Facility: Predesign and Site Selection (94-2-007)

To predesign and begin site selection for a 1,936-bed multi-custody facility. The predesign shall be conducted in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 100,620,760

TOTAL \$ 101,020,760

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy partnership: Conservation capital projects for schools and state agencies (92-1-003) (92-1-004)

Reappropriation:

St Bldg Constr Acct \$ 358,000

Energy Eff Constr Acct \$ 3,000,000

Subtotal Appropriation \$ 3,358,000

Prior Biennia (Expenditures) \$ 620,424

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,978,424

NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE ENERGY OFFICE

Provide planning support and contract review for the development of cogeneration projects at major state facilities (94-1-002)

Appropriation:

Energy Eff Svcs Acct \$ 150,000

Prior Biennia (Expenditures) \$ 643,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 793,000

NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE ENERGY OFFICE

Development of energy conservation projects for schools and state government facilities (92-1-001)

Appropriation:

Energy Eff Svcs Acct \$ 850,000

Prior Biennia (Expenditures) \$ 2,407,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,257,000 -----

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA, Waste Disp Fac \$ 8,236,396

Appropriation:

LIRA, Waste Disp Fac \$ 104,186

Prior Biennia (Expenditures) \$ 228,031,960

Future Biennia (Projected Costs) \$ 863,843

TOTAL \$ 237,236,385 -----

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

Reappropriation:

LIRA, Water Sup Fac \$ 11,300,000

Prior Biennia (Expenditures) \$ 57,081,346

Future Biennia (Projected Costs) \$ 13,824,661

TOTAL \$ 82,206,007 -----

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF ECOLOGY

State emergency water project revolving account (76-2-003)

Reappropriation:

Emergency Water Proj \$ 8,835,351

Appropriation:

Emergency Water Proj \$ 636,879

Prior Biennia (Expenditures) \$ 17,395,945

Future Biennia (Projected Costs) \$ 223,290

TOTAL \$ 27,091,465 -----

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 waste disposal facilities 1980 bond issue (82-2-005)

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac \$ 29,116,174

Appropriation:

LIRA, Waste Disp Fac \$ 42,000

Prior Biennia (Expenditures) \$ 426,649,138

Future Biennia (Projected Costs) \$ 28,000

TOTAL \$ 455,835,312

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund: Water Quality Account (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both subsections (1) and (2) of this section.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities that control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(4) The department shall develop and implement a strategy for increasing the percentage of loans from the centennial clean water program.

(5) The appropriation in this section from the water pollution control revolving account shall be used in a manner consistent with chapter 70.146 RCW.

(6) No later than December 1, 1993, the department of ecology shall provide to the appropriate committees of the legislature an implementation plan for making administrative efficiencies and service improvements to the grant and loan programs currently administered by the department. The plan shall include but not be limited to actions which: (a) Simplify application and funding cycle procedures; (b) eliminate duplicative oversight functions; (c) consolidate planning requirements as appropriate to be consistent with the growth management act; (d) reduce state and local administrative costs; (e) encourage demand management strategies; and (f) develop watershed or regional mechanisms for solving as completely as possible a community's environmental needs through coordinated cross program prioritization and administration of funding programs. The plan shall identify actions which the department has taken to implement administrative efficiencies and service improvements to the grant and loan programs. At the same time the implementation plan is submitted to the legislature, the department shall provide recommendations for any statutory changes that are needed to implement the plan. Recommendations may include a new method for distributing water quality account money after the current statutory allocation formula expires.

Reappropriation:

Water Quality Acct \$ 95,280,000

Appropriation:

Water Quality Acct \$ 64,445,000

Water Pollution Cont--Federal \$ 6,291,000

Subtotal Appropriation \$ 70,736,000

Prior Biennia (Expenditures) \$ 183,982,825
Future Biennia (Projected Costs) \$ 305,676,000

TOTAL \$ 655,674,825

NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF ECOLOGY

Local toxics control account (88-2-008)

Reappropriation:

Local Toxics Control Acct \$ 55,848,951

Appropriation:

Local Toxics Control Acct \$ 41,167,432

Prior Biennia (Expenditures) \$ 49,584,365
Future Biennia (Projected Costs) \$ 192,012,768

TOTAL \$ 337,613,516

NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF ECOLOGY

Water pollution control facility loans (90-2-002)

Reappropriation:

**Water Pollution Cont Rev
Fund--State \$ 13,044,335**

**Water Pollution Cont Rev
Fund--Federal \$ 65,206,025**

Subtotal Reappropriation \$ 78,250,360

Appropriation:

**Water Pollution Cont Rev Fund--
State \$ 19,961,601
Water Pollution Cont--Federal \$ 78,689,866**

Subtotal Appropriation \$ 98,651,467

Prior Biennia (Expenditures) \$ 54,871,279
Future Biennia (Projected Costs) \$ 283,370,816

TOTAL \$ 515,143,921

NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF ECOLOGY
Improved water drainage and repair access roads, walks, and parking lots at the Padilla Bay Interpretive Center
(94-1-012)

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide potable water system improvements (88-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

LIRA, Water Sup Fac \$ 42,488

St Bldg Constr Acct \$ 85,000

Subtotal Reappropriation \$ 127,488

Prior Biennia (Expenditures) \$ 53,563

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 181,051

NEW SECTION. Sec. 414. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sewer facility remodel (92-5-900)

Reappropriation:

LIRA, Waste Fac 1980 \$ 118,226

St Bldg Constr Acct \$ 40,000

Subtotal Reappropriation \$ 158,226

Prior Biennia (Expenditures) \$ 35,458

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 193,684

NEW SECTION. Sec. 415. FOR THE STATE PARKS AND RECREATION COMMISSION
Construct state-wide boat pumpout facilities (92-5-901)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 96,131

ORA--State \$ 203,419

Subtotal Reappropriation \$ 299,550

Prior Biennia (Expenditures) \$ 128,275

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 427,825

NEW SECTION. Sec. 416. FOR THE STATE PARKS AND RECREATION COMMISSION
Maryhill State Park development (88-5-035)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 829,563

Prior Biennia (Expenditures) \$ 83,413

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 912,976

NEW SECTION. Sec. 417. FOR THE STATE PARKS AND RECREATION COMMISSION
Crystal Falls: Acquisition and development (88-5-057)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 24,761

Prior Biennia (Expenditures) \$ 239

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,000

NEW SECTION. Sec. 418. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide water supply facilities remodel (89-1-101)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 127,516

Prior Biennia (Expenditures) \$ 33,387

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 160,903

NEW SECTION. Sec. 419. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sanitary facilities renovation (89-1-102)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 87,460

Prior Biennia (Expenditures) \$ 60,692

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 148,152

NEW SECTION. Sec. 420. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide electrical wiring and hookups (89-1-103)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 48,716

Prior Biennia (Expenditures) \$ 28,172

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 76,888

NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide Clean Water Act code compliance (89-1-116)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 125,000

Prior Biennia (Expenditures) \$ 316,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 441,000

NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION
Sacajawea: Launch, pilings, and float repair (89-1-129)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 180,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000

NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide general construction (89-2-107)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 208,320

Prior Biennia (Expenditures) \$ 188,948

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 397,268

NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide special construction (89-2-109)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 114,782

Prior Biennia (Expenditures) \$ 65,898

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 180,680

NEW SECTION. Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION
Westhaven: Comfort station and parking construction (89-2-119)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 311,349

Prior Biennia (Expenditures) \$ 85,448

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 396,797 -----

NEW SECTION. Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION
Lake Sammamish: Boat launch repairs (89-2-139)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 51,387

Prior Biennia (Expenditures) \$ 62,613

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 114,000 -----

NEW SECTION. Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide site/environmental protection (89-3-104)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 150,475

Prior Biennia (Expenditures) \$ 104,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 255,392 -----

NEW SECTION. Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide acquisition (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 50,256

General Fund--Federal \$ 450,000

Subtotal Reappropriation \$ 500,256 -----

Prior Biennia (Expenditures) \$ 7,950,930

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,451,186 -----

NEW SECTION. Sec. 429. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden: Rebuild boat launch (89-3-135)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 275,219

Prior Biennia (Expenditures) \$ 13,639

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 288,858 -----

NEW SECTION. Sec. 430. FOR THE STATE PARKS AND RECREATION COMMISSION
Larrabee development (89-5-002)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 275,000

ORA--State \$ 140,540

Subtotal Reappropriation \$ 415,540

Prior Biennia (Expenditures) \$ 65,350

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 480,890

NEW SECTION. Sec. 431. FOR THE STATE PARKS AND RECREATION COMMISSION

Blake Island fire protection (89-1-050)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 29,312

Prior Biennia (Expenditures) \$ 73,386

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 102,698

NEW SECTION. Sec. 432. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Canby initial development (89-5-115)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 232,813

Prior Biennia (Expenditures) \$ 26,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 259,587

NEW SECTION. Sec. 433. FOR THE STATE PARKS AND RECREATION COMMISSION

Ocean beach access (89-5-120)

Reappropriation:

ORA--State \$ 286,195

St Bldg Constr Acct \$ 250,000

Subtotal Reappropriation \$ 536,195

Prior Biennia (Expenditures) \$ 27,191

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 563,386

NEW SECTION. Sec. 434. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail (89-5-166)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 223,507

Prior Biennia (Expenditures) \$ 3,456

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 226,963 -----

**NEW SECTION. Sec. 435. FOR THE STATE PARKS AND RECREATION COMMISSION
Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)**

Reappropriation:

St Bldg Constr Acct \$ 40,000

Prior Biennia (Expenditures) \$ 725,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 765,000 -----

**NEW SECTION. Sec. 436. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide facilities preservation (90-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 352,835

Prior Biennia (Expenditures) \$ 7,165

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 360,000 -----

**NEW SECTION. Sec. 437. FOR THE STATE PARKS AND RECREATION COMMISSION
Dougs Beach initial development (90-1-171)**

Reappropriation:

St Bldg Constr Acct \$ 62,206

Prior Biennia (Expenditures) \$ 57,440

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 119,646 -----

**NEW SECTION. Sec. 438. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide--Omnibus facility contingency (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 89,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 239,400 -----

**NEW SECTION. Sec. 439. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tanks removal (90-2-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,445,725

Prior Biennia (Expenditures) \$ 454,275

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,900,000 -----

NEW SECTION. Sec. 440. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide minor works preservation (92-5-905)

Reappropriation:

St Bldg Constr Acct \$ 2,814,016

Prior Biennia (Expenditures) \$ 922,284

Future Biennia (Projected Costs) \$ 6,698,000

TOTAL \$ 10,434,300 -----

NEW SECTION. Sec. 441. FOR THE STATE PARKS AND RECREATION COMMISSION
Deception Pass repairs (91-2-006)

Reappropriation:

St Bldg Constr Acct \$ 1,179,216

Prior Biennia (Expenditures) \$ 72,464

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,251,680 -----

NEW SECTION. Sec. 442. FOR THE STATE PARKS AND RECREATION COMMISSION
Triton Cove remodel (91-2-008)

Reappropriation:

ORA--State \$ 572,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 582,000 -----

NEW SECTION. Sec. 443. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (91-2-009)

Reappropriation:

ORA--State \$ 274,221

Prior Biennia (Expenditures) \$ 104,779

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 379,000 -----

NEW SECTION. Sec. 444. FOR THE STATE PARKS AND RECREATION COMMISSION
St. Edwards--Gym remodel (92-2-501)

Reappropriation:

St Bldg Constr Acct \$ 575,079

Prior Biennia (Expenditures) \$ 89,921

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 665,000 -----

NEW SECTION. Sec. 445. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark Equestrian Center predesign (92-5-502)

Reappropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 60,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 446. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sewer facilities improvements (93-2-001)

Reappropriation:

LIRA, Waste Fac 1980 \$ 1,313,681

Prior Biennia (Expenditures) \$ 272,139
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820

NEW SECTION. Sec. 447. FOR THE STATE PARKS AND RECREATION COMMISSION
Saltwater State Park flood control (93-2-091)

Reappropriation:

St Bldg Constr Acct \$ 399,269

Prior Biennia (Expenditures) \$ 97,731
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 497,000

NEW SECTION. Sec. 448. FOR THE STATE PARKS AND RECREATION COMMISSION
Chuckanut Hill: Planning and acquisition for addition to Larrabee state park (93-5-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is provided solely for property acquisition, may not be used to acquire development rights, and is subject to chapter 43.99 RCW.
- (2) Before the expenditure of any funds provided from this section, Whatcom county shall have acquired under forest board ownership a majority of the 1200-acre parcel of privately owned land adjacent and to the north of Larrabee state park. The county shall also have entered into an agreement with the board of natural resources committing the county to manage these lands, adjacent to Larrabee state park, as county park land under RCW 76.12.072.
- (3) Before the expenditure of any funds provided from this section, either the city of Bellingham or Whatcom county shall have made application to the interagency committee for outdoor recreation for funding available through the wildlife and recreation program so that the city or county may acquire park lands adjacent to Larrabee state park. The application may provide for management of the lands by the state parks and recreation commission.
- (4) No additional state funds may be expended for this acquisition unless authorized by the interagency committee for outdoor recreation in accordance with chapter 43.98A RCW.

Reappropriation:

ORA--State \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 449. FOR THE STATE PARKS AND RECREATION COMMISSION
Olmstead Place Interpretive Center (93-5-002)

Reappropriation:

St Bldg Constr Acct \$ 92,000

Prior Biennia (Expenditures) \$ 1,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,000

NEW SECTION. Sec. 450. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide emergency and unforeseen needs (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 1,900,000

NEW SECTION. Sec. 451. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tank remediation (94-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 800,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 452. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide building systems preservation (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 3,400,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,969,800

TOTAL \$ 17,369,800

NEW SECTION. Sec. 453. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 1,223,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,620,068

TOTAL \$ 15,843,568

NEW SECTION. Sec. 454. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide roadway preservation (94-1-005)

Appropriation:

Motor Vehicle Acct \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,957,673

TOTAL \$ 17,957,673

NEW SECTION. Sec. 455. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide utility preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,195,890

TOTAL \$ 20,695,890

NEW SECTION. Sec. 456. FOR THE STATE PARKS AND RECREATION COMMISSION
San Juan Islands--Phase 1 and 2 boating facilities (94-1-055)

Appropriation:

ORA--State \$ 1,212,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,212,500

NEW SECTION. Sec. 457. FOR THE STATE PARKS AND RECREATION COMMISSION
Puget Sound/Northwest Washington--Phase 1 and 2 boating facilities (94-1-056)

Appropriation:

ORA--State \$ 1,080,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,080,400

NEW SECTION. Sec. 458. FOR THE STATE PARKS AND RECREATION COMMISSION
Hood Canal to the coast--Phase 1 boating facilities (94-1-057)

Appropriation:

ORA--State \$ 488,100

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 488,100

NEW SECTION. Sec. 459. FOR THE STATE PARKS AND RECREATION COMMISSION
Steamboat Rock remodel (95-2-182)

Reappropriation:

St Bldg Constr Acct \$ 120,000

Prior Biennia (Expenditures) \$ 19,060

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 139,060

NEW SECTION. Sec. 460. FOR SPECIAL LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

Special land purchases and common school construction (94-2-000)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$27,424,000 of this appropriation is provided to the state parks and recreation commission ("commission") solely to acquire the following trust lands that have been identified by the department of natural resources and the commission as appropriate for state park use:

- (i) Squak mountain, King county;
- (ii) Miller peninsula, Clallam county;
- (iii) Hoko river, Clallam county;
- (iv) Cascade island, Skagit county;
- (v) Leadbetter point, Pacific county;
- (vi) Square lake, Kitsap county;
- (vii) Iron Horse/Ragner, King county;
- (viii) Robe gorge, Snohomish county.

(b) \$4,975,000 of this appropriation is provided to the department of wildlife solely to acquire the following trust lands that have been identified by the department of natural resources and the department of wildlife as appropriate for wildlife habitat:

- (i) Cabin creek, Kittitas county;
- (ii) Riffe lake, Lewis county;
- (iii) Divide ridge, Yakima county.

(c) \$17,953,000 of this appropriation is provided to the department of natural resources solely to acquire the following trust lands appropriate for natural area preserve, natural resource conservation area, and/or recreation use:

- (i) Mount Pilchuck, Snohomish county;
- (ii) Mt. Si, King county.

(2) Lands acquired under this section shall be transferred in fee simple. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Property transferred under this section shall be appraised and transferred at fair market value. The proceeds from the value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the value of the land transferred shall be used by the department of natural resources to acquire real property of equal value to be managed as common school trust land.

(4) The proceeds from the value of the land transferred under this section shall be deposited in the park land trust revolving account to be utilized by the department of natural resources for the exclusive purpose of acquiring replacement common school trust land.

(5) The department of natural resources shall attempt to maintain an aggregate ratio of 85:15 timber-to-land value in these transactions.

(6) Intergrant exchanges between common school and noncommon school trust lands of equal value may occur if the noncommon school trust land meets the criteria established by the commission and the departments of natural resources and wildlife for selection of sites and if the exchange is in the interest of both trusts.

(7) Lands and timber purchased under subsection (1)(c) of this section shall be managed under chapter 79.68, 79.70, or 79.71 RCW as determined by the department of natural resources.

(8) The state parks and recreation commission shall identify appropriate sites for a new marine state park in south Puget Sound as an alternative to the Squaxin Island state park. Moneys provided under subsection (1)(a) of this section may be expended to acquire the alternative site pursuant to subsections (2) through (6) of this section.

(9) Expenditures by the state parks and recreation commission to develop utilities at a state park on the Miller peninsula in Clallam county shall be limited such that the annual debt service payments on state bonds related to those expenditures shall not exceed the anticipated revenues to be derived from the completed park.

Appropriation:

St Bldg Constr Acct \$ 45,798,000

Aquatic Lands Acct \$ 4,554,000

Subtotal Appropriation \$ 50,352,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,352,000

**NEW SECTION. Sec. 461. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms range program and grants to public agencies (90-2-001)**

Reappropriation:

Firearms Range Acct \$ 389,875

ORA--Federal \$ 43,634

Subtotal Reappropriation \$ 433,509

Appropriation:

Firearms Range Acct \$ 245,000

Prior Biennia (Expenditures) \$ 608,501

Future Biennia (Projected Costs) \$ 1,050,000

TOTAL \$ 2,337,010

**NEW SECTION. Sec. 462. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (90-5-002)**

Reappropriation:

ORA--State \$ 1,265,227

Habitat Conservation Acct \$ 1,426,962

Subtotal Reappropriation \$ 2,692,189

Prior Biennia (Expenditures) \$ 32,425,345

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,117,534

**NEW SECTION. Sec. 463. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (92-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 6,048,754

ORA--Federal \$ 700,000

ORA--State \$ 3,715,970

Firearms Range Acct \$ 136,892

Subtotal Reappropriation \$ 10,601,616

Prior Biennia (Expenditures) \$ 5,979,136

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,580,752

**NEW SECTION. Sec. 464. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (92-5-002)**

Reappropriation:

ORA--State \$ 14,152,287

Habitat Conservation Acct \$ 5,738,486

Subtotal Reappropriation \$ 19,890,773 -----

Prior Biennia (Expenditures) \$ 30,109,227

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000,000 -----

NEW SECTION. Sec. 465. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Clear creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation **(93-2-002)**

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

The state shall not be obligated for project costs that exceed this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,550,000 -----

NEW SECTION. Sec. 466. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies (94-3-001) (94-3-005)

Appropriation:

ORA--Federal \$ 1,000,000

ORA--State \$ 5,653,614

Subtotal Appropriation \$ 6,653,614 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,653,614 -----

NEW SECTION. Sec. 467. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Initiative 215 (94-3-003)

Appropriation:

ORA--State \$ 3,694,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,400,000

TOTAL \$ 19,094,000 -----

NEW SECTION. Sec. 468. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

NOVA projects (94-3-004)

Appropriation:

ORA--State \$ 4,996,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 30,496,000

**NEW SECTION. Sec. 469. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (94-5-002)**

(1) \$25,000,000 of the state building construction account appropriation in this section shall be deposited into and is hereby appropriated from the habitat conservation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW. \$20,525,800 of the state building construction account appropriation and all of the outdoor recreation account appropriation and aquatic lands enhancement account appropriation shall be deposited into and is hereby appropriated from the state outdoor recreation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW.

(2) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) A minimum of \$1,000,000 from the habitat conservation account must be used for wetland acquisition as identified by the Puget Sound water quality management plan.

(4) The following project is deleted from the approved list of projects established under chapter 43.98A RCW: That portion of mule deer winter range (project number 92-638A) other than partial parts of the following sections located in township 35 north, range 21, east Willamette meridian: Sections 34, 28, 27, 21, 16, 15, 4, and 3.

Appropriation:

St Bldg Constr Acct \$ 45,525,800

ORA--State \$ 4,028,200

Aquatic Lands Acct \$ 446,000

Subtotal Appropriation \$ 50,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 250,000,000

**NEW SECTION. Sec. 470. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Sunnyside Beach (92-261D):** For rebuilding and enhancing the recreation facilities at the existing community park.

The appropriation in this section shall be matched by an equal amount of money from nonstate sources for the project.

Appropriation:

St Bldg Constr Acct \$ 158,857

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 158,857

**NEW SECTION. Sec. 471. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Community economic revitalization board (86-1-001)**

\$2,000,000 of the public works assistance account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-impact areas under chapter 314, Laws of 1991. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Reappropriation:

St Bldg Constr Acct \$ 5,911,000

Public Fac Constr Loan Rev Acct \$ 2,940,000

Subtotal Reappropriation \$ 8,851,000

Appropriation:

Public Works Assistance Acct \$ 4,000,000
Public Fac Constr Loan Rev Acct \$ 1,195,000

Subtotal Appropriation \$ 5,195,000

Prior Biennia (Expenditures) \$ 7,460,462
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,506,462

NEW SECTION. Sec. 472. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington Technology Center (88-1-003) (92-5-001) (94-2-002)

The appropriation in this subsection is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct \$ 3,158,144

Appropriation:

St Bldg Constr Acct \$ 1,266,000

Prior Biennia (Expenditures) \$ 7,243,571
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,667,715

NEW SECTION. Sec. 473. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Timber ports capital asset improvement (94-2-004)

To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities.

The appropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this appropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

<u>Port</u>	<u>Amount</u>
Port of Grays Harbor	\$ 564,000
Port of Port Angeles	\$1,500,000
Port of Longview	\$1,855,400

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 474. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Johnson Observatory--Mt. St. Helens National Volcanic Monument (94-2-010)

Funds provided by the state to assist in accelerating the project are subject to restoration by the federal government when the total federal appropriation for the project is made available.

Appropriation:

St Bldg Constr Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 475. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects: Provides grants to local conservation districts for resource conservation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

Reappropriation:

Water Quality Acct--State \$ 348,652

Appropriation:

Water Quality Acct--State \$ 5,224,000

Prior Biennia (Expenditures) \$ 1,791,348

Future Biennia (Projected Costs) \$ 9,120,000

TOTAL \$ 13,484,000

NEW SECTION. Sec. 476. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access renovation (86-3-028)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 190,000

Prior Biennia (Expenditures) \$ 21,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000

NEW SECTION. Sec. 477. FOR THE DEPARTMENT OF FISHERIES

Shorefishing access (88-5-018)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 671,946

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,071,946

NEW SECTION. Sec. 478. FOR THE DEPARTMENT OF FISHERIES

Ilwaco boat access expansion (90-2-023)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 479. FOR THE DEPARTMENT OF FISHERIES

Minter Creek hatchery phase 1 reconstruction (92-2-016)

Reappropriation:
St Bldg Constr Acct \$ 2,700,000

Appropriation:
St Bldg Constr Acct \$ 1,400,000

Prior Biennia (Expenditures) \$ 600,000
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 5,700,000 -----

NEW SECTION. Sec. 480. FOR THE DEPARTMENT OF FISHERIES
Willapa Interpretive Center construction (92-2-020)

Reappropriation:
St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 481. FOR THE DEPARTMENT OF FISHERIES
Strait of Juan de Fuca shoreline acquisition (92-5-901)

Reappropriation:
ORA--State \$ 350,000

Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 430,000 -----

NEW SECTION. Sec. 482. FOR THE DEPARTMENT OF FISHERIES
Minor works: Code compliance (94-1-001)

Reappropriation:
St Bldg Constr Acct \$ 300,000

Appropriation:
St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 2,128,887
Future Biennia (Projected Costs) \$ 5,200,000

TOTAL \$ 9,128,887 -----

NEW SECTION. Sec. 483. FOR THE DEPARTMENT OF FISHERIES
Facilities rehabilitation and acquisition (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditure of funds for the acquisition of property for the replacement of the Seattle Boat Shop is contingent upon the office of financial management review and approval of a preplanning and feasibility study for the project.

(2) \$100,000 of the appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of wildlife. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

Reappropriation:
St Bldg Constr Acct \$ 650,000

Appropriation:

St Bldg Constr Acct \$ 2,285,000

Prior Biennia (Expenditures) \$ 1,127,200
Future Biennia (Projected Costs) \$ 22,000,000

TOTAL \$ 26,062,200

**NEW SECTION. Sec. 484. FOR THE DEPARTMENT OF FISHERIES
Sunset Falls fishway remodel (94-1-003)**

Appropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 690,000

**NEW SECTION. Sec. 485. FOR THE DEPARTMENT OF FISHERIES
Skagit salmon hatchery facility upgrade (94-1-004)**

The appropriations in this section are subject to the following conditions and limitations:

- (1) Subject to the passage of Substitute Senate Bill No. 5940 or substantially similar legislation, combining the Departments of Fisheries and Wildlife, the appropriation in this section shall not be expended until July 1, 1994.
- (2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 722,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 722,000

**NEW SECTION. Sec. 486. FOR THE DEPARTMENT OF FISHERIES
Dungeness hatchery facility upgrade (94-1-005)**

Appropriation:

St Bldg Constr Acct \$ 837,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 610,000

TOTAL \$ 1,447,000

**NEW SECTION. Sec. 487. FOR THE DEPARTMENT OF FISHERIES
Fishing reef marker buoys replacement (94-1-007)**

Reappropriation:

St Bldg Constr Acct \$ 15,000

Appropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 60,000
Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 275,000

NEW SECTION. Sec. 488. FOR THE DEPARTMENT OF FISHERIES

Underground storage tanks: Removal and replacement (94-1-008)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 225,000

Future Biennia (Projected Costs) \$ 720,000

TOTAL \$ 1,145,000 -----

NEW SECTION. Sec. 489. FOR THE DEPARTMENT OF FISHERIES

Pathogen-free water and incubation isolation systems development (94-2-001)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 2,400,000 -----

NEW SECTION. Sec. 490. FOR THE DEPARTMENT OF FISHERIES

Tidelands acquisition (94-2-003)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 491. FOR THE DEPARTMENT OF FISHERIES

Fish protection facilities replacement (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 5,000

Appropriation:

General Fund--Federal \$ 1,000,000

St Bldg Constr Acct \$ 600,000

Subtotal Appropriation \$ 1,600,000 -----

Prior Biennia (Expenditures) \$ 445,894

Future Biennia (Projected Costs) \$ 9,270,100

TOTAL \$ 11,320,994 -----

NEW SECTION. Sec. 492. FOR THE DEPARTMENT OF FISHERIES

Habitat and salmon enhancement program (94-2-006)

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 1,565,000
General Fund--Federal \$ 800,000
General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 3,165,000

Prior Biennia (Expenditures) \$ 2,021,243
Future Biennia (Projected Costs) \$ 13,510,000

TOTAL \$ 18,716,243

NEW SECTION. Sec. 493. FOR THE DEPARTMENT OF FISHERIES
Habitat management shop building construction (94-3-007)

Appropriation:

St Bldg Constr Acct \$ 415,000

Prior Biennia (Expenditures) \$ 432,041
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 847,041

NEW SECTION. Sec. 494. FOR THE DEPARTMENT OF FISHERIES
Coast and Puget Sound wild stock restoration (94-2-008)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,480,397

Appropriation:

St Bldg Constr Acct \$ 2,800,000

Prior Biennia (Expenditures) \$ 2,144,411
Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 10,924,808

NEW SECTION. Sec. 495. FOR THE DEPARTMENT OF FISHERIES
Field services storage units acquisition (94-2-012)

Reappropriation:

St Bldg Constr Acct \$ 94,500

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 225,500
Future Biennia (Projected Costs) \$ 220,000

TOTAL \$ 690,000

NEW SECTION. Sec. 496. FOR THE DEPARTMENT OF FISHERIES
Clam and Oyster Beach enhancement (95-2-004)

Reappropriation:

St Bldg Constr Acct \$ 30,000

Prior Biennia (Expenditures) \$ 2,005,699
Future Biennia (Projected Costs) \$ 3,300,000

TOTAL \$ 5,335,699 -----

NEW SECTION. Sec. 497. FOR THE DEPARTMENT OF FISHERIES
Ringold water--John Day Dam mitigation (95-2-015)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 498. FOR THE DEPARTMENT OF FISHERIES
Klickitat acclimation pond (95-2-016)

Appropriation:

General Fund--Federal \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000 -----

NEW SECTION. Sec. 499. FOR THE DEPARTMENT OF FISHERIES
Water access and development (95-2-017)

Reappropriation:

ORA--State \$ 1,200,000

Appropriation:

General Fund--Federal \$ 480,000

ORA--State \$ 150,000

Subtotal Appropriation \$ 630,000 -----

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,080,000 -----

NEW SECTION. Sec. 500. FOR THE DEPARTMENT OF FISHERIES
South Sound net pens replacement (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 345,000

Prior Biennia (Expenditures) \$ 178,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 523,000 -----

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF WILDLIFE
Aberdeen hatchery expansion (89-5-017)

Reappropriation:

Game Spec Wildlife Acct \$ 8,554

Prior Biennia (Expenditures) \$ 731,446

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 740,000

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF WILDLIFE
Skagit wildlife area dike repair (93-3-008)

Reappropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 21,250

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 171,250

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing access flood repair (92-5-016)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 40,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing interpretive center (92-5-017)

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 405,029

Prior Biennia (Expenditures) \$ 44,971

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF WILDLIFE
Hood Canal wetlands center construction (93-5-001)

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 491,000

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF WILDLIFE
Health, safety, and code compliance (94-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 830,000

Prior Biennia (Expenditures) \$ 1,080,000
Future Biennia (Projected Costs) \$ 3,900,000

TOTAL \$ 5,830,000

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF WILDLIFE

Minor works: Emergency repair (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 349,233
Future Biennia (Projected Costs) \$ 1,625,000

TOTAL \$ 2,474,233

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF WILDLIFE

Fishing access area redevelopment (94-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

Wildlife Acct--Federal \$ 107,000

ORA--State \$ 959,000

Subtotal Reappropriation \$ 1,066,000

Appropriation:

ORA--State \$ 887,000

Wildlife Acct--Federal \$ 500,000

Subtotal Appropriation \$ 1,387,000

Prior Biennia (Expenditures) \$ 1,456,000
Future Biennia (Projected Costs) \$ 7,333,400

TOTAL \$ 10,176,400

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF WILDLIFE

Hatchery remodel (94-1-004)

(1) \$100,000 of the state building construction account appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of fisheries. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

(2) No funds are provided for increased residential capacity at state hatchery facilities.

Reappropriation:

St Bldg Constr Acct \$ 740,000

Wildlife Acct--Federal \$ 300,000

Subtotal Reappropriation \$ 1,040,000

Appropriation:

St Bldg Constr Acct \$ 2,275,000

Wildlife Acct--Federal \$ 1,000,000

Subtotal Appropriation \$ 3,275,000

Prior Biennia (Expenditures) \$ 1,672,155
Future Biennia (Projected Costs) \$ 12,600,000

TOTAL \$ 18,587,155

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence repair (94-1-005)

Reappropriation:

Wildlife Acct--State \$ 92,000

Appropriation:

St Bldg Constr Acct \$ 122,500

Prior Biennia (Expenditures) \$ 1,375,000
Future Biennia (Projected Costs) \$ 1,100,000

TOTAL \$ 2,687,500

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF WILDLIFE
Wildlife area repair (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 574,000

Wildlife Acct--Federal \$ 50,000

Subtotal Appropriation \$ 624,000

Prior Biennia (Expenditures) \$ 265,000
Future Biennia (Projected Costs) \$ 2,900,000

TOTAL \$ 3,789,000

NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF WILDLIFE
Sprague Lake access area development (94-2-008)

Appropriation:

Wildlife Acct--Federal \$ 55,000

ORA--State \$ 118,000

Subtotal Appropriation \$ 173,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence construction (94-2-009)

Appropriation:

St Bldg Constr Acct \$ 627,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,500,000

TOTAL \$ 2,127,500

NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF WILDLIFE

Habitat acquisition (94-2-011)

Reappropriation:

Wildlife Acct--State \$ 599,920

Appropriation:

Wildlife Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 996,562

Future Biennia (Projected Costs) \$ 7,800,000

TOTAL \$ 10,696,482

NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF WILDLIFE

Migratory waterfowl habitat acquisition (94-2-013)

Appropriation:

Wildlife Acct--State \$ 350,000

Prior Biennia (Expenditures) \$ 949,335

Future Biennia (Projected Costs) \$ 1,700,000

TOTAL \$ 2,999,335

NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF WILDLIFE

Mitigation and dedicated fund projects (94-2-013)

Appropriation:

Wildlife--Federal \$ 6,000,000

Wildlife--Priv/Loc \$ 5,000,000

Game Spec Wildlife Acct--State \$ 50,000

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 44,800,000

TOTAL \$ 55,850,000

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF WILDLIFE

Game farm remodel (95-1-007)

Appropriation:

St Bldg Constr Acct \$ 275,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF WILDLIFE

Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this section is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 184,166

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,684,166

NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF WILDLIFE

Gloyd Seeps Fish Hatchery: For the purchase of the property by the Department of Wildlife

The appropriation in this section shall not be expended until the Department of Wildlife has made a determination that:

(1) The water rights to the property being transferred to the Department of Wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and

(2) The operation of a warm water fish hatchery on the property is feasible.

Appropriation:

St Bldg Constr Acct \$ 1,870,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,870,000

NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (86-3-030)

Reappropriation:

Aquatic Lands Acct \$ 1,123,000

Prior Biennia (Expenditures) \$ 6,124,236

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,247,236

NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES

Seattle waterfront phase 1 development (90-5-202)

Reappropriation:

ORA--State \$ 747,600

Prior Biennia (Expenditures) \$ 2,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (92-2-410)

Reappropriation:

Res Mgmt Cost Acct \$ 569,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 609,000

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mountains to Sound acquisition (92-2-550)

The appropriation in this section shall be matched by \$3,500,000 in cash, land, or other consideration from nonstate moneys provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

Reappropriation:

St Bldg Constr Acct \$ 999,000

Prior Biennia (Expenditures) \$ 1,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES

Cedar River dredging (92-3-000)

The appropriation in this section is contingent upon a match of at least \$500,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement grants (93-3-501)

Reappropriation:

Aquatic Lands Acct \$ 1,762,000

Prior Biennia (Expenditures) \$ 4,798,884

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,560,884

NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation sites construction (92-5-201)

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 144,000

ORA--State \$ 200,000

Subtotal Reappropriation \$ 344,000

Prior Biennia (Expenditures) \$ 506,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES

Americans with Disabilities Act modifications (94-1-101)

Appropriation:

St Bldg Constr Acct \$ 31,000

Res Mgmt Cost Acct \$ 54,500

For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES
Underground storage tanks removal (94-1-103)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 20,000
Res Mgmt Cost Acct \$ 15,600
For Dev Acct \$ 14,400

Subtotal Appropriation \$ 50,000 -----

Prior Biennia (Expenditures) \$ 581,500
Future Biennia (Projected Costs) \$ 408,000

TOTAL \$ 1,039,500 -----

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (94-1-104)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000 -----

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
Environmental protection: Design and construction (94-1-105)

Appropriation:

St Bldg Constr Acct \$ 33,800
Res Mgmt Cost Acct \$ 25,100
For Dev Acct \$ 23,600

Subtotal Appropriation \$ 82,500 -----

Prior Biennia (Expenditures) \$ 208,600
Future Biennia (Projected Costs) \$ 945,100

TOTAL \$ 1,236,200

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
Snowbird: Well plug (94-1-106)

Appropriation:

St Bldg Constr Acct \$ 179,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 179,500

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repair (94-1-107)

Appropriation:

St Bldg Constr Acct \$ 391,200

Res Mgmt Cost Acct \$ 384,700

For Dev Acct \$ 146,100

Subtotal Appropriation \$ 922,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,445,200

TOTAL \$ 5,267,200

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
Small repairs and improvements (94-1-108)

Appropriation:

St Bldg Constr Acct \$ 31,000

Res Mgmt Cost Acct--State \$ 54,500

For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000

Prior Biennia (Expenditures) \$ 100,100

Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,100

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites: Emergency repairs (94-4-201)

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 800,000

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural resource conservation areas: Emergency repairs (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural area preserve management (94-1-203)**

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

**NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation: Health and safety (94-1-204)**

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,300,000

**NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate property: Small repairs and improvements (94-1-401)**

Appropriation:

Res Mgmt Cost Acct \$ 200,000

Prior Biennia (Expenditures) \$ 181,000
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,381,000

**NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation: Emergency repairs (94-1-402)**

Appropriation:

Res Mgmt Cost Acct \$ 100,000

Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 500,000

TOTAL \$ 680,000

**NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate tenant improvements (94-1-403)**

Appropriation:

Res Mgmt Cost Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 3,400,000 -----

NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication site repair (94-1-404)

Appropriation:

Res Mgmt Cost Acct \$ 190,000

For Dev Acct \$ 110,000

Subtotal Appropriation \$ 300,000 -----

Prior Biennia (Expenditures) \$ 480,000

Future Biennia (Projected Costs) \$ 385,000

TOTAL \$ 1,165,000 -----

NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation system replacement (94-1-405)

Appropriation:

Res Mgmt Cost Acct \$ 300,000

Prior Biennia (Expenditures) \$ 682,000

Future Biennia (Projected Costs) \$ 1,175,000

TOTAL \$ 2,157,000 -----

NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous waste cleanup on state lands (94-1-406)

Appropriation:

Res Mgmt Cost Acct \$ 100,000

For Dev Acct \$ 50,000

Subtotal Appropriation \$ 150,000 -----

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 1,585,000

TOTAL \$ 1,885,000 -----

NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road maintenance (94-1-801)

Appropriation:

ORV Acct \$ 126,500

Access Road Revolving Acct \$ 802,000

Subtotal Appropriation \$ 928,500 -----

Prior Biennia (Expenditures) \$ 89,000

Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 1,417,500

NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF NATURAL RESOURCES
Fire control facilities upgrades (94-2-102)

Appropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 126,200

TOTAL \$ 296,200

NEW SECTION. Sec. 546. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repairs (94-2-103)

Appropriation:

St Bldg Constr Acct \$ 66,500

Res Mgmt Cost Acct \$ 63,500

For Dev Acct \$ 36,000

Subtotal Appropriation \$ 166,000

Prior Biennia (Expenditures) \$ 412,400

Future Biennia (Projected Costs) \$ 2,822,000

TOTAL \$ 3,400,400

NEW SECTION. Sec. 547. FOR THE DEPARTMENT OF NATURAL RESOURCES
Long Lake phase 3 development (94-2-201)

Appropriation:

ORA--State \$ 223,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 223,000

NEW SECTION. Sec. 548. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 2 development (94-2-202)

Appropriation:

ORA--State \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

NEW SECTION. Sec. 549. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development: Local improvement district (94-2-401)

Appropriation:

Res Mgmt Cost Acct \$ 920,000

Prior Biennia (Expenditures) \$ 1,284,000

Future Biennia (Projected Costs) \$ 2,840,000

TOTAL \$ 5,044,000 -----

**NEW SECTION. Sec. 550. FOR THE DEPARTMENT OF NATURAL RESOURCES
Rights of way acquisition (94-2-402)**

Appropriation:

Res Mgmt Cost Acct \$ 582,000

For Dev Acct \$ 611,000

Subtotal Appropriation \$ 1,193,000 -----

Prior Biennia (Expenditures) \$ 1,048,000

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,641,000 -----

**NEW SECTION. Sec. 551. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication sites construction (94-2-403)**

Appropriation:

Res Mgmt Cost Acct \$ 160,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 735,000

TOTAL \$ 895,000 -----

**NEW SECTION. Sec. 552. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (94-2-404)**

Appropriation:

Res Mgmt Cost Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,150,000

TOTAL \$ 5,250,000 -----

**NEW SECTION. Sec. 553. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Resources Real Property Replacement Account (94-2-405)**

Appropriation:

Nat Res Prop Repl Acct \$ 25,000,000

Prior Biennia (Expenditures) \$ 10,000,000

Future Biennia (Projected Costs) \$ 125,000,000

TOTAL \$ 160,000,000 -----

**NEW SECTION. Sec. 554. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land bank acquisition (94-2-406)**

Appropriation:

Res Mgmt Cost Acct \$ 18,000,000

Prior Biennia (Expenditures) \$ 21,176,000

Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 99,176,000 -----

**NEW SECTION. Sec. 555. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mineral resource testing (94-2-407)**

Appropriation:

Res Mgmt Cost Acct \$ 10,000

For Dev Acct \$ 10,000

Subtotal Appropriation \$ 20,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 104,000

TOTAL \$ 124,000 -----

**NEW SECTION. Sec. 556. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic lands enhancement grants (94-2-501)**

Appropriation:

Aquatic Lands Acct \$ 2,776,000

Prior Biennia (Expenditures) \$ 3,541,000

Future Biennia (Projected Costs) \$ 32,885,000

TOTAL \$ 39,202,000 -----

**NEW SECTION. Sec. 557. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road construction and improvement (94-2-801)**

Appropriation:

Res Mgmt Cost Acct \$ 641,500

For Dev Acct \$ 172,500

Subtotal Appropriation \$ 814,000 -----

Prior Biennia (Expenditures) \$ 232,000

Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 5,546,000 -----

**NEW SECTION. Sec. 558. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center construction (89-5-001)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 348,250

Prior Biennia (Expenditures) \$ 2,651,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

**NEW SECTION. Sec. 559. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center conversion (89-5-002)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 9,897,364
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,797,364 -----

NEW SECTION. Sec. 560. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center expansion (89-5-003)

Reappropriation:

St Conv & Trade Ctr Acct \$ 461,190

Prior Biennia (Expenditures) \$ 11,755,390
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,216,580 -----

NEW SECTION. Sec. 561. FOR THE STATE CONVENTION AND TRADE CENTER
Eagles Building exterior cleanup (89-5-005)

Reappropriation:

St Conv & Trade Ctr Acct \$ 267,360

Prior Biennia (Expenditures) \$ 32,640
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 562. FOR THE STATE CONVENTION AND TRADE CENTER
Refunding of parking garage note

Reappropriation:

St Conv & Trade Ctr Acct \$ 387,076

Prior Biennia (Expenditures) \$ 1,912,924
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,300,000 -----

NEW SECTION. Sec. 563. FOR THE STATE CONVENTION AND TRADE CENTER
Minor works (93-2-001)

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,010,000

Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,050,000 -----

NEW SECTION. Sec. 564. FOR THE STATE CONVENTION AND TRADE CENTER

The appropriation in this section is subject to the following conditions and limitations:

(1) The state convention and trade center shall assist in the rehabilitation of the Eagles building by transferring the state's right and title to the land and building as is, at no cost, to A Contemporary Theatre (ACT) and the Seattle Housing Resource Group (SHRG) subject to and following final action by the city of Seattle to grant a new contract rezone for not less than ten years, on terms deemed acceptable to the state convention and trade center for the site rezoned under city ordinance 115663;

(2) \$2,700,000 is provided solely for payments to ACT and SHRG for the purchase by the state convention and trade center of a minimum of 225,000 square feet of theatre and housing floor area ratio bonuses to be generated by the restoration and development of the Eagles land and building by ACT and SHRG;

(3) \$11,598,000 is provided solely for repayment to the state treasury of moneys previously advanced to the state convention and trade center for purchase of the McKay parcel; and

(4) A maximum of \$2,000,000 is provided for feasibility studies and options to purchase property.

Appropriation:

St Conv & Trade Ctr Acct \$ 16,298,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,298,000

NEW SECTION. Sec. 565. FOR THE WASHINGTON STATE FRUIT COMMISSION

For land acquisition, design, construction, furnishing, equipping, and other costs related to the acquisition of a new headquarters and visitor center facility

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation may be spent only after the director of financial management has: (a) Certified that, based on the future income from the assessments levied under chapter 15.28 RCW, and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments on the bonds issued for the project; and (b) approved the plans for the facility.

(2) The appropriation shall be matched by at least \$200,000 from the commission's general operating fund provided for the capital costs of the project.

Appropriation:

Fruit Comm Fac Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

NEW SECTION. Sec. 566. FOR THE WASHINGTON STATE DAIRY PRODUCTS COMMISSION

Acquire permanent facility: To acquire a permanent facility to house the offices and operations of the commission (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations: At least one dollar from the commission's operating funds shall be spent for each three dollars spent from this appropriation.

Reappropriation:

Wa St Dairy Prod Comm Fac Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 601. FOR THE WASHINGTON STATE PATROL

To construct a new district headquarters building in Everett (90-2-018)

Reappropriation:

St Bldg Constr Acct \$ 90,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,000 -----

**NEW SECTION. Sec. 602. FOR THE WASHINGTON STATE PATROL
To construct a new crime lab in Tacoma (92-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 1,940,000

Prior Biennia (Expenditures) \$ 77,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,017,000 -----

**NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF TRANSPORTATION
Funds to continue Mt. St. Helens recovery program (87-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 370,000

Prior Biennia (Expenditures) \$ 5,579,161

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,949,161 -----

**PART 5
EDUCATION**

**NEW SECTION. Sec. 701. FOR THE STATE BOARD OF EDUCATION
Public school building construction (83-2-001)**

Reappropriation:

Common School Constr Fund \$ 110,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000 -----

**NEW SECTION. Sec. 702. FOR THE STATE BOARD OF EDUCATION
Public school building construction (85-2-001)**

Reappropriation:

Common School Constr Fund \$ 830,000

Prior Biennia (Expenditures) \$ 270,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000 -----

**NEW SECTION. Sec. 703. FOR THE STATE BOARD OF EDUCATION
Public school building construction (87-2-001)**

Reappropriation:

Common School Constr Fund \$ 2,346,000

Prior Biennia (Expenditures) \$ 1,654,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000 -----

NEW SECTION. Sec. 704. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund \$ 7,294,260

Prior Biennia (Expenditures) \$ 21,712,889

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,007,159 -----

NEW SECTION. Sec. 705. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-002)

Reappropriation:

Common School Constr Fund \$ 4,266,450

Prior Biennia (Expenditures) \$ 16,734,725

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,001,175 -----

NEW SECTION. Sec. 706. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-003)

Reappropriation:

Common School Constr Fund \$ 15,000,000

Prior Biennia (Expenditures) \$ 64,708,899

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 79,708,899 -----

NEW SECTION. Sec. 707. FOR THE STATE BOARD OF EDUCATION
Public school building construction (91-2-001)

Reappropriation:

Common School Reimb Constr Acct \$ 124,101,800

Common School Constr Fund \$ 85,817,008

Subtotal Reappropriation \$ 209,918,808 -----

Prior Biennia (Expenditures) \$ 198,435,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 408,353,808 -----

NEW SECTION. Sec. 708. FOR THE STATE BOARD OF EDUCATION
Common schools: Design and construction (94-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$106,000,000 of this appropriation may be obligated in fiscal year 1994 for school district project design and construction.

(2) A maximum of \$1,250,000 may be expended for direct costs of state administration of school construction funding.

(3) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction or architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(4) A maximum of \$75,000 is provided solely for development of an automated state inventory and facility condition management database. This database shall utilize information obtained through implementation of the new priority system developed in the 1991-93 biennium and periodic updating.

(5) Projects approved for state assistance by the state board after the effective date of this section, in which new construction will be in lieu of modernization of an existing instructional facility or space, shall receive state assistance only if the district certifies that the existing facility or space will not be used for instructional purposes, and that the facility or space will be ineligible for any future state financial assistance. The state board shall adopt regulations to implement this subsection.

Appropriation:

Common School Constr Fund \$ 233,179,000

St Bldg Constr Acct \$ 6,221,000

Subtotal Appropriation \$ 239,400,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 823,000,000

TOTAL \$ 1,062,400,000 -----

NEW SECTION. Sec. 709. FOR THE STATE SCHOOL FOR THE BLIND

Demolish museum building (92-1-002)

Reappropriation:

St Bldg Constr Acct \$ 237,051

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 237,051 -----

NEW SECTION. Sec. 710. FOR THE STATE SCHOOL FOR THE BLIND

Elevator in administration building (92-1-003)

Reappropriation:

St Bldg Constr Acct \$ 234,745

Prior Biennia (Expenditures) \$ 149,716

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 384,461 -----

NEW SECTION. Sec. 711. FOR THE STATE SCHOOL FOR THE BLIND

Campus preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 2,688,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,520,781

TOTAL \$ 19,209,181 -----

NEW SECTION. Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND

Demolish commissary building (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 547,455

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 547,455

NEW SECTION. Sec. 713. FOR THE STATE SCHOOL FOR THE DEAF
Campus heating system repairs (92-2-008)

Reappropriation:

St Bldg Constr Acct \$ 16,500

Prior Biennia (Expenditures) \$ 15,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,345

NEW SECTION. Sec. 714. FOR THE STATE SCHOOL FOR THE DEAF
Campus preservation (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Appropriation:

St Bldg Constr Acct \$ 1,553,415

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,518,336

TOTAL \$ 15,271,751

NEW SECTION. Sec. 715. FOR THE STATE SCHOOL FOR THE DEAF
Building demolition of Mary Roberts Hospital (94-1-008)

Appropriation:

St Bldg Constr Acct \$ 59,566

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 59,566

NEW SECTION. Sec. 716. FOR THE HIGHER EDUCATION COORDINATING BOARD
Campus Planning

Appropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 170,000

The higher education coordinating board shall evaluate a variety of organizational models for meeting the higher education and work force training needs of the people in the North King/South Snohomish county area. The goal of the new higher education structure is to design the most effective delivery system of education opportunities for students and the region's

population. By November 30, 1993, the board shall determine the preferred organizational model, and report its decision to the governor, appropriate legislative committees, and affected institutions of higher education.

(1) In developing the model, the board shall consider, but need not be limited to, the following:

- (a) Recommend short and long-range higher education needs, including upper and lower division, graduate programs, work force training, and basic skills;
- (b) Stress teaching as the primary mission;
- (c) Ensure the student a smooth and convenient transfer, as appropriate, between lower and upper division programs and courses;
- (d) Utilize the capacity of nearby existing public institutions;
- (e) Consider transportation and growth management principles; and
- (f) Facilitate access and consolidate capital investment through a single campus, at least in the short range. Consider potential future need for an additional site.

(2) In developing the model, the board shall consider but need not be limited to the following alternative organizational arrangements:

- (a) The present university branch and the proposed new community college;
- (b) A new four-year institution;
- (c) A branch campus of an existing four-year regional university;
- (d) A new community college;
- (e) Additional program and enrollments at nearby institutions; and
- (f) Alternative delivery methods, e.g., telecommunications.

NEW SECTION. Sec. 717. FOR THE UNIVERSITY OF WASHINGTON
H Wing addition (86-2-021)

Reappropriation:

St Bldg Constr Acct \$ 24,500,000
UW Building Acct--State \$ 1,500,000

Subtotal Reappropriation \$ 26,000,000 -----

Prior Biennia (Expenditures) \$ 25,000,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,000,000 -----

NEW SECTION. Sec. 718. FOR THE UNIVERSITY OF WASHINGTON
Health Sciences Center H Wing remodel (88-2-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 632,999
Future Biennia (Projected Costs) \$ 16,518,000

TOTAL \$ 17,250,999 -----

NEW SECTION. Sec. 719. FOR THE UNIVERSITY OF WASHINGTON
Power plant boiler (88-2-022)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 16,500,000

Prior Biennia (Expenditures) \$ 4,357,491
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,857,491

NEW SECTION. Sec. 720. FOR THE UNIVERSITY OF WASHINGTON
Biomedical Sciences Research Building financing (90-1-001)

The appropriations in this section are provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:

H Ed Constr Acct \$ 24,500,000

Appropriation:

H Ed Constr Acct \$ 20,000,000

Prior Biennia (Expenditures) \$ 20,500,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000,000

NEW SECTION. Sec. 721. FOR THE UNIVERSITY OF WASHINGTON
Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct \$ 5,440,000

Prior Biennia (Expenditures) \$ 11,457,222
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,897,222

NEW SECTION. Sec. 722. FOR THE UNIVERSITY OF WASHINGTON
Physics/Astronomy Building construction (90-2-009)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

H Ed Reimb Constr Acct \$ 32,000,000

Prior Biennia (Expenditures) \$ 40,564,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000

NEW SECTION. Sec. 723. FOR THE UNIVERSITY OF WASHINGTON
Chemistry Building construction (90-2-011)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 28,500,000

Prior Biennia (Expenditures) \$ 10,652,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000

NEW SECTION. Sec. 724. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering/Computer Sciences Engineering Building construction (90-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,547,000

Appropriation:

St Bldg Constr Acct \$ 89,997,000

UW Bldg Acct \$ 536,000

Subtotal Appropriation \$ 90,533,000

Prior Biennia (Expenditures) \$ 2,711,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 95,791,000

NEW SECTION. Sec. 725. FOR THE UNIVERSITY OF WASHINGTON

Nuclear reactor decommissioning (92-1-022)

Reappropriation:

St Bldg Constr Acct \$ 230,000

Prior Biennia (Expenditures) \$ 5,000

Future Biennia (Projected Costs) \$ 2,551,000

TOTAL \$ 2,786,000

NEW SECTION. Sec. 726. FOR THE UNIVERSITY OF WASHINGTON

Kincaid basement (zoology) (92-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 1,814,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,314,000

NEW SECTION. Sec. 727. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall design and construction (92-2-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Appropriation:

St Bldg Constr Acct \$ 30,914,000

UW Bldg Acct \$ 1,650,000

Subtotal Appropriation \$ 32,564,000

Prior Biennia (Expenditures) \$ 143,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000 -----

NEW SECTION. Sec. 728. FOR THE UNIVERSITY OF WASHINGTON
Comparative medicine facility (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

NEW SECTION. Sec. 729. FOR THE UNIVERSITY OF WASHINGTON
Ocean and Fishery Sciences II predesign (92-2-027)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management and for infrastructure improvements in the southwest campus. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 70,531,000

TOTAL \$ 72,381,000 -----

NEW SECTION. Sec. 730. FOR THE UNIVERSITY OF WASHINGTON
Olympic Natural Resource Center design and construction (92-2-202)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 5,450,000

Prior Biennia (Expenditures) \$ 225,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,675,000 -----

NEW SECTION. Sec. 731. FOR THE UNIVERSITY OF WASHINGTON
Parrington Hall exterior (92-3-018)

Reappropriation:

UW Bldg Acct \$ 1,675,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,759,000 -----

NEW SECTION. Sec. 732. FOR THE UNIVERSITY OF WASHINGTON
Meany Hall exterior renovation (92-3-019)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

UW Bldg Acct \$ 7,200,000

Prior Biennia (Expenditures) \$ 38,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,238,000

NEW SECTION. Sec. 733. FOR THE UNIVERSITY OF WASHINGTON

Denny Hall exterior repair (92-3-020)

Reappropriation:

UW Bldg Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 835,508
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,385,508

NEW SECTION. Sec. 734. FOR THE UNIVERSITY OF WASHINGTON

Underground storage tanks (92-5-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000

NEW SECTION. Sec. 735. FOR THE UNIVERSITY OF WASHINGTON

Henry Gallery addition (93-2-001)

The appropriation in this section shall be matched by at least \$1,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 736. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 2,175,000

Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 737. FOR THE UNIVERSITY OF WASHINGTON

Business Administration expansion (93-2-006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.
- (2) The appropriations in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Appropriation:

St Bldg Constr Acct \$ 6,850,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 738. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs preservation (94-1-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 10,000,000

UW Bldg Acct \$ 6,300,000

Subtotal Reappropriation \$ 16,300,000

Appropriation:

St Bldg Constr Acct \$ 3,148,000

UW Bldg Acct \$ 299,000

Subtotal Appropriation \$ 3,447,000

Prior Biennia (Expenditures) \$ 4,942,625

Future Biennia (Projected Costs) \$ 20,981,375

TOTAL \$ 45,671,000

NEW SECTION. Sec. 739. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 4,500,000

Subtotal Reappropriation \$ 7,500,000

Appropriation:

UW Bldg Acct \$ 8,250,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 33,221,000

TOTAL \$ 49,996,000

NEW SECTION. Sec. 740. FOR THE UNIVERSITY OF WASHINGTON

Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct \$ 420,000

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 31,347,000

TOTAL \$ 34,807,000

NEW SECTION. Sec. 741. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo Library predesign (94-1-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 196,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,684,000

TOTAL \$ 25,880,000

NEW SECTION. Sec. 742. FOR THE UNIVERSITY OF WASHINGTON

Oceanography Building predesign (94-1-020)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 107,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,702,000

TOTAL \$ 8,809,000

NEW SECTION. Sec. 743. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000
UW Bldg Acct \$ 3,300,000

Subtotal Reappropriation \$ 6,300,000

Appropriation:

UW Bldg Acct \$ 7,071,000

Prior Biennia (Expenditures) \$ 4,403,000
Future Biennia (Projected Costs) \$ 46,204,000

TOTAL \$ 63,978,000

NEW SECTION. Sec. 744. FOR THE UNIVERSITY OF WASHINGTON

Harborview Medical Center Research and Training Building--Design (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 3,620,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 63,283,000

TOTAL \$ 66,903,000

NEW SECTION. Sec. 745. FOR THE UNIVERSITY OF WASHINGTON

Branch campuses (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the organization model recommended by the higher education coordinating board for the King-Snohomish county area.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

(3) Of the appropriation in this section, \$23,000,000 is provided for the Bothell branch campus. The remaining \$30,983,320 is provided for the Tacoma branch campus.

Reappropriation:

St Bldg Constr Acct \$ 8,741,680

Appropriation:

St Bldg Constr Acct \$ 53,983,320

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 106,000,000

TOTAL \$ 168,725,000

NEW SECTION. Sec. 746. FOR THE UNIVERSITY OF WASHINGTON

Thomas Burke Memorial Washington State Museum: For a study of the museum's space needs, long-term physical facility needs, and options for future expansion

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 200,000

NEW SECTION. Sec. 747. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 748. FOR WASHINGTON STATE UNIVERSITY

Branch campus acquisition (90-5-002)

Reappropriation:

St Bldg Constr Acct \$ 933,731

Prior Biennia (Expenditures) \$ 896,469

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,830,200

NEW SECTION. Sec. 749. FOR WASHINGTON STATE UNIVERSITY

East campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

Reappropriation:

WSU Bldg Acct \$ 235,625

Prior Biennia (Expenditures) \$ 434,375

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 670,000

NEW SECTION. Sec. 750. FOR WASHINGTON STATE UNIVERSITY

Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

Reappropriation:

WSU Bldg Acct \$ 713,645

Prior Biennia (Expenditures) \$ 405,708

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,119,353

NEW SECTION. Sec. 751. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct \$ 1,241,524

Prior Biennia (Expenditures) \$ 101,476

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,343,000

NEW SECTION. Sec. 752. FOR WASHINGTON STATE UNIVERSITY

Coliseum asbestos removal (92-1-020)

Reappropriation:

WSU Bldg Acct \$ 675,444

Prior Biennia (Expenditures) \$ 837,556

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,513,000

NEW SECTION. Sec. 753. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 673,109

Appropriation:

St Bldg Constr Acct \$ 12,162,400

WSU Bldg Acct \$ 3,478,000

Subtotal Appropriation \$ 15,640,400

Prior Biennia (Expenditures) \$ 688,891

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,002,400

NEW SECTION. Sec. 754. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall/Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space **(92-1-022)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 655,590

Appropriation:

St Bldg Constr Acct \$ 12,511,500

Prior Biennia (Expenditures) \$ 301,410

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,468,500

NEW SECTION. Sec. 755. FOR WASHINGTON STATE UNIVERSITY

Holland Library renewal predesign (92-2-003)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

WSU Bldg Acct \$ 98,553

Prior Biennia (Expenditures) \$ 770,447

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 869,000

NEW SECTION. Sec. 756. FOR WASHINGTON STATE UNIVERSITY

Holland Library addition (90-2-013)

Reappropriation:

St Bldg Constr Acct \$ 8,535,913

Prior Biennia (Expenditures) \$ 21,955,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,491,733

NEW SECTION. Sec. 757. FOR WASHINGTON STATE UNIVERSITY

Veterinary teaching hospital construction: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery **(92-2-013)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 32,310

H Ed Reimb Constr Acct \$ 24,947,571

Subtotal Reappropriation \$ 24,979,881 -----

Prior Biennia (Expenditures) \$ 2,430,703

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,442,894 -----

NEW SECTION. Sec. 758. FOR WASHINGTON STATE UNIVERSITY

Child care facility: Design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

Reappropriation:

St Bldg Constr Acct \$ 1,806,825

Prior Biennia (Expenditures) \$ 364,175

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,171,000 -----

NEW SECTION. Sec. 759. FOR WASHINGTON STATE UNIVERSITY

Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 15,000,000

WSU Bldg Acct \$ 789,353

Subtotal Reappropriation \$ 15,534,772 -----

Prior Biennia (Expenditures) \$ 177,647

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,967,000 -----

NEW SECTION. Sec. 760. FOR WASHINGTON STATE UNIVERSITY

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Reappropriation:

WSU Bldg Acct \$ 1,657,046

Prior Biennia (Expenditures) \$ 103,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,761,000 -----

NEW SECTION. Sec. 761. FOR WASHINGTON STATE UNIVERSITY

WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at Wenatchee Valley College in Wenatchee **(92-2-908)**

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Reappropriation:

WSU Bldg Acct \$ 1,331,176

Prior Biennia (Expenditures) \$ 989,824

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,321,000 -----

NEW SECTION. Sec. 762. FOR WASHINGTON STATE UNIVERSITY

Dairy and forage facility: Design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms **(92-3-024)**

Reappropriation:

WSU Bldg Acct \$ 2,269,663

Prior Biennia (Expenditures) \$ 444,337

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,714,000 -----

NEW SECTION. Sec. 763. FOR WASHINGTON STATE UNIVERSITY

Chilled water storage facility: Design and construct a 2,820,000-gallon chilled water storage tank **(92-4-022)**

Reappropriation:

St Bldg Constr Acct \$ 818,728

Prior Biennia (Expenditures) \$ 2,031,272

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,850,000 -----

NEW SECTION. Sec. 764. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 1,485,000

Appropriation:

St Bldg Constr Acct \$ 6,000,000

Prior Biennia (Expenditures) \$ 4,015,000

Future Biennia (Projected Costs) \$ 23,000,000

TOTAL \$ 34,500,000 -----

NEW SECTION. Sec. 765. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym predesign (94-1-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 49,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,000,000

TOTAL \$ 5,049,000

NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY
Thompson Hall design (94-1-024)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 697,000

Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 8,485,000

TOTAL \$ 9,262,000

NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY
Prosser: Septic system (94-1-500)

Appropriation:

WSU Bldg Acct \$ 1,250,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

NEW SECTION. Sec. 768. FOR WASHINGTON STATE UNIVERSITY
Minor works (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,420,000

TOTAL \$ 19,420,000

NEW SECTION. Sec. 769. FOR WASHINGTON STATE UNIVERSITY
Chemical storage building predesign (94-2-005)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 56,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,934,000

TOTAL \$ 4,990,000

NEW SECTION. Sec. 770. FOR WASHINGTON STATE UNIVERSITY
Hazardous waste facilities predesign (94-2-006)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 211,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,603,000

TOTAL \$ 15,814,000 -----

NEW SECTION. Sec. 771. FOR WASHINGTON STATE UNIVERSITY

Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct \$ 2,412,890

Appropriation:

WSU Bldg Acct \$ 6,000,000

Prior Biennia (Expenditures) \$ 4,087,110

Future Biennia (Projected Costs) \$ 24,500,000

TOTAL \$ 37,000,000 -----

NEW SECTION. Sec. 772. FOR WASHINGTON STATE UNIVERSITY

Pathological and biomedical incinerator: Design and construction (94-2-012)

Appropriation:

St Bldg Constr Acct \$ 3,443,000

Prior Biennia (Expenditures) \$ 455,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,898,000 -----

NEW SECTION. Sec. 773. FOR WASHINGTON STATE UNIVERSITY

Communication infrastructure renewal: Campus network system (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,104,101

Appropriation:

WSU Bldg Acct \$ 5,000,000

St Bldg Constr Acct \$ 7,000,000

Subtotal Appropriation \$ 12,000,000 -----

Prior Biennia (Expenditures) \$ 1,895,899

Future Biennia (Projected Costs) \$ 3,000,000

TOTAL \$ 25,000,000 -----

NEW SECTION. Sec. 774. FOR WASHINGTON STATE UNIVERSITY

Engineering teaching and research lab building design (94-2-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

WSU Bldg Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 170,000

Future Biennia (Projected Costs) \$ 17,061,000

TOTAL \$ 18,431,000 -----

NEW SECTION. Sec. 775. FOR WASHINGTON STATE UNIVERSITY

Chemical waste collection facilities: Design and construction (94-2-016)

Appropriation:

WSU Bldg Acct \$ 2,523,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 3,523,000 -----

NEW SECTION. Sec. 776. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym addition: Design (94-2-017)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 94,000

Future Biennia (Projected Costs) \$ 8,630,000

TOTAL \$ 9,624,000 -----

NEW SECTION. Sec. 777. FOR WASHINGTON STATE UNIVERSITY

Animal science laboratory building design (94-2-018)

Appropriation:

WSU Bldg Acct \$ 515,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 6,643,000

TOTAL \$ 7,238,000 -----

NEW SECTION. Sec. 778. FOR WASHINGTON STATE UNIVERSITY

WSU-Vancouver: New campus construction (94-2-902)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 4,917,900

Appropriation:

St Bldg Constr Acct \$ 29,656,462

Prior Biennia (Expenditures) \$ 1,448,000

Future Biennia (Projected Costs) \$ 54,843,091

TOTAL \$ 90,865,453 -----

NEW SECTION. Sec. 779. FOR WASHINGTON STATE UNIVERSITY
Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act which have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 780. FOR WASHINGTON STATE UNIVERSITY
Carpenter Hall equipment (94-2-020)

Appropriation:

WSU Bldg Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

NEW SECTION. Sec. 781. FOR WASHINGTON STATE UNIVERSITY
Consolidated Information Center: For design of a new facility on the Tri-Cities campus

It is the intent of the legislature that future appropriations for construction of this project will be matched by an additional \$7,724,500 from nonstate sources and that, prior to requesting construction funds, Washington State University will have an agreement that includes a commitment from state, federal, and private scientific organizations that all future operating costs of the project, exceeding Washington State University's present operating costs, will be provided from nonstate general fund sources.

Appropriation:

St Bldg Constr Acct \$ 1,224,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,724,500

TOTAL \$ 8,948,500 -----

NEW SECTION. Sec. 782. FOR WASHINGTON STATE UNIVERSITY
Intercollegiate Center for Nursing Education: For constructing and equipping a new nursing education facility at

Yakima

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Appropriation:

St Bldg Constr Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 783. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall design and construction: To design the remodeling of Sutton Hall for offices and classroom space **(81-2-002)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 275,337

Appropriation:

St Bldg Constr Acct \$ 4,875,000

Prior Biennia (Expenditures) \$ 13,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,163,992

NEW SECTION. Sec. 784. FOR EASTERN WASHINGTON UNIVERSITY

Science Building Addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building **(83-1-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 9,000,000

Prior Biennia (Expenditures) \$ 12,035,472

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,472

NEW SECTION. Sec. 785. FOR EASTERN WASHINGTON UNIVERSITY

Electrical system renewal (86-1-002)

Reappropriation:

St Bldg Constr Acct \$ 279,000

Prior Biennia (Expenditures) \$ 551,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 830,506

NEW SECTION. Sec. 786. FOR EASTERN WASHINGTON UNIVERSITY

Roof replacement and preservation: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school **(94-1-003)**

Appropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 787. FOR EASTERN WASHINGTON UNIVERSITY

Energy conservation (86-2-006)

Reappropriation:

St H Ed Constr Acct \$ 124,000

Prior Biennia (Expenditures) \$ 630,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 754,000

NEW SECTION. Sec. 788. FOR EASTERN WASHINGTON UNIVERSITY

Life and safety code compliance asbestos (88-1-001)

Reappropriation:

EWU Cap Proj Acct \$ 597,180

Prior Biennia (Expenditures) \$ 252,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 789. FOR EASTERN WASHINGTON UNIVERSITY

Telecommunications: Cable replacement (90-2-004)

Reappropriation:

St Bldg Constr Acct \$ 1,400,000

EWU Acct \$ 97,000

Subtotal Reappropriation \$ 1,497,000

Appropriation:

EWU Cap Proj Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 1,087,392

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,584,392

NEW SECTION. Sec. 790. FOR EASTERN WASHINGTON UNIVERSITY

Seventh Street replacement (90-3-001)

Reappropriation:

EWU Cap Proj Acct \$ 26,000

Prior Biennia (Expenditures) \$ 312,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 338,000

NEW SECTION. Sec. 791. FOR EASTERN WASHINGTON UNIVERSITY

Minor capital renewal (90-3-002)

Reappropriation:

EWU Cap Proj Acct \$ 304,000

Prior Biennia (Expenditures) \$ 846,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000

NEW SECTION. Sec. 792. FOR EASTERN WASHINGTON UNIVERSITY
JFK Library remodel and addition design (90-5-003)

Reappropriation:

EWU Cap Proj Acct \$ 24,000

Appropriation:

St Bldg Constr Acct \$ 2,050,000

Prior Biennia (Expenditures) \$ 165,000

Future Biennia (Projected Costs) \$ 19,950,000

TOTAL \$ 22,189,000

NEW SECTION. Sec. 793. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-1-001)

Reappropriation:

EWU Cap Proj Acct \$ 1,330,000

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 794. FOR EASTERN WASHINGTON UNIVERSITY
Small repair projects (92-1-002)

Reappropriation:

EWU Cap Proj Acct \$ 660,000

Prior Biennia (Expenditures) \$ 340,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 795. FOR EASTERN WASHINGTON UNIVERSITY
Underground storage tank code compliance (92-1-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

EWU Cap Proj Acct \$ 243,000

Prior Biennia (Expenditures) \$ 7,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 796. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-3-004)

Reappropriation:

St Bldg Constr Acct \$ 1,800,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

**NEW SECTION. Sec. 797. FOR EASTERN WASHINGTON UNIVERSITY
EWU Spokane Center: Fire egress and remodel (92-5-008)**

Reappropriation:

EWU Cap Proj Acct \$ 183,000

Prior Biennia (Expenditures) \$ 1,617,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000

NEW SECTION. Sec. 798. FOR EASTERN WASHINGTON UNIVERSITY

Property acquisition: To acquire property within the campus boundary from the Department of Natural Resources (92-5-001)

The reappropriation in this section is in addition to the appropriation for same purpose in section 36, chapter 14, Laws of 1991 sp.s.

Reappropriation:

EWU Cap Proj Acct \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 175,000

NEW SECTION. Sec. 799. FOR EASTERN WASHINGTON UNIVERSITY

Utility expansion joints and utility lines replacement (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,753,000

TOTAL \$ 3,253,000

NEW SECTION. Sec. 800. FOR EASTERN WASHINGTON UNIVERSITY

Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 2,410,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 4,310,000

NEW SECTION. Sec. 801. FOR EASTERN WASHINGTON UNIVERSITY

Building exterior preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 255,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,255,000

**NEW SECTION. Sec. 802. FOR EASTERN WASHINGTON UNIVERSITY
Electrical systems and transformers and emergency lighting (94-1-010)**

Appropriation:

EWU Cap Proj Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 849,000

TOTAL \$ 1,749,000 -----

**NEW SECTION. Sec. 803. FOR EASTERN WASHINGTON UNIVERSITY
Minor works preservation projects (94-1-014)**

Appropriation:

EWU Cap Proj Acct \$ 2,924,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,970,800

TOTAL \$ 26,894,800 -----

**NEW SECTION. Sec. 804. FOR EASTERN WASHINGTON UNIVERSITY
Minor works program projects (94-2-012)**

Appropriation:

EWU Cap Proj Acct \$ 3,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,900,000

TOTAL \$ 27,600,000 -----

**NEW SECTION. Sec. 805. FOR CENTRAL WASHINGTON UNIVERSITY
Handicap modifications (88-1-007)**

Reappropriation:

CWU Cap Proj Acct \$ 50,000

Prior Biennia (Expenditures) \$ 554,300

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 604,300 -----

**NEW SECTION. Sec. 806. FOR CENTRAL WASHINGTON UNIVERSITY
Psychology animal research facility (90-1-060)**

Reappropriation:

St Bldg Constr Acct \$ 80,000

Prior Biennia (Expenditures) \$ 1,620,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

**NEW SECTION. Sec. 807. FOR CENTRAL WASHINGTON UNIVERSITY
Telecommunications phase II (90-2-003)**

Reappropriation:

CWU Cap Proj Acct \$ 300,000

Prior Biennia (Expenditures) \$ 1,143,600
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,443,600

NEW SECTION. Sec. 808. FOR CENTRAL WASHINGTON UNIVERSITY
Shaw/Smyser Hall remodel (90-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
H Ed Reimb Constr Acct \$ 7,027,000
CWU Cap Proj Acct \$ 250,000

Subtotal Reappropriation \$ 8,277,000

Prior Biennia (Expenditures) \$ 5,008,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000

NEW SECTION. Sec. 809. FOR CENTRAL WASHINGTON UNIVERSITY
Life safety (92-1-030)

Reappropriation:

CWU Cap Proj Acct \$ 335,000

Prior Biennia (Expenditures) \$ 165,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 810. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (92-1-040)

Reappropriation:

CWU Cap Proj Acct \$ 350,000

Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 811. FOR CENTRAL WASHINGTON UNIVERSITY
Barge Hall remodel (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,550,000

Prior Biennia (Expenditures) \$ 9,031,970
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970

NEW SECTION. Sec. 812. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 2,750,000

Prior Biennia (Expenditures) \$ 3,572,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,322,595

NEW SECTION. Sec. 813. FOR CENTRAL WASHINGTON UNIVERSITY

Bouillon Hall asbestos abatement (94-1-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 4,950,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,950,000

NEW SECTION. Sec. 814. FOR CENTRAL WASHINGTON UNIVERSITY

Asbestos and PCB abatement (94-1-003)

Reappropriation:

CWU Cap Proj Acct \$ 100,000

Prior Biennia (Expenditures) \$ 1,605,388

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,705,388

NEW SECTION. Sec. 815. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works (94-1-005)

Appropriation:

CWU Cap Proj Acct \$ 3,562,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,432,000

TOTAL \$ 29,994,000

NEW SECTION. Sec. 816. FOR CENTRAL WASHINGTON UNIVERSITY

Underground storage tank replacement (94-1-007)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 276,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000

NEW SECTION. Sec. 817. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical cable replacement (94-1-008)

Reappropriation:

CWU Cap Proj Acct \$ 600,000

Appropriation:

St Bldg Constr Acct \$ 950,000

Prior Biennia (Expenditures) \$ 400,000

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 3,850,000

NEW SECTION. Sec. 818. FOR CENTRAL WASHINGTON UNIVERSITY

Steamline replacement (94-1-009)

Appropriation:

St Bldg Constr Acct \$ 850,000

Prior Biennia (Expenditures) \$ 819,924

Future Biennia (Projected Costs) \$ 850,000

TOTAL \$ 2,519,924

NEW SECTION. Sec. 819. FOR CENTRAL WASHINGTON UNIVERSITY

Chilled water expansion (94-1-011)

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,900,000

NEW SECTION. Sec. 820. FOR CENTRAL WASHINGTON UNIVERSITY

Science facility design and construction (94-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 54,200,000

CWU Cap Proj Acct \$ 4,000,000

Subtotal Appropriation \$ 58,200,000

Prior Biennia (Expenditures) \$ 193,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,393,500

NEW SECTION. Sec. 821. FOR CENTRAL WASHINGTON UNIVERSITY

Computing infrastructure (94-2-004)

Appropriation:

CWU Cap Proj Acct \$ 950,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 950,000

NEW SECTION. Sec. 822. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 400,000

Appropriation:

St Bldg Constr Acct \$ 65,000

CWU Cap Proj Acct \$ 2,507,000

Subtotal Appropriation \$ 2,572,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,174,000

TOTAL \$ 20,146,000

NEW SECTION. Sec. 823. FOR CENTRAL WASHINGTON UNIVERSITY
Black Hall predesign (94-2-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

CWU Cap Proj Acct \$ 159,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 13,159,000

NEW SECTION. Sec. 824. FOR THE EVERGREEN STATE COLLEGE
Lab annex: Metal and wood shops (90-5-008)

Reappropriation:

St Bldg Constr Acct \$ 320,000

Prior Biennia (Expenditures) \$ 652,100

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 972,100

NEW SECTION. Sec. 825. FOR THE EVERGREEN STATE COLLEGE
Life safety and code compliance (92-1-001)

Reappropriation:

St Bldg Constr Acct \$ 119,000

Prior Biennia (Expenditures) \$ 1,647,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,766,500

NEW SECTION. Sec. 826. FOR THE EVERGREEN STATE COLLEGE

Minor works: Failed systems (92-2-004)

Reappropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 917,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 967,000 -----

NEW SECTION. Sec. 827. FOR THE EVERGREEN STATE COLLEGE

Campus preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 1,749,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,749,000 -----

NEW SECTION. Sec. 828. FOR THE EVERGREEN STATE COLLEGE

Failed systems (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 955,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 5,655,000 -----

NEW SECTION. Sec. 829. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (94-1-007)

Appropriation:

TESC Cap Proj Acct \$ 264,499

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,014,000

TOTAL \$ 1,278,499 -----

NEW SECTION. Sec. 830. FOR THE EVERGREEN STATE COLLEGE

Small repairs and improvements (94-1-010)

Appropriation:

TESC Cap Proj Acct \$ 272,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 966,000

TOTAL \$ 1,238,500 -----

NEW SECTION. Sec. 831. FOR THE EVERGREEN STATE COLLEGE

Capital renewal (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 306,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,320,000

TOTAL \$ 3,626,000

NEW SECTION. Sec. 832. FOR THE EVERGREEN STATE COLLEGE

Longhouse classroom facility (94-2-008)

Appropriation:

St Bldg Constr Acct \$ 2,200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 833. FOR THE EVERGREEN STATE COLLEGE

Campus computer network phase II (94-2-009)

Appropriation:

St Bldg Constr Acct \$ 390,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 162,000

TOTAL \$ 552,000

NEW SECTION. Sec. 834. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus: Design and construction (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,200,000

Appropriation:

St Bldg Constr Acct \$ 17,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 49,000,000

TOTAL \$ 74,200,000

NEW SECTION. Sec. 835. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase I construction (90-1-001)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 836. FOR WESTERN WASHINGTON UNIVERSITY

Institute of Wildlife Toxicology (90-2-003)

Reappropriation:

WWU Cap Proj Acct \$ 650,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 650,000

NEW SECTION. Sec. 837. FOR WESTERN WASHINGTON UNIVERSITY

Wilson Library asbestos abatement (92-1-002)

Reappropriation:

St Bldg Constr Acct \$ 2,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 838. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase II construction (92-1-007)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 20,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,500,000

NEW SECTION. Sec. 839. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase III design (92-1-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 840. FOR WESTERN WASHINGTON UNIVERSITY

Minor works (94-2-028)

Reappropriation:

WWU Cap Proj Acct \$ 4,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,300,000

NEW SECTION. Sec. 841. FOR WESTERN WASHINGTON UNIVERSITY

Fire detection systems preservation (94-1-030)

Appropriation:

St Bldg Constr Acct \$ 743,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,300,000

TOTAL \$ 3,043,000

NEW SECTION. Sec. 842. FOR WESTERN WASHINGTON UNIVERSITY

Underground storage tank removal (94-1-032)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000

NEW SECTION. Sec. 843. FOR WESTERN WASHINGTON UNIVERSITY

Pool chlorine gas system replacement (94-1-033)

Appropriation:

WWU Cap Proj Acct \$ 35,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000

NEW SECTION. Sec. 844. FOR WESTERN WASHINGTON UNIVERSITY

Exterior envelope and roofing (94-1-034)

Appropriation:

St Bldg Constr Acct \$ 601,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,400,000

TOTAL \$ 3,001,000

NEW SECTION. Sec. 845. FOR WESTERN WASHINGTON UNIVERSITY

Electrical preservation (94-1-035)

Appropriation:

WWU Cap Proj Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

NEW SECTION. Sec. 846. FOR WESTERN WASHINGTON UNIVERSITY

Utility upgrade (94-1-037)

Appropriation:

St Bldg Constr Acct \$ 405,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,405,000 -----

NEW SECTION. Sec. 847. FOR WESTERN WASHINGTON UNIVERSITY
Interior renewal (94-1-038)

Appropriation:

WWU Cap Proj Acct \$ 98,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 898,000 -----

NEW SECTION. Sec. 848. FOR WESTERN WASHINGTON UNIVERSITY
Flooring (94-1-039)

Appropriation:

WWU Cap Proj Acct \$ 410,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,410,000 -----

NEW SECTION. Sec. 849. FOR WESTERN WASHINGTON UNIVERSITY
Interior painting (94-1-041)

Appropriation:

WWU Cap Proj Acct \$ 401,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,950,000

TOTAL \$ 2,351,000 -----

NEW SECTION. Sec. 850. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III construction (94-2-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,263,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,263,000 -----

NEW SECTION. Sec. 851. FOR WESTERN WASHINGTON UNIVERSITY
Haggard Hall renovation and abatement design (94-2-015)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,116,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,197,000

TOTAL \$ 17,313,000 -----

NEW SECTION. Sec. 852. FOR WESTERN WASHINGTON UNIVERSITY

Minor works (92-1-022)

Appropriation:

WWU Cap Proj Acct \$ 6,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 37,100,000 -----

NEW SECTION. Sec. 853. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way facility preservation (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 632,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,075,692

TOTAL \$ 3,707,692 -----

NEW SECTION. Sec. 854. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Union Station Museum design and construction (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met. A portion of the appropriation may be used by the Washington State Historical Society as a match toward a challenge grant from the National Endowment for the Humanities.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 27,551,867

Prior Biennia (Expenditures) \$ 5,698,000

Future Biennia (Projected Costs) \$ 280,000

TOTAL \$ 33,679,867 -----

NEW SECTION. Sec. 855. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Capital Museum: Replacement of building systems (92-1-003)

Reappropriation:

St Bldg Constr Acct \$ 14,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,000 -----

NEW SECTION. Sec. 856. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Coach House preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 107,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 533,994

TOTAL \$ 641,494 -----

**NEW SECTION. Sec. 857. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
State Capital Museum preservation (94-1-013)**

Appropriation:

St Bldg Constr Acct \$ 265,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 210,800

TOTAL \$ 475,800 -----

**NEW SECTION. Sec. 858. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel Tech Building at Skagit Valley (86-3-022)**

Reappropriation:

St Bldg Constr Acct \$ 27,458

Prior Biennia (Expenditures) \$ 1,811

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,269 -----

**NEW SECTION. Sec. 859. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior walls (88-3-003)**

Reappropriation:

St Bldg Constr Acct \$ 95,762

Prior Biennia (Expenditures) \$ 16,263

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 112,025 -----

**NEW SECTION. Sec. 860. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair mechanical, ventilation, and air conditioning systems (88-3-004)**

Reappropriation:

St Bldg Constr Acct \$ 45,672

Prior Biennia (Expenditures) \$ 179,294

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,966 -----

**NEW SECTION. Sec. 861. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Clark College (88-3-012)**

Reappropriation:

St Bldg Constr Acct \$ 50,740

Prior Biennia (Expenditures) \$ 248,184

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 298,924 -----

NEW SECTION. Sec. 862. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To construct extension center at Yakima Valley (88-3-013)

Reappropriation:

St Bldg Constr Acct \$ 86,507

Prior Biennia (Expenditures) \$ 7,111

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,618

NEW SECTION. Sec. 863. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To construct math and science building at Spokane Falls (88-3-015)

Reappropriation:

St Bldg Constr Acct \$ 57,192

Prior Biennia (Expenditures) \$ 161,650

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 218,842

NEW SECTION. Sec. 864. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To construct learning resource center at Spokane (88-3-016)

Reappropriation:

St Bldg Constr Acct \$ 31,780

Prior Biennia (Expenditures) \$ 243,224

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,004

NEW SECTION. Sec. 865. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To construct Whidbey Island learning resource center for Skagit Valley (88-5-020)

Reappropriation:

St Bldg Constr Acct \$ 781,285

Prior Biennia (Expenditures) \$ 1,341,714

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999

NEW SECTION. Sec. 866. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To construct science and fine arts building at South Puget Sound (88-5-021)

Reappropriation:

St Bldg Constr Acct \$ 238,424

Prior Biennia (Expenditures) \$ 5,759,575

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999

NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To construct an early childhood education facility at Shoreline (88-5-022)

Reappropriation:

St Bldg Constr Acct \$ 1,247,598

Prior Biennia (Expenditures) \$ 77,936
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,325,534

**NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library at Columbia Basin (88-5-023)**

Reappropriation:

St Bldg Constr Acct \$ 113,307

Prior Biennia (Expenditures) \$ 1,869,398
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705

**NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational shop building at Centralia (88-5-024)**

Reappropriation:

St Bldg Constr Acct \$ 216,393

Prior Biennia (Expenditures) \$ 1,855,432
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825

**NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library resource center at Tacoma (88-5-025)**

Reappropriation:

St Bldg Constr Acct \$ 366,605

Prior Biennia (Expenditures) \$ 1,382,293
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,748,898

**NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational food addition at Lower Columbia (88-5-026)**

Reappropriation:

St Bldg Constr Acct \$ 1,591,782

Prior Biennia (Expenditures) \$ 1,402,254
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033

**NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct business education building at Spokane (88-5-027)**

Reappropriation:

St Bldg Constr Acct \$ 819,778

Prior Biennia (Expenditures) \$ 5,492,190
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968

**NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct student activity center and physical education facility at Seattle Central (88-5-028)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 10,520,500

Prior Biennia (Expenditures) \$ 680,399

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899 -----

**NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs at various colleges (90-1-004)**

Reappropriation:

St Bldg Constr Acct \$ 220,194

Prior Biennia (Expenditures) \$ 150,747

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941 -----

**NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remove minor asbestos problems at various colleges (90-1-008)**

Reappropriation:

St Bldg Constr Acct \$ 2,625,390

Prior Biennia (Expenditures) \$ 566,394

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,784 -----

**NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs and structures at various colleges (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 318,665

Prior Biennia (Expenditures) \$ 396,628

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293 -----

**NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair air conditioning, heating, and ventilation systems at various colleges (90-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 421,926

Prior Biennia (Expenditures) \$ 576,457

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383 -----

NEW SECTION. Sec. 878. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair electrical systems (90-2-005)

Reappropriation:

St Bldg Constr Acct \$ 14,355

Prior Biennia (Expenditures) \$ 55,399

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 69,754 -----

NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make small repairs and improvements at various colleges (90-3-001)

Reappropriation:

St Bldg Constr Acct \$ 138,013

Prior Biennia (Expenditures) \$ 690,756

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 828,769 -----

NEW SECTION. Sec. 880. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To construct learning assistance resource center at Centralia (90-3-006)

Reappropriation:

St Bldg Constr Acct \$ 4,410

Prior Biennia (Expenditures) \$ 13,566

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,976 -----

NEW SECTION. Sec. 881. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make minor repairs at various facilities (90-3-007)

Reappropriation:

St Bldg Constr Acct \$ 57,314

Prior Biennia (Expenditures) \$ 470,702

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016 -----

NEW SECTION. Sec. 882. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To perform minor works for the preservation of community college facilities (90-5-009)

Reappropriation:

St Bldg Constr Acct \$ 447,631

Prior Biennia (Expenditures) \$ 2,577,893

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524 -----

NEW SECTION. Sec. 883. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To acquire site and construct technology center building at Whatcom (90-5-010)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 247,562

Appropriation:

St Bldg Constr Acct \$ 4,913,000

Prior Biennia (Expenditures) \$ 29,868

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,190,430

NEW SECTION. Sec. 884. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct physical education facility at North Seattle (90-5-011)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 104,673

Appropriation:

St Bldg Constr Acct \$ 8,352,000

Prior Biennia (Expenditures) \$ 97,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,000

NEW SECTION. Sec. 885. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct applied arts facility at Spokane Falls (90-5-012)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 291,510

Appropriation:

St Bldg Constr Acct \$ 5,191,000

Prior Biennia (Expenditures) \$ 9,579

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089

NEW SECTION. Sec. 886. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct an industrial technology facility at Spokane (90-5-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 296,143

Appropriation:

St Bldg Constr Acct \$ 6,625,000

Prior Biennia (Expenditures) \$ 10,932

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,075

NEW SECTION. Sec. 887. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct vocational arts facility at Shoreline (90-5-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 88,719

Appropriation:

St Bldg Constr Acct \$ 2,886,000

Prior Biennia (Expenditures) \$ 90,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405 -----

**NEW SECTION. Sec. 888. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a business education facility at Clark (90-5-015)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 250,836

Appropriation:

St Bldg Constr Acct \$ 5,953,000

Prior Biennia (Expenditures) \$ 87,430

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266 -----

**NEW SECTION. Sec. 889. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a student center at South Seattle (90-5-016)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 248,817

Appropriation:

St Bldg Constr Acct \$ 5,122,000

Prior Biennia (Expenditures) \$ 11,276

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093 -----

**NEW SECTION. Sec. 890. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a library addition at Skagit Valley (90-5-017)**

Reappropriation:

St Bldg Constr Acct \$ 43,627

Appropriation:

St Bldg Constr Acct \$ 1,890,000

Prior Biennia (Expenditures) \$ 72,372

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999 -----

**NEW SECTION. Sec. 891. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel business complex at Clover Park (91-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 2,427,982

Prior Biennia (Expenditures) \$ 72,017

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,499,999

**NEW SECTION. Sec. 892. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign vocational technical institute at Bellingham (91-3-002)**

The college shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,561,287

Prior Biennia (Expenditures) \$ 50,713

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000

**NEW SECTION. Sec. 893. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for child care facility in Centralia (92-1-602)**

Reappropriation:

St Bldg Constr Acct \$ 390

Prior Biennia (Expenditures) \$ 77,610

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 78,000

**NEW SECTION. Sec. 894. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire auto shop at Olympic (92-1-604)**

Reappropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

**NEW SECTION. Sec. 895. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property and construct graphic arts building at Skagit (92-1-605)**

Reappropriation:

St Bldg Constr Acct \$ 27,172

Prior Biennia (Expenditures) \$ 252,828

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 280,000

**NEW SECTION. Sec. 896. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To renovate or replace underground storage tanks (92-2-102)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 765,978

Prior Biennia (Expenditures) \$ 630,874

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852 -----

**NEW SECTION. Sec. 897. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair campus facilities to meet legal and code requirements (92-2-103)**

Reappropriation:

St Bldg Constr Acct \$ 506,163

Prior Biennia (Expenditures) \$ 665,837

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000 -----

**NEW SECTION. Sec. 898. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs at various colleges (92-2-104)**

Reappropriation:

St Bldg Constr Acct \$ 2,629,340

Prior Biennia (Expenditures) \$ 4,827,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000 -----

**NEW SECTION. Sec. 899. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior structures at various colleges (92-2-105)**

Reappropriation:

St Bldg Constr Acct \$ 454,837

Prior Biennia (Expenditures) \$ 362,163

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000 -----

**NEW SECTION. Sec. 900. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating, ventilation, and air conditioning systems at various colleges (92-2-106)**

Reappropriation:

St Bldg Constr Acct \$ 2,727,942

Prior Biennia (Expenditures) \$ 346,057

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999 -----

**NEW SECTION. Sec. 901. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair electrical systems at various colleges (92-2-107)**

Reappropriation:

St Bldg Constr Acct \$ 1,524,807

Prior Biennia (Expenditures) \$ 782,193
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000

NEW SECTION. Sec. 902. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make mechanical repairs at various colleges (92-2-108)

Reappropriation:

St Bldg Constr Acct \$ 1,991,612

Prior Biennia (Expenditures) \$ 516,388
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000

NEW SECTION. Sec. 903. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make fire and security repairs (92-2-109)

Reappropriation:

St Bldg Constr Acct \$ 665,234

Prior Biennia (Expenditures) \$ 26,765
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999

NEW SECTION. Sec. 904. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair interiors at various community colleges (92-2-110)

Reappropriation:

St Bldg Constr Acct \$ 860,557

Prior Biennia (Expenditures) \$ 579,442
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999

NEW SECTION. Sec. 905. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make site repairs at various colleges (92-2-111)

Reappropriation:

St Bldg Constr Acct \$ 626,461

Prior Biennia (Expenditures) \$ 702,538
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999

NEW SECTION. Sec. 906. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair pool at Pierce College (92-2-112)

Reappropriation:

St Bldg Constr Acct \$ 100,562

Prior Biennia (Expenditures) \$ 499,438
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

**NEW SECTION. Sec. 907. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for emergency and unforeseen repairs at various colleges (92-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 3,715,444

Prior Biennia (Expenditures) \$ 2,540,556

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,256,000

**NEW SECTION. Sec. 908. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an addition to administration building at Lake Washington (92-5-003)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,337,110

Prior Biennia (Expenditures) \$ 6,805,089

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199

**NEW SECTION. Sec. 909. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct a business technology building in Renton (92-5-004)**

Reappropriation:

St Bldg Constr Acct \$ 2,701,102

Prior Biennia (Expenditures) \$ 1,283,898

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,985,000

**NEW SECTION. Sec. 910. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor improvement projects at various colleges (92-5-200)**

Reappropriation:

St Bldg Constr Acct \$ 9,092,760

Prior Biennia (Expenditures) \$ 7,837,239

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999

**NEW SECTION. Sec. 911. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for new college (92-5-701)**

Reappropriation:

St Bldg Constr Acct \$ 35,130

Prior Biennia (Expenditures) \$ 264,870

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 912. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To provide equipment for L.H. Bates Technical College (93-2-001)

Reappropriation:

St Bldg Constr Acct \$ 108,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 108,000

NEW SECTION. Sec. 913. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make roof repairs at Clover Park (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 174,355

Prior Biennia (Expenditures) \$ 14,644

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999

NEW SECTION. Sec. 914. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make electrical repairs at Olympic (93-2-003)

Reappropriation:

St Bldg Constr Acct \$ 3,347

Prior Biennia (Expenditures) \$ 96,652

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,999

NEW SECTION. Sec. 915. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair heating system at Columbia Basin (93-2-004)

Reappropriation:

St Bldg Constr Acct \$ 29,117

Prior Biennia (Expenditures) \$ 252,483

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 281,600

NEW SECTION. Sec. 916. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To conduct Seattle Vocational Institute study at District 6 (93-5-001)

Reappropriation:

St Bldg Constr Acct \$ 72,617

Prior Biennia (Expenditures) \$ 27,383

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 917. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Washington Higher Education telecommunications system (93-5-002)

Reappropriation:

St Bldg Constr Acct \$ 241,422

Prior Biennia (Expenditures) \$ 8,578
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 918. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs: For small repairs and improvements; roof repairs; heating, ventilation, and air conditioning system repairs; mechanical repairs; electrical repairs; exterior repairs; interior repairs; site improvement repairs, and other repairs at various colleges.

Appropriation:

St Bldg Constr Acct \$ 37,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 46,000,000

TOTAL \$ 83,000,000

NEW SECTION. Sec. 919. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To provide funding for removal or replacement of underground storage tanks (94-1-370)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 202,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000

NEW SECTION. Sec. 920. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To provide funds for asbestos abatement (94-1-390)

Appropriation:

St Bldg Constr Acct \$ 451,327

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327

NEW SECTION. Sec. 921. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To provide funding for facility upgrades at Seattle Vocational Institute, including acquisition of property for parking (94-1-733)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 7,583,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000

NEW SECTION. Sec. 922. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To provide funding for minor project enhancements (94-2-400)

Appropriation:

St Bldg Constr Acct \$ 11,478,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 83,740,000

TOTAL \$ 95,218,000

NEW SECTION. Sec. 923. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor work projects (94-2-500)

Appropriation:

St Bldg Constr Acct \$ 629,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000

NEW SECTION. Sec. 924. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for Puyallup Campus phase II at Pierce College (94-2-601)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,650

Appropriation:

St Bldg Constr Acct \$ 969,920

Prior Biennia (Expenditures) \$ 55,350

Future Biennia (Projected Costs) \$ 11,742,847

TOTAL \$ 12,769,767

NEW SECTION. Sec. 925. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for vocational building at Skagit Valley (94-2-602)

Reappropriation:

St Bldg Constr Acct \$ 110

Appropriation:

St Bldg Constr Acct \$ 169,044

Prior Biennia (Expenditures) \$ 24,890

Future Biennia (Projected Costs) \$ 1,942,079

TOTAL \$ 2,136,123

NEW SECTION. Sec. 926. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for learning research center/arts/student center building at Whatcom (94-2-603)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 11,944

Appropriation:

St Bldg Constr Acct \$ 560,636

Prior Biennia (Expenditures) \$ 33,055

Future Biennia (Projected Costs) \$ 7,422,880

TOTAL \$ 8,028,515

NEW SECTION. Sec. 927. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for classroom and laboratory building at Edmonds (94-2-604)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 36,010

Appropriation:

St Bldg Constr Acct \$ 808,636

Prior Biennia (Expenditures) \$ 21,989

Future Biennia (Projected Costs) \$ 10,270,930

TOTAL \$ 11,137,565

NEW SECTION. Sec. 928. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for technical education facility at South Puget Sound (94-2-605)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,608

Appropriation:

St Bldg Constr Acct \$ 606,067

Prior Biennia (Expenditures) \$ 38,392

Future Biennia (Projected Costs) \$ 6,632,000

TOTAL \$ 7,280,067

NEW SECTION. Sec. 929. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for information technology center at Green River (94-2-606)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,124

Appropriation:

St Bldg Constr Acct \$ 1,335,729

Prior Biennia (Expenditures) \$ 54,876

Future Biennia (Projected Costs) \$ 14,608,996

TOTAL \$ 16,002,725

NEW SECTION. Sec. 930. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 931. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign major construction projects

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for predesign for the system's highest priority design and construction projects that will be included in the community and technical college system's 1995-97 capital budget request;

(2) The predesign documents shall be in accordance with the predesign manual published by the office of financial management; and

(3) Future appropriations for these predesigned projects are subject to submittal of completed predesign documents to the office of financial management by July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 932. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To purchase land for child care facilities at Green River College, Walla Walla College at Clarkston, and Centralia College

Appropriation:

St Bldg Constr Acct \$ 509,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000

NEW SECTION. Sec. 933. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To acquire parcels No. 3 and 4 of the Flett Dairy to be used as an outdoor environmental lab and education center for Clover Park Technical College

Appropriation:

St Bldg Constr Acct \$ 2,750,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,750,000

PART 6
MISCELLANEOUS

NEW SECTION. Sec. 1001. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$16,633,000 during the 1993-95 fiscal period; \$98,409,000 during the 1995-97 fiscal

period; \$139,820,000 during the 1997-99 fiscal period; \$139,730,000 during the 1999-2001 fiscal period; and \$139,647,500 during the 2001-03 fiscal period.

NEW SECTION. Sec. 1002. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When

securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies takes place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

(1) Department of social and health services:

(a) Lease-develop with option to purchase or lease-purchase a new West Seattle customer service office to combine staff currently housed in three locations for \$6,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility;

(b) Lease-develop the remodeling and expansion of the Mt. Vernon multiservice center for \$3,000,000;

(c) Enter into a long-term lease with option to purchase the existing facility used by the office of revenue collections in Olympia for \$11,000,000;

(d) Lease-develop with option to purchase or lease-purchase expanded office space for the office of revenue collections in Olympia for \$11,000,000;

(e) Lease-develop with option to purchase or lease-purchase space for consolidation of Thurston county service delivery programs for \$13,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility. The department shall follow the established office of financial management predesign process and receive approval from the office of financial management before initiating design of the project; and

(f) Lease-develop with option to purchase or lease-purchase space for consolidation of department programs in south Grays Harbor county for \$1,800,000. The department shall consider collocation with other state agencies in this facility.

(2) Department of ecology: Lease-purchase the eastern regional office facility currently leased by the department for \$2,300,000.

(3) Department of general administration:

(a) Lease-purchase and upgrade an existing building, and purchase adjacent property and develop a new building in Yakima for a state government service center for \$24,800,000;

(b) Lease-purchase the 9th and Columbia, 13th and Jefferson, and Capital Plaza buildings in Olympia for \$11,100,000. The department shall prepare an engineering evaluation, cost-benefit study, and life-cycle cost analysis reviewing the maintenance, utility, and future renovation costs for each building. The authority to acquire the buildings is contingent on approval of these studies by the office of financial management; and

(c) Refinance and upgrade the 600 Franklin street building in Olympia for \$527,000.

(4) Department of corrections:

(a) Lease-purchase property from the department of natural resources at the Cedar Creek, Indian Ridge, Larch, and Olympic correctional centers for \$1,000,000;

(b) Lease-develop with option to purchase or lease-purchase 296 work release beds in facilities located throughout the state for \$9,898,758.

(5) Western Washington University: Lease-purchase property adjacent to the campus for future expansion for \$5,000,000.

(6) Community and technical colleges:

(a) Lease-develop or lease-purchase off-campus program space for Clark College for \$6,000,000;

(b) Enter into a long-term lease for Green River Community College off-campus programs for approximately \$143,700 during the 1993-95 biennium;

(c) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(d) Lease-purchase a facility to provide instructional, meeting, and office space for Skagit Valley Community College on San Juan Island for \$600,000;

(e) Lease-purchase property on Whidbey Island for program space for Skagit Valley Community College for \$252,000;

(f) Lease-develop or lease-purchase space for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$250,000;

(g) Lease-purchase 6 acres of property contiguous to Wenatchee Valley College for \$265,000;

(h) Lease-develop with option to purchase or lease-purchase expanded classroom space for Yakima Valley College in Ellensburg for \$625,000;

(i) Lease-develop or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000; and

(j) Lease-purchase 55 acres adjacent to Green River Community College for \$200,000.

NEW SECTION. Sec. 1003. STUDY OF POTENTIAL FUTURE LONG-TERM LEASES, LEASE-PURCHASES, AND LEASE-DEVELOPMENTS. The department of general administration and the office of the state treasurer shall provide technical assistance to the community and technical colleges in analyzing the feasibility of entering into long-term lease, lease-purchase, or lease-development agreements in future biennia for the following projects. This section does not imply a future legislative commitment to develop these projects.

(1) Acquisition of a building currently leased for instruction and administration purposes at Edmonds Community College;

(2) Acquisition of land and two buildings, known as the South Annex, at Seattle Central Community College;

(3) Acquisition of approximately 1.72 acres of land and 108,721 square feet of buildings, known as the United Graphics property, at Seattle Central Community College;

(4) Long-term lease of aviation maintenance facilities at Boeing Field for South Seattle Community College;

(5) Acquisition of approximately 11 acres of trust land adjacent to the Duwamish Branch of South Seattle Community College;

(6) Acquisition of property for future expansion adjacent to Skagit Valley College;

(7) Acquisition or development of approximately 3,600 square feet of instructional space in Sunnyside for Yakima Valley Community College;

(8) Acquisition of approximately 12,000 square feet of space in Colville for training and retraining programs for the community colleges of Spokane;

(9) Acquisition of approximately 6.66 acres adjacent to South Puget Sound Community College;

(10) Acquisition of two dormitories on approximately 2.5 acres adjacent to Wenatchee Valley College; and

(11) Lease-development or acquisition of approximately 50,000 square feet of instruction space and up to 10 acres of land at the Tacoma Narrows Airport for Clover Park Technical College.

NEW SECTION. Sec. 1004. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies. A coordinated capital plan shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by September 15, 1993, for projects included in the 1993-95 capital budget. A coordinated evaluation policy and criteria for service improvement shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by June 30, 1994.

NEW SECTION. Sec. 1005. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the superintendent of public instruction and representatives of school district boards of directors.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the state agency. For department of corrections construction projects, the Washington state arts commission shall give priority to selecting works of art produced by inmates.

(4) At least 85% of the moneys spent by the Washington state arts commission during the 1993-95 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 1006. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 1007. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1993, in the 1991-93 biennial appropriations for each project.

NEW SECTION. Sec. 1008. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 1009. As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease-development and lease-purchase projects to the office of financial management.

NEW SECTION. Sec. 1010. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 1011. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

NEW SECTION. Sec. 1012. Notwithstanding any other provisions of law, for the 1993-95 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 1013. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 1014. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 1015. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

The office of financial management shall provide to the house of representatives capital budget committee and the senate ways and means committee a list of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management.

NEW SECTION. Sec. 1016. (1) Agencies shall expedite the expenditure of reappropriations and appropriations in order to: (a) Rehabilitate infrastructure in a timely manner and prevent further deterioration of public facilities and resources; (b)

accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(2) In order to meet the goals of this section, the following conditions apply to appropriations which reference this section:

(a) To the extent feasible, agencies are directed to manage accelerated expenditure rates at the current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(b) Reappropriations which reference this subsection (2)(b) shall lapse on June 30, 1994. In developing the 1995-97 capital budget, the office of financial management shall consider all project requests which have been an element of an appropriation which references this section as a request for a new appropriation.

(3) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 1995:

(a) A listing of reappropriations in the governor's 1995-97 capital budget recommendation that have been reappropriated one or more times and have ten percent or more of the original appropriation unexpended; and

(b) An explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 1017. The higher education coordinating board shall develop and maintain an inventory system to account for all space in the state's higher education system. The institutions of higher education shall provide to the higher education coordinating board a complete inventory of space in the form determined by the higher education coordinating board.

NEW SECTION. Sec. 1018. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute Senate Bill No. 5940 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 1019. \$1,200,000 of the state and local improvement revolving account--waste disposal facilities and \$6,300,000 of the state and local improvement revolving account--waste disposal facilities 1980 are transferred to the water quality account, and shall be used for extended grant payments for public waste disposal facilities that discharge directly into marine waters. The funds shall be subject to the conditions and limitations set forth in section 408 of this act.

NEW SECTION. Sec. 1020. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 1021. As of the effective date of this act, each state agency is prohibited from using any state funds, regardless of the source, for the construction, remodel, repair, maintenance, or equipping of any recreational facilities such as gymnasiums, weight rooms, exercise rooms, swimming pools, spas, saunas, basketball courts, running tracks, or any similar type facilities, unless a specific detailed request is made in a funding request to the legislature and is specifically and expressly granted in a legislative appropriation that clearly describes and limits the authorized use.

NEW SECTION. Sec. 1022. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1023. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5717 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5717 and the House amendment thereto: Senators Snyder, Bluechel and Quigley.

MOTION

On motion of Senator Gaspard, the Conference Committee appointments were confirmed.

MOTION

At 1:45 p.m., on motion of Senator Gaspard, the Senate adjourned until 10:00 a.m., Monday, May 3, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, FIRST SPECIAL SESSION, APRIL 30, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 3, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Shana Kibby and Megan Drygas, presented the Colors. Reverend Terry L. Kaiser, pastor of the Faith Assembly of Lacey, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

April 30, 1993

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 30, 1993, Governor Lowry approved the following Senate Bills entitled:

Senate Bill No. 5060

Relating to indeterminate sentencing.

Second Substitute Senate Bill No. 5288

Relating to the solid waste collection tax.

Senate Bill No. 5455

Relating to correcting the codification of a section relating to chemical dependency treatment.

Substitute Senate Bill No. 5479

Relating to the Washington state children's day.

Senate Bill No. 5494

Relating to at-risk juvenile sex offenders.

Substitute Senate Bill No. 5520

Relating to the controlled substances definitions, standards, and schedules.

Substitute Senate Bill No. 5556

Relating to state schools for the blind, deaf, and sensory impaired.

Substitute Senate Bill No. 5612

Relating to the membership of the transportation improvement board.

Engrossed Senate Bill No. 5694

Relating to the driving with an instruction permit.

Substitute Senate Bill No. 5727

Relating to health services provided by school districts.

Substitute Senate Bill No. 5878

Relating to tenure.

Sincerely,
Ed Fleisher, Legal Counsel to the Governor

MESSAGES FROM THE HOUSE

April 30, 1993

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1969, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 30, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5717. The Speaker has appointed the following members as conferees: Representatives Wang, Ogden, and Sehlin.

ALAN THOMPSON, Chief Clerk

April 30, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on REENGROSSED SUBSTITUTE SENATE BILL NO. 5967. The Speaker has appointed the following members as conferees: Representatives G. Fisher, Sommers and Foreman.

ALAN THOMPSON, Chief Clerk

April 30, 1993

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5968. The Speaker has appointed the following members as conferees: Representatives Locke, Ebersole and Silver.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 1969 by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl)

Creating the "Washington serves" voluntary service program.

MOTION

On motion of Senator Jesernig, Substitute House Bill No. 1969 was held on the desk.

MOTION

At 10:06 a.m., on motion of Senator Jesernig, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:32 p.m.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5925.

MOTION

At 1:33 p.m., on motion of Senator Jesernig, the Senate recessed until 3:00 p.m.

The Senate was called to order at 3:04 p.m. by President Pritchard.

MOTION

At 3:04 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Tuesday, May 4, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, FIRST SPECIAL SESSION, MAY 3, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 4, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Rindi Kibby and Robyn Williams, presented the Colors. Reverend Terry L. Kaiser, pastor of the Faith Assembly of Lacey, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OLYMPIA, WASHINGTON 98504-0095

April 30, 1993

The Honorable Marty Brown
Secretary of Senate
306 Legislative Building
Olympia, Washington 98504

RE: Report of State-wide Expansion of HOMEBUILDERS Family Preservation Services

Dear Secretary Brown:

This report addresses the feasibility of expanding the HOMEBUILDERS model of Family Preservation Services (FPS) statewide, as one strategy to safely provide alternatives to foster care services. It was prepared by the Division of Children and Family Services (DCFS) in compliance with Chapter 214, Laws of 1992.

The proposal to expand this specific service model is an integral part of the Division's resolution to:

- * Create a service system which can flexibly respond to the critical needs of children and families so that child protection, family preservation and permanency planning are more effectively achieved, and
- * Manage the utilization of foster care and other child welfare services to maximize the cost-effectiveness of interventions, consistent with the Division's mandate to promote child safety and strengthen families.

The needs of families call for a broad range of prevention, early intervention, family support and treatment services. The Division is committed to the creation of a system of care which can offer flexible services based on individual family need. The plan to expand the HOMEBUILDERS model of FPS represents one part of the Division's strategy to improve the overall system of care for children and families.

Our history with the out-of home placement of children shows that appropriate and truly effective service delivery requires a full capacity system; with a carefully interwoven array of services, from the least restrictive setting (in the home of the child) through institutional services.

The "non-supplantation" clause in Chapter 214 (Section 11) will allow the Division to expand the HOMEBUILDERS model of FPS without additional state revenue. Offering children and families greater access to other critically needed services, in the future, may depend on a similar ability to augment state funds with federal revenue.

If you have questions about the report, or would like additional information about Family Preservation Services, please contact Lee Doran, DCFS Program Manager, at (206) 586-2655.

Sincerely,
LIZ DALTON, Office Chief
Program and Policy
Division of Children and Family Services

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

May 3, 1993

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2129, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 3, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2129 by Representatives Mastin, Finkbeiner, Locke, Patterson, Linville, Foreman, Forner and J. Kohl

Allowing state agencies to make purchases based on the lowest cost.

MOTION

On motion of Senator Jesernig, House Bill No. 2129 was held on the desk.

MOTION

At 10:07 a.m., on motion of Senator Jesernig, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:06 p.m. by President Pritchard.

MOTION

At 1:06 p.m., on motion of Senator Gaspard, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:05 p.m. by President Pritchard.

MOTION

At 4:05 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 8:52 p.m. by President Pritchard.

MOTION

At 8:52 p.m., on motion of Senator Jesernig, the Senate adjourned until 10:00 a.m., Wednesday, May 5, 1993.

MARTY BROWN, Secretary of the Senate

JOEL PRITCHARD, President of the Senate

JOURNAL OF THE SENATE

NINTH DAY, FIRST SPECIAL SESSION, MAY 4, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 5, 1993

The Senate was called to order at 10:00 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Joy Tyler and Brendan Heath, presented the Colors. Reverend Terry L. Kaiser, pastor of the Faith Assembly of Lacey, offered the prayer.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

May 4, 1993

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2114, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 4, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5989, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5989.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2114 by Representative G. Fisher (by request of Office of Financial Management)

Crediting earnings on balances of certain treasury accounts.

MOTION

On motion of Senator Jesernig, Engrossed House Bill No. 2114 was held on the desk.

MOTION

At 10:07 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 3:05 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Moore, the following resolution was adopted:

SENATE RESOLUTION 1993-8653

WHEREAS, Former Senator Lady Willie Forbus, died Tuesday, April 27, 1993, in Seattle at her Magnolia home at the age of 100; and

WHEREAS, Senator Forbus was the sixth woman elected to the Washington State Senate, winning her seat in 1942, representing King County and the 44th Legislative District; and

WHEREAS, Lady Willie graduated from the University of Michigan Law School in 1918, thereafter moving to Washington for more opportunities; passed the Washington Bar exam in 1919; was the only woman lawyer in Seattle until 1929 and continued to practice on a limited basis until 1991; and

WHEREAS, Senator Forbus was the first and thus far only female selected as chair of the Senate Judiciary Committee and was the author of legislation removing the word "illegitimate" from birth certificates; and

WHEREAS, Ms. Forbus was very active in community affairs serving as President of the Florence Crittendon Home for Unmarried Mothers, the Magnolia Community Club and the Financial District Women's Business Club; serving on the Boards of Friends of Discovery Park and the ACLU of Washington; and establishing the Lady Willie Forbus Student Scholarship Fund at the University of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the life and achievements of a true pioneer, Senator Lady Willie Forbus; and

BE IT FURTHER RESOLVED, That the Senate sends its condolences to the family and friends of Senator Lady Willie Forbus, and requests that copies of this resolution be immediately transmitted to her family.

MOTION

On motion of Senator Jesernig, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Jesernig, the Committee on Rules was relieved of further consideration of Substitute Senate Bill No. 5753.

On motion of Senator Jesernig, Substitute Senate Bill No. 5753 was placed on the third reading calendar.

MOTION

On motion of Senator Jesernig, the rules were suspended and the following bills which were held on the desk after being introduced, were advanced to second reading and placed on the second reading calendar: House Bill No. 2129, Substitute House Bill No. 1969 and Engrossed House Bill No. 2114.

MOTION

On motion of Senator Oke, Senators Newhouse and McCaslin were excused.

MOTION

On motion of Senator Jesernig, the Senate reverted to the sixth order of business.

STATEMENT FOR THE JOURNAL

Due to attending the funeral of a fellow elected official and friend today, in my legislative district, I was unable to vote on Engrossed Second Substitute Senate Bill No. 5781, Substitute House Bill No. 1969, House Bill No. 2129 and Substitute Senate Bill No. 5753.

Had I been able to be here, I would have voted 'yes' on all.

SENATOR DEAN SUTHERLAND, 17th District

STATEMENT FOR THE JOURNAL

Due to a meeting with the Governor's staff, I missed the votes on Engrossed Second Substitute Senate Bill No. 5781, Substitute House Bill No. 1969 and House Bill No. 2129. I would have voted 'aye' on each measure.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5781, by Committee on Ways and Means (originally sponsored by Senators Jesernig, Bauer, Moyer, Pelz, Bluechel, Spanel, Hargrove, Drew, von Reichbauer, Snyder, Sheldon, Loveland, McDonald, Erwin, M.

Rasmussen, Barr, Prentice, Sutherland, McAuliffe, West, Oke, Amondson, Haugen, Franklin, Sellar, Hochstatter, Fraser, Deccio, A. Smith and Winsley)

Improving access to public institutions of higher education.

The bill was read the second time.

MOTIONS

On motion of Senator Jesernig, the following amendment by Senators Jesernig and Bauer was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the proportion of the state budget dedicated to postsecondary educational programs has decreased for two decades. At the same time, major technological, economic, and demographic changes have exacerbated the need for improved training and education to maintain a high-quality, competitive work force, and a well-educated populace to meet the challenges of the twenty-first century. Therefore, the legislature finds that there is increasing need for postsecondary educational opportunities for citizens of the state of Washington.

The legislature declares that the policy of the state of Washington shall be to improve the access to, and the quality of, this state's postsecondary educational system. The budgetary policy of the state of Washington shall be to provide a level of protection and commitment to the state's postsecondary educational system commensurate with the responsibility of this state to the educational and professional improvement of its citizens and work force.

NEW SECTION. Sec. 2. It is the policy of the state of Washington that the essential requirements level budget calculation for institutions of higher education include enrollment levels necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The participation rate shall be based on the state's estimated population ages seventeen and above by appropriate age groups.

NEW SECTION. Sec. 3. It is the policy of the state of Washington that, for new enrollments provided under section 2 of this act, the essential requirements level budget calculation for those enrollments shall, each biennium, at a minimum, include a funding level per full-time equivalent student that is equal to the rate assumed in the omnibus appropriations act for the last fiscal year of the previous biennium for the instructional, primary support, and library programs, plus an inflation factor. The inflation factor should be equivalent to the inflation factor used to calculate basic education in the common school system budget request submitted by the governor.

NEW SECTION. Sec. 4. It is the policy of the state of Washington that the essential requirements level budget calculation for state institutions of higher education include a funding level per full-time equivalent student that is, each biennium, at a minimum, equal to the general fund--state and tuition fund rate per student assumed in the omnibus appropriations act for the last fiscal year of the previous biennium for the state-funded programs, minus one-time expenditures and plus an inflation factor. The inflation factor should be equivalent to the inflation factor used to calculate basic education in the common school system budget request submitted by the governor.

NEW SECTION. Sec. 5. It is the policy of the state of Washington that higher education enrollments be increased in increments each biennium in order to achieve, by the year 2010, the goals, by educational sector, adopted by the higher education coordinating board in its enrollment plan entitled "Design for the 21st Century: Expanding Higher Education Opportunities in Washington," or subsequent revisions adopted by the board.

Per student costs for additional students to achieve this policy shall be at the same rate per student as enrollments mandated in section 2 of this act.

For each public college and university, and for the community and technical college system, budget documents generated by the governor and the legislature in the development and consideration of the biennial omnibus appropriations act shall display an enrollment target level. The enrollment target level is the biennial state-funded enrollment increase necessary to fulfill the state policy set forth in this section. The budget documents shall compare the enrollment target level with the state-funded enrollment increases contained in the biennial budget proposals of the governor and each house of the legislature. The information required by this section shall be set forth in the budget documents so that enrollment and cost information concerning the number of students and additional funds needed to reach the enrollment goals are prominently displayed and easily understood.

For the governor's budget request, the information required by this section shall be made available in the document entitled "Operating Budget Supporting Data" or its successor document.

NEW SECTION. Sec. 6. The participation rate used to calculate enrollment levels under sections 2 and 5 of this act shall be based on fall enrollment reported in the higher education enrollment report as maintained by the office of financial management, fall enrollment as reported in the management information system of the state board for community and technical colleges, and the corresponding fall population forecast by the office of financial management. Formal estimates of the state participation rates and enrollment levels necessary to fulfill the requirements of sections 2 and 5 of this act shall be determined by the office of financial management as part of its responsibility to develop and maintain student enrollment forecasts for colleges and universities under RCW 43.62.050. Formal estimates of the state participation rates and enrollment levels required by this section shall be based on procedures and standards established by a technical work group consisting of staff from the higher education coordinating board, the public four-year institutions of higher education, the state board for community and technical colleges, the fiscal and higher education committees of the house of representatives and the senate, and the office of financial management. Formal estimates of the state participation rates and enrollment levels required by this section shall be submitted to the fiscal committees of the house of representatives and senate on or before November 15th of each even-numbered year. The higher education coordinating board shall periodically review the enrollment goals set forth in sections 2 and 5 of this act and submit recommendations concerning modification of these goals to the governor and to the higher education committees of the house of representatives and the senate.

NEW SECTION. Sec. 7. It is the policy of the state of Washington that financial need not be a barrier to participation in higher education. It is also the policy of the state of Washington that the essential requirements level budget calculation include funding for state student financial aid programs. The calculation should, at a minimum, include a funding level equal to the amount provided in the second year of the previous biennium in the omnibus appropriations act, adjusted for the percentage of needy

resident students, by educational sector, likely to be included in any enrollment increases necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The calculation should also be adjusted to reflect, by educational sector, any increases in cost of attendance. The cost of attendance figures should be calculated by the higher education coordinating board and provided to the office of financial management and appropriate legislative committees by June 30th of each even-numbered year.

Sec. 8. RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

~~(2)((a))~~ The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary ~~((by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act))~~. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

~~((b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.~~

~~(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.~~

~~(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.)~~

(3) The state board for community and technical colleges ~~((education))~~ shall ensure compliance with this section.

NEW SECTION. Sec. 9. Sections 2 through 7 of this act are each added to chapter 28B.10 RCW.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On motion of Senator Jesernig, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.515; adding new sections to chapter 28B.10 RCW; creating a new section; providing an effective date; and declaring an emergency.

MOTION

On motion of Senator Jesernig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Spanel, Senators Niemi, Rinehart and Sutherland were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5781.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5781 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 2; Absent, 4; Excused, 5.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Vognild, von Reichbauer, West, Williams and Winsley - 38.

Voting nay: Senators Quigley and Wojahn - 2.

Absent: Senators Franklin, Loveland, Smith, L. and Talmadge - 4.

Excused: Senators McCaslin, Newhouse, Niemi, Rinehart and Sutherland - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Oke, Senator Linda Smith was excused.
On motion of Senator Spanel, Senators Loveland and Talmadge were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1969, by House Committee on Trade, Economic Development and Housing (originally sponsored by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl)

Creating the "Washington serves" voluntary service program.

The bill was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, Substitute House Bill No. 1969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1969.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1969 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 8; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Owen, Pelz, Prentice, Prince, Rasmussen, M., Roach, Sellar, Sheldon, Smith, A., Snyder, Vognild, von Reichbauer, West, Winsley and Wojahn - 33.

Voting nay: Senators Anderson, Hargrove, Haugen, Oke, Quigley, Skratek, Spanel and Williams - 8.

Excused: Senators Loveland, McCaslin, Newhouse, Niemi, Rinehart, Smith, L., Sutherland and Talmadge - 8.

SUBSTITUTE HOUSE BILL NO. 1969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2129, by Representatives Mastin, Finkbeiner, Locke, Patterson, Linville, Foreman, Forner and J. Kohl

Allowing state agencies to make purchases based on the lowest cost.

The bill was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, House Bill No. 2129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fraser: "Senator Spanel, is the language in Section 2 of the bill intended to overturn or modify the ruling of the Supreme Court in the Washington Federation of State Employees versus Spokane Community College case?"

Senator Spanel: "No, the language is not intended to affect that decision or any other civil service employee rights."

POINT OF INQUIRY

Senator Cantu: "Senator Jesernig, I have a question on the summary in our calendar. Things are moving rather quickly and it is hard to look at this. I am looking on page 2, the second paragraph on the right hand side--second from the bottom. It says, 'The department if directed to develop a standard notification form for use by the agencies.' It sounds like the agencies are supposed to notify the Department of General Administration when they buy items and I'm wondering if we are going to get into a real horrendous paper mill where every time they go buy a single item, they have to fill out a form and then process a form to notify the agency.

"One of the things that the Efficiency Commission looked at is the cost of a piece of paper on a request for procurement and we found out that it is very close to fifty dollars. So, if we are not careful, I am afraid that this form--I guess my question, Senator Jesernig, I'm sorry, is whether or not this would have to be done for each and every single item that they buy?"

Senator Jesernig: "Well, thank you, Senator Cantu. As I read it here, it would simply require the notification so that the Department of General Administration would be able to better warehouse what it thinks it needs to have. I don't think the intent, as I understand it, is to require every pencil to have a piece of paper for it, but I think any purchases that are

significant, the GA is going to have to know about it, so they are not stocking those items. That was the intent as I understood it of the notification requirement. It was simply to make sure that GA doesn't buy a bunch of paper or pencils, because they think orders are going to come in."

Senator Cantu: "O.K., you can see my concern and that is if an agency--say I want to go buy a half dozen pencils that they then have to fill out a form, send it to GA and say I bought a half dozen pencils. We're going to get into that paper mill and I'm sorry for not giving you the advance notice, but I just now had a chance to look at it."

Senator Jesernig: "Senator Cantu, if that occurs, I will co-sponsor the bill with you to make sure that it doesn't. Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2129.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2129 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yeas: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 42.

Excused: Senators Loveland, McCaslin, Newhouse, Niemi, Smith, L., Sutherland and Talmadge - 7.

HOUSE BILL NO. 2129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5753, by Committee on Ways and Means (originally sponsored by Senators Snyder and L. Smith)

Creating a new judgeship for Cowlitz County.

The bill was read the third time.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5753.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5753 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yeas: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, McAuliffe, McDonald, Moore, Moyer, Nelson, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 43.

Excused: Senators Loveland, McCaslin, Newhouse, Niemi, Smith, L. and Sutherland - 6.

SUBSTITUTE SENATE BILL NO. 5753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2123, by Representatives Jacobsen, Quall and Brumsickle (by request of Office of Financial Management)

Allowing insurance benefits for graduate service appointments.

The bill was read the second time.

MOTIONS

Senator Jesernig moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.660 and 1979 ex.s. c 88 s 1 are each amended to read as follows:

(1) The ~~((regents or trustees))~~ governing boards of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. Except as provided in subsection (2) of this section, the premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

(2) A governing board of a public four-year institution of higher education may make available, and pay the costs of, health benefits for graduate students holding graduate service appointments, designated as such by the institution. Such health benefits may provide coverage for spouses and dependents of such graduate student appointees."

Senator Prince moved that the following amendment to the amendment be adopted:

On page 1, line 22, after "education" strike "may" and insert "shall"

Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Jesernig, is there anything in the budget or anything in statute that would prevent a Board of Regents from taking the money we provide in the budget for this purpose and spending it on some other purpose? Is there anything restricting them in the expenditure of these funds requiring that it go for this purpose?"

Senator Jesernig: "Thank you, Senator West. I think the Budget Accounting Act will make sure that they spend it for what it's meant to be spent on and I think that not only the Board of Regents, but the Presidents of the institutions would have a very hard time in the Legislature if they, in fact, took this money and spent it on something other than what we appropriated it directly for."

Senator West: "I'm glad that is stated in that fashion, so it is on the record to show some legislative intent. The problem is every year we pass a budget, giving money to agencies, giving them direction in that budget and every year when they need money for something else, they rob it from this section and put it over there. They come back and they say, 'Now, we don't have enough to do what you originally gave us the money to do, so we need more money.'

"I think without passing Senator Prince's amendment making this mandatory on the Regents, making this mandatory on the schools and the administration of schools, you run the real risk of this money not getting to where it is intended and you run the real risk of putting out there a false promise--a false hope for people that were actually putting these benefits in law, actually giving them these benefits. This is simply a 'may,' it is not a 'shall.' I think we should go the 'shall' route if that is actually our intention. We should not leave this to any question, so I would encourage you to vote for Senator Prince's amendment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prince on page 1, line 22, to the striking amendment by Senator Jesernig to Engrossed House Bill No. 2123.

The motion by Senator Prince failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Jesernig to Engrossed House Bill No. 2123.

The motion by Senator Jesernig carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Jesernig, the following title amendment was adopted:

On page 1, line 1 of the title, after "appointments;" strike the remainder of the title and insert "and amending RCW 28B.10.660."

MOTION

On motion of Senator Jesernig, the rules were suspended, Engrossed House Bill No. 2123, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2123, as amended by the Senate.2

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2123, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Bluechel, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 37.
Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Hochstatter, Oke and Sellar - 8.
Excused: Senators McCaslin, Newhouse, Niemi and Smith, L. - 4.
ENGROSSED HOUSE BILL NO. 2123, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5983, by Senators M. Rasmussen and Loveland (by request of Department of Agriculture)

Altering fees related to agriculture.

MOTIONS

On motion of Senator Rinehart, the rules were suspended and Engrossed Senate Bill No. 5983 was returned to second reading and read the second time.

On motion of Senator Rinehart, the following amendments by Senators Rasmussen and Barr were considered simultaneously and were adopted:

On page 3, after line 33, strike all of sections 3 through 7
Renummer the remaining sections consecutively and correct any internal references accordingly.
On page 6, after line 13, strike all of sections 9 through 21
Renummer the remaining sections consecutively and correct any internal references accordingly.
On page 17, after line 25, strike all of sections 31 and 32
Correct any internal references accordingly.

MOTIONS

On motion of Senator Rinehart, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "fees;" insert "and"
On page 1, beginning on line 2 of the title, after "15.58.415," strike all material through "16.65.090," on line 4
On page 1, beginning on line 5 of the title, after "69.25.250" strike all material through "15.54.320" on line 6

On motion of Senator Rinehart, the rules were suspended, Reengrossed Senate Bill No. 5983, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 5983, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 5983, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, Loveland, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, von Reichbauer, West and Winsley - 19.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

REENGROSSED SENATE BILL NO. 5983, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

Changing higher education tuition provisions.

MOTIONS

On motion of Senator Rinehart, the rules were suspended and Engrossed Substitute Senate Bill No. 5982 was returned to second reading and read the second time.

Senator Rinehart moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.265 and 1992 c 231 s 2 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition, operating, and services and activities fees for children of any person who was a Washington domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, if the children meet such other educational qualifications as such institution of higher education shall deem reasonable and necessary under the circumstances. Applicants for free or reduced tuition shall provide institutional administrative personnel with documentation of their rights under this section.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 2. RCW 28B.10.800 and 1969 ex.s. c 222 s 7 are each amended to read as follows:

The sole purpose of RCW 28B.10.800 through 28B.10.824 is to establish a state of Washington student financial aid program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in RCW 28B.10.802(1). Financial aid under RCW 28B.10.800 through 28B.10.824 is available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

Sec. 3. RCW 28B.12.060 and 1987 c 330 s 202 are each amended to read as follows:

The higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules and regulations shall include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW ~~((28B.15.011 through 28B.15.014))~~ 28B.15.012 and 28B.15.013 except resident students defined in RCW 28B.15.012(2)(e).

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 4. RCW 28B.15.012 and 1987 c 137 s 1 and 1987 c 96 s 1 are each reenacted and amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; ~~((or))~~ (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or (e) a student who is the spouse or a dependent of a person who is on active military duty stationed in the state: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW ~~((28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended))~~ 28B.15.012 and 28B.15.013. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW ~~((28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended))~~ 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 5. RCW 28B.15.014 and 1992 c 231 s 3 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt the following nonresidents from paying all or a portion of the nonresident tuition fees differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington ~~((and the spouses and dependents of such military personnel))~~.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Domestic exchange students participating in the program created under RCW 28B.15.725.

(6) Any dependent of a member of the United States congress representing the state of Washington.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 6. RCW 28B.15.031 and 1987 c 15 s 2 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be ~~((transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund))~~ deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That two and one-half percent of ~~((moneys received as))~~ operating fees ~~((be exempt from such deposit and))~~ shall be retained by the institutions, except the technical colleges, for the purposes of RCW 28B.15.820(~~:- PROVIDED FURTHER, That money received by institutions of higher education from the periodic payment plan authorized by RCW 28B.15.411 shall be transmitted to the state treasurer within five days following the close of registration of the appropriate quarter or semester)~~). Local operating fee accounts shall not be subject to appropriation by the legislature or allotment procedures under chapter 43.88 RCW.

Sec. 7. RCW 28B.15.100 and 1992 c 231 s 6 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine. The total of all fees shall be rounded to the nearest whole dollar amount: PROVIDED, That such tuition fees for other than the summer term shall be in the amounts for the respective institutions as otherwise set forth in this chapter.

(2) Part time students shall be charged tuition and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That, subject to the limitations of RCW 28B.15.910, residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be exempted from payment of all or a portion of the nonresident tuition fees differential upon a declaration by the higher education coordinating board that it finds Washington residents from the community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the applicable established per credit hour tuition fee rate for part-time students: PROVIDED, That, subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the community colleges may exempt all or a portion of the additional charge, for students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine, or law, or who are registered exclusively in required courses in vocational preparatory programs.

~~((4) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 8. RCW 28B.15.202 and 1992 c 231 s 7 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the University of Washington and at Washington State University for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees ~~for the 1993-94 academic year shall be ((thirty-three))~~ thirty-six and three-tenths percent and thereafter total tuition fees shall be forty-one and one-tenth percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees ~~for the 1993-94 academic year shall be ((twenty-three))~~ twenty-five and two-tenths percent and thereafter total tuition fees shall be twenty-eight and four-tenths percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be

calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (2) of this section: PROVIDED, That the building fees for each academic year shall be three hundred and forty-two dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total tuition fees for the 1993-94 academic year shall be one hundred nine and three-tenths percent and thereafter total tuition fees shall be one hundred twenty-two and nine-tenths percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) For full time nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees for the 1993-94 academic year shall be sixty-five and six-tenths percent and thereafter total tuition fees shall be seventy-three and six-tenths percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (5) of this section: PROVIDED, That the building fees for each academic year shall be five hundred and fifty-five dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(7) The governing boards of the state universities shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. For the 1993-94 academic year, services and activities fees shall not exceed two hundred forty-three dollars per student. For the 1994-95 academic year, services and activities fees shall not exceed two hundred forty-nine dollars per student. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 9. RCW 28B.15.225 and 1992 c 231 s 8 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing board of the University of Washington may exempt the following students from the payment of all or a portion of the nonresident tuition fees differential: Students admitted to the university's school of medicine pursuant to contracts with the states of Alaska, Montana, or Idaho, or agencies thereof, providing for a program of regionalized medical education conducted by the school of medicine; or students admitted to the university's school of dentistry pursuant to contracts with the states of Utah, Idaho, or any other western state which does not have a school of dentistry, or agencies thereof, providing for a program of regionalized dental education conducted by the school of dentistry. The proportional cost of the program, in excess of resident student tuition and fees, will be reimbursed to the university by or on behalf of participating states or agencies. Subject to the limitations of RCW 28B.15.910, the governing board of Washington State University may exempt from payment all or a portion of the nonresident tuition ~~((fee[s]))~~ fees differential for any student admitted to the University of Washington's school of medicine and attending Washington State University as a participant in the Washington, Alaska, Montana, or Idaho program in this section. Washington State University may reduce the professional student tuition for students enrolled in this program by the amount the student pays the University of Washington as a registration fee.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 10. RCW 28B.15.380 and 1992 c 231 s 9 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College may exempt the following students from the payment of all or a portion of tuition fees and services and activities fees:

(1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration, the board may exempt the student from paying up to fifty percent of the nonresident tuition fees differential. Such exemptions may be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977.

(2) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state-supported college or university within ten years of their graduation from high school.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 11. RCW 28B.15.402 and 1992 c 231 s 10 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the regional universities and The Evergreen State College for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees for the 1993-94 academic year shall be ((twenty-five)) ~~twenty-seven and seven-tenths~~ percent ~~and thereafter total tuition fees shall be thirty-one and five-tenths percent~~ of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate students, the total tuition fees for the 1993-94 academic year shall be ((twenty-three)) ~~twenty-five and three-tenths~~ percent ~~and thereafter total tuition fees shall be twenty-eight and six-tenths percent~~ of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees for the 1993-94 academic year shall be one hundred ~~nine and four-tenths~~ percent ~~and thereafter total tuition fees shall be one hundred twenty-three percent~~ of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident graduate students, the total tuition fees for the 1993-94 academic year shall be ((seventy-five)) ~~eighty-two~~ percent ~~and thereafter total tuition fees shall be ninety-two percent~~ of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) The governing boards of each of the regional universities and The Evergreen State College shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. For the 1993-94 academic year, services and activities fees shall not exceed two hundred eight-four dollars per student. For the 1994-95 academic year, services and activities fees shall not exceed

two hundred ninety dollars per student. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 12. RCW 28B.15.502 and 1992 c 231 s 11 are each amended to read as follows:

Tuition fees and maximum services and activities fees at each community college for other than the summer term shall be set by the state board for community and technical colleges as follows:

(1) For full time resident students, the total tuition fees for the 1993-94 academic year shall be ~~((twenty-three))~~ twenty-five and four-tenths percent and thereafter total tuition fees shall be twenty-eight and eight-tenths percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time nonresident students, the total tuition fees for the 1993-94 academic year shall be one hundred nine and three-tenths percent and thereafter total tuition fees shall be one hundred twenty-two and seven-tenths percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) The governing boards of each of the state community colleges shall charge to and collect from each student a services and activities fee. Each governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident student tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. For the 1993-94 academic year, services and activities fees shall not exceed one hundred twenty-eight dollars per student. For the 1994-95 academic year, services and activities fees shall not exceed one hundred thirty-one dollars per student. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with subsection (3) of this section shall be set by the state board for community and technical colleges for summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

Subject to the limitations of RCW 28B.15.910, each governing board may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules and regulations of the state board for community and technical colleges.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 13. RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2)~~((a))~~ The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the ~~((operating budget))~~ omnibus state appropriations act, to vary ~~((by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act))~~. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

~~((b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.~~

~~((c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.~~

(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.)

(3) The state board for community and technical colleges (education) shall ensure compliance with this section.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 28B.15.824 and 1992 c 231 s 36;

(2) RCW 28B.35.361 and 1990 c 154 s 3, 1985 c 390 s 46, 1977 ex.s. c 322 s 12, & 1977 ex.s. c 169 s 59; and

(3) RCW 28B.40.361 and 1990 c 154 s 4, 1985 c 390 s 53, 1977 ex.s. c 322 s 11, 1977 ex.s. c 169 s 78, 1973 1st ex.s. c 191 s 3, 1971 ex.s. c 279 s 16, & 1969 ex.s. c 269 s 9.

NEW SECTION. Sec. 15. All moneys in the accounts established under RCW 28B.15.824 on the effective date of this section are hereby appropriated to the respective institutions of higher education for deposit in the institution's local account established under RCW 28B.15.031.

Sec. 16. RCW 28B.15.520 and 1992 c 231 s 12 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

~~((3) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 17. RCW 28B.15.522 and 1992 c 231 s 13 are each amended to read as follows:

(1) The governing boards of the community colleges may waive all or a portion of the tuition and services and activities fees for persons under subsection (2) of this section pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and new course sections shall not be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics which would affect budgetary determinations; and

(c) Persons who enroll under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisite requirements.

(2) A person is eligible for the waiver under subsection (1) of this section if the person:

(a) Meets the requirements for a resident student under RCW 28B.15.011 through 28B.15.015;

(b) Is twenty-one years of age or older;

(c) At the time of initial enrollment under subsection (1) of this section, has not attended an institution of higher education for the previous six months;

(d) Is not receiving or is not entitled to receive unemployment compensation of any nature under Title 50 RCW; and

(e) Has an income at or below the need standard established under chapter 74.04 RCW by the department of social and health services.

(3) The state board for community and technical colleges shall adopt rules to carry out this section.

~~((4) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 18. RCW 28B.15.527 and 1992 c 231 s 14 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may waive all or a portion of the nonresident tuition fees differential for undergraduate students of foreign nations as follows:

(1) Priority in the awarding of waivers shall be given to students on academic exchanges and students participating in special programs recognized through formal agreements between states, cities, or institutions;

(2) The waiver programs under this section shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of foreign students granted waivers through this program shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period;

(3) No reciprocal placements shall be required for up to thirty students participating in the Georgetown University scholarship program funded by the United States agency for international development;

(4) Participation shall be limited to one hundred full-time foreign students each year.

~~((5) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 19. RCW 28B.15.543 and 1992 c 231 s 17 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 who received their awards before June 30, ~~((1992))~~ 1994. The governing boards may waive all or a portion of tuition and services and activities fees for those recipients of the Washington scholars award who received their awards after June 30, ~~((1992))~~ 1994. The waivers shall be used only for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible for waivers for a maximum of twelve quarters or eight semesters and may transfer among state-supported institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the state-supported institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 20. RCW 28B.15.545 and 1992 c 231 s 18 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and services and activities fees for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received their awards before June 30, ~~((1992))~~ 1994. The governing boards may waive all or a portion of tuition and services and activities fees for those recipients of the Washington award for vocational excellence who received their awards after June 30, ~~((1992))~~ 1994. Each recipient shall not receive a waiver for more than six quarters or four semesters. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award. A minimum grade point average at the college or university equivalent to 3.00, or an above-average rating at a technical college, shall be required in the first year to qualify for the second-year waiver. The tuition waiver shall be granted for undergraduate studies only.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 21. RCW 28B.15.556 and 1992 c 231 s 19 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College may waive all or a portion of the tuition, and services and activities fees for undergraduate or graduate students of foreign nations subject to the following limitations:

(1) No more than the equivalent of one hundred waivers may be awarded to undergraduate or graduate students of foreign nations at each of the two state universities;

(2) No more than the equivalent of twenty waivers may be awarded to undergraduate or graduate students of foreign nations at each of the regional universities and The Evergreen State College;

(3) Priority in the awarding of waivers shall be given to students on academic exchanges or academic special programs sponsored by recognized international educational organizations; and

(4) An undergraduate or graduate student of a foreign nation receiving a waiver under this section is not eligible for any other waiver.

The waiver programs under this section, to the greatest extent possible, shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of waivers awarded by each institution shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period.

~~((5) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 22. RCW 28B.15.600 and 1991 c 164 s 5 are each amended to read as follows:

The ~~((boards of regents))~~ governing boards of the ~~((state's))~~ state universities ~~((and the boards of trustees of))~~ the regional universities ~~((and))~~ The Evergreen State College, and the community colleges may refund or cancel in full the tuition and services and activities fees if the student withdraws from a university or college course or program prior to the sixth day of instruction of the quarter or semester for which ~~((said))~~ the fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, ~~((said))~~ the governing boards ~~((of regents and trustees))~~ may refund or cancel up to one-half of ~~((said))~~ the fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. However, if a different policy is required by federal law in order for the institution of higher education to maintain eligibility for federal funding of programs, the governing board may adopt a refund policy that meets the minimum requirements of the federal law, and the policy may treat all students attending the institution in the same manner.

The ~~((regents or trustees))~~ governing boards of the respective universities and colleges may adopt rules for the refund of tuition and fees for courses or programs that begin after the start of the regular quarter or semester. ~~((Said))~~ The governing boards ~~((of regents and trustees))~~ may adopt rules to comply with RCW 28B.15.623 and may extend the refund or cancellation period for students who withdraw for medical reasons or who are called into the military service of the United States(-

~~Said boards of regents and trustees))~~ and may refund other fees pursuant to such rules as they may prescribe.

Sec. 23. RCW 28B.15.615 and 1992 c 231 s 21 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the regional universities may exempt the following students from paying all or a portion of the resident operating fee: Students granted a graduate service appointment, designated as such by the institution, involving not less than twenty hours of work per week. The exemption shall be for the term of the appointment. The stipend paid to persons holding graduate student appointments from nonstate funds shall be reduced and the institution reimbursed from such funds in an amount equal to the resident operating fee which funds shall be transmitted to the general fund.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 24. RCW 28B.15.620 and 1992 c 231 s 22 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations from the payment of any increase in tuition and fees otherwise applicable to any other resident or nonresident student. In such cases, the veteran shall not be required to pay more than the total amount of tuition and fees paid by veterans of the Vietnam conflict on October 1, 1977: PROVIDED, That for the purposes of this exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975, and who qualify as a resident student under RCW 28B.15.012, and who enrolled in state institutions of higher education on or before May 7, 1990. This section shall expire June 30, 1995.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 25. RCW 28B.15.628 and 1992 c 231 s 23 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Persian Gulf combat zone from increases in tuition and fees that occur during and after their period of service. In such cases, the veteran shall not be required to pay more than the total amount of tuition and fees established for the 1990-91 academic year, if the veteran could have qualified as a Washington resident student under RCW 28B.15.012(2), had he or she been enrolled as a student on August 1, 1990, and if the veteran's adjusted gross family income as most recently reported to the internal revenue service does not exceed Washington state's median family income as established by the federal bureau of the census. For the purposes of this section, "a veteran of the Persian Gulf combat zone" means a person who during any portion of calendar year 1991, served in active federal service as a member of the armed military or naval forces of the United States in a combat zone as designated by the president of the United States by executive order.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 26. RCW 28B.15.725 and 1992 c 231 s 24 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College may enter into undergraduate upper division student exchange agreements with comparable public

four-year institutions of higher education of other states and agree to exempt participating undergraduate upper division students from payment of all or a portion of the nonresident tuition fees differential subject to the following restrictions:

(1) In any given academic year, the number of students receiving a waiver at a state institution shall not exceed the number of that institution's students receiving nonresident tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be off-set in the year immediately following.

(2) Undergraduate upper division student participation in an exchange program authorized by this section is limited to one academic year.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 27. RCW 28B.15.730 and 1992 c 231 s 25 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the state board for community and technical colleges and the governing boards of the state universities, the regional universities, the community colleges, and The Evergreen State College may waive all or a portion of the nonresident tuition fees differential for residents of Oregon, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of the state of Washington.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 28. RCW 28B.15.740 and 1992 c 231 s 26 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of tuition and fees subject to the following restrictions:

(1) Except as provided in subsection (2) of this section, the total dollar amount of tuition and fee waivers awarded by the governing boards shall not exceed four percent, except for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made, and deducting the portion of that total amount that is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 ~~((through 28B.15.015))~~ and 28B.15.013: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the governing boards, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(2) In addition to the tuition and fee waivers provided in subsection (1) of this section and subject to the provisions of RCW 28B.15.455 and 28B.15.460, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college under this chapter, not to exceed one percent, as calculated in subsection (1) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

~~((3) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 29. RCW 28B.15.750 and 1992 c 231 s 27 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges may waive all or a portion of the nonresident tuition fees differential for residents of Idaho, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 30. RCW 28B.15.756 and 1992 c 231 s 28 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges may waive all or a portion of the nonresident tuition fees differential for residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 31. RCW 28B.15.910 and 1992 c 231 s 33 are each amended to read as follows:

(1) Except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total ~~((net))~~ gross authorized operating fees revenue set forth below. As used in this section, "~~((net))~~ gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers~~((, minus obligations under RCW 28B.15.820))~~. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington 21 percent
- (b) Washington State University 20 percent
- (c) Eastern Washington University 11 percent
- (d) Central Washington University 8 percent
- (e) Western Washington University 10 percent
- (f) The Evergreen State College 6 percent
- (g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) Ungraded courses under RCW 28B.15.502(4);
- (g) RCW 28B.15.520;
- (h) RCW 28B.15.526;
- (i) RCW 28B.15.527;
- (j) RCW 28B.15.543;
- (k) RCW 28B.15.545;
- (l) RCW 28B.15.555;
- (m) RCW 28B.15.556;
- (n) RCW 28B.15.615;
- (o) RCW 28B.15.620;
- (p) RCW 28B.15.628;
- (q) RCW 28B.15.725;
- (r) RCW 28B.15.730;
- (s) RCW 28B.15.740;
- (t) RCW 28B.15.750;
- (u) RCW 28B.15.756;
- (v) RCW 28B.50.259;
- (w) RCW 28B.70.050; and
- (x) RCW 28B.80.580.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.535;

(c) RCW 28B.15.540; and

(d) RCW 28B.15.558.

Sec. 32. RCW 28B.50.259 and 1992 c 231 s 29 are each amended to read as follows:

(1) The state board for community and technical colleges shall administer a program designed to provide higher education opportunities to dislocated forest products workers and their unemployed spouses who are enrolled in a community or technical college for ten or more credit hours per quarter. In administering the program, the college board shall have the following powers and duties:

(a) With the assistance of an advisory committee, design a procedure for selecting dislocated forest products workers to participate in the program;

(b) Allocate funding to community and technical colleges attended by participants;

(c) Monitor the program and report on participants' progress and outcomes; and

(d) Report to the legislature by December 1, 1993, on the status of the program.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) Subject to the limitations of RCW 28B.15.910, the governing boards of the community and technical colleges may waive all or a portion of tuition and fees for program participants, for a maximum of six quarters within a two-year period.

(4) During any biennium, the number of full-time equivalent students to be served in this program shall be determined by the applicable omnibus appropriations act, and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

~~((5) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 33. RCW 28B.70.050 and 1992 c 231 s 30 are each amended to read as follows:

When said compact becomes operative the governing board of each institution of higher education in this state, to the extent necessary to conform with the terms of the contractual agreement, subject to the limitations of RCW 28B.15.910, may exempt from payment all or a portion of the nonresident tuition fees differential, any student admitted to such institution under the terms of a contractual agreement entered into with the commission in accord with the provisions of Article VIII(a) of the compact.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 34. RCW 28B.80.580 and 1992 c 231 s 31 are each amended to read as follows:

(1) The board shall contract with institutions of higher education to provide upper division classes to serve additional placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and which are not served by an existing state-funded upper division degree program. The number of full-time equivalent students served in this manner shall be determined by the applicable omnibus appropriations act. The board may direct that all the full-time equivalent enrollments be served in one of the eligible timber impact areas if it should determine that this would be the most viable manner of establishing the program and using available resources. The institutions shall utilize telecommunication technology, if available, to carry out the purposes of this section. Subject to the limitations of RCW 28B.15.910, the institutions providing the service may waive all or a portion of the tuition, ~~((and))~~ and service and activities fees for dislocated forest products workers or their unemployed spouses enrolled as one of the full-time equivalent students allocated to the college under this section.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) Subject to the limitations of RCW 28B.15.910, for any eligible participant, all or a portion of tuition may be waived for a maximum of four semesters or six quarters within a two-year time period. The participant must be enrolled for a minimum of ten credits per semester or quarter.

~~((Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.))~~

Sec. 35. RCW 28B.101.040 and 1990 c 288 s 6 are each amended to read as follows:

Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study. Resident students as defined in RCW 28B.15.012(2)(e) are not eligible for grants under this chapter.

Sec. 36. RCW 28B.102.020 and 1987 c 437 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.
- (2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.
- (3) "Board" means the higher education coordinating board.
- (4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 ((through 28B.15.015)) and 28B.15.013, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification. Resident students defined in RCW 28B.15.012(2)(e) are not eligible students under this chapter.
- (5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.
- (6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.
- (7) "Satisfied" means paid-in-full.
- (8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.
- (9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.

Sec. 37. RCW 82.04.170 and 1992 c 206 s 1 are each amended to read as follows:

"Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution. "Educational institution," as used in this section, means only those institutions created or generally accredited as such by the state and includes educational programs that such educational institution cosponsors with a nonprofit organization, as defined by the internal revenue code Sec. 501(c)(3), if such educational institution grants college credit for coursework successfully completed through the educational program, or defined as a degree granting institution under RCW 28B.85.010(3) and accredited by an accrediting association recognized by the United States secretary of education, and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture, but not including specialty schools, business colleges, other trade schools, or similar institutions.

NEW SECTION. Sec. 38. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

POINT OF INQUIRY

Senator Prince: "Senator Rinehart, what I would like to know, in the case of military personnel, what do they pay? Do they pay out-of-state or in-state--military personnel--under this, as written, because the waiver part has been stricken and made optional at the school and we can't get the staff to agree on what they end up now expected to pay?"

Senator Rinehart: "Senator Prince, if you would give me just a few minutes, I will get you the most accurate answer, rather than alibiing."

There being no objection, the President declared the Senate to be at ease.

The Senate was called to order by President Pritchard.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5982 and the pending point of inquiry by Senator Prince to Senator Rinehart.

FURTHER REMARKS BY SENATOR RINEHART

Senator Rinehart: "Thank you, Mr. President. Senator Prince, active duty military will receive a waiver and they will pay resident tuition plus a slight surcharge--the community colleges would apply to them. Military spouses and dependents pay strictly the resident tuition. The rationale is that the military also contributes to the education of the active military duty personnel themselves, but not to the spouses and dependents."

Senator Prince: "Could I ask for one more clarification? To what extent does this waiver extend? It used to be thirteen point two. How much can the waiver be now?"

Senator Rinehart: "I believe that is the option of the local institution."

Senator Prince: "So, they can have like fifty percent or eighty percent?"

Senator Rinehart: "Of what?"

Senator Prince: "Of the base tuition. That's the way the original waiver worked."

Senator Rinehart: "Active duty military personnel receive a waiver and pay resident tuition plus a slight surcharge, so that would be the resident tuition plus whatever percentage--"

Senator Prince: "O.K., but what is the maximum surcharge?"

Senator Rinehart: "That is an institutional decision."

Senator Prince: "So, it could be as much as the waiver?"

Senator Rinehart: "One would assume not or there would have been no cause to give a waiver."

Senator Prince: "Well, that is my question, but beings we've stricken that part of the law, I am concerned, so I just wanted to kind of clarify what our intent is."

Senator Rinehart: "Well, it is not clear to me that the conversation we've just had is going to clarify anything."

Senator Prince: "Well, it isn't to me there, except on the dependents and I do appreciate that."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rinehart to Engrossed Substitute Senate Bill No. 5982.

The motion by Senator Rinehart carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "tuition;" strike the remainder of the title and insert "amending RCW 28B.10.265, 28B.10.800, 28B.12.060, 28B.15.014, 28B.15.031, 28B.15.100, 28B.15.202, 28B.15.225, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.515, 28B.15.520, 28B.15.522, 28B.15.527, 28B.15.543, 28B.15.545, 28B.15.556, 28B.15.600, 28B.15.615, 28B.15.620, 28B.15.628, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.15.910, 28B.50.259, 28B.70.050, 28B.80.580, 28B.101.040, 28B.102.020, and 82.04.170; reenacting and amending RCW 28B.15.012; creating a new section; repealing RCW 28B.15.824, 28B.35.361, and 28B.40.361; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Reengrossed Substitute Senate Bill No. 5982, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5982, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5982 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild and Williams - 29.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Deccio, Erwin, Hochstatter, McDonald, Nelson, Oke, Roach, Sellar, Talmadge, von Reichbauer, West, Winsley and Wojahn - 17.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5982, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5966, by Committee on Ways and Means (originally sponsored by Senators Rinehart, Haugen and M. Rasmussen) (by request of Department of Veterans Affairs)

Concerning the state veterans' homes.

MOTIONS

On motion of Senator Rinehart, the rules were suspended and Substitute Senate Bill No. 5966 was returned to second reading and read the second time.

On motion of Senator Rinehart, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that continued operation of state veterans' homes is necessary to meet the needs of eligible veterans for shelter, personal and nursing care, and related services; that certain residents of veterans' homes or services provided to them may be eligible for participation in the state's medicaid reimbursement system; and that authorizing medicaid participation is appropriate to address the homes' long-term funding needs. The legislature also finds that it is important to maintain the dignity and self-respect of residents of veterans' homes, by providing for continued resident involvement in the homes' operation, and through retention of current law guaranteeing a minimum amount of allowable personal income necessary to meet the greater costs for these residents of transportation, communication, and participation in family and community activities that are vitally important to their maintenance and rehabilitation.

NEW SECTION. Sec. 2. A new section is added to chapter 72.36 RCW to read as follows:

Qualifying operations at state veterans' homes operated by the department of veterans affairs, may be provided under the state's medicaid reimbursement system as administered by the department of social and health services.

The department of veterans affairs may contract with the department of social and health services under the authority of RCW 74.09.120 but shall be exempt from RCW 74.46.660(6), and the provisions of RCW 74.46.420 through 74.46.590 shall not apply to the medicaid rate-setting and reimbursement systems. The nursing care operations at the state veterans' homes shall be subject to inspection by the department of social and health services. This includes every part of the state veterans' home's premises, an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs, methods of supply, and any other records the department of social and health services deems relevant.

NEW SECTION. Sec. 3. A new section is added to chapter 72.36 RCW to read as follows:

The department of veterans affairs shall provide by rule for the annual election of a resident council for each state veterans' home. The council shall annually elect a chair from among its members, who shall call and preside at council meetings. The resident council shall serve in an advisory capacity to the director of the department of veterans affairs and to the superintendent in all matters related to policy and operational decisions affecting resident care and life in the home.

By October 31, 1993, the department shall adopt rules that provide for specific duties and procedures of the resident council which create an appropriate and effective relationship between residents and the administration. These rules shall be adopted after consultation with the resident councils and the state long-term care ombuds, and shall include, but not be limited to the following:

- (1) Provision of staff technical assistance to the councils;
- (2) Provision of an active role for residents in developing choices regarding activities, foods, living arrangements, personal care, and other aspects of resident life;
- (3) A procedure for resolving resident grievances; and
- (4) The role of the councils in assuring that resident rights are observed.

The development of these rules should include consultation with all residents through the use of both questionnaires and group discussions.

The resident council for each state veterans' home shall annually review the proposed expenditures from the benefit fund that shall contain all private donations to the home, all bequeaths, and gifts. Disbursements from each benefit fund shall be for the benefit and welfare of the residents of the state veterans' homes. Disbursements from the benefits funds shall be on the authorization of the superintendent or his or her authorized representative after approval has been received from the home's resident council.

The superintendent or his or her designated representative shall meet with the resident council at least monthly. The director of the department of veterans affairs shall meet with each resident council at least three times each year.

Sec. 4. RCW 72.36.020 and 1977 c 31 s 2 are each amended to read as follows:

The director of the department of veterans affairs shall appoint a superintendent for ~~((the state soldiers' home and colony, and a superintendent for the Washington veterans' home, who, with the consent of the director, may be styled, respectively, "commandant of the home"))~~ each state veterans' home. The superintendent shall exercise management and control of the institution in accordance with either policies ~~((and/or))~~ or procedures promulgated by the director of the department of veterans affairs, or both, and rules and regulations of the department. In accordance with chapter 18.52 RCW, the individual appointed as superintendent for either state veterans' home shall be a licensed nursing home administrator. The department may request a waiver to, or seek an alternate method of compliance with, the federal requirement for a licensed on-site administrator during a transition phase from July 1, 1993, to June 30, 1994.

Sec. 5. RCW 72.36.030 and 1977 ex.s. c 186 s 1 are each amended to read as follows:

~~((All honorably discharged veterans who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: PROVIDED, That such applicants have been actual bona fide residents of this state at the time of their application, and are indigent and unable to support themselves: PROVIDED FURTHER, That the surviving spouses of all veterans and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto at the time of death, and surviving spouses of all such veterans and members of the state militia, who would have been entitled to admission to a soldiers' home or colony or veterans' home in this state at the time of death, but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves shall be admitted to such home: PROVIDED, FURTHER, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto: AND PROVIDED, FURTHER, That sufficient facilities and resources are available to accommodate such applicant.))~~ All of the following persons who have been actual bona fide residents of this state at the time of their application, and who are indigent and unable to support themselves and their families may be admitted to a state veterans' home under rules as may be adopted by the director of the department, unless sufficient facilities and resources are not available to accommodate these people:

(1)(a) All honorably discharged veterans of a branch of the armed forces of the United States or merchant marines; (b) members of the state militia disabled while in the line of duty; and (c) the spouses of these veterans, merchant marines, and members of the state militia. However, it is required that the spouse was married to and living with the veteran three years prior to the date of application for admittance, or, if married to him or her since that date, was also a resident of a state veterans' home in this state or entitled to admission thereto;

(2)(a) The spouses of: (i) All honorably discharged veterans of the United States armed forces; (ii) merchant marines; and (iii) members of the state militia who were disabled while in the line of duty and who were residents of a state veterans' home in this state or were entitled to admission to one of this state's state veteran homes at the time of death; (b) the spouses of: (i) All honorably discharged veterans of a branch of the United States armed forces; (ii) merchant marines; and (iii) members of the state militia who would have been entitled to admission to one of this state's state veterans' homes at the time of death, but for the fact that the spouse was not indigent, but has since become indigent and unable to support himself or herself and his or her family. However, the included spouse shall be at least fifty years old and have been married to and living with their husband or wife for three years prior to the date of their application. The included spouse shall not have been married since the death of his or her husband or wife to a person who is not a resident of one of this state's state veterans' homes or entitled to admission to one of this state's state veterans' homes; and

(3) All applicants for admission to a state veterans' home shall apply for all federal and state benefits for which they may be eligible, including medical assistance under chapter 74.09 RCW.

Sec. 6. RCW 72.36.035 and 1991 c 240 s 2 are each amended to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise~~((,;))~~:

(1) "Actual bona fide residents of this state" ((shall mean)) means persons who have a domicile in the state of Washington immediately prior to application for ((membership in the soldiers' home or colony or veterans')) admission to a state veterans' home.

((The term)) (2) "Department" means the Washington state department of veterans affairs.

(3) "Domicile" ((shall mean)) means a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

(4) "State veterans' home" means either the Washington soldiers' home and colony in Orting, or the Washington veterans' home in Retsil, or both.

(5) "Veteran" has the same meaning established in RCW 41.04.005.

Sec. 7. RCW 72.36.120 and 1977 ex.s. c 186 s 7 are each amended to read as follows:

~~((All income of members of the soldiers' home in excess of allowable income shall be deposited in the soldiers' home revolving fund as established in section 55, chapter 269, Laws of 1975 1st ex. sess. (uncodified, and herein continued and reenacted).~~

~~(1) Allowable income shall be defined by the rules and regulations adopted by the department: PROVIDED, That the allowable income of members accepted for membership shall not be decreased below one hundred sixty dollars per month during periods that such members are resident thereat.~~

~~(2) Disbursements from the soldiers' home revolving fund shall be for the benefit and welfare of all members of the soldiers' home and such disbursements shall be on the authorization of the superintendent or his authorized representative after approval has been received from a duly constituted body representative of the members.~~

~~(3) In order to maintain an effective expenditure and revenue control, the soldiers' home revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures from such funds.)~~ All income of residents of a state veterans' home, other than the personal needs allowance and income from therapeutic employment, shall be deposited in the state general fund--local and be available to apply against the cost of care provided by the state veterans' homes. The resident council created under section 3 of this act may make recommendations on expenditures under this section. All expenditures and revenue control shall be subject to chapter 43.88 RCW.

Sec. 8. RCW 74.09.120 and 1992 c 8 s 1 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

The department may purchase nursing home care by contract in veterans' homes operated by the state department of veterans affairs. The department shall establish rules for reasonable accounting and reimbursement systems for such care.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

The department may purchase care in institutions for mental diseases by contract. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for mental diseases are certified under the federal medicaid program and primarily engaged in providing diagnosis, treatment, or care to persons with mental diseases, including medical attention, nursing care, and related services.

The department may purchase all other services provided under this chapter by contract or at rates established by the department.

NEW SECTION. Sec. 9. A new section is added to chapter 72.36 RCW to read as follows:

The legislature finds that to meet the objectives of section 1, chapter ..., Laws of 1993 1st sp. sess. (section 1 of this act), the personal needs allowance for all nursing care residents of the state veterans' homes shall be an amount approved by the federal health care financing authority, but not less than ninety dollars or more than one hundred sixty dollars per month during periods of residency. For all domicilliary residents, the personal needs allowance shall be one hundred sixty dollars per month, or a higher amount defined in rules adopted by the department.

NEW SECTION. Sec. 10. A new section is added to chapter 72.36 RCW to read as follows:

No reduction in the allowable income provided for in current department rules may take effect until the effective date of certification of qualifying operations at state veterans' homes for participation in the state's medicaid reimbursement system.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

- (1) RCW 72.36.080 and 1977 ex.s. c 186 s 5, 1975 c 13 s 2, 1973 1st ex.s. c 154 s 104, & 1959 c 28 s 72.36.080; and
- (2) RCW 72.36.130 and 1977 ex.s. c 186 s 8.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "institutions;" strike the remainder of the title and insert "amending RCW 72.36.020, 72.36.030, 72.36.035, 72.36.120, and 74.09.120; adding new sections to chapter 72.36 RCW; creating a new section; repealing RCW 72.36.080 and 72.36.130; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5966, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5966, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5966, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 38.

Voting nay: Senators Anderson, Cantu, Oke, Prince, Roach, von Reichbauer, West and Winsley - 8.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5966, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521, by Committee on Ways and Means (originally sponsored by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder)

Concerning criminal justice programs.

MOTION

On motion of Senator Vognild, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5521 was returned to second reading and read the second time.

MOTIONS

Senator Rinehart moved that the following amendment by Senators Loveland, Rinehart, Vognild, Wojahn, Drew, McAuliffe, Franklin, Quigley and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.310 and 1991 c 311 s 1 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. ~~((The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.))~~

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city shall be as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts.

(iv) Distributions and eligibility for distributions in the 1989-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

~~((4) This section expires January 1, 1994.))~~

Sec. 2. RCW 82.14.320 and 1992 c 55 s 1 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. ~~((The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.))~~

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010~~((2))~~ (3) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Unless reduced by this subsection, thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b) of this subsection.

(b) The remainder of the moneys, including any moneys not distributed in subsection (2)(a) of this section, shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

(6) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

~~((6) This section expires January 1, 1994.))~~

Sec. 3. RCW 82.14.330 and 1991 c 311 s 4 are each amended to read as follows:

(1) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed ~~((at such times as distributions are made under RCW 82.44.150. Such moneys shall be distributed))~~ to the cities of the state as follows:

(a) ~~((For fiscal year 1991, each city with a population of under ten thousand shall receive a distribution of three thousand two hundred fifty dollars. Any remaining moneys shall be distributed to all cities ratably on the basis of population as last determined by the office of financial management.~~

~~(b) For fiscal year 1992 and thereafter, each city with a population of under ten thousand shall receive a distribution of two thousand seven hundred fifty dollars. Any remaining moneys shall be distributed to all cities ratably on the basis of population as last determined by the office of financial management.~~

(2)) Twenty percent appropriated for distribution shall be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the state-wide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate shall be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys shall be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita.

(b) Sixteen percent shall be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at such times as distributions are made under RCW 82.44.150.

Moneys distributed under this ~~((section))~~ subsection shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(2) In addition to the distributions under subsection (1) of this section:

(a) Fourteen percent shall be distributed to cities that have initiated innovative law enforcement strategies, including alternative sentencing and crime prevention programs. No city may receive more than one dollar per capita under this subsection (2)(a).

(b) Twenty percent shall be distributed to cities that have initiated programs to help at-risk children or child abuse victim response programs. No city may receive more than fifty cents per capita under this subsection (2)(b).

(c) Twenty percent shall be distributed to cities that have initiated programs designed to reduce the level of domestic violence within their jurisdictions or to provide counseling for domestic violence victims. No city may receive more than fifty cents per capita under this subsection (2)(c).

(d) Ten percent shall be distributed to cities that contract with another governmental agency for a majority of the city's law enforcement services.

Moneys distributed under this subsection shall be distributed to those cities that submit funding requests under this subsection to the department of community development based on criteria developed under section 4 of this act. Allocation of funds shall be in proportion to the population of qualified jurisdictions, but the distribution to a city shall not exceed the amount of funds requested. Cities shall submit requests for program funding to the department of community development by November 1 of each year for funding the following year. The department shall certify to the state treasurer the cities eligible for funding under this subsection and the amount of each allocation.

One-half of the moneys distributed under (a) through (d) of this subsection shall be distributed on March 1st and the remaining one-half of the moneys shall be distributed on September 1st. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

If a city is found by the state auditor to have expended funds received under this subsection in a manner that does not comply with the criteria under which the moneys were received, the city shall be ineligible to receive future distributions under this subsection until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund. The

director may allow noncomplying use of moneys received under this subsection upon a showing of hardship or other emergent need.

(3) ~~((This section expires January 1, 1994)) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.~~

NEW SECTION. Sec. 4. A new section is added to chapter 82.14 RCW to read as follows:

The department of community development shall adopt criteria to be used in making grants to cities under RCW 82.14.330(2). In developing the criteria, the department shall create a temporary advisory committee consisting of the director of community development, two representatives nominated by the association of Washington cities, and two representatives nominated by the Washington association of sheriffs and police chiefs.

Sec. 5. RCW 43.101.200 and 1989 c 299 s 2 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 ~~((and 43.101.160))~~. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his training period.

Sec. 6. RCW 82.14.340 and 1991 c 311 s 5 and 1991 c 301 s 16 are each reenacted and amended to read as follows:

The legislative authority of any county ~~((with a population of two hundred thousand or more, any county located east of the crest of the Cascade mountains with a population of one hundred fifty thousand or more, and any other county with a population of one hundred fifty thousand or more that has had its population increase by at least twenty-four percent during the preceding nine years, as certified by the office of financial management for the first day of April of each year, may and, if requested by resolution of the governing bodies of cities in the county with an aggregate population equal to or greater than fifty percent of the total population of the county, as last determined by the office of financial management, shall submit an authorizing proposition to the voters of the county and if approved by a majority of persons voting,))~~ may fix and impose a sales and use tax in accordance with the terms of this chapter, provided that such sales and use tax is subject to repeal by referendum, using the procedures provided in RCW 82.14.036. The referendum procedure provided in RCW 82.14.036 is the exclusive method for subjecting any county sales and use tax ordinance or resolution to a referendum vote.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

Moneys received from any tax imposed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital

expenditures. ((Moneys received by the county and the cities within the county from any tax imposed under this section may be expended for domestic violence community advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991, and prior to approval of the voters, the legislative authority of the county, which submitted an authorizing proposition to the voters of the county, adopted by ordinance a financial plan that included expenditure of a portion of the moneys received for domestic violence community advocates.

This section expires January 1, 1994.)

Sec. 7. RCW 82.44.110 and 1993 c ... (Engrossed Senate Bill No. 5978) s 1 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) 8.83 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through ((December 31, 1993, 71 percent into the general fund beginning January 1, 1994)) June 30, 1995, and ((66)) 57.6440 percent into the general fund beginning July 1, 1995.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1995.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 ((through December 31, 1993)).

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 ((through December 31, 1993)).

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 ((through December 31, 1993)).

Notwithstanding (i) through (k) of this subsection, no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. For the fiscal year ending June 30, 1998, and for each fiscal year thereafter, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the general fund.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

Sec. 8. RCW 72.09.300 and 1991 c 363 s 148 are each amended to read as follows:

(1) ((A)) Every county legislative authority ((may)) shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources including personnel and facilities, reduce duplication of services, and share resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness. The plan shall also include a section on jail management. This section may include the following elements:

(a) A description of current jail conditions, including whether the jail is overcrowded;

(b) A description of potential alternatives to incarceration;

(c) A description of current jail resources;

(d) A description of the jail population as it presently exists and how it is projected to change in the future;

(e) A description of projected future resource requirements;

(f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;

(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;

(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;

(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(6) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

(7) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

(8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.

Sec. 9. RCW 9A.16.110 and 1989 c 94 s 1 are each amended to read as follows:

~~((1))~~ No person in the state shall be placed in legal jeopardy of any kind whatsoever for protecting by any reasonable means necessary, himself or herself, his or her family, or his or her real or personal property, or for coming to the aid of another who is in imminent danger of or the victim of assault, robbery, kidnapping, arson, burglary, rape, murder, or any other heinous crime.

~~((2))~~ When a substantial question of self defense in such a case shall exist which needs legal investigation or court action for the full determination of the facts, and the defendant's actions are subsequently found justified under the intent of this section, the state of Washington shall indemnify or reimburse such defendant for all loss of time, legal fees, or other expenses involved in his or her defense. This indemnification or reimbursement is an award of reasonable costs which include loss of time, legal fees, or other expenses and is not an independent cause of action. The determination of an award shall be by the judge or jury at the discretion of the judge in the criminal proceeding. To award these reasonable costs the trier of fact must find that the defendant's claim of self defense was sustained by a preponderance of the evidence: PROVIDED, HOWEVER, That nothing shall preclude the legislature from granting a higher award through the sundry claims process.

~~(3)~~ Whenever the issue of self defense under this section is decided by a judge or whenever a judge exercises the discretion authorized under subsection (2) of this section in determining an award, the judge shall consider the same questions as must be answered in the special verdict under subsection (4) of this section.

~~(4)~~ Whenever the issue of self defense under this section has been submitted to a jury, and the jury has found the defendant not guilty, and the judge has submitted an award determination to the jury, the court shall instruct the jury to return a special verdict in substantially the following form:

answer-
yes or no

1. Was the finding of not guilty based upon self defense?
2. If your answer to question 1 is no, do not answer the remaining question.
3. If your answer to question 1 is yes, was the defendant:
 - a. Protecting himself or herself?
 - b. Protecting his or her family?
 - c. Protecting his or her property?
 - d. Coming to the aid of another who was in imminent danger of a heinous crime?
 - e. Coming to the aid of another who was the victim of a heinous crime?

NEW SECTION. Sec. 10. The sum of sixty million dollars is appropriated as follows:

(1) The sum of forty-two million eight hundred fifty-seven thousand three hundred forty-eight dollars, or so much thereof as may be necessary, is appropriated from the county criminal justice assistance account in the general fund to the state treasurer for the biennium ending June 30, 1995, for county criminal justice assistance under RCW 82.14.310.

(2) The sum of seventeen million one hundred forty-two thousand six hundred fifty-two dollars, or so much thereof as may be necessary, is appropriated from the municipal criminal justice assistance account in the general fund to the state treasurer for the biennium ending June 30, 1995, for municipal criminal justice assistance under RCW 82.14.320 and 82.14.330.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for section 4 of this act, which shall take effect immediately, and sections 1 through 3, 5, and 7 of this act, which shall take effect January 1, 1994."

Senator McDonald moved that the following amendment to the amendment be adopted:

On page 8, beginning on line 14, after "chapter" strike all materials through and including "vote" on line 18, and insert "PROVIDED, That the tax may only be imposed if the proposition authorizing the tax is validly submitted to and is approved by the voters of the county"

Debate ensued.

Senator Nelson demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McDonald on page 8, beginning on line 14, to the striking amendment to Engrossed Second Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 15; Nays, 31; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, von Reichbauer and West - 15.

Voting nay: Senators Barr, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 31.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

MOTION

Senator Roach moved that the following amendment to the striking amendment be adopted:

On page 12, after line 26, strike all of Section 9, through and including "crime?.....))" on page 13, line 36

Debate ensued.

POINT OF ORDER

Senator Nelson: "Based on the arguments that I have heard thus far, I would rise to a point of order. I would like the President to rule on the scope and object of the amendment based on the inclusion of a Section in Statute 9, which deals with the criminal statutes and make a determination whether or not that, in fact, is part of the local criminal justice funding measure that has been the basis for this measure from the very beginning. The original bill did not have this particular language; it had to have been added somewhere along the line and at this point, I don't think the body has been made aware of the consequences of voting for this section."

Debate ensued.

POINT OF ORDER

Senator Roach: "A point of order, Mr. President. Senator Rinehart has already spoken."

REPLY BY THE PRESIDENT

President Pritchard: "No, we are speaking on the point of order and both sides get to comment on the point of order. Continue, Senator Rinehart."

There being no objection, the President declared the Senate to be at ease.

The Senate was called to order by President Pritchard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Engrossed Second Substitute Senate Bill No. 5521 contained the language and intent of Section 9.

"The President, therefore, finds that the amendment by Senator Roach on page 12, after line 26, to the striking amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Roach on page 12, after line 26, to the striking amendment to Engrossed Second Substitute Senate Bill No. 5521 was ruled in order.

Debate ensued.

Senator Roach demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 12, after line 26, to the striking amendment to Engrossed Second Substitute Senate Bill No. 5521.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Loveland, Rinehart, Vognild, Wojahn, Drew, McAuliffe, Franklin, Quigley and Fraser to Engrossed Second Substitute Senate Bill No. 5521.

The striking amendment to Engrossed Second Substitute Senate Bill No. 5521 was adopted by voice vote.

MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 82.14.310, 82.14.320, 82.14.330, 43.101.200, 82.44.110, 72.09.300, and 9A.16.110; reenacting and amending RCW 82.14.340; adding a new section to chapter 82.14 RCW; making an appropriation; providing effective dates; and declaring an emergency."

On motion of Senator Loveland, the rules were suspended, Reengrossed Second Substitute Senate Bill No. 5521, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Second Substitute Senate Bill No. 5521, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 5521, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 44.

Voting nay: Senators Cantu and Roach - 2.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2114, by Representative G. Fisher (by request of Office of Financial Management)

Crediting earnings on balances of certain treasury accounts.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 2114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2114.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2114 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Williams and Wojahn - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Vognild, von Reichbauer, West and Winsley - 19.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

ENGROSSED HOUSE BILL NO. 2114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 5, 1993

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 5972 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1995.

Any bill enacted during the 1993 legislative session requiring expenditure from a transportation-related fund or account that was not heard by either of the transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 212,000

Highway Safety Fund--Federal Appropriation \$ 2,545,000

Transportation Fund--State Appropriation \$ 600,000

TOTAL APPROPRIATION \$ 3,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the public safety and education account shall be used solely to fund community DWI task forces. Funding from the public safety and education account for any community DWI task force may not exceed fifty percent of total expenditures in support of that task force.

(2) It is the intent of the legislature that the Washington traffic safety commission be abolished as of July 1, 1994. The office of the governor shall submit to the legislative transportation committee by December 15, 1993, a plan for transferring the responsibilities of the Washington traffic safety commission to an existing transportation agency. The appropriations from the highway safety fund--state and highway safety fund--federal represent funding necessary to operate the agency for fiscal year 1994 only.

(3) \$175,000 of the highway safety fund--federal appropriation may be used only to fund the law and justice program. As of July 1, 1993, the law and justice program shall be transferred from the department of licensing to the Washington traffic safety commission.

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ 218,000

NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation

Account--State Appropriation \$ 24,247,000

Motor Vehicle Fund--Rural Arterial Trust

Account--State Appropriation \$ 61,838,000

Motor Vehicle Fund--Private Local Appropriation \$ 508,000

Motor Vehicle Fund--State Appropriation \$ 1,331,000

TOTAL APPROPRIATION \$ 87,924,000

NEW SECTION. Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation \$ 184,000,000

Motor Vehicle Fund--Urban Arterial Trust

Account--State Appropriation \$ 26,322,000

Motor Vehicle Fund--City Hardship Assistance

Account--State Appropriation \$ 1,500,000

TOTAL APPROPRIATION \$ 211,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement board shall present to the legislative transportation committee by December 15, 1993, proposed legislation and an action plan to address the recommendations identified in the 1992 evaluation of the transportation improvement board by the subcommittee on transportation boards and commissions of the legislative transportation committee.

(2) The transportation improvement board shall on a quarterly basis present to the legislative transportation committee and the office of financial management an analysis of project cost changes as they apply to overall project costs, for projects funded from the transportation improvement account and the urban arterial trust account. The initial report, due October 31, 1993, shall compare cost estimates at the time of project approval to present estimate or final cost for all urban arterial trust account projects selected from 1989 forward and for all transportation improvement account projects. The board shall provide an update to the report each quarter thereafter citing the amount and reason for additional changes in actual or estimated costs for any project.

(3) \$50,000,000 of the transportation improvement account--state appropriation in this section is conditioned on the enactment of Senate Bill No. 5969, authorizing bond sales for projects funded from the transportation improvement account.

NEW SECTION. Sec. 6. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 143,616,000

Motor Vehicle Fund--State Patrol Highway Account--

Federal Appropriation \$ 3,218,000

Motor Vehicle Fund--State Appropriation \$ 788,000

TOTAL APPROPRIATION \$ 147,622,000

The appropriations in this section are subject to the following conditions and limitations: Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--INVESTIGATIVE SERVICES BUREAU

Transportation Fund--State Appropriation \$ 1,371,000
Motor Vehicle Fund--State Appropriation \$ 4,444,000
TOTAL APPROPRIATION \$ 5,815,000

NEW SECTION. Sec. 8. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 57,474,000
Transportation Fund--State Appropriation \$ 3,391,000
Motor Vehicle Fund--State Appropriation \$ 1,099,000
TOTAL APPROPRIATION \$ 61,964,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation \$ 46,000
Transportation Fund--State Appropriation \$ 414,000
Highway Safety Fund--State Appropriation \$ 5,523,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 96,000
Motor Vehicle Fund--State Appropriation \$ 4,379,000
TOTAL APPROPRIATION \$ 10,458,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation \$ 221,000
Transportation Fund--State Appropriation \$ 247,000
Highway Safety Fund--State Appropriation \$ 5,131,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 50,000
Motor Vehicle Fund--State Appropriation \$ 9,869,000
TOTAL APPROPRIATION \$ 15,518,000

Contained in this appropriation is \$10,000,000 for the licensing application migration project (LAMP), of which \$6,000,000 is motor vehicle fund--state and \$4,000,000 highway safety fund--state. Of the \$10,000,000 appropriation \$500,000 is provided solely as a contingency amount. The appropriation for LAMP is conditioned upon compliance with section 49 of this act. If section 49 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ 49,076,000
General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000
General Fund--Wildlife Account--State Appropriation \$ 520,000
Department of Licensing Services Account--
State Appropriation \$ 676,000
TOTAL APPROPRIATION \$ 50,298,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Transportation Fund--State Appropriation \$ 4,396,000
Highway Safety Fund--State Appropriation \$ 51,929,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,300,000
TOTAL APPROPRIATION \$ 57,625,000

\$400,000 of the highway safety fund - motorcycle safety education account appropriation in this section is provided solely to enhance the motorcycle testing program. If Senate Bill No. 5101 is not enacted during the 1993 legislative session, the \$400,000 appropriation is null and void.

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,644,000

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 410,000

NEW SECTION. Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 373,000

NEW SECTION. Sec. 16. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,637,000

The Washington state transportation commission shall make recommendations on the facility, operations, and funding components of implementing passenger-only service from Seattle/Vashon/Southworth and Seattle/Kingston. Such recommendations shall be submitted to the governor and the legislative transportation committee on or before September 30, 1993.

NEW SECTION. Sec. 17. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 534,000

The appropriation in this section assumes that as of January 1, 1994, commission staff shall be reduced from four full-time equivalent to two full-time equivalent and that the appropriation shall expire on April 1, 1994.

Sec. 18. RCW 47.86.030 and 1992 c 190 s 3 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, ((1994)) 1993, with completed reports to be presented to the legislative transportation committee on the dates as provided in subsection (3) of this section.

(3) A report on the following work program projects by December 1, 1992:

(a) Evaluation of the importance of air transportation in the economic and social vitality of the state including costs and effects of delay of air capacity expansion;

(b) Air transportation demand, aviation industry trends, and air capacity in Washington through 2020;

(c) A review of the final draft of the Puget Sound air transportation committee's flight plan assessments of air capacity and demand.

(4) A transportation systems planning evaluation of air transportation planning options in Washington by July 1, 1993.

(5) The work program project reports as provided in subsection (3) of this section and the policy recommendations of the commission shall be transmitted to regional transportation planning organizations created pursuant to chapter 47.80 RCW. Each regional transportation planning organization shall consider the commission's project reports and policy recommendations when adopting its regional transportation plan and in its review of local comprehensive plans for consistency with the regional transportation plans.

(6) A review of the environmental, social, and economic costs associated with Washington state's air transportation system. The commission shall review and comment upon the effectiveness and reasonableness of current or planned practices to mitigate the adverse environmental effects of operating, developing, or expanding the state's air transportation system.

NEW SECTION. Sec. 19. Effective April 1, 1994, the following acts or parts of acts are each repealed:

- (1) RCW 47.86.010 and 1990 c 298 s 39;
- (2) RCW 47.86.020 and 1990 c 298 s 40;
- (3) RCW 47.86.030 and 1993 c . . . s 18 (section 18 of this act), 1992 c 190 s 3, 1991 c 231 s 7, & 1990 c 298 s 41;
- (4) RCW 47.86.035 and 1992 c 190 s 1;
- (5) RCW 47.86.040 and 1990 c 298 s 42;
- (6) RCW 47.86.050 and 1990 c 298 s 43;
- (7) RCW 47.86.060 and 1990 c 298 s 44;
- (8) RCW 47.86.900 and 1990 c 298 s 45; and

(9) RCW 47.86.901 and 1990 c 298 s 47.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 418,000

The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee on December 15th of each year.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 174,337,000

Motor Vehicle Fund--Federal Appropriation \$ 98,040,000

Motor Vehicle Fund--Local Appropriation \$ 3,460,000

TOTAL APPROPRIATION \$ 275,837,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(2) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(3) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

(4) Up to \$33,400,000 of the motor vehicle fund--state appropriation is provided for a one-time expenditure for additional category A projects. It is the intent that the appropriations in this section do not commit the governor or the legislature to the transportation commission's proposed category A program update.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation \$ 85,245,000

Motor Vehicle Fund--Federal Appropriation \$ 446,000,000

Motor Vehicle Fund--Local Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ 535,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$50,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000 as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) Up to \$30,000,000 of the motor vehicle fund--state appropriation in this section is provided to expedite high occupancy vehicle lane construction on the interstate system.

(6) Pending the receipt of federal funds appropriated in this section, up to \$120,000,000 of bonds authorized by chapter 6, Laws of 1993, may be sold to fund interstate construction project expenditures in advance of the receipt of federal funds. However,

the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation \$ 77,540,000
Motor Vehicle Fund--Federal Appropriation \$ 66,948,000
Motor Vehicle Fund--Local Appropriation \$ 5,000,000
Transportation Fund--State Appropriation \$ 64,724,000
Special Category C--State Appropriation \$ 166,833,000
Puyallup Tribal Settlement Account--
 State Appropriation \$ 44,024,000
Puyallup Tribal Settlement Account--
 Private Local Appropriation \$ 6,000,000
TOTAL APPROPRIATION \$ 431,069,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$32,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$11,000,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(3) The special category C fund--state appropriation of \$166,833,000 includes \$108,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5343 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) Up to \$45,760,000 of the motor vehicle fund--state appropriation, \$64,724,000 of the transportation fund--state appropriation, and \$14,948,000 of the motor vehicle fund--federal appropriation provided for in this section are for regular category C projects. Of the appropriations specified in this subsection, up to ten percent may be expended for preliminary engineering and right of way. The remainder shall be expended for construction contracts, including \$10,295,000 for HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

(5) \$21,000,000 of the motor vehicle fund--state appropriation is provided solely for additional HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

(6) Up to \$2,000,000 of the motor vehicle fund--state appropriation and \$1,000,000 of the motor vehicle fund--local appropriation contained in this section is provided solely for the construction of rest areas provided local and/or private contributions of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services.

NEW SECTION. Sec. 24. If Substitute Senate Bill No. 5963 becomes law, the department of transportation, in consultation with the legislative transportation committee, shall develop a plan to implement the requirements of such legislation that includes program performance and monitoring procedures. The implementation plan shall be submitted to the house and senate transportation committees on or before January 1, 1994.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation \$ 31,028,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Transportation Capital Facilities
 Account--State Appropriation \$ 40,480,000
TOTAL APPROPRIATION \$ 71,908,000

(1) Up to \$750,000 of the motor vehicle fund--transportation capital facilities account--state appropriation is provided to implement the Americans with Disabilities Act (P.L. 101-336 42 U.S.C. Sec. 12101 et seq.).

(2) The transportation commission shall evaluate the current organizational structure of the department of transportation with regard to: (a) The number and allocation of full-time employees required to support the department's environmental efforts; (b) the qualifications of such full-time employees; (c) the amount of authority each environmental position carries; (d) the chain of command governing such environmental positions; (e) the effectiveness of the organization with regard to proactively negotiating environmental policies with state, federal, and local units of government; (f) the ability of the department to assimilate, incorporate, and disseminate environmental information between and among the department's various divisions, branches, sections, and districts; and (g) the ability of the department to plan, budget, and account for such environmental costs. The transportation commission shall develop a plan to maximize the effectiveness of the environmental activities within the department and shall provide specific recommendations regarding any organizational changes that may be warranted.

The plan shall be submitted to the legislative transportation committee no later than December 15, 1993. The department shall not proceed with implementation prior to receiving legislative transportation committee approval.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F

General Fund--Aeronautics Account--State

Appropriation \$ 3,106,000

General Fund--Aeronautics Account--Federal

Appropriation \$ 652,000

General Fund--Search and Rescue Account--State

Appropriation \$ 130,000

TOTAL APPROPRIATION \$ 3,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The aeronautics account appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, and federal inspections.

(2) The search and rescue account--state appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G

Motor Vehicle Fund--Economic Development Account--

State Appropriation \$ 5,020,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation \$ 45,027,000

Motor Vehicle Fund--Federal Appropriation \$ 71,000,000

Motor Vehicle Fund--Local Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ 117,027,000

(1) The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program.

(2) Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided solely for rehabilitation of state-owned moveable bridges.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 238,692,000

Motor Vehicle Fund--Local Appropriation \$ 4,690,000

TOTAL APPROPRIATION \$ 243,382,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$300,000 of the motor vehicle fund--state appropriation is provided to develop and implement a roadside vegetation management plan to comply with the Puget Sound water quality authority management plan. Emphasis shall be placed on nonchemical vegetation control.

(2) Up to \$910,000 of the motor vehicle fund--state appropriation is provided for additional maintenance to prevent mechanical and electrical problems on floating bridges, maintenance on the Lacey V. Murrow floating bridge, and compliance with department of labor and industries maintenance regulations.

(3) Up to \$600,000 of the motor vehicle fund--state appropriation is provided for testing and disposal of hazardous materials and for interjurisdictional and/or interagency development of eight treatment facilities.

(4) Up to \$2,411,000 of the motor vehicle fund--state appropriation is provided to expedite and enhance traffic signal improvements.

(5) It is the intent of the legislature that the legislative transportation committee study the impact upon the department of transportation of the utilities accommodation policy, requiring the removal of power poles, guy lines, and junction boxes adjacent to state highways. The committee shall report its findings to the legislature no later than November 15, 1995. No additional moneys are appropriated in this section for the purpose of doing additional utility clear zone work.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R

Motor Vehicle Fund--State Appropriation \$ 2,894,000

Motor Vehicle Fund--Federal Appropriation \$ 33,400,000

Motor Vehicle Fund--Local Appropriation \$ 28,892,000

TOTAL APPROPRIATION \$ 65,186,000

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 1,109,000

Motor Vehicle Fund--State Appropriation \$ 51,475,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 1,105,000

Transportation Fund--State Appropriation \$ 897,000

TOTAL APPROPRIATION \$ 54,586,000

Up to \$526,000 of the transportation fund--state appropriation is provided for the implementation of Substitute House Bill No. 1006.

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Motor Vehicle Fund--State Appropriation \$ 16,376,000

Motor Vehicle Fund--Federal Appropriation \$ 16,314,000

High Capacity Transportation Account--

State Appropriation \$ 17,500,000

Transportation Fund--State Appropriation \$ 44,088,000

Transportation Fund--Federal Appropriation \$ 5,852,000

Transportation Fund--Local Appropriation \$ 100,000

Central Puget Sound Public Transportation Account--

State Appropriation \$ 21,100,000

Public Transportation Systems Account--State

Appropriation \$ 5,500,000

TOTAL APPROPRIATION \$ 126,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$31,000,000 of the transportation fund--state appropriation is provided for administrative costs, operating subsidies for contracted AMTRAK 403(b) service, and for capital projects to improve train speeds and service.

(2) Up to \$9,200,000 of the transportation fund--state appropriation is provided for state participation in the planning and construction of passenger rail depots and other passenger intermodal facilities.

(3) The central Puget Sound public transportation account--state appropriation and the public transportation systems account--state appropriation shall be distributed to local transit agencies based on the allocation process defined in Substitute House Bill No. 2036. These appropriations are null and void if Substitute House Bill No. 2036 is not enacted by the legislature.

(4) Of the \$3,400,000 motor vehicle fund--state appropriation provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) Up to \$250,000 of the motor vehicle fund--state appropriation contained in this section is provided solely for the Puget Sound transportation investment program. The program shall pay special attention to the Edmonds/Kingston run and development of an intermodal terminal at Point Edwards. Work on the program shall be completed and reported to the legislative transportation committee no later than December 15, 1993.

(6) Up to \$1,500,000 of the transportation fund--state appropriation contained in this section is provided solely for the rural mobility program.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T--CAPITAL

Essential Rail Assistance Account--State

Appropriation \$ 1,000,000

Essential Rail Banking Account--State

Appropriation \$ 1,100,000

TOTAL APPROPRIATION \$ 2,100,000

The appropriations in this section are provided for the purposes authorized in chapter 47.76 RCW.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation \$ 30,124,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ 32,124,000

The appropriations in this section are to provide for costs billed to the department for the services or other state agencies as follows:

- (1) Archives and records management, \$258,000 motor vehicle fund--state appropriation;
- (2) Attorney general tort claims support, \$4,692,000 motor vehicle fund--state appropriation;
- (3) Office of the state auditor, \$793,000 motor vehicle fund--state appropriation;
- (4) Department of general administration facility and services, \$3,406,000 motor vehicle fund--state appropriation;
- (5) Department of personnel, \$3,088,000 motor vehicle fund--state appropriation;
- (6) Self-insurance liability premiums and administration, \$15,824,000 motor vehicle fund--state appropriation;
- (7) Department of general administration for capital projects on the transportation Olympia headquarters building and for maintenance work on the department of transportation/plaza parking garage, \$1,704,000 motor vehicle fund--state appropriation;
- (8) Office of minority and women's business enterprises, \$359,000 motor vehicle fund--state appropriation;
- (9) Marine division self-insurance liability premiums and administration \$2,000,000 motor vehicle fund--Puget Sound ferry operations account--state appropriation.

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 235,746,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 32,237,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 900,000

TOTAL APPROPRIATION \$ 268,883,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements.

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 4) for the 1993-95 budget. The department shall reconcile the 1991-93 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$116,126,000 in proceeds from the sale of bonds authorized by RCW 47.60.800.

However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriation in this section provides for the construction, in the state of Washington, of new jumbo ferry vessels in accordance with the requirements of Substitute House Bill No. 1635. The transportation commission shall provide progress reports to the legislative transportation committee and the governor regarding the implementation of Substitute House Bill No. 1635.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 237,559,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$27,123,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$159,183,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

(3) The appropriation in this section includes \$500,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

(4) The appropriation in this section includes \$154,000 for support of Clinton terminal agent expenses, but shall be expended only upon the construction of a new Clinton terminal.

(5) The appropriation in this section includes \$359,000 to provide, during the summer, eight hours of Issaquah vessel class service on the Edmonds/Kingston route. This amount shall be expended only if the super class vessel refurbishment program impacts super class vessel service on this route.

(6) The appropriation in this section includes \$185,000 to assess the ability of enhancing vessel maintenance for those routes that require extensive service schedules throughout the year by placing additional oiler staff hours on two routes during the 1993-94 fiscal year. The results of this maintenance approach shall be reported to the legislative transportation committee and the office of financial management by December 1, 1993.

(7) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 7,594,000

Motor Vehicle Fund--Federal Appropriation \$ 161,033,000

Motor Vehicle Fund--Local Appropriation \$ 5,086,000

Transfer Relief Account--State Appropriation \$ 3,920,000

TOTAL APPROPRIATION \$ 177,633,000

The appropriations in this section are subject to the following conditions and limitations: Up to \$6,774,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$570,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--RV Account--State Appropriation

For transfer to the Motor Vehicle Fund \$ 427,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation

For transfer to the Transportation Capital Facilities

Account--State Appropriation \$ 40,480,000

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION EMERGENCY PROJECTS--PROGRAM

A

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5370.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION FEDERAL MATCH PROJECTS--

PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5371. The state finance committee shall administer the repayment of loans authorized in Senate Bill No. 5371.

NEW SECTION. Sec. 42. The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle fund to fund the appropriations contained in this act.

NEW SECTION. Sec. 43. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 44. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 45. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 46. A new section is added to chapter 46.01 RCW to read as follows:

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

NEW SECTION. Sec. 47. FOR THE WASHINGTON STATE PATROL--CAPITAL

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 10,485,000

Motor Vehicle Fund--State Appropriation \$ 765,000

Highway Safety Fund--State Appropriation \$ 765,000

TOTAL APPROPRIATION \$ 12,015,000

The appropriations in this section are provided for the following projects:

WSP/DOL Dist Office--Tacoma

Everett Dist Hdqtrs Building

Minor Works Preservation

Shelton Trng Acad Restroom Repair

Replace Underground Storage Tanks

Replace Rattlesnake Ridge Communication Site

Shelton Academy Property Acquisition

Vancouver Cve Inspection Station

Mt. Vernon Comm Site Construction

Spokane Cve Inspection Station
Replace Scale Mechanism SeaTac South
Yakima District Hdqtrs Predesign
I-90 Port of Entry Weigh Station
Smokey Point Weigh Station Design
Morton Detachment Property Acquisition
Longview Vin Lane Construction Property Acquisition

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF LICENSING--CAPITAL

Highway Safety Fund--State Appropriation \$ 61,000

Motor Vehicle Fund--State Appropriation \$ 20,000

TOTAL APPROPRIATION \$ 81,000

The appropriations in this section are provided for the following projects:

Longview Customer Service Center
North Spokane Customer Service Center
Vancouver Customer Service Center

NEW SECTION. Sec. 49. In addition to compliance with the requirements of RCW 43.105.190, titled "Major information technology projects standards and policies," agencies shall comply with the following requirements: For projects funded through the transportation budget, the agency and the department of information services shall provide the office of financial management, the legislative transportation committee, and the information services board with a written bi-monthly project oversight and risk assessment report for designated projects. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

NEW SECTION. Sec. 50. The legislature supports the proposed reduction by the governor of state agency, middle management level employees and recognizes that such reduction is essential to achieve more efficient and effective delivery of state services. Further, the legislature finds that employee reductions in agencies providing state transportation programs and services are necessary to the extent such reductions do not jeopardize transportation program and service delivery.

NEW SECTION. Sec. 51. To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 52. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 53. The commission for efficiency and accountability in Washington state government shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine the cost allocation for actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles and represent a pro rata share in relation to all other agencies.

NEW SECTION. Sec. 54. Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

- (1) Scheduled increment increases to any employee classified under chapter 41.06 RCW;
- (2) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch;
- (3) Salary increases to the agency officials listed in RCW 43.03.028 and 47.01.041.

The office of financial management shall reduce allotments to all transportation agencies to reflect the elimination of these salary increases.

NEW SECTION. Sec. 55. The department of licensing shall review the pricing of fees related to the licensing and operation of motor vehicles to determine whether any such fees should be eliminated to reduce costs, whether the pricing of any fees should be adjusted to cover costs of administration or to be more equitable, and whether any other related modifications may be justified, and make recommendations to the governor and the legislative transportation committee by October 15, 1993, as to any price-setting policies or guidelines, pricing changes, or other statutory modifications pertaining to such fees.

Sec. 56. 1991 sp.s. c 15 s 4 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ ((185,000))

202,000

((No more than \$80,000 may be expended for attorney general fees.))

Sec. 57. 1992 c 166 s 8 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ ((45,695,000))

46,089,500

General Fund--Marine Fuel Tax Refund Account--

State Appropriation \$ 25,000

General Fund--Wildlife Account--State

Appropriation \$ 504,000

TOTAL APPROPRIATION \$ ((46,224,000))

46,618,500

Sec. 58. 1992 c 166 s 9 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--

State Appropriation \$ 4,394,000

Highway Safety Fund--State Appropriation \$ ((48,256,000))

48,405,078

Highway Safety Fund--Motorcycle Safety Education Account--

State Appropriation \$ 884,000

TOTAL APPROPRIATION \$ ((53,534,000))

53,683,078

Sec. 59. 1992 c 166 s 20 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ ((217,750,000))

221,550,000

Motor Vehicle Fund--Local Appropriation \$ 750,000

TOTAL APPROPRIATION \$ ((218,500,000))

222,300,000

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner.

Sec. 60. RCW 46.16.070 and 1993 c ... (Substitute Senate Bill No. 5535) s 5 and 1993 c ... (Senate Bill No. 5426) s 1 are each reenacted and amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

4,000 lbs. \$ 37.00

6,000 lbs. \$ 44.00

8,000 lbs.	\$ 55.00
10,000 lbs.	\$ 62.00
12,000 lbs.	\$ 72.00
14,000 lbs.	\$ 82.00
16,000 lbs.	\$ 92.00
18,000 lbs.	\$ 137.00
20,000 lbs.	\$ 152.00
22,000 lbs.	\$ 164.00
24,000 lbs.	\$ 177.00
26,000 lbs.	\$ 187.00
28,000 lbs.	\$ 220.00
30,000 lbs.	\$ 253.00
32,000 lbs.	\$ 304.00
34,000 lbs.	\$ 323.00
36,000 lbs.	\$ 350.00
38,000 lbs.	\$ 384.00
40,000 lbs.	\$ 439.00
42,000 lbs.	\$ 546.00
44,000 lbs.	\$ 556.00
46,000 lbs.	\$ 591.00
48,000 lbs.	\$ 612.00
50,000 lbs.	\$ 656.00
52,000 lbs.	\$ 685.00
54,000 lbs.	\$ 732.00
56,000 lbs.	\$ 767.00
58,000 lbs.	\$ 794.00
60,000 lbs.	\$ 840.00
62,000 lbs.	\$ 894.00
64,000 lbs.	\$ 912.00
66,000 lbs.	\$ 1,005.00
68,000 lbs.	\$ 1,044.00
70,000 lbs.	\$ 1,117.00
72,000 lbs.	\$ 1,188.00
74,000 lbs.	\$ 1,283.00
76,000 lbs.	\$ 1,379.00
78,000 lbs.	\$ 1,497.00
80,000 lbs.	\$ 1,608.00
82,000 lbs.	\$ ((1,623.00)) <u>1,713.00</u>
84,000 lbs.	\$ ((1,728.00)) <u>1,818.00</u>
86,000 lbs.	\$ ((1,833.00)) <u>1,923.00</u>
88,000 lbs.	\$ ((1,938.00)) <u>2,028.00</u>
90,000 lbs.	\$ ((2,043.00)) <u>2,133.00</u>
92,000 lbs.	\$ ((2,148.00)) <u>2,238.00</u>
94,000 lbs.	\$ ((2,253.00)) <u>2,343.00</u>
96,000 lbs.	\$ ((2,358.00)) <u>2,448.00</u>
98,000 lbs.	\$ ((2,463.00)) <u>2,553.00</u>
100,000 lbs.	\$ ((2,568.00)) <u>2,658.00</u>
102,000 lbs.	\$ ((2,673.00)) <u>2,763.00</u>
104,000 lbs.	\$ ((2,778.00)) <u>2,868.00</u>
105,500 lbs.	\$ ((2,883.00)) <u>2,973.00</u>

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 61. RCW 82.44.020 and 1993 c ... (Substitute Senate Bill No. 5535) s 2 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the value of such vehicle.

(3) Effective with October 1992 motor vehicle registration expirations, a clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that farm vehicles as defined in RCW 46.04.181 shall not be subject to the tax imposed by this subsection. The annual amount of the additional excise tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars.

(4) An additional excise tax is imposed on truck-type power units that are used in combination with a trailer to transport loads in excess of forty thousand pounds combined gross weight. The ~~((rate))~~ annual amount of such additional excise tax shall be fifty-eight one-hundredths of one percent of the value of the vehicle.

The department shall distribute the additional tax collected under this subsection as follows:

(a) For each trailing unit subject to subsection (5) of this section, an amount equal to the clean air excise tax prescribed in subsection (3) of this section shall be distributed in the manner prescribed in RCW 82.44.110(3);

(b) Of the remainder of the additional excise tax collected under this subsection, ten percent ((of the additional tax collected under this subsection)) shall be distributed in the manner prescribed in RCW 82.44.110(2)((--The remainder of the excise tax collected under this subsection)) and ninety percent shall be distributed in the manner prescribed in RCW 82.44.110(1). This tax shall not apply to power units used exclusively for hauling logs.

(5) The excise taxes imposed by subsections (1) through (3) of this section shall not apply to trailing units which are used in combination with a power unit subject to the additional excise tax imposed by subsection (4) of this section. This subsection shall not apply to trailing units used for hauling logs. ~~((The department of licensing is authorized to adopt rules to implement subsection (4) of this section and this subsection to assure that total motor vehicle excise tax revenue is not affected.))~~

(6) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(7) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

Sec. 62. RCW 81.112.030 and 1992 c 101 s 3 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) ~~((If any of the counties does not opt to participate in the authority, the joint regional policy committee shall, within forty-five days, redefine the system and financing plan and resubmit the adopted redefined plan to the remaining county legislative~~

authorities for their decision as to whether to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(4)) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

((5)) (4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

((6)) (5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

((7)) (6) If the authority determines that major modifications to the plan are necessary before being submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to ((ratify formation of the authority,)) approve the system and finance plan((,)) and authorize the imposition of the taxes to support the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan submitted to voters shall contain an equity element which:

- (a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;
- (b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and
- (c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the plan. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

((8)) (9) If the vote fails, the board may redefine the system and financing plan, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised plan to voters. No single system and financing plan may be submitted to the voters more than twice.

If the authority is unable to achieve a positive vote within two years from the date of the first election on a system plan, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

Sec. 63. RCW 43.89.010 and 1965 ex.s. c 60 s 2 are each amended to read as follows:

The chief of the Washington state patrol is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: PROVIDED, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state. Of the fees collected pursuant to this section, one-half shall be deposited in the motor vehicle fund and one-half shall be deposited in the transportation fund.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

Sec. 64. RCW 82.44.180 and 1991 c 199 s 224 are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be expended within the three county region from which the funds are derived, solely for:

- (a) Development of high capacity transportation systems as defined in RCW ((81.104.010)) 81.104.015;
- (b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (c) Public transportation system contributions required to fund projects approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be available to the public transportation system from which the funds are derived, solely for:

- (a) Development of high capacity transportation systems as defined in RCW ((81.104.010)) 81.104.015;
- (b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (c) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (d) Public transportation system contributions required to fund projects approved by the transportation improvement board.

NEW SECTION. Sec. 65. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately except for sections 60 and 61, which shall take effect January 1, 1994.

NEW SECTION. Sec. 66. Chapter 102, Laws of 1993 and chapter 123, Laws of 1993 each take effect January 1, 1994.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Reengrossed Substitute Senate Bill No. 5972.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5972, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5972, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, von Reichbauer, West and Winsley - 18.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5972, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5370, by Senators Vognild, Nelson, Skratek and Talmadge

Authorizing state highway bonds.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5370.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Winsley and Wojahn - 43.

Voting nay: Senators Deccio, Oke and West - 3.

Excused: Senators McCaslin, Newhouse and Smith, L. - 3.

SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:06 p.m., on motion of Senator Jesernig, the Senate recessed until 5:30 p.m.

The Senate was called to order at 6:10 p.m. by President Pritchard.

MOTION

On motion of Senator Jesernig, the Senate advanced to the ninth order of business.

On motion of Senator Jesernig, the Committee on Rules was relieved of further consideration of Senate Concurrent Resolution No. 8409 and Senate Concurrent Resolution No. 8409 was placed on the third reading calendar.

MOTION

On motion of Senator Jesernig, the Senate returned to the seventh order of business.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Owen, Erwin, Franklin and Pelz

Concerning open pit metallic ore mining.

The concurrent resolution was read the third time.
Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8409.
Senate Concurrent Resolution No. 8409 was adopted by voice vote.

MOTION

On motion of Senator Jesernig, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Spanel, Senator Skratek was excused.

SECOND READING

SENATE BILL NO. 5980, by Senators Owen, Spanel and Rinehart (by request of Office of Financial Management)

Revising provisions relating to fishing licenses.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5980 was substituted for Senate Bill No. 5980 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that additional cost savings can be realized by simplifying the department of fisheries recreational licensing system. The legislature finds that significant benefits will accrue to recreational fishers from streamlining the department of fisheries recreational licensing system. The legislature finds recreational license fees and commercial landing taxes have not been increased in recent years. The legislature finds that reduction in important department of fisheries programs can be avoided by increasing license fees and commercial landing taxes. The legislature finds that it is in the best interest of the state to avoid significant reductions in current department of fisheries activities.

NEW SECTION. Sec. 2. A new section is added to chapter 75.25 RCW to read as follows:

(1) A personal use food fish license is required for all persons other than residents under fifteen years of age or residents seventy years of age or older to fish for, take, or possess food fish for personal use from state waters or offshore waters. A personal use food fish license is not required under this section to fish for, take, or possess carp, smelt, or albacore.

(2) The fees for personal use food fish licenses are:

- (a) For a resident fifteen years of age or older and under seventy years of age, seven dollars; and
- (b) For a nonresident, nineteen dollars.

(3) The fee for a two-consecutive-day personal use food fish license is four dollars.

NEW SECTION. Sec. 3. A new section is added to chapter 75.25 RCW to read as follows:

(1) A personal use shellfish license is required for all persons other than residents under fifteen years of age to fish for, take, dig for, or possess shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for personal use shellfish licenses are:

- (a) For a resident fifteen years of age or older and under seventy years of age, five dollars;
- (b) For a resident seventy years of age or older, three dollars; and
- (c) For a nonresident, twenty dollars.

(3) The fee for a two-consecutive-day personal use shellfish license is five dollars.

Sec. 4. RCW 75.25.005 and 1989 c 305 s 1 are each amended to read as follows:

The following recreational fishing licenses are administered and issued by the department of fisheries under authority of the director of fisheries:

- (1) ~~((Hood Canal shrimp license))~~ Personal use food fish license; and
- (2) ~~((Razor clam license;~~
- (3) ~~Personal use fishing license;~~
- (4) ~~Salmon license; and~~
- (5) ~~Sturgeon license))~~ Personal use shellfish license.

Sec. 5. RCW 75.25.080 and 1989 c 305 s 4 are each amended to read as follows:

(1) It is lawful to ~~((dig))~~ fish for, take, or possess the personal-use daily bag limit of ~~((razor clams))~~ shellfish or food fish for ~~((another))~~ a disabled person if ~~((that person has))~~ the harvester is licensed and if the disabled person is licensed and present on site and in possession of a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department of fisheries official form and must be accompanied by a licensed medical doctor's certification of disability.

(3) A person with a physical disability permit is not required to be present at the location where another person is digging razor clams for the disabled person. The physical disability permittee is required to be in the direct line of sight of the person digging razor clams for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the physical disability permittee is required to be within one-quarter mile of the person who is digging razor clams for him or her.

Sec. 6. RCW 75.25.110 and 1989 c 305 s 8 are each amended to read as follows:

(1) Any of the recreational fishing licenses required by this chapter shall, upon request, be issued without charge to the following individuals upon request:

- (a) Residents under fifteen years of age ~~((and residents seventy years of age or older));~~
- (b) Residents who submit applications attesting that they are a person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces with a service-connected disability and who has been a resident of this state for the preceding ninety days;
- (c) A blind person;
- (d) A person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services; and
- (e) A person who is physically handicapped and confined to a wheelchair.

(2) ~~((Personal use licenses, salmon licenses, and sturgeon licenses shall, upon request, be issued to nonresidents under fifteen years of age.~~

~~((3))~~ A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license ~~((unless a punchcard is required by the director)).~~

Sec. 7. RCW 75.25.120 and 1989 c 305 s 9 are each amended to read as follows:

In concurrent waters of the Columbia river and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington personal use food fish license~~((,))~~ or two-consecutive-day personal use food fish license~~((, salmon license, or sturgeon license))~~ is valid if Oregon recognizes as valid the Washington personal use food fish license~~((,))~~ or two-consecutive-day personal use food fish license~~((, salmon license, or sturgeon license))~~ in comparable Oregon waters.

If Oregon recognizes as valid the Washington personal use food fish license~~((,))~~ or two-consecutive-day personal use food fish license~~((, salmon license, or sturgeon license))~~ southward to Cape Falcon in the coastal territorial waters from the Washington-Oregon boundary and in concurrent waters of the Columbia river then Washington shall recognize a valid Oregon license comparable to the Washington personal use food fish license~~((,))~~ or two-consecutive-day personal use food fish license~~((, salmon license, or sturgeon license))~~ northward to Leadbetter Point.

Oregon licenses are not valid for the taking of food fish when angling in concurrent waters of the Columbia river from the Washington shore.

Sec. 8. RCW 75.25.140 and 1989 c 305 s 12 are each amended to read as follows:

(1) Recreational licenses are not transferable. Upon request of a fisheries patrol officer, ex officio fisheries patrol officer, or authorized fisheries employee, a person digging for, fishing for, or possessing ~~((razor clams))~~ shellfish or fishing for or possessing ~~((Hood Canal shrimp or))~~ food fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

(2) The ~~((razor clam))~~ personal use shellfish license shall be visible on the licensee while ~~((digging for razor clams))~~ harvesting shellfish.

Sec. 9. RCW 75.25.150 and 1989 c 305 s 13 are each amended to read as follows:

It is unlawful to dig for, fish for, or possess ~~((razor clams, fish for))~~ shellfish or ~~((possess))~~ food fish ~~((, or take or possess Hood Canal shrimp))~~ without the licenses required by this chapter.

Sec. 10. RCW 75.25.180 and 1989 c 305 s 14 are each amended to read as follows:

Recreational licenses issued by the department of fisheries under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid for a period of five years:

(a) For ~~((life for))~~ blind persons;

(b) For the period of continued state residency for qualified disabled veterans;

(c) ~~((For the period of continued state residency for persons sixty-five years of age or more;~~

~~((d)))~~ For ~~((the period of the disability for))~~ persons with a developmental disability; and

~~((e)))~~ (d) For ~~((life for))~~ handicapped persons confined to a wheelchair who have been issued a permanent disability card ~~((; and~~

~~((f) Until a child reaches fifteen years of age)).~~

(2) Two-consecutive-day personal use food fish and shellfish licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use food fish and shellfish licenses validated for December 31 expire at midnight on that date.

(3) ~~((An annual salmon))~~ A personal use food fish license is valid for a maximum catch of fifteen salmon, after which another ~~((salmon))~~ personal use food fish license may be purchased. A ~~((salmon))~~ personal use food fish license is valid only for the calendar year for which it is issued.

(4) ~~((An annual sturgeon))~~ A personal use food fish license is valid for ~~((a))~~ an annual maximum catch of fifteen sturgeon. ~~((A sturgeon license is valid only for the calendar year for which it is issued.))~~

(5) ~~((All other recreational))~~ Personal use shellfish licenses are valid for the calendar year for which they are issued.

Sec. 11. RCW 75.50.100 and 1990 c 58 s 3 are each amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A surcharge of one dollar shall be collected on each recreational ~~((salmon))~~ personal use food fish license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishing license and each charter boat "salmon and other food fish" license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The department shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 12. RCW 82.27.020 and 1985 c 413 s 2 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of enhanced food fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the enhanced food fish whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner. Processing and handling of enhanced food fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of enhanced food fish and liable to this tax may deduct from the price paid to the person from which the enhanced food fish (except oysters) are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the value of the enhanced food fish at the point of landing.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for enhanced food fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five and twenty-five one-hundredths percent.

(b) Pink and sockeye salmon: Three and fifteen one-hundredths percent.

(c) Other food fish and shellfish, except oysters: Two and one-tenth percent.

(d) Oysters: ~~((Seven))~~ Eight one-hundredths of one percent.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 13. RCW 75.28.035 and 1989 c 316 s 1 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license shall contain the name and address of the vessel owner, the name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license is not valid if the vessel is operated by a person other than the operator listed on the license. The director may authorize additional operators for the license. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The fee for an additional operator is ((twenty)) thirty-five dollars.

The vessel owner shall notify the director on forms provided by the department of changes of ownership or ~~((operator)) vessel~~ and a new license shall be issued upon payment of a fee ~~((of twenty dollars))~~:

(1) For a change in vessel with no change in ownership, the fee shall be thirty-five dollars;

(2) For a change in ownership:

(a) The fee shall be equal to three and one-half times the annual renewal fee for the particular license if the license is limited under chapter 75.30 RCW; and

(b) The fee shall be equal to the annual renewal fee for the particular license if the license is not limited under chapter 75.30 RCW.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The replacement fee is ((ten)) twenty dollars.

As used in this section, "change in ownership" has its ordinary meaning and includes transfers to corporations, partnerships, or other entities, and transfers by the current owner to the current owner and others jointly in joint tenancy, as tenants in common, or otherwise.

Sec. 14. RCW 75.28.095 and 1989 c 316 s 2, 1989 c 147 s 1, and 1989 c 47 s 2 are each reenacted and amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fees are:

Species	Resident	Nonresident
	Fee	Fee

(a) Food fish other than salmon	\$(435)) <u>225</u>	\$(270)) <u>375</u>
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(b) Salmon and other food fish	\$(275)) <u>480</u>	\$(550)) <u>785</u>
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The license fees in this subsection include the regional enhancement fee required for salmon licenses under RCW 75.50.100.

(2) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A charter boat licensed in Oregon shall be permitted to fish without a charter boat license in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(4) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day.

Sec. 15. RCW 75.28.110 and 1989 c 316 s 3 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fees are:

Gear	Resident Fee	Nonresident Fee
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(a) Purse seine ~~\$((440)) 630~~ ~~\$((820)) 1085~~

(b) Gill net ~~\$((275)) 480~~ ~~\$((550)) 785~~

(c) Troll ~~\$((275)) 480~~ ~~\$((550)) 785~~

(d) Reef net ~~\$((275)) 480~~ ~~\$((550)) 785~~

The license fees in this subsection include the regional enhancement fee required for salmon licenses under RCW 75.50.100.

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 16. RCW 75.28.113 and 1989 c 316 s 4 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery license from the director. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual fee for a salmon delivery license is ((two hundred seventy-five)) ~~four hundred eighty~~ dollars for residents and ((five hundred fifty)) ~~seven hundred eighty-five~~ dollars for nonresidents. The license fees in this subsection include the regional enhancement fee required for salmon licenses under RCW 75.50.100. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery license fee ~~((of fifty dollars))~~ against the salmon delivery license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license.

Sec. 17. RCW 75.28.116 and 1989 c 316 s 5 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license under RCW 75.30.120 is required to obtain a salmon single delivery license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery license unless, as determined by the director, a bona fide emergency exists. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The license fee is ((one hundred thirty-five)) ~~three hundred twenty-five~~ dollars for residents and ((two hundred seventy)) ~~four hundred seventy-five~~ dollars for nonresidents. The license fees in this section include the regional enhancement fee required for salmon licenses under RCW 75.50.100.

Sec. 18. RCW 75.28.120 and 1989 c 316 s 6 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fees are:

Gear	Resident Fee	Nonresident Fee
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(1) Jig ~~\$((50)) 130~~ ~~\$((100)) 185~~

(2) Set line ~~\$((50)) 130~~ ~~\$((100)) 185~~

(3) Set net ~~\$((50)) 130~~ ~~\$((100)) 185~~

(4) Drag seine ~~\$((50)) 130~~ ~~\$((100)) 185~~

(5) Gill net ~~\$((275)) 380~~ ~~\$((550)) 685~~

(6) Purse seine ~~\$((440)) 530~~ ~~\$((820)) 985~~

(7) Troll ~~\$((50)) 130~~ ~~\$((100)) 185~~

(8) Bottom fish pots ~~\$((50)) 130~~ ~~\$((100)) 185~~

(9) Lampara ~~\$((100)) 185~~ ~~\$((200)) 295~~

(10) Dip bag net ~~\$((50)) 130~~ ~~\$((100)) 185~~

(11) Brush weir ~~\$((100)) 185~~ ~~\$((200)) 295~~

(12) Other gear ~~\$(400) 185~~ ~~\$(200) 295~~

Sec. 19. RCW 75.28.125 and 1989 c 316 s 7 are each amended to read as follows:

A delivery license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fee is ~~((fifty))~~ one hundred fifteen dollars for residents and ~~((one hundred))~~ two hundred twenty-five dollars for nonresidents. Licenses issued under RCW 75.28.113 (salmon delivery license), RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery license.

Sec. 20. RCW 75.28.130 and 1989 c 316 s 8 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee

- (1) Ring net ~~\$(50) 130~~ ~~\$(400) 185~~
- (2) Shellfish pots
 - (excluding crab) ~~\$(50) 130~~ ~~\$(400) 185~~
- (3) Crab pots
 - (Puget Sound) ~~\$(50) 130~~ ~~\$(400) 185~~
- (4) Crab pots
 - ~~((other than~~
~~Puget Sound))~~ ~~\$(200) 295~~ ~~\$(400) 520~~
- (5) Shellfish diver
 - (excluding clams) ~~\$(50) 525~~ ~~\$(400) 1045~~
- (6) Squid gear, all types ~~\$(400) 185~~ ~~\$(200) 295~~
- (7) Ghost shrimp gear ~~\$(400) 185~~ ~~\$(200) 295~~
- (8) Commercial razor
 - clam license ~~\$(50) 130~~ ~~\$(400) 185~~
- (9) Geoduck diver license ~~\$(400) 185~~ ~~\$(200) 295~~
- (10) Other shellfish gear ~~\$(400) 185~~ ~~\$(200) 295~~

Sec. 21. RCW 75.28.134 and 1989 c 316 s 9 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual endorsement fee is ~~((two hundred twenty-five))~~ three hundred twenty-five dollars for a resident and ~~((four hundred fifty))~~ five hundred seventy-five dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 22. RCW 75.28.140 and 1989 c 316 s 10 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee

- (1) Trawl (Puget Sound) ~~\$(400) 185~~ ~~\$(200) 295~~
- (2) Trawl (other than
 - Puget Sound) ~~\$(450) 240~~ ~~\$(300) 405~~

Sec. 23. RCW 75.28.255 and 1989 c 316 s 11 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fees are:

Species	Resident	Nonresident
	Fee	Fee

(1) Columbia river smelt \$~~((275))~~ 380 \$~~((550))~~ 685

(2) Carp \$~~((50))~~ 130 \$~~((400))~~ 185

Sec. 24. RCW 75.28.280 and 1989 c 316 s 12 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity.

~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fee is ~~((four hundred ten))~~ five hundred thirty dollars for residents and ~~((eight hundred twenty))~~ nine hundred eighty-five dollars for nonresidents.

Sec. 25. RCW 75.28.290 and 1989 c 316 s 14 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fee is ~~((fifty))~~ one hundred thirty dollars for residents and one hundred eighty-five dollars for nonresidents.

Sec. 26. RCW 75.28.300 and 1989 c 316 s 16 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065, the annual license fee is one hundred dollars.))~~ The annual license fee is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 27. RCW 75.28.340 and 1989 c 316 s 17 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual fee for a fish buyer's license is ~~((twenty))~~ ninety-five dollars.

Sec. 28. RCW 75.28.690 and 1989 c 316 s 18 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fee is ~~((twenty))~~ ninety-five dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

Sec. 29. RCW 75.28.710 and 1991 c 362 s 2 are each amended to read as follows:

A professional salmon guide license is required for the holder to offer or perform the services of a professional salmon guide in the taking of salmon for personal use in freshwater rivers and streams, other than in that part of the Columbia river below the bridge at Longview. The annual license fees are ~~((fifty))~~ one hundred fifty dollars for residents and ~~((five hundred))~~ seven hundred thirty dollars for nonresidents. The license fees include a surcharge of twenty dollars ~~((shall be))~~ assessed on each resident guide license and a surcharge of one hundred dollars ~~((shall be))~~ assessed on each nonresident guide license for the purposes of RCW 75.50.100.

Sec. 30. RCW 75.30.160 and 1986 c 198 s 6 are each amended to read as follows:

In addition to any other license, a Puget Sound commercial whiting endorsement is required to take whiting in the waters of marine fish-shell fish management and catch reporting areas 24B, Port Susan; 24C, Saratoga Passage; 26A, Possession Sound; or any other area designated by the department. An annual endorsement fee is two hundred ~~ninety-five~~ dollars for residents and ~~(four)~~ five hundred ~~twenty~~ dollars for nonresidents. The license shall be affixed to the licensed vessel.

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

- (1) RCW 75.25.015 and 1989 c 305 s 2, 1984 c 80 s 6, & 1983 1st ex.s. c 31 s 1;
- (2) RCW 75.25.040 and 1989 c 305 s 3, 1983 1st ex.s. c 46 s 91, 1980 c 81 s 1, & 1979 ex.s. c 243 s 4;
- (3) RCW 75.25.090 and 1989 c 305 s 5 & 1987 c 87 s 1;
- (4) RCW 75.25.100 and 1989 c 305 s 6, 1987 c 87 s 2, 1983 1st ex.s. c 46 s 94, & 1977 ex.s. c 327 s 11;
- (5) RCW 75.25.126 and 1989 c 305 s 7; and
- (6) RCW 75.28.065 and 1989 c 316 s 19.

NEW SECTION. Sec. 32. This act shall take effect January 1, 1994, except that sections 13 through 30 of this act shall take effect only if Senate Bill No. 5124 does not become law by August 1, 1993.

NEW SECTION. Sec. 33. This act shall expire January 1, 1998.

NEW SECTION. Sec. 34. A new section is added to chapter 75.28 RCW to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is: (i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW; or (ii) three and one-half times the resident renewal fee if the license is limited under chapter 75.30 RCW.

(d) If a license is transferred from a resident to a nonresident, the transferee shall pay the difference between the resident and nonresident license fees at the time of transfer.

(3) A commercial license that is transferable under this title survives the death of the holder. Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate.

Sec. 35. RCW 75.28.110 and 1989 c 316 s 3 are each amended to read as follows:

(1) The following commercial salmon ~~((fishing))~~ fishery licenses are required for the ~~((licensee))~~ license holder to use the specified gear to fish for salmon ~~((and other food fish))~~ in state waters. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ Only a person who meets the qualifications of RCW 75.30.120 may hold a license listed in this subsection. The licenses and their annual ((license)) fees and surcharges under RCW 75.50.100 are:

((Gear)) Fishery	Resident License	Nonresident License	Surcharge
-----------------------------	------------------	---------------------	-----------

(a) Salmon Gill Net--Grays Harbor-Columbia river \$380 \$685 plus \$100

(b) Salmon Gill Net--Puget Sound \$380 \$685 plus \$100

(c) Salmon Gill Net--Willapa Bay-Columbia river \$380 \$685 plus \$100

(d) Salmon purse seine ~~(((\$440))~~ \$530 ~~(((\$820))~~ \$985 plus \$100

~~((b))~~ Gill net \$275 \$550

(e) Troll \$275 \$550

~~((d))~~ (e) Salmon reef net ~~(((\$275))~~ \$380 ~~(((\$550))~~ \$685 plus \$100

(f) Salmon troll \$380 \$685 plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 75.28.--- (section 7 of Senate Bill No. 5124).

~~(3)~~ Holders of commercial salmon ~~((fishing))~~ fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

~~((3))~~ ~~(4)~~ A salmon troll license ~~((allows fishing in all licensing districts and))~~ includes a salmon delivery license.

~~((4))~~ ~~(5)~~ A ~~((separate))~~ salmon gill net license ~~((is required to fish for salmon in each of the licensing districts established in RCW 75.28.012))~~ authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

Sec. 36. RCW 75.28.113 and 1989 c 316 s 4 are each amended to read as follows:

~~(1)~~ ~~((A person operating a commercial fishing vessel used in taking))~~ It is unlawful to deliver salmon taken in offshore waters ~~((and delivering the salmon))~~ to a place or port in the state ~~((shall obtain))~~ without a salmon delivery license from the director. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual fee for a salmon delivery license is ((two hundred seventy-five)) three hundred eighty dollars for residents and ~~((five hundred fifty))~~ six hundred eighty-five dollars for nonresidents. ~~((Persons operating fishing vessels licensed))~~ The annual surcharge under RCW 75.50.100 is one hundred dollars for each license. Holders of nonsalmon delivery licenses issued under RCW 75.28.125 may apply the nonsalmon delivery license fee ((of fifty dollars)) against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

Sec. 37. RCW 75.28.116 and 1989 c 316 s 5 are each amended to read as follows:

~~((The owner of a commercial salmon fishing vessel which is))~~ A person who does not ~~((qualified))~~ qualify for a license under RCW 75.30.120 ~~((is required to))~~ shall obtain a nontransferable emergency salmon ~~((single))~~ delivery license ~~((in order))~~ to make one ~~((landing))~~ delivery of salmon taken in offshore waters. The director shall not issue ~~((a))~~ an emergency salmon ~~((single))~~ delivery license unless, as determined by the director, a bona fide emergency exists. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The license fee is ((one hundred thirty-five)) two hundred twenty-five dollars for residents and ~~((two hundred seventy))~~ four hundred seventy-five dollars for nonresidents. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

Sec. 38. RCW 75.28.120 and 1989 c 316 s 6 are each amended to read as follows:

~~((The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065, the annual license fees are:~~

~~Gear Resident Nonresident~~

~~Fee Fee~~

~~(1) Jig \$50 \$100~~

~~(2) Set line \$50 \$100~~

~~(3) Set net \$50 \$100~~

~~(4) Drag seine \$50 \$100~~

~~(5) Gill net \$275 \$550~~

~~(6) Purse seine \$410 \$820~~

- (7) Troll—\$50—\$100
- (8) Bottom fish pots—\$50—\$100
- (9) Lampara—\$100—\$200
- (10) Dip bag net—\$50—\$100
- (11) Brush weir—\$100—\$200
- (12) Other gear—\$100—\$200))

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery Annual Fee Vessel Limited

(Governing section(s)) Resident Nonresident Required? Entry?

- (a) Baitfish Lampara \$185 \$295 Yes No
- (b) Baitfish purse seine \$530 \$985 Yes No
- (c) Bottom fish jig \$130 \$185 Yes No
- (d) Bottom fish pot \$130 \$185 Yes No
- (e) Bottom fish troll \$130 \$185 Yes No
- (f) Carp \$130 \$185 No No
- (g) Columbia river smelt \$380 \$685 No No
- (h) Dog fish set net \$130 \$185 Yes No
- (i) Emerging commercial \$185 \$295 Determined Determined
fishery (RCW 75.30.220 by rule by rule
and 75.28.--- (section
18 of Senate Bill No.
5124))
- (j) Food fish drag seine \$130 \$185 Yes No
- (k) Food fish set line \$130 \$185 Yes No
- (l) Food fish trawl-- \$240 \$405 Yes No
Non-Puget Sound
- (m) Food fish trawl-- \$185 \$295 Yes No
Puget Sound
- (n) Herring dip bag net \$175 \$275 Yes Yes
(RCW 75.30.140)
- (o) Herring drag seine \$175 \$275 Yes Yes
(RCW 75.30.140)
- (p) Herring gill net \$175 \$275 Yes Yes
(RCW 75.30.140)
- (q) Herring Lampara \$175 \$275 Yes Yes
(RCW 75.30.140)
- (r) Herring purse seine \$175 \$275 Yes Yes
(RCW 75.30.140)
- (s) Herring spawn-on-kelp N/A N/A Yes Yes
(RCW 75.28.245 as
recodified by section
54, chapter ...
(Senate Bill No. 5124),
Laws of 1993)
- (t) Smelt dip bag net \$130 \$185 No No
- (u) Smelt gill net \$380 \$685 Yes No
- (v) Whiting--Puget Sound \$295 \$520 Yes Yes
(RCW 75.30.170)

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery.

Sec. 39. RCW 75.28.125 and 1989 c 316 s 7 are each amended¹ to read as follows:

~~((A delivery license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,)) (1) Except as provided in subsection (2) of this section, it is unlawful to deliver with a commercial fishing vessel food fish or shellfish taken in offshore waters to a port in the state without a nonsalmon delivery license. As used in this section, "food fish" does not include salmon. The annual license fee for a nonsalmon delivery license is ((fifty)) one hundred ten dollars for residents and ((one)) two hundred dollars for nonresidents. ((Licenses issued under RCW 75.28.113 (salmon delivery license), RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery license.))~~

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab pot fishery licenses issued under RCW 75.28.130, food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 may deliver food fish or shellfish taken in offshore waters without a nonsalmon delivery license.

(3) A nonsalmon delivery license authorizes no taking of food fish or shellfish from state waters.

Sec. 40. RCW 75.28.130 and 1989 c 316 s 8 are each amended to read as follows:

~~((The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065, the annual license fees are:~~

Gear	Resident	Nonresident	Fee	Fee
-----------------	---------------------	------------------------	----------------	----------------

- | | | | | |
|---------------------------|------------------|------------------|--|--|
| (1) Ring net | \$50 | \$100 | | |
| (2) Shellfish pots | | | | |
| (excluding crab) | \$50 | \$100 | | |
| (3) Crab pots | | | | |
| (Puget Sound) | \$50 | \$100 | | |
| (4) Crab pots | | | | |
| (other than Puget Sound) | \$200 | \$400 | | |
| (5) Shellfish diver | | | | |
| (excluding clams) | \$50 | \$100 | | |
| (6) Squid gear, all types | \$100 | \$200 | | |
| (7) Ghost shrimp gear | \$100 | \$200 | | |
| (8) Commercial razor | | | | |
| clam license | \$50 | \$100 | | |
| (9) Geoduck diver license | \$100 | \$200 | | |
| (10) Other shellfish gear | \$100 | \$200 | | |

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

<u>Fishery</u>	<u>Annual Fee</u>	<u>Vessel</u>	<u>Limited</u>
<u>(Governing section(s))</u>	<u>Resident</u>	<u>Nonresident</u>	<u>Required? Entry?</u>

(a) Burrowing shrimp \$185 \$295 Yes No

(b) Crab pot \$295 \$520 Yes No

(c) Crab pot-- \$130 \$185 Yes No

 Puget Sound(d) Crab

 ring net 2\$130 \$185 Yes No

 Non-Puget Sound

(e) Crab ring net-- \$130 \$185 Yes No

 Puget Sound

(f) Dungeness crab-- \$130 \$185 Yes Yes

 Puget Sound

 (RCW 75.30.130)

(g) Emerging commercial \$185 \$295 Determined Determined

 fishery (RCW 75.30.220 by rule by rule

 and 75.28.--- (section

18 of Senate Bill No. 5124))

(h) Geoduck (RCW 75.30.--- \$ 0 \$ 0 Yes Yes (section 46 of Senate Bill No. 5124))

(i) Hardshell clam \$530 \$985 Yes No mechanical harvester (RCW 75.28.280)

(j) Oyster reserve \$130 \$185 No No (RCW 75.28.290)

(k) Razor clam \$130 \$185 No No

(l) Sea cucumber dive \$130 \$185 Yes Yes (RCW 75.30.250)

(m) Sea urchin dive \$130 \$185 Yes Yes (RCW 75.30.210)

(n) Shellfish dive \$525 \$1045 Yes No

(o) Shellfish pot \$130 \$185 Yes No

(p) Shrimp pot-- \$325 \$575 Yes No Hood Canal

(q) Shrimp trawl-- \$240 \$405 Yes No Non-Puget Sound

(r) Shrimp trawl-- \$185 \$295 Yes No Puget Sound

(s) Squid \$185 \$295 Yes No

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

Sec. 41. RCW 75.28.095 and 1989 c 316 s 2, 1989 c 147 s 1, and 1989 c 47 s 2 are each reenacted and amended to read as follows:

(1) ((A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,)) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual ((license)) fees and surcharges are:

<u>((Species)) ((Resident)) Annual ((Nonresident License or Permit</u>	<u>Fee</u>	<u>Fee))</u>	<u>(RCW 75.50.100 Surcharge) Governing Resident Nonresident Section</u>
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(a) ((Food fish other than salmon)) Nonsalmon charter (((\$135)) \$225 (((\$270)) \$375

(b) Salmon ((and other food fish)) charter (((\$275)) \$380 (((\$550)) \$685 RCW

(plus \$100) (plus \$100) 75.30.065

(c) Salmon angler \$ 0 \$ 0 RCW

75.30.070

(d) Salmon roe \$ 95 \$ 95 RCW

75.28.690

(2) Except as provided in subsection (5) of this section, it is unlawful to operate a vessel as a charter boat from which salmon or salmon and other food fish are taken without a salmon charter license designating the vessel. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 75.30.065.

(3) Except as provided in subsections (2) and (5) of this section, it is unlawful to operate a vessel as a charter boat from which food fish or shellfish are taken without a nonsalmon charter license. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use, and ((which delivers)) that brings food fish or shellfish into state ports or ((delivers)) brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean(:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels)) a vessel used by ((guides)) a guide for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

((3)) (5) A charter boat licensed in Oregon ((shall be permitted to)) may fish without a Washington charter ((boat)) license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point ((under the same regulations as Washington charter boat operators)), as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

((4) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day.))

NEW SECTION. Sec. 42. A new section is added to chapter 75.28 RCW to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License Annual Fee Governing

(RCW 75.50.100 Surcharge) Section

Resident Nonresident RCW 75.28.---

(section 25 of
Senate Bill No.
5124)

(1) Alternate Operator \$ 35 \$ 35

(2) Geoduck Diver \$185 \$295 RCW 75.28.287

(as recodified
by section 54,
chapter ...
(Senate Bill No.
5124), Laws of
1993)

(3) Salmon Guide \$130 \$630 RCW 75.28.710

(plus \$20) (plus \$100)

Sec. 43. RCW 75.28.300 and 1989 c 316 s 16 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065, the annual license fee is one hundred dollars.)) The annual license fee for a wholesale dealer is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic

products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 44. RCW 75.28.030 and 1983 1st ex.s. c 46 s 105 are each amended to read as follows:

(1) Except as otherwise provided in this title, the director shall issue commercial licenses and permits to a qualified person((,)) upon ((the receipt of an)) **receiving a completed** application accompanied by the required fee. ((Applications shall be submitted on forms provided by the department. Applicants for commercial licenses and permits shall indicate at the time of application the species of food fish or shellfish they intend to take and the type of gear they intend to use.))

(2) An application submitted to the department under this chapter shall contain the name and address of the applicant and any other information required by the department or this title. An applicant for a commercial fishery license, delivery license, or charter license may designate a vessel to be used with the license and up to two alternate operators.

(3) An application submitted to the department under this chapter shall contain the applicant's declaration under penalty of perjury that the information on the application is true and correct.

(4) Upon issuing a commercial license under this chapter, the director shall assign the license a unique number that the license shall retain upon renewal. The department shall use the number to record any commercial catch under the license. This does not preclude the department from using other, additional, catch record methods.

(5) The fee to replace a license that has been lost or destroyed is twenty dollars.

NEW SECTION. Sec. 45. A new section is added to chapter 75.28 RCW to read as follows:

This section applies to all commercial fishery licenses, delivery licenses, and charter licenses, except for emergency salmon delivery licenses.

(1) The holder of a license subject to this section may substitute the vessel designated on the license or designate a vessel if none has previously been designated if the license holder:

(a) Surrenders the previously issued license to the department;

(b) Submits to the department an application that identifies the currently designated vessel, the vessel proposed to be designated, and any other information required by the department; and

(c) Pays to the department a fee of thirty-five dollars.

(2) Unless the license holder owns all vessels identified on the application described in subsection (1)(b) of this section, the following restrictions apply to changes in vessel designation:

(a) The department shall change the vessel designation on the license no more than four times per calendar year.

(b) The department shall change the vessel designation on the license no more than once in any seven-day period.

Sec. 46. RCW 75.28.340 and 1989 c 316 s 17 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065, the annual fee for a fish buyer's license is ((twenty)) **ninety-five** dollars.

NEW SECTION. Sec. 47. The following acts or parts of acts are each repealed:

(1) 1993 c --- s 5 (section 5 of Senate Bill No. 5124);

(2) 1993 c --- s 8 (section 8 of Senate Bill No. 5124);

(3) 1993 c --- s 11 (section 11 of Senate Bill No. 5124);

(4) 1993 c --- s 12 (section 12 of Senate Bill No. 5124);

(5) 1993 c --- s 13 (section 13 of Senate Bill No. 5124);

(6) 1993 c --- s 14 (section 14 of Senate Bill No. 5124);

(7) 1993 c --- s 15 (section 15 of Senate Bill No. 5124);

(8) 1993 c --- s 16 (section 16 of Senate Bill No. 5124);

(9) 1993 c --- s 17 (section 17 of Senate Bill No. 5124);

(10) 1993 c --- s 21 (section 21 of Senate Bill No. 5124); and

(11) 1993 c --- s 23 (section 23 of Senate Bill No. 5124).

NEW SECTION. Sec. 48. Sections 34 through 47 of this act shall take effect only if Senate Bill No. 5124 becomes law by August 1, 1993.

NEW SECTION. Sec. 49. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Roach moved that the following amendment by Senators Roach, Amondson, Erwin, McDonald, Moyer, Nelson and Hochstatter to the striking amendment be adopted:

On page 2, line 8, after "(b)" strike all materials through and including "(c)" on line 10

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Roach, Amondson, Erwin, McDonald, Moyer, Nelson and Hochstatter on page 2, line 8, to the striking amendment to Substitute Senate Bill No. 5980.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 14; Nays, 31; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Prince, Roach, von Reichbauer, West and Winsley - 14.

Voting nay: Senators Barr, Bauer, Bluechel, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 31.

Excused: Senators McCaslin, Newhouse, Skratek and Smith, L. - 4.

MOTION

Senator Roach moved that the following amendment by Senators Roach, Amondson, Erwin, McDonald, Moyer, Nelson and Hochstatter to the striking amendment be adopted:

On page 3, line 12, after "age" strike "~~((and residents seventy years of age or older))~~" and insert "and residents seventy years of age or older"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach, Amondson, Erwin, McDonald, Moyer, Nelson and Hochstatter on page 3, line 12, to the striking amendment to Substitute Senate Bill No. 5980.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted.

MOTION

Senator Haugen moved that the following amendments to the striking amendment be considered simultaneously and be adopted:

On page 2, line 23, after "shellfish" add "and seaweed"

On page 4, line 23, after "shellfish" add ", seaweed"

On page 4, line 29, after "shellfish" add "and seaweed"

On page 4, line 31, after "shellfish" add "or seaweed"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Haugen on page 2, line 23, and page 4, lines 23, 29, and 31, to the striking amendment to Substitute Senate Bill No. 5980.

The motion by Senator Haugen carried and the amendments to the striking amendment were adopted.

MOTION

Senator Spanel moved that the following amendment by Senators Spanel and Hargrove to the striking amendment be adopted:

On page 6, beginning on line 26, strike all of section 12 and insert the following:

"Sec. 12. RCW 82.27.020 and 1985 c 413 § 2 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of enhanced food fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the

enhanced food fish whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner. Processing and handling of enhanced food fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of enhanced food fish and liable to this tax may deduct from the price paid to the person from which the enhanced food fish (except oysters) are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the value of the enhanced food fish at the point of landing.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for enhanced food fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish, except chinook, coho, and anadromous game fish raised in saltwater net pens: Five and twenty-five one-hundredths percent.

(b) Pink and sockeye salmon: Three and fifteen one-hundredths percent.

(c) Other food fish and shellfish, except oysters and except atlantic salmon raised in saltwater net pens: Two and one-tenth percent.

(d) Oysters: ~~((Seven))~~ Eight one-hundredths of one percent.

(e) Chinook, coho, atlantic salmon, and anadromous game fish raised in saltwater net pens: Eight one-hundredths of one percent.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 13. RCW 82.27.030 and 1985 c 413 s 3 are each amended to read as follows:

The tax imposed by RCW 82.27.020 shall not apply to: (1) Enhanced food fish originating outside the state which enters the state as (a) frozen enhanced food fish or (b) enhanced food fish packaged for retail sales; (2) the growing, processing, or dealing with food fish which are raised from eggs or fry and which are under the physical control of the grower at all times until being sold or harvested, except fish raised in saltwater net pens; and (3) food fish, shellfish, anadromous game fish, and byproducts or parts of food fish shipped from outside the state which enter the state, except as provided in RCW 82.27.010, provided the taxpayer must have documentation showing shipping origination of fish exempt under this subsection to qualify for exemption. Such documentation includes, but is not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel and Hargrove on page 6, beginning on line 26, to the striking amendment to Substitute Senate Bill No. 5980.

The motion by Senator Spanel failed and the amendment to the amendment was not adopted on a rising vote.

MOTION

Senator Owen moved that the following amendment by Senators Owen and Barr to the striking amendment be adopted:

On page 29, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 49. The sum of eighty-five thousand dollars of the revenues derived from increases in personal use and commercial license fees pursuant to sections 2, 34, 42, and 45 of this act and RCW 75.28.030, 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.290, 75.28.300, 75.28.340, 75.28.690, 75.28.710, and 75.30.160, is appropriated for the biennium ending June 30, 1995, from the general fund to Washington State University for the purposes of implementation of the provision of chapter ... (House Bill No. 1309), Laws of 1993."

Renumber remaining sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Spanel: "Mr. President, I would rise to a point of order on scope and object. This expands the original bill. The bill relates to fishing licenses and collecting different fees and this expands it to make an appropriation to some place else."

Debate ensued.

MOTION

At 6:25 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 6:53 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5980 and the pending amendment by Senators Owen and Barr on page 29, after line 24, to the striking amendment, under consideration before going at ease.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Spanel, the President finds that Substitute Senate Bill No. 5980 is a measure which, among other things, changes various fees related to fishing.

"The amendment by Senators Owen and Barr to the striking amendment would appropriate a portion of the revenues derived from the fee changes for specified purposes related to fisheries.

"The President, therefore, finds that the proposed amendment to the striking amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Owen and Barr on page 29, after line 24, to the striking amendment was ruled in order. Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Owen, I am looking at the budget for Washington State University and there is language under Sub 6 that says, 'Eighty-five thousand dollars of the general fund appropriation is provided solely for the implementation of Section 7 of Second Engrossed Substitute House Bill No. 1309.' It appears to me that that budget already provided eighty-five thousand dollars to do the work required by this bill. Does this amendment add another eighty-five thousand dollars, because the project is going to cost more or is it intended to replace the eighty-five thousand that is in the budget here?"

Senator Owen: "The budget, as it is, requires Washington State University to take the eighty-five thousand out of their budget and put it into this program. It is not an increased appropriation. To answer your question, this would not double the appropriation. This would take the place of that appropriation. It is intended to take the place of that appropriation."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen and Barr on page 29, after line 24, to the striking amendment to Substitute Senate Bill No. 5980.

The motion by Senator Owen carried and the amendment to the striking amendment was adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senator Owen to Substitute Senate Bill No. 5980.

Debate ensued.

The motion by Senator Owen carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Owen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.25.005, 75.25.080, 75.25.110, 75.25.120, 75.25.140, 75.25.150, 75.25.180, 75.50.100, 82.27.020, 75.28.035, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.290, 75.28.300, 75.28.340, 75.28.690, 75.28.710, 75.30.160, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.300, 75.28.030, and 75.28.340; reenacting and amending RCW 75.28.095 and 75.28.095; adding new sections to chapter 75.25 RCW; adding new sections to chapter 75.28 RCW; creating a new section; repealing RCW 75.25.015, 75.25.040, 75.25.090, 75.25.100, 75.25.126, and 75.28.065; providing a contingent effective date; providing an effective date; and providing an expiration date."

On page 30, line 9 of the title amendment, after "75.28.065;" insert "making an appropriation"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 5980 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5980.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5980 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Oke, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Winsley - 27.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Wojahn - 18.

Absent: Senator Niemi - 1.

Excused: Senators McCaslin, Newhouse and Skratek - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Jesernig: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through Sine Die of the First Special Session."

The President declared the question before the Senate to be the motion by Senator Jesernig to limit debate.

The motion by Senator Jesernig carried and debate was limited to three minutes through Sine Die of the First Special Session.

MOTION

At 7:12 p.m., on motion of Senator Jesernig, the Senate recessed until 8:00 p.m.

The Senate was called to order at 10:00 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 5, 1993

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5370, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1993

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1993

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5753,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781,
REENGROSSED SENATE BILL NO. 5983, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1993

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5966,
REENGROSSED SUBSTITUTE SENATE BILL NO. 5982, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1993

MR. PRESIDENT:

The Speaker has signed:
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED SENATE BILL NO. 5925,
ENGROSSED SENATE BILL NO. 5989, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1993

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2123 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5753,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5966,
REENGROSSED SUBSTITUTE SENATE BILL NO. 5982,
REENGROSSED SENATE BILL NO. 5983.

SIGNED BY THE PRESIDENT

The President signed:
REENGROSSED SUBSTITUTE SENATE BILL NO. 5972.

There being no objection, the President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5991 by Senators Bauer and Snyder

AN ACT Relating to an optional gross income tax; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.44.240, and 43.43.310; reenacting and amending RCW 41.24.240, 41.26.180, 41.32.052, and 41.40.052; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1458 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Dorn, R. Johnson and Fuhrman)

Regulating retail charge agreements.

HOLD.

RESHB 1524 by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver and Valle) (by request of Office of Financial Management)

Making supplemental appropriations.

HOLD.

MOTION

On motion of Senator Jesernig, the rules were suspended and Engrossed Substitute House Bill No. 1458 and Reengrossed Substitute House Bill No. 1524 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Jesernig, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Mielke, Dorn, R. Johnson and Fuhrman)

Regulating retail charge agreements.

The bill was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, Engrossed Substitute House Bill No. 1458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Sutherland: "Senator Moore, your statement just begs the question. If we vote in favor of this, are we going to be hung out to dry later on?"

Senator Moore: "In responding to that serious question, I have to say that I think in the Columbia River Gorge, there will be no problem being dried."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1458.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1458 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 2; Excused, 2.

Voting yea: Senators Barr, Bauer, Bluechel, Deccio, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Roach, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams and Winsley - 41.

Voting nay: Senators Anderson, Cantu, Hochstatter and Sellar - 4.

Absent: Senators Amondson and Wojahn - 2.

Excused: Senators McCaslin and Newhouse - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Amondson was excused.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver and Valle) (by request of Office of Financial Management)

Making supplemental appropriations.

The bill was read the second time.

MOTION

On motion of Senator Jesernig, the rules were suspended, Reengrossed Substitute House Bill No. 1524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1524.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1524 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams, Winsley and Wojahn - 29.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer and West - 17.

Excused: Senators Amondson, McCaslin and Newhouse - 3.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5724, by Senator Rinehart (by request of Department of Social and Health Services)

Changing nursing home auditing and cost reimbursement provisions.

MOTIONS

On motion of Senator Rinehart, Substitute Senate Bill No. 5724 was substituted for Senate Bill No. 5724 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.46.020 and 1991 sp.s. c 8 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

- (ii) Through the conversion of an ownership interest;
- (iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or
- (iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~(19) ("Gain on sale" means the difference between the total net book value of nursing home assets, including but not limited to land, building and equipment, and the total sales price of all such assets.~~

~~(20))~~ (20) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

~~((21))~~ (20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

~~((22))~~ (21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

~~((23))~~ (22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((24))~~ (23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

~~((25))~~ (24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((26))~~ (25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1,

1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

~~((27))~~ (26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((28))~~ (27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((29))~~ (28) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((30))~~ (29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the ~~((allowable costs))~~ product of the per patient day rate multiplied by the prior calendar year reported total patient days of each contractor ~~((for the previous calendar year))~~.

~~((31))~~ (30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((32))~~ (31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((33))~~ (32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((34))~~ (33) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

~~((35))~~ (34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((36))~~ (35) "Qualified therapist" means:

- (a) An activities specialist who has specialized education, training, or experience as specified by the department;
- (b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;
- (c) A mental health professional as defined by chapter 71.05 RCW;
- (d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
- (e) A social worker who is a graduate of a school of social work;
- (f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
- (g) A physical therapist as defined by chapter 18.74 RCW; ~~((and))~~
- (h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and
- (i) A respiratory care practitioner certified under chapter 18.89 RCW.

~~((37))~~ (36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

~~((38))~~ (37) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((39))~~ (38) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((40))~~ (39) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((44))~~ (40) "Secretary" means the secretary of the department of social and health services.

~~((42))~~ (41) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

~~((43))~~ (42) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

Sec. 2. RCW 74.46.180 and 1987 c 476 s 1 and 1987 c 283 s 9 are each reenacted and amended to read as follows:

(1) The state shall make payment of any underpayments within thirty days after the date the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded to the department. However, in computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings~~(: PROVIDED, That)~~. Not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center~~(: PROVIDED FURTHER, That)~~. There shall be no shifting out of nursing services, and savings in food shall be shifted only to cover deficits in the nursing services cost center. There shall be no shifting from the operational to the administrative cost center.

(4) Within the administrative and property cost centers ~~((of administration and operations and property))~~, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective audited allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the administrative and property cost centers ~~((and the administration and operations cost center))~~ exceed audited allowable costs in these cost areas by a total of ten cents or more per patient day. The secretary, by rule ~~((and regulation))~~, shall establish the basis for the specific percentages of savings to the contractors. Such rules ~~((and regulations))~~ may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All ~~((allowances))~~ return on investment rate payments provided by RCW 74.46.530 shall be retained by the contractor to the extent net invested funds are substantiated by department field audit. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due, plus any interest accrued under RCW 43.20B.695, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due, plus interest assessed at the rate and in the manner provided in RCW 43.20B.695, from any payments due; or (ii) recover the amount due, plus any interest assessed under RCW 43.20B.695, from security posted with the department or by any other lawful means.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 3. RCW 74.46.230 and 1980 c 177 s 23 are each amended to read as follows:

(1) The necessary and ordinary one-time expenses directly incident to the preparation of a newly constructed or purchased building by a contractor for operation as a licensed facility shall be allowable costs. These expenses shall be limited to start-up and organizational costs incurred prior to the admission of the first patient.

(2) Start-up costs shall include, but not be limited to, administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, and training; except, that they shall exclude expenditures for capital assets. These costs will be allowable in the ~~((administration and operations))~~ administrative cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

(3) Organizational costs are those necessary, ordinary, and directly incident to the creation of a corporation or other form of business of the contractor including, but not limited to, legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation; except, that they do not include costs relating to the issuance and sale of shares of capital stock or other securities. Such organizational costs will be allowable in the ~~((administration and operations))~~ administrative cost center if they are amortized over a period of not less than sixty months beginning with the month in which the first patient is admitted for care.

Sec. 4. RCW 74.46.280 and 1980 c 177 s 28 are each amended to read as follows:

(1) Management fees will be allowed only if:

(a) A written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates that the services contracted for were actually delivered.

(2) To be allowable, fees must be for necessary, nonduplicative services. ~~((Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to~~

~~(a) the maximum allowable compensation under RCW 74.46.260 of the licensed administrator and, if the facility has at least eighty beds, of an assistant administrator, less~~

~~(b) actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any.~~

~~In computing maximum allowable compensation under RCW 74.46.260 for a facility with at least eighty beds, include the maximum compensation of an assistant administrator even if an assistant administrator is not employed.)~~

(3) A management fee paid to or for the benefit of a related organization will be allowable to the extent it does not exceed the lower of(~~(:~~

~~(a) The limits set out in subsection (2) of this section; or~~

~~(b) The lower of)) the actual cost to the related organization of providing necessary services related to patient care under the agreement(~~(,~~) or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with RCW 74.46.270.~~

(4) A copy of the agreement must be received by the department at least sixty days before it is to become effective. A copy of any amendment to a management agreement must also be received by the department at least thirty days in advance of the date it is to become effective.

~~((5) Central office costs for general management services, including the portion of a management expense which is not allocated to specific services, such as accounting, shall be subject to the management fee limits determined in subsections (2) and (3) of this section.)~~

Sec. 5. RCW 74.46.380 and 1991 sp.s. c 8 s 12 are each amended to read as follows:

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

~~((3) If there is a sale of a nursing facility on or after July 1, 1991, that results in a gain on sale, the actual reimbursement for depreciation paid to the selling contractor through the medicaid reimbursement program shall be recovered by the department to the extent of any gain on sale. The purchaser is obligated to reimburse the department, whether or not the purchaser is a medicaid contractor. If the department is unable to collect from the purchaser, then the seller is responsible for reimbursing the department. The department may establish an appropriate repayment schedule to recover depreciation. If the purchaser is a medicaid contractor and the contractor does not comply with the repayment schedule established by the department, the department may deduct the recovery from the contractor's monthly medicaid payments. The department may adopt rules, as appropriate, to insure that the principles of this section are implemented with respect to leased assets, or with respect to sales of intangibles or specific assets only.)~~

Sec. 6. RCW 74.46.410 and 1991 sp.s. c 8 s 15 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) ~~(Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;~~

~~(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;~~

~~(lll)) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;~~

~~((mm)) (kk) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions.~~

Sec. 7. RCW 74.46.420 and 1985 c 361 s 18 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) Reimbursement rates will be set prospectively on a per patient day basis on a two-year cycle corresponding to each state biennium; and

(2) The rates ~~((so established will)), in the nursing services, food, administrative, and operational cost centers, shall be adjusted downward or upward when set effective July 1 of the first fiscal year of the two-year rate-setting cycle and adjusted again downward or upward effective July 1 of the second fiscal year of the rate-setting cycle~~ for economic ~~((conditions and)) trends ((in accordance with appropriations made by the legislature as consistent with federal requirements for the period to be covered by such rates))~~ and conditions.

(3) The July 1 rates for the first year of each biennium shall be adjusted by the change in the implicit price deflator for personal consumption expenditures index published by the bureau of labor statistics of the United States department of labor. The period used to measure the increase or decrease to be applied to these first year biennial rates shall be the calendar year preceding the July 1 commencement of the state biennium.

(4) The July 1 rates for the second year of each biennium shall be adjusted by the change in the nursing home input price index without capital costs published by the health care financing administration of the department of health and human services, HCFA index, however, any increase shall be multiplied by one and one-half. The period used to measure the HCFA index increase to be multiplied by one and one-half and applied or decrease to be applied to these second-year biennial rates shall also be the calendar year preceding the July 1 commencement of the state biennium: PROVIDED, However, That in the event the change in the HCFA index measured over the following calendar year, the one terminating six months after the start of the state biennium, is twenty-five percent greater or less than the change in the HCFA index measured over the calendar year preceding commencement of the state biennium, the department shall use the HCFA index increase multiplied by one and one-half or decrease in such following calendar year to inflate or decrease nursing facilities' nursing services, food, administrative, and operational rates for July 1 of the second biennial year.

(5) If either the implicit price deflator index or the health care financing administration index ceases to be published in the future, the department shall select by rule and use in their place one or more measures of change from an alternate source or sources for the same or comparable time periods.

Sec. 8. RCW 74.46.430 and 1987 2nd ex.s. c 1 s 2 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of RCW 74.46.780.

(3) ~~((Until the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers shall be established based upon a minimum facility occupancy level of eighty-five percent.~~

~~(4) On and after the effective date of RCW 74.46.510 and 74.46.530,) The maximum prospective reimbursement rates for the ((administration and operations)) administrative, operational, and ((the)) property cost centers, and the return on investment ((allowance)) rate shall be established based upon a minimum facility occupancy level of eighty-five percent.~~

~~((5)) (4) All contractors shall be required to adjust and maintain wages for all employees to a minimum hourly wage ((established by the legislature in the biennial appropriations act, if the legislature appropriates moneys to fund prospectively the portion of the minimum wage attributable to services to medicaid patients. Prospective rate revisions to fund any minimum wage increases shall be made only on the dates authorized in the appropriation act. The department shall by regulation limit reimbursement to the amount appropriated for legislatively authorized enhancement for nonadministrative wages and benefits above the moneys necessary to fund minimum wages specified in this section. The department in considering reimbursement for~~

legislatively authorized wage enhancements will take into consideration facility wage history over the past three cost report periods)) of four dollars and seventy-six cents per hour beginning January 1, 1988, and five dollars and fifteen cents per hour beginning January 1, 1989.

Sec. 9. RCW 74.46.450 and 1983 1st ex.s. c 67 s 20 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until ~~((rates can be established under RCW 74.46.460 based on a contractor's cost report including at least six months of cost data))~~ adjusted or reset as provided in this chapter.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations and on costs and payment rates of the prior contractor, if any, or of other contractors in comparable circumstances.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until ~~((a determination is made pursuant to RCW 74.46.460))~~ adjusted or reset as provided in this chapter.

(4) The department is authorized to develop policies and procedures in rule to address the computation of rates for the first and second fiscal years of each biennium, including steps necessary to prorate rate adjustments for economic trends and conditions as authorized in RCW 74.46.420, for contractors having less than twelve months of cost report data for the prior calendar year.

Sec. 10. RCW 74.46.460 and 1987 c 476 s 3 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined or adjusted prospectively at least once each calendar year, as provided in this chapter, to be effective July 1st. Provided, that a contractor's rate for the first fiscal year of each biennium must be established upon its own prior calendar period report of at least six months of cost data.

(2) Rates may be adjusted as determined by the department to take into account variations in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department. ~~((Rates shall be adjusted by the amount of legislatively authorized enhancements in accordance with RCW 74.46.430(5) and 74.46.470(2).))~~ Rates may also be adjusted to cover costs associated with placing a nursing home in receivership which costs are not covered by the rate of the former contractor, including: Compensation of the receiver, reasonable expenses of receivership and transition of control, and costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found. Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification. Rates shall be adjusted for capitalized improvements done under RCW 74.46.465.

~~((3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.~~

~~(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports.))~~

Sec. 11. RCW 74.46.470 and 1987 c 476 s 4 are each amended to read as follows:

(1) A contractor's reimbursement rates for medical care recipients will be determined utilizing net invested funds and desk-reviewed cost report data within the following cost centers:

- (a) Nursing services;
- (b) Food;
- (c) ~~((Administration and operations))~~ Administrative; ~~((and))~~
- (d) Operational; and
- (e) Property.

(2) There shall be for the time period January 1988 through June 1990 only an enhancement cost center established to reimburse contractors for specific legislatively authorized enhancements for nonadministrative wages and benefits to ensure that such enhancements are used exclusively for the legislatively authorized purposes. For purposes of settlement, funds appropriated to this cost center shall only be used for expenditures for which the legislative authorization is granted. Such funds may be used only in the following circumstances:

(a) The contractor has increased expenditures for which legislative authorization is granted to at least the highest level paid in any of the last three cost years, plus, beginning July 1, 1987, any percentage inflation adjustment as was granted each year under RCW 74.46.495; and

(b) All funds shifted from the enhancement cost center are shown to have been expended for legislatively authorized enhancements.

(3) If the contractor does not spend the amount appropriated to this cost center in the legislatively authorized manner, then the amounts not appropriately spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(4) For purposes of this section, "nonadministrative wages and benefits" means wages and payroll taxes paid with respect to, and the employer share of the cost of benefits provided to, employees in job classes specified in an appropriation, which may not include administrators, assistant administrators, or administrators in training.

(5) Amounts expended in the enhancement cost center in excess of the minimum wage established under RCW 74.46.430 are subject to all provisions contained in this chapter.

Sec. 12. RCW 74.46.481 and 1991 sp.s. c 8 s 16 are each amended to read as follows:

(1) The nursing services cost center shall include for reporting and audit purposes all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel, and the cost of nursing supplies. ~~((For rates effective for state fiscal year 1984,))~~ The department shall adopt by administrative rule a definition of "related care" ~~((which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care)).~~ For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter ~~((and as tested for reasonableness within this section)),~~ shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(2) The department shall adopt ~~((by))~~ through administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

- (a) The correlation between alternative measures and facility nursing staff; and
- (b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure. A regression calculated shall be effective for the entire biennium.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit ~~((, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose [choose] to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities)).~~ However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate only for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan. ~~((The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.))~~

(5) ~~((The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.))~~ Every two years when rates are set at the beginning of each new biennium, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office and (b) those not located in such an area. The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per patient day adjusted nursing services cost from the prior report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Nursing services rates for facilities within each peer group for the first year of the biennium shall be set at the lower of the facility's adjusted per patient day nursing services cost from the prior report period or the median cost for the facility's peer group plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420. However, the per patient day peer group median cost plus twenty-five percent limit shall not apply to the nursing services cost center reimbursement rate only for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan.

(6) ~~((If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.~~

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) Prospective rates for the nursing services cost center, for state fiscal year 1992 only, shall not be subject to the cost growth index lid in subsections (5), (6), and (7) of this section. The lid shall apply for state fiscal year 1991 rate setting and all state fiscal years subsequent to fiscal year 1992.

(9)) If a nursing facility is impacted by the limit authorized in subsection (5) of this section, it shall not receive a prospective rate in nursing services for July 1, 1993, less than the same facility's prospective rate in nursing services as of June 30, 1993, adjusted by any increase in the implicit price deflator for personal consumption expenditures, IPD index, as measured over the period authorized by RCW 74.46.420(3).

(7) A nursing facility's rate in nursing services for the second year of each biennium shall be that facility's rate as of July 1 of the first year of that biennium reduced or inflated as authorized by RCW 74.46.420. The alternating procedures prescribed in this section for a facility's two July 1 nursing services rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

(8) Median costs for peer groups shall be calculated initially as provided in this chapter on the basis of the most recent adjusted cost information available to the department prior to the calculation of the new rate for July 1 of the first fiscal year of each biennium, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31 of the first fiscal year of each biennium, and shall apply retroactively to the prior July 1 rate, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose during the periods authorized by such appropriations or other laws and the increases shall be conditioned on specified improvements in patient care at such facilities.

(10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) Increases in ((aeuity)) debility levels of contractors' residents determined in accordance with the department's assessment and reporting procedures and requirements utilizing the minimum data set;

(b) Staffing patterns for similar facilities in the same peer group;

(c) Physical plant of contractor; and

(d) Survey, inspection of care, and department consultation results.

Sec. 13. RCW 74.46.490 and 1983 1st ex.s. c 67 s 25 are each amended to read as follows:

(1) The food cost center shall include for reporting purposes all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) ~~((Reimbursement for the food cost center shall be at the January 1, 1983, reimbursement rate, adjusted annually for inflation.))~~ Every two years when rates are set at the beginning of each new biennium, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office and (b) those not located in such an area. The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per patient day adjusted food cost from the prior report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Food rates for facilities within each peer group for the first year of the biennium shall be set at the lower of the facility's adjusted per patient day food cost from the prior report period or the median cost for the facility's peer group plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) A nursing facility's food rate for the second year of each biennium shall be that facility's rate as of July 1 of the first year of that biennium reduced or inflated as authorized by RCW 74.46.420. The alternating procedures prescribed in this section for a facility's two July 1 food rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

(4) Median costs for peer groups shall be calculated initially as provided in this chapter on the basis of the most recent adjusted cost information available to the department prior to the calculation of the new rate for July 1 of the first fiscal year of each biennium, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31 of the first fiscal year of each biennium, and shall apply retroactively to the prior July 1 rate, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

Sec. 14. RCW 74.46.500 and 1992 c 182 s 1 are each amended to read as follows:

(1) ~~The ((administration and operations))~~ administrative cost center shall include ~~((all items not included in the cost centers of nursing services, food, and property.~~

(2) ~~Subject to subsection (4) of this section, the administration and operations cost center reimbursement rate for each facility shall be based on the computation in this subsection and shall not exceed the eighty-fifth percentile of (a) the rates of all reporting facilities derived from the computation below, or (b) reporting facilities grouped in accordance with subsection (3) of this section:~~

~~AR = TAC/TPD, where~~

~~AR = the administration and operations cost center reimbursement rate for a facility;~~

~~TAC = the total costs of the administration and operations cost center plus the retained savings from such cost center as provided in RCW 74.46.180 of a facility; and~~

~~TPD = the total patient days for a facility for the prior year.~~

(3) ~~The secretary may group facilities based on factors which could reasonably influence cost requirements of this cost center, other than ownership or legal organization characteristics.~~

(4) ~~In applying the eighty-fifth percentile reimbursement limit authorized by subsection (2) of this section to the pilot facility specially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017, and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan, the department shall exempt the cost of nursing supplies reported by the pilot facility in excess of the average of nursing supplies cost for medicaid nursing facilities state-wide))~~ for cost reporting purposes all administrative, oversight, and management costs whether facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology. Such costs shall be identical to the cost report line item costs categorized under "general and administrative" in the "administration and operations" combined cost center existing prior to January 1, 1993, except for nursing supplies and purchased medical records.

(2) Every two years when rates are set at the beginning of each new biennium, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office and (b) those not located in such an area. The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per patient day adjusted administrative cost from the prior report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Administrative rates for facilities within each peer group for the first year of the biennium shall be set at the lower of the facility's adjusted per patient day administrative cost from the prior report period or the median cost for the facility's peer group plus ten percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) A nursing facility's administrative rate for the second year of each biennium shall be that facility's rate as of July 1 of the first year of that biennium reduced or inflated as authorized by RCW 74.46.420. The alternating procedures prescribed in this section for a facility's two July 1 administrative rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

(4) Median costs for peer groups shall be calculated initially as provided in this chapter on the basis of the most recent adjusted cost information available to the department prior to the calculation of the new rate for July 1 of the first fiscal year of each biennium, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31 of the first fiscal year of each biennium, and shall apply retroactively to the prior July 1 rate, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

NEW SECTION. Sec. 15. A new section is added to chapter 74.46 RCW to read as follows:

(1) The operational cost center shall include for cost reporting purposes all allowable costs of the daily operation of the facility not included in nursing services and related care, food, administrative, or property costs, whether such costs are facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology.

(2) Every two years when rates are set at the beginning of each new biennium, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office and (b) those not located in such an area. The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per patient day adjusted operational cost from the prior report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Operational rates for facilities within each peer group for the first year of the biennium shall be set at the lower of the facility's adjusted per patient day operational cost from the prior report period or the median cost for the facility's peer group plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) A nursing facility's operational rate for the second year of each biennium shall be that facility's rate as of July 1 of the first year of that biennium reduced or inflated as authorized by RCW 74.46.420. The alternating procedures prescribed in this section for a facility's two July 1 operational rates occurring within each biennium shall be followed in the same order for each succeeding biennium.

(4) Median costs for peer groups shall be calculated initially as provided in this chapter on the basis of the most recent adjusted cost information available to the department prior to the calculation of the new rate for July 1 of the first fiscal year of each biennium, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31 of the first fiscal year of each biennium, and shall apply retroactively to the prior July 1 rate, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

Sec. 16. RCW 74.46.510 and 1980 c 177 s 51 are each amended to read as follows:

(1) The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation (~~((costs))~~), subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in RCW 74.46.180, by the total patient days for the facility in the prior period. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the property cost center rate shall be adjusted to anticipated patient day level.

(2) A nursing facility's property rate shall be rebased annually, effective July 1, in accordance with this section regardless of whether the rate is for the first or second year of the biennium.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

Sec. 17. RCW 74.46.530 and 1991 sp.s. c 8 s 17 are each amended to read as follows:

(1) The department shall establish for ~~((individual facilities))~~ each medicaid nursing facility a return on investment ((allowances)) rate composed of two parts: A financing allowance and a variable return allowance. A facility's return on investment rate shall be rebased annually, effective July 1, in accordance with this section, regardless of whether the rate is for the first or second year of the biennium.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the contractor's total patient days from the most recent cost report period. If a capitalized addition or retirement of an asset will

result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) Every two years at the start of each new biennium, the department, without utilizing peer groups, will first rank all facilities in numerical order from highest to lowest according to their ((average per diem)) per patient day adjusted allowable costs for ((the sum of the administration and operations and property cost centers)) nursing services, food, administrative, and operational costs combined for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the ((total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510)) sum of the facility's nursing services, food, administrative, and operational rate components. The percentage amounts will be based on groupings of facilities according to the rankings ((as established)) prescribed in (i) of this subsection (1)(c). The percentages calculated and assigned will remain the same for the next variable return allowance paid in the second year of the biennium. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment ((allowance)) rate determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation ((expenses)) associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment ((allowance)) rate.

(iii) The return on investment ((allowance)) rate determined according to subsection (1)(d) of this section or the alternate return on investment ((allowance)) rate, whichever is greater, shall be the return on investment ((allowance)) rate for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) ((In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(3)) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment ((allowances)) rates in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

NEW SECTION. Sec. 18. By November 15, 1994, the legislative budget committee shall complete a study of the nursing home reimbursement system. The study shall include an assessment of the financial stability of the nursing home industry, to the extent sufficient information is available from the industry and other sources to make such an assessment; an evaluation of the adequacy of the nursing home reimbursement system for promoting cost-effective, quality care; and, if appropriate, recommendations for improving the reimbursement

system's capacity to promote sufficient availability of efficient and quality care. In conducting the study, the legislative budget committee shall consult with the nursing home industry, consumer groups, health care professionals, and the department of social and health services.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

- (1) RCW 74.46.260 and 1980 c 177 s 26; and
- (2) RCW 74.46.495 and 1983 1st ex.s. c 67 s 26.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 1 of the title, after "reimbursement;" strike the remainder of the title and insert "amending RCW 74.46.020, 74.46.230, 74.46.280, 74.46.380, 74.46.410, 74.46.420, 74.46.430, 74.46.450, 74.46.460, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.510, and 74.46.530; reenacting and amending RCW 74.46.180; adding a new section to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.260 and 74.46.495; providing an effective date; and declaring an emergency."

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 5724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5724.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5724 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Drew, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vogniild, Williams and Wojahn - 26.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Franklin, Hochstatter, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., Talmadge, von Reichbauer, West and Winsley - 20.

Excused: Senators Amondson, McCaslin and Newhouse - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:22 p.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 11:34 p.m. by President Pritchard.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 5, 1993

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1969,
ENGROSSED HOUSE BILL NO. 2114,
HOUSE BILL NO. 2129, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

May 5, 1993

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8409, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1969,
ENGROSSED HOUSE BILL NO. 2114,
HOUSE BILL NO. 2129,

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8409.

MOTION

On motion of Senator Jesernig, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Anderson, the following resolution was adopted:

SENATE RESOLUTION 1993-8654

By Senator Anderson

WHEREAS, Leo D. Groves has served with distinction for twenty years as Superintendent of the Nooksack Valley School District, a rural district of 1,500 students along the Canadian border in Whatcom County; and

WHEREAS, In a district with no major industry and business tax base, Superintendent Groves strived always to keep limited resources targeted on the teaching of students; and

WHEREAS, As such, for years Superintendent Groves and one secretary functioned as the district's fiscal officer managing all budgets, funds, revenues, expenditures, and investments; and

WHEREAS, Superintendent Groves kept administrative costs to a bare minimum by bearing the bulk of supervision of all the district's departments, including its fiscal, transportation, facility maintenance and operation, purchasing and personnel departments, by himself; and

WHEREAS, During his tenure, Superintendent Groves also oversaw the completion of several important building projects, including a new primary school in the community of Sumas, a new primary building in the community of Everson, major additions to the primaries at Sumas and the elementary in Everson, a new district junior high school, and major additions and remodeling to the district's junior and senior high schools;

WHEREAS, Leo D. Groves, thirty-seven years an educator who always placed his students first, will retire at the end of this school year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor Superintendent Groves for his years of exemplary dedication to the children, families, and communities of the Nooksack Valley School District; and

BE IT FURTHER RESOLVED, that the Senate offers its hope that Superintendent Groves will enjoy a well-earned retirement and the opportunity to spend more time with his four children and five grandchildren, who all also live in Whatcom County; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Leo D. Groves.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 5, 1993

MR. PRESIDENT:

The House has passed REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521 with the following amendment(s):

On page 13, beginning on line 3, strike all of section 9, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate concurred in the House amendment to Reengrossed Second Substitute Senate Bill No. 5521.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Second Substitute Senate Bill No. 5521, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 5521, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 3; Excused, 3.

Voting yea: Senators Anderson, Barr, Bauer, Bluechel, Cantu, Drew, Erwin, Franklin, Fraser, Gaspard, Hargrove, Haugen, Hochstatter, Jesernig, Loveland, McAuliffe, McDonald, Moore, Moyer, Nelson, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Smith, L., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, Williams and Wojahn - 42.

Voting nay: Senator Roach - 1.

Absent: Senators Deccio, West and Winsley - 3.

Excused: Senators Amondson, McCaslin and Newhouse - 3.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF INTENT TO AMEND JOINT RULE 26

Senator Jesernig: "Mr. President, pursuant to Joint Rule 36, I give one day's notice of intent to amend Joint Rule 26 on the next legislative day. The amendment will permit suspension of the 24-hour rule for Conference Committee Reports by a majority vote on May 6, 1993."

POINT OF INQUIRY

Senator Nelson: "Senator Jesernig, do you have a copy of the proposed rule change that can be placed at the bar of the Senate for scrutiny by all the members in conformance with the twenty-four hour rule?"

Senator Jesernig: "Yes."

Senator Nelson: "Could we have the proposed rule change distributed to the members of the Senate, so that they can peruse the change for the purposes of considering possible amendments to the rule change?"

Senator Jesernig: "Sure, we'll do it."

President Pritchard announced that the intent to amend Joint Rule No. 26 had been received.

EDITOR'S NOTE: Joint Rule 36 reads, 'These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.'

Joint Rule 26 reads, 'No floor vote may be taken on any conference committee report without a distribution to all members of a summary of additions, changes, and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions. The clerk and the secretary shall place the reports on the desks of the members as soon as possible.

'Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house and the secretary of the senate, and by distribution to the desks of the members before considering reports from a conference committee which has proposed new items within the scope and object of the bill in conference. The report shall be read in full.

'The foregoing provisions relating to twenty-four hour intervals and reading of the report in full may be suspended by the senate or the house of representative by two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.

'The report must be voted upon in its entirety and cannot be amended. The report of a conference committee may be adopted by acclamation.

'Passage of a bill as amended by conference report shall be by roll call and ayes and nays shall be entered on the journals of the respective house. Passage requires a constitutional majority in both houses, except in the case of constitutional amendments, which require a two-thirds vote.'

MOTION

At 11:51 p.m., on motion of Senator Jesernig, the Senate adjourned until 12:05 a.m., Thursday, May 6, 1993.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, FIRST SPECIAL SESSION, MAY 5, 1993

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 6, 1993

The Senate was called to order at 12:07 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and Newhouse. On motion of Senator Oke, Senators McCaslin and Newhouse were excused.

MOTION

On motion of Senator Jesernig, the reading of the Journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

May 5, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5980 with the following amendment(s):

On page 2, line 10, after "age" insert ", honorably discharged veterans with service-connected disabilities of thirty percent or more who have resided in the state for one year or more,"

On page 2, line 24, after "age" insert "or honorably discharged veterans with service-connected disabilities of thirty percent or more who have resided in the state for one year or more"

On page 30, after line 22, insert:

NEW SECTION. Sec. 50. A new section is added to chapter 75.28 RCW to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Coastal crab" means Dungeness crab (*Cancer magister*) taken in all Washington territorial and offshore water south of the United States-Canada boundary and west of the Bonilla-Tatoosh Line (a line from the western end of Cape Flattery to Tatoosh Island Lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver Island), Grays Harbor, Willapa Bay, and the Columbia river.

NEW SECTION. Sec. 51. A new section is added to chapter 75.28 RCW to read as follows:

Effective January 1, 1994, it is unlawful to fish for coastal crab in Washington state waters or to deliver coastal crab to a port in the state if the crab is harvested with a vessel equipped with more than four hundred crab pots. This section shall not apply to deliveries that are necessary due to bona fide emergencies as determined by the director.

NEW SECTION. Sec. 52. If the director of the department of fisheries develops proposed legislation as a result of its study on coastal crab pursuant to chapter 9, Laws of 1992, the director shall involve the commercial crab industry in the preparation of such legislation."

Renumber remaining sections consecutively and correct internal references accordingly., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5980.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Oke, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Sutherland, Talmadge, Vognild, Williams and Winsley - 29.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Haugen, Hochstatter, McDonald, Nelson, Roach, Sellar, Smith, L., Spanel, von Reichbauer, West and Wojahn - 18.

Excused: Senators McCaslin and Newhouse - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12:20 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 12:40 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5370,

SUBSTITUTE SENATE BILL NO. 5753,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5966,

REENGROSSED SUBSTITUTE SENATE BILL NO. 5972,

REENGROSSED SUBSTITUTE SENATE BILL NO. 5982, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5968 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 5968 May 5, 1993

Includes "New Item": Yes

Relating to fiscal matters

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5968, relating to fiscal matters, have had the same under consideration and we recommend that the House amendment adopted April 30, 1993, not be adopted and that the attached Conference Committee striking amendment be adopted with the following modifications:

On page 8, line 15, increase the General Fund--State Appropriation to the Office of Financial Management by \$592,000 and adjust the total appropriation accordingly.

On page 34, line 15, increase the General Fund--State Appropriation to the Department of Community Development by \$5,248,000 and adjust the total appropriation accordingly.

On page 46, line 19, increase the General Fund--State Appropriation to the Department of Ecology by \$1,000,000 and adjust the total appropriation accordingly.

On page 51, line 17, increase the General Fund Appropriation to the Environmental Hearings Office by \$25,000.

On page 51, line 23, increase the General Fund--State Appropriation to the Department of Trade and Economic Development by \$2,000,000 and adjust the total appropriation accordingly.

On page 91, line 26, increase the General Fund--State Appropriation to the Higher Education Coordinating Board by \$431,000 and adjust the total appropriation accordingly.

On page 98, after line 17, insert the following:

"NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--AGENCY COMMUTE TRIP

REDUCTION

State Capital Vehicle Parking Account

Appropriation \$ 1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to assist state agencies in implementing commute trip reduction programs as required by RCW 70.94.521 through 70.94.551. Allocation of this appropriation will be made by the office of financial management after considering recommendations from the interagency task force for commute trip reduction."

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1994" or "FY 1994" means the fiscal year ending June 30, 1994.

(b) "Fiscal year 1995" or "FY 1995" means the fiscal year ending June 30, 1995.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 46,189,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 35,457,000

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,067,000

Health Services Account Appropriation \$ 565,000

TOTAL APPROPRIATION \$ 2,632,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$565,000 of the health services account--state appropriation is provided solely for studies required by Engrossed Second Substitute Senate Bill No. 5304. If that bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

(2) \$18,800 is provided for the legislative budget committee to review the department of veterans affairs, the Washington soldiers' home, and the Washington veterans' home to implement Engrossed House Bill No. 1437 to the extent permitted by the amount provided.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,400,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense

Fund Appropriation \$ 1,649,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$150,000 is provided solely for an actuarial study of local government liabilities for law enforcement officers' and fire fighters' retirement system medical benefits.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 9,480,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,952,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided for the expenses of the law revision commission under chapter 1.30 RCW.

NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES. In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund Appropriation \$ 9,769,000

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,193,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 17,117,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 1,013,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 24,418,000

Public Safety and Education Account Appropriation \$ 36,102,000

Judicial Information System Account Appropriation \$ 655,000

Health Services Account Appropriation \$ 117,000

Drug Enforcement and Education Account Appropriation \$ 6,510,000

TOTAL APPROPRIATION \$ 67,802,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,107,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$110,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5753 (judgeship for Cowlitz county). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) The administrator for the courts shall provide data processing support to the department of social and health services' division of juvenile rehabilitation in the allocation of grant moneys to local governments.

(5) \$9,820,000 of the public safety and education account is provided solely for the indigent appeals program.

(6) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(7) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(8) \$117,000 of the health services account appropriation is provided solely for the implementation of section 418 of Engrossed Second Substitute Senate Bill No. 5304 (medical malpractice review). If section 418 of the bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation \$ 6,138,000

The appropriation in this section is subject to the following conditions and limitations: \$186,000 is provided solely for mansion maintenance.

NEW SECTION. Sec. 115. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 484,000

NEW SECTION. Sec. 116. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,989,000

NEW SECTION. Sec. 117. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,049,000

Archives and Records Management Account

Appropriation \$ 3,160,000

Personnel Service Account Appropriation \$ 612,000

TOTAL APPROPRIATION \$ 11,821,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,532 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,095,465 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) The productivity board shall not approve any payment to, or agreement with, state employees under the teamwork incentive program under chapter 41.60 RCW unless the board determines that all expenditures savings or revenue increases recognized under the teamwork incentive program award are attributable exclusively to participating employees. Awards under the teamwork incentive program shall not exceed two thousand five hundred dollars per participating employee.

NEW SECTION. Sec. 118. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 297,000

NEW SECTION. Sec. 119. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 336,000

NEW SECTION. Sec. 120. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 9,976,000

TOTAL APPROPRIATION \$ 10,020,000

The appropriations in this section are subject to the following conditions and limitations: \$284,000 of the state treasurer's service account appropriation is provided solely for the information systems project known as "upgrade mainframe." Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 121. FOR THE STATE AUDITOR

General Fund--State Appropriation \$ 20,000

General Fund--Federal Appropriation \$ 158,000

Motor Vehicle Fund Appropriation \$ 334,000

Municipal Revolving Fund Appropriation \$ 24,454,000

Auditing Services Revolving Fund Appropriation \$ 12,018,000

TOTAL APPROPRIATION \$ 36,984,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include a finding regarding the accuracy of student enrollment data and the experience and education of the district's certificated instructional staff reported to the superintendent of public instruction for the purposes of allocation of state funding.

(2) \$200,000 of the auditing services revolving fund appropriation is provided solely for the conduct of performance audits as directed in this act.

NEW SECTION. Sec. 122. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 66,000

NEW SECTION. Sec. 123. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation \$ 5,918,000

General Fund--Federal Appropriation \$ 1,632,000

Health Services Account Appropriation \$ 175,000

Public Safety and Education Account Appropriation \$ 1,249,000

Legal Services Revolving Fund Appropriation \$ 96,950,000

Motor Vehicle Fund Appropriation \$ 748,000

New Motor Vehicle Arbitration Account Appropriation \$ 1,784,000

TOTAL APPROPRIATION \$ 108,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,249,000 of the public safety and education account appropriation and \$406,000 of the general fund--state appropriation are provided solely for the attorney general's criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to appropriate committees of the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

(6) \$175,000 of the health services account appropriation and \$350,000 of the legal services revolving fund appropriation are provided solely for anti-trust activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 124. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 815,000

NEW SECTION. Sec. 125. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ 18,983,000

General Fund--Federal Appropriation \$ 918,000

Motor Vehicle Fund Appropriation \$ 109,000

Health Services Account Appropriation \$ 250,000

TOTAL APPROPRIATION \$ 20,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) All agencies that receive appropriations in this act shall report to the office of financial management by November 15, 1993, on the agency's implementation of funding adjustments made in this act to reflect administrative reductions or other efficiencies, as identified in the legislative budget notes. The office of financial management shall compile the reports and transmit them to the legislative fiscal committees by December 1, 1993. Institutions of higher education shall make this report pursuant to section 601 of this act.

(2) To facilitate the performance audit of state-wide administrative costs pursuant to section 904 of this act, the office of financial management shall develop and implement a state-wide reporting system to ensure uniform and consistent reporting of administrative costs and staffing levels by state agencies.

(3) The office of financial management shall evaluate the extent to which state employees could receive more efficient and less expensive service, as well as increased flexibility and return on their investments, from a deferred compensation program contracted with a private organization, and shall report its findings and recommendations to appropriate committees of the legislature by December 1, 1993.

(4) The efficiency commission shall undertake studies to determine the most effective means of delivering services currently provided by the state printer and the department of general administration's central stores.

(5) \$50,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1372 (state program evaluations). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(6) \$100,000 of the general fund--state appropriation is provided solely for an interim task force as provided for by Engrossed Substitute House Bill No. 2054 (civil service reform).

NEW SECTION. Sec. 126. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund

Appropriation \$ 12,535,000

The appropriation in this section is subject to the following conditions and limitations: \$655,000 of the appropriation is provided to address increased workload, but may be expended only if the office works in conjunction with the attorney general and other involved agencies to improve the efficiency and cost-effectiveness of administrative appeals processing by such measures as using teleconferencing and, where parties are represented by counsel, having counsel prepare findings of fact and conclusions of law.

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ 17,162,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$600,000 of the appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.

(3) \$500,000 of the appropriation is provided solely for a career and employment transition program to assist permanent state employees who are separated due to reduction-in-force, including employee retraining, career counseling, and job placement services.

(4) \$32,000 is provided solely for creation, printing, and distribution of the personal benefits statement for state employees.

(5) From the department's nonappropriated data processing account, the department shall prepare a feasibility study for the design and implementation of a new human resource information system. Authority to expend funds for the feasibility study is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 128. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account Appropriation \$ 382,000

NEW SECTION. Sec. 129. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 19,745,000

NEW SECTION. Sec. 130. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 375,000

NEW SECTION. Sec. 131. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 271,000

NEW SECTION. Sec. 132. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation \$ 1,268,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 31,988,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,530,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project including an assessment of the savings the department is likely to achieve as a result of this project by January 15, 1994.

(2) \$1,136,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the office of financial management on the status of this project by January 15, 1995.

(3) \$404,000 is provided solely for the increased workload resulting from the Bowles decision.

(4) \$382,000 is provided solely for the temporary increased workload resulting from 1993 legislation providing for early retirement. If a bill providing for early retirement is not passed by June 30, 1993, this amount shall lapse.

(5) The appropriation contains sufficient funds to implement House Bill No. 2028 (restoration notification).

(6) The department shall adjust the retirement systems administrative rate during the 1993-95 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding of a study of LEOFF Plan I medical liabilities by the office of the state actuary.

(7) The department shall reduce its administrative charge rate from .22 percent to .17 percent for the 1993-95 biennium.

NEW SECTION. Sec. 134. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ 6,939,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 123,401,000

Timber Tax Distribution Account Appropriation \$ 4,358,000

State Toxics Control Account Appropriation \$ 76,000

Solid Waste Management Account Appropriation \$ 90,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ 236,000

Vehicle Tire Recycling Account Appropriation \$ 128,000

Air Operating Permit Account Appropriation \$ 36,000

State Oil Spill Administration Account Appropriation \$ 20,000

Litter Control Account Appropriation \$ 96,000

TOTAL APPROPRIATION \$ 128,441,000

The appropriations in this section are subject to the following conditions and limitations: \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management." Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 136. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,340,000

NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,944,000

NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 47,000

NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Minority and Women's Business Revolving Fund Account

Appropriation \$ 2,103,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ 393,000

General Fund--Federal Appropriation \$ 1,306,000

General Fund--Private/Local Appropriation \$ 392,000

Risk Management Account Appropriation \$ 2,246,000

State Capitol Vehicle Parking Account Appropriation \$ 740,000

Motor Transport Account Appropriation \$ 11,024,000

Air Pollution Control Account Appropriation \$ 149,000

General Administration Facilities and Services

Revolving Fund Appropriation \$ 21,356,000

Central Stores Revolving Account \$ \$4,285,000

TOTAL APPROPRIATION \$ 41,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.

(2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.

(4) \$200,000 of the general administration facilities and services revolving fund appropriation is provided solely for security for the capitol's west campus area.

(5) \$252,000 of the general administration facilities and services revolving fund appropriation is provided solely for administration and provision of the volunteer capitol campus tours program.

(6) \$35,000 of the air pollution control account appropriation is provided solely for the purpose of hiring one full-time equivalent employee to develop procurement specifications consistent with the requirements of RCW 43.19.570, the national energy policy act of 1992 and, to the extent possible, with the procurement specifications of other states. If matching funds are not provided by the alternative fuels industry by July 1, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ 3,510,000

The appropriation in this section is subject to the following conditions and limitations: \$400,000 of the nonappropriated data processing revolving fund shall be provided for development and operation of a video telecommunications center. The center shall be financially self-supporting and shall not receive any support from any state sources other than dedicated service fees specifically related to the use of the center.

NEW SECTION. Sec. 142. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation \$ 18,206,000

General Fund--Federal Appropriation \$ 104,000

TOTAL APPROPRIATION \$ 18,310,000

The appropriations in this section are subject to the following conditions and limitations: \$890,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account Appropriation \$ 1,202,000

NEW SECTION. Sec. 144. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 14,000

NEW SECTION. Sec. 145. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,876,000

The appropriation in this section is subject to the following conditions and limitations: None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION. Sec. 146. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 111,231,000

The appropriation in this section is subject to the following conditions and limitations: The liquor control board shall conduct a study that identifies possible savings in contracting outbound freight with a single or small number of carriers. The board shall report to the director of financial management and the fiscal committees of the legislature by September 1, 1994, on the findings of the study, including documentation of cost savings.

NEW SECTION. Sec. 147. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 29,239,000

Grade Crossing Protective Fund Appropriation \$ 320,000

TOTAL APPROPRIATION \$ 29,559,000

The appropriations in this section are subject to the following conditions and limitations: Subject to commission approval, no more than \$250,000 of the public service revolving fund appropriation may be spent to assist the legislature in studying the current statutes and administrative procedures for the optimum future capability for voice, video, and information services in Washington state.

NEW SECTION. Sec. 148. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension

Administrative Fund Appropriation \$ 398,000

NEW SECTION. Sec. 149. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ 8,365,000
General Fund--Federal Appropriation \$ 8,850,000
General Fund--Private/Local Appropriation \$ 186,000
TOTAL APPROPRIATION \$ 17,401,000

NEW SECTION. Sec. 150. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 1,771,000
Employment Relations Account Appropriation \$ 2,637,000
TOTAL APPROPRIATION \$ 4,408,000

NEW SECTION. Sec. 151. DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT. On July 1, 1994, all appropriations and all conditions and limitations contained in sections 217 and 308 of this act shall be provided for the department of community, trade, and economic development. If Engrossed Substitute Senate Bill No. 5868 or substantially similar legislation creating a department of community, trade, and economic development is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Fund Appropriation \$ 3,031,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5270, or substantially similar legislation, creating a department of financial institutions is not enacted by July 1, 1993, the securities regulation fund appropriation shall be null and void and the department of licensing general fund--state appropriation shall be increased by \$3,031,000.

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department shall identify social service programs administered by the department to be eliminated in fiscal year 1995. The funding for the identified programs will be used to establish a state social services block grant through which funds will be distributed state-wide on a formula basis to local consortiums, which may include public and private entities. By January 1, 1994, the department shall recommend the following to the appropriate legislative committees: (a) The list of identified programs; (b) a grant proposal process; (c) a method of distribution for the block grant funds including an allocation formula; and (d) a percentage of the block grant to be used for local administration. In developing the recommendations, the department shall consult with representatives of local governments and social service providers. The department's general fund--state appropriation has been reduced by \$1,000,000 to reflect savings which will result in fiscal year 1995 from the elimination of state administration of the identified programs. The department may transfer funds to the division of children and family services from other divisions to the extent that savings are realized in other divisions as a result of these reductions.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation \$ 292,004,000
General Fund--Federal Appropriation \$ 193,407,000
Drug Enforcement and Education Account Appropriation \$ 3,722,000
TOTAL APPROPRIATION \$ 489,133,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$854,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(2) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event that the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) \$14,984,000 of the general fund--state appropriation and \$14,632,000 of the general fund--federal appropriation are provided to establish a state child care block grant by July 1, 1994. The department shall develop a plan for administering the block grant which shall include: (a) A state-wide distribution formula; (b) a block grant application process that encourages the cooperative efforts of local governments, resource and referral agencies, and other not-for-profit organizations involved with child care; (c) recommendations about cost-effective ways to administer child care subsidies in rural areas of the state; and (d) recommendations for the percentage of the grant to be used for local administration. The plan shall be presented to the appropriate legislative committees by January 1, 1994.

(5) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 550,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

(6) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

(7) The department shall reimburse child care providers at the 75th percentile of the 1992 market rate based on the market survey conducted by the department. The revised rate schedule shall be phased-in beginning on December 1, 1993, and shall be fully implemented by May 31, 1994.

(8) \$8,792,000 of the general fund--state appropriation is provided solely to implement the following programs: \$385,000 of this amount is provided for the medical training project on the evaluation and care of child sexual abuse, \$4,784,000 of this amount is provided for contracts for domestic violence shelters and comprehensive domestic violence service planning, \$2,841,000 of this amount is provided for early identification and treatment of child sexual abuse, and \$782,000 of this amount is provided for sexual assault centers.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 60,629,000
General Fund--Federal Appropriation \$ 6,639,000
Drug Enforcement and Education Account Appropriation \$ 1,552,000
TOTAL APPROPRIATION \$ 68,820,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 56,655,000
Drug Enforcement and Education Account Appropriation \$ 940,000
TOTAL APPROPRIATION \$ 57,595,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1993, on proposals to implement early release and structured transition services for juvenile offenders.

(b) The department of general administration, in conjunction with the division of juvenile rehabilitation and other state agencies, shall evaluate and make recommendations on the future use of the Green Hill school and/or property as a state facility. The recommendations shall be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 1993.

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 2,926,000
General Fund--Federal Appropriation \$ 156,000
Drug Enforcement and Education Account Appropriation \$ 342,000
TOTAL APPROPRIATION \$ 3,424,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 1,296,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation \$ 239,529,000
General Fund--Federal Appropriation \$ 168,680,000
General Fund--Local Appropriation \$ 9,000,000
TOTAL APPROPRIATION \$ 417,209,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund--state appropriation and \$5,409,000 of the general fund--federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of social and health services shall issue practice guidelines to assist mental health regional support networks and providers determine the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund--state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,080,000 of the general fund--federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(d) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 146,577,000
General Fund--Federal Appropriation \$ 87,011,000
General Fund--Local Appropriation \$ 42,498,000
Charitable, Educational, Penal and
Reform Institutions Account Appropriation \$ 3,000,000
Industrial Insurance Premium Refund Account
Appropriation \$ 507,000
TOTAL APPROPRIATION \$ 279,593,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) From appropriations provided in this section and in section 208 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(c) The secretary of social and health services shall phase out operation of the PORTAL program at the northern state multi-service center. In accomplishing this phase down, the secretary shall:

(i) Work with regional support networks, families and advocacy groups, and other community service providers to assure that appropriate community services are in place for people transitioning out of the PORTAL program; and

(ii) Develop and implement a transition plan for state employees dislocated by the phase down of the PORTAL program. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security, retraining and placement into other state jobs, placement of state employees with private contractors, and small business assistance.

(d) The secretary of social and health services shall establish in contracts with the regional support networks a stop-loss arrangement to safeguard the regional support networks against increased admissions to the state psychiatric hospitals of persons who are eligible for services from the division of developmental disabilities or from the aging and adult services administration. Under this stop-loss arrangement, the cost of any state hospital usage by those populations in excess of 10 percent of the 1991-93 average level shall be charged to the funds appropriated to the division of developmental disabilities and the aging and adult services administration, rather than to the regional support networks.

(e) \$560,000 of the general fund--state appropriation is provided solely to assist western Washington regional support networks in reducing the average daily population of western state hospital.

(3) CIVIL COMMITMENT

General Fund Appropriation \$ 5,718,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation \$ 1,899,000

General Fund--Federal Appropriation \$ 2,946,000

TOTAL APPROPRIATION \$ 4,845,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation \$ 4,882,000

General Fund--Federal Appropriation \$ 1,826,000

TOTAL APPROPRIATION \$ 6,708,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 204,081,000

General Fund--Federal Appropriation \$ 131,660,000

TOTAL APPROPRIATION \$ 335,741,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 121,133,000

General Fund--Federal Appropriation \$ 165,704,000

General Fund--Local Appropriation \$ 9,143,000

TOTAL APPROPRIATION \$ 295,980,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 5,665,000

General Fund--Federal Appropriation \$ 971,000

TOTAL APPROPRIATION \$ 6,636,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing the building and administration at Interlake School. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual shall be moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund--state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

(iii) The needs of each institutional resident are assessed to identify the level of support needed to maintain the person in the most normal and least restrictive setting consistent with the person's needs. The secretary shall prioritize placement for those individuals whose needs can be addressed most cost-effectively in community-based settings;

(iv) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs; and

(v) A report is submitted to appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4)(a), and their outcomes.

(b) During the last eighteen months of the 1993-95 fiscal biennium, the per capita cost of community residential services shall be reduced by at least 6.7 percent below the amount expended during the last quarter of the 1991-93 biennium. In accomplishing this reconfiguration of community residential services and costs, the governor shall assure that:

(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers;

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level;

(iii) Reconfigurations are planned locally, with maximum flexibility to tailor residential support arrangements to fit local resources and opportunities and the needs of individual residents and families;

(iv) A working group representing all interested parties is convened to plan and oversee the reconfigurations. The working group shall additionally prepare recommendations for the governor and the legislature on organization of the developmental disabilities system.

(c) In addition to slots needed to accommodate persons moving from ICF/MR and nursing facilities, the secretary shall seek federal approval to expand by at least 500 the number of persons receiving services under federal medicaid home- and community-based services waivers. If the waiver request is not approved by the federal health care financing administration, the secretary is authorized to use up to \$15,000,000 of the general fund--state appropriation to develop intermediate care facilities for the mentally retarded, personal care, rehabilitative, and other services reimbursable under medicaid without a waiver of federal rules. The secretary shall report to the ways and means committee of the senate and the appropriations committee of the house of representatives by February 1, 1994, on the outcome of these efforts.

(d) The secretary shall report to appropriate committees of the legislature by January 1, 1994, on efforts to obtain federal approval to include living units at Fircrest school as group homes under medicaid home- and community-based services waivers.

(e) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programmatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment-related work expense (IRWE).

(f) Counties shall use a portion of the general fund--state appropriation for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(g) \$2,210,000 of the general fund--state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation \$ 618,987,000

General Fund--Federal Appropriation \$ 738,027,000

General Fund--Private/Local Appropriation \$ 2,004,000

TOTAL APPROPRIATION \$ 1,359,018,000

The appropriations in this section are subject to the following conditions and limitations: During the first quarter of the fiscal biennium, the department shall transfer recipients of the chore services program who require assistance with household tasks

only to the volunteer chore services program. At least \$2,277,000 of the general fund--state appropriation shall be used solely for the volunteer chore services program.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 653,252,000

General Fund--Federal Appropriation \$ 599,986,000

TOTAL APPROPRIATION \$ 1,253,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(2) Of the general fund--state appropriation, no more shall be expended for the state supplementary payment for supplemental security income (SSI) payments than is required to comply with 20 C.F.R. ch. III, s 416.2096(c)(1). The department shall adjust the state supplementary payment in order to comply with this subsection.

(3) \$600,000 of the general fund--state appropriation is provided solely to implement section 3 of Engrossed Substitute House Bill No. 1197 (public assistance).

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation \$ 15,355,000

General Fund--Federal Appropriation \$ 65,475,000

Drug Enforcement and Education Account

Appropriation \$ 68,572,000

TOTAL APPROPRIATION \$ 149,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$304,000 of the general fund--federal appropriation is provided to enact sections 3, 4, and 5 of Engrossed Substitute House Bill No. 2026 (high risk pregnancies). These funds will be used to implement three pilot projects involving pretreatment drug and alcohol services for women of child-bearing age.

(2) From appropriations provided in this section and in section 204 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(3) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 1,167,705,000

General Fund--Federal Appropriation \$ 1,804,308,000

General Fund--Local Appropriation \$ 361,996,000

Health Services Account Appropriation \$ 54,777,000

TOTAL APPROPRIATION \$ 3,388,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(2) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(3) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(4) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(5) \$148,000 of the general fund--state appropriation is provided solely to continue the DECODE program.

(6) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(7) \$50,240,000 of the health services account--state appropriation and \$61,404,000 of the general fund--federal appropriation are provided solely to expand medicaid eligibility to 200 percent of poverty for children through age 18, effective July 1, 1994. The appropriation in this subsection includes \$662,000 from the health services account--state and \$808,000 from general fund--federal to accelerate the implementation of managed care in the medicaid program. It also includes funds to administer the expanded caseload and to coordinate with the basic health plan. This subsection includes funds for full coverage of children enrolled in the basic health plan and eligible for medicaid under eligibility standards in place July 1, 1993. It is the intent of the legislature that children covered through this expanded coverage shall be enrolled in managed care plans to the maximum extent possible. The department shall seek to expand its managed care waivers to require children funded through this subsection to enroll in the basic health plan or other managed care systems. The department shall create a special eligibility category for children covered by this eligibility expansion, so that expenditures, unit costs and individuals served may be reported consistently over time. The department shall also provide for consistent reporting on other medicaid children served through the basic health plan.

(8) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(9) \$1,693,000 of the health services account appropriation is provided solely to expand maternity care services previously supported through the department of health.

(10) \$3,372,000 of the general fund--state appropriation and \$3,586,000 of the general fund--federal appropriation are provided for chiropractic services.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation \$ 15,406,000

General Fund--Federal Appropriation \$ 68,237,000

TOTAL APPROPRIATION \$ 83,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with mental health regional support networks and with community developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies. Of the funds appropriated in this section, \$7,859,000 of the general fund--federal appropriation is provided solely as match for state appropriations included in other sections of this act to implement these cooperative agreements.

(2) The division of vocational rehabilitation shall assure that individuals affected by reductions in the job support services (extended sheltered employment) program have access to services under the regular state and federal vocational rehabilitation program that will enable them to obtain and maintain ongoing competitive or supported employment.

(3) \$1,015,000 of the general fund--federal appropriation is provided solely for vocational rehabilitation services for individuals with severe disabilities who complete a high school curriculum during the 1993-95 biennium.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation \$ 46,547,000

General Fund--Federal Appropriation \$ 37,420,000

TOTAL APPROPRIATION \$ 83,967,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-

year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) The department shall enter an interagency agreement transferring \$100,000 to the human rights commission by August 1, 1993, to offset the cost of investigating claims filed with the commission by department employees and clients.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation \$ 219,837,000

General Fund--Federal Appropriation \$ 257,237,000

Health Services Account Appropriation \$ 793,000

TOTAL APPROPRIATION \$ 477,867,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,953,000 of the general fund--state appropriation and \$21,683,000 of the general fund--federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads. In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

(3) \$793,000 of the health services account--state and \$969,000 of the general fund--federal appropriation are provided solely for the costs associated with expanding medicaid eligibility to 200 percent of poverty level for children through age 18, effective July 1, 1994.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation \$ 35,763,000

General Fund--Federal Appropriation \$ 178,043,000

General Fund--Local Appropriation \$ 280,000

TOTAL APPROPRIATION \$ 214,086,000

The appropriations in this section are subject to the following conditions and limitations: \$415,000 of the general fund--state appropriation and \$139,000 of the general fund--federal appropriation are provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation \$ 30,935,000

General Fund--Federal Appropriation \$ 11,724,000

TOTAL APPROPRIATION \$ 42,659,000

The appropriations in this section are subject to the following conditions and limitations: The department may transfer up to \$1,810,000 of the general fund--state appropriation and \$416,000 of the general fund--federal appropriation from its various programs to implement reductions related to the consolidated mail service.

NEW SECTION. Sec. 215. FOR THE HEALTH CARE COMMISSION

Health Services Account--State Appropriation \$ 4,004,000

NEW SECTION. Sec. 216. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

General Fund Appropriation \$ 6,810,000

Health Services Account Appropriation \$ 139,368,000

State Health Care Authority Administrative Account

Appropriation \$ 10,045,000

TOTAL APPROPRIATION \$ 156,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) From the nonappropriated retired school employees insurance account, the health care authority shall reimburse the department of retirement systems through interagency agreements for enrolling K-12 retirees in a state-administered health benefits plan.

(2) \$1,205,000 of the health services account appropriation is provided solely for health care reform planning. If Engrossed Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund appropriation and \$5,000,000 of the health services account appropriation are provided solely to implement the transfer of the community health clinics funding from the department of health provided in Engrossed Substitute Senate Bill No. 5304 (health care reform).

(4) \$222,000 of the health services account appropriation is provided solely to work with school districts in preparation of providing school employees state-administered health care plans, in accordance with Engrossed Substitute Senate Bill No. 5304 (health care reform).

(5) The health care authority shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$132,941,000 of the health services account appropriation is provided solely for health coverage through the subsidized portion of the basic health plan and program administration. Beginning July 1, 1993, the administrator shall coordinate coverage with the medical assistance division of the department of social and health services to earn federal matching funds and to provide full medical assistance services for eligible children.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ 80,996,000
General Fund--Federal Appropriation \$ 185,242,000
General Fund--Private/Local Appropriation \$ 624,000
Public Safety and Education Account Appropriation \$ 8,402,000
Building Code Council Account Appropriation \$ 1,068,000
Public Works Assistance Account Appropriation \$ 1,192,000
Drug Enforcement and Education Account Appropriation \$ 3,908,000
Low Income Weatherization Account Appropriation \$ 6,582,000
Washington Housing Trust Fund Appropriation \$ 4,643,000
Enhanced 911 Account Appropriation \$ 20,042,000
Administrative Contingency Fund Appropriation \$ 1,476,000
TOTAL APPROPRIATION \$ 314,175,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,707,832 of the general fund--state appropriation is provided for emergency food assistance. Of this amount, \$300,000 shall be allocated to food banks in targeted areas as determined by the timber and targeted areas policy office and \$225,000 shall be allocated for food stamp outreach.

(2) \$8,208,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:

(a) \$3,630,255 to local units of government to continue existing local drug task forces;

(b) \$1,086,240 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;

(c) \$697,128 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$279,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department;

(f) \$174,840 to the department of community development to establish the youth violence prevention and intervention project;

(g) \$214,830 to the department of community development for the state-wide drug offense indigent defense program;

(h) \$782,734 to the department of corrections for the expansion of correctional industries programs. It is the intent of the legislature that this program receive an equal amount of funding from the fiscal year 1995 drug control and system improvement formula grant program appropriation;

(i) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(j) \$46,000 to the Washington state patrol for data collection; and

(k) \$410,400 to the office of financial management for the criminal history records improvement program.

(l) \$128,573 for continuation of the high impact offender prosecution project; and

(m) \$186,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(3) \$20,000 of the general fund--state appropriation is provided for the Seattle children's museum.

(4) \$70,000 of the general fund--state appropriation is provided for emergency medical services support to the Mt. St. Helens national volcanic monument area.

(5) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$2,400,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.

(6) \$350,000 of the general fund--state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities including, but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.

(7) Within the funds appropriated in this section the department shall use existing staff resources to research the availability of and apply for economic development grants from federal and private sources and to assist state and local organizations in doing the same.

(8) \$5,118,000 of the general fund--state appropriation is provided for emergency shelter assistance.

(9) \$12,328,000 of the general fund--state appropriation is provided for grants to local governments for comprehensive planning activities pursuant to the growth management act.

(10) \$4,800,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.

(11) \$3,600,000 of the public safety and education account appropriation is provided solely for the office of crime victim's advocacy and for sexual assault treatment services.

(12) \$8,268,000 of the general fund--state appropriation and \$41,610,000 of the general fund--federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program. It is the intent of the legislature that the disaster assistance unit continue to be funded as disasters occur not on a permanent basis, and that staffing for the unit be kept to only the minimum number of positions necessary to administer the grants and meet other federal and state requirements.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT--FIRE PROTECTION POLICY BOARD. \$4,865,000 is appropriated to the department of community development for the purposes of the fire protection policy board. Of this amount, \$2,213,000 is from the general fund--state appropriation, \$1,750,000 is from the fire service training account appropriation, \$466,000 is from the state toxics control account appropriation, \$346,000 is from the oil spill administration account appropriation, and \$90,000 is from the fire service trust account appropriation. All expenditures from these funds are subject to the approval of the fire protection policy board. In the event of an across-the-board reduction in general fund allotments under RCW 43.88.110, the percentage reduction in the general--state allotments to the fire protection policy board shall not exceed the percentage reduction to the department's other general fund--state allotments.

NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION
General Fund--State Appropriation \$ 3,919,000
General Fund--Federal Appropriation \$ 1,009,000
General Fund--Private/Local Appropriation \$ 402,000

TOTAL APPROPRIATION \$ 5,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,964 of the general fund--private/local appropriation is provided solely for the provision of technical assistance services by the commission.

(2) \$102,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1443 (jurisdiction of the human rights commission). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(3) \$50,000 of the general fund--state appropriation is provided to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

NEW SECTION. Sec. 220. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund Appropriation \$ 110,000

Worker and Community Right-to-Know Account

Appropriation \$ 20,000

Accident Fund Appropriation \$ 10,194,000

Medical Aid Fund Appropriation \$ 10,194,000

TOTAL APPROPRIATION \$ 20,518,000

NEW SECTION. Sec. 221. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000

Public Safety and Education Account Appropriation \$ 10,818,000

Drug Enforcement and Education Account Appropriation \$ 344,000

TOTAL APPROPRIATION \$ 11,200,000

The appropriations in this section are subject to the following conditions and limitations: The public safety and education account appropriation provides sufficient money to implement section 5 of Engrossed Substitute House Bill No. 1569 (malicious harassment).

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation \$ 9,241,000

Public Works Administration--State Appropriation \$ 1,175,000

Public Safety and Education Account State

Appropriation \$ 20,513,000

Public Safety and Education Account Federal

Appropriation \$ 4,783,000

Public Safety and Education Account Private/Local

Appropriation \$ 100,000

Accident Fund--State Appropriation \$ 144,374,000

Accident Fund--Federal Appropriation \$ 7,832,000

Electrical License Fund Appropriation \$ 18,219,000

Farm Labor Revolving Account Appropriation \$ 28,000

Medical Aid Fund--State Appropriation \$ 166,439,000

Medical Aid Fund--Federal Appropriation \$ 1,592,000

Plumbing Certificate Fund Appropriation \$ 227,000

Pressure Systems Safety Fund Appropriation \$ 1,981,000

Worker and Community Right-to-Know Fund

Appropriation \$ 2,170,000

TOTAL APPROPRIATION \$ 378,674,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration," "state fund information system," and "safety and health information management system" is conditioned upon compliance with section 902 of this act.

(6) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education act funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) place benefit maximums on treatment; (d) coordinate with the department of social and health services to use public safety and education account funds as the match for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims; and (e) establish priorities for the provision of services to eligible claimants as follows:

- (i) Emergency medical services (inclusive of sexual assault examinations and emergency transportation);
- (ii) Nonemergency medical and outpatient mental health services;
- (iii) Family member mental health services;
- (iv) Direct compensation (wage loss and disability) benefits on future claims; and
- (v) Substance abuse and inpatient mental health services.

(7) \$470,000 of the medical aid fund--state appropriation is provided solely for activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by July 1, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 223. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ 2,643,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation \$ 20,701,000

General Fund--Federal Appropriation \$ 16,099,000

General Fund--Private/Local Appropriation \$ 10,088,000

Industrial Insurance Premium Refund Account

Appropriation \$ 50,000

Charitable, Educational, Penal, and Reformatory

Institutions Account Appropriation \$ 4,000

TOTAL APPROPRIATION \$ 46,942,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ 92,520,000

General Fund--Federal Appropriation \$ 160,977,000

General Fund--Local Appropriation \$ 22,357,000

Hospital Commission Account Appropriation \$ 3,028,000

Medical Disciplinary Account Appropriation \$ 1,806,000

Health Professions Account Appropriation \$ 27,931,000

State Toxics Control Account Appropriation \$ 3,091,000

Drug Enforcement and Education Account Appropriation \$ 467,000

Medical Test Site Licensure Account Appropriation \$ 2,584,000

Safe Drinking Water Account Appropriation \$ 1,850,000

Public Health Services Account Appropriation \$ 20,000,000

Youth Tobacco Prevention Account Appropriation \$ 1,830,000

Water Quality Account Appropriation \$ 2,997,000

Health Services Account Appropriation \$ 11,171,000

TOTAL APPROPRIATION \$ 352,609,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,465,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$3,900,000 of the public health services account appropriation is provided solely to implement Second Substitute Senate Bill No. 5239 (centralizing poison information services). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$2,750,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.

(4) \$1,000,000 of the public health services account appropriation is provided solely for a counter message advertising campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.

(5) \$100,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.

(6) \$1,000,000 of the public health services account appropriation is provided solely for immunization programs to include: \$200,000 for provider and public education, \$200,000 for demonstration projects in low-income or economically distressed areas, and \$600,000 for competitive challenge grants to be matched on a one-to-one basis by applicant communities.

(7) \$1,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.

(8) \$250,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.

(9) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(10) \$1,507,000 of the health services account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.

(11) \$1,948,000 of the health services account appropriation is provided solely for training emergency medical service personnel.

(12) \$280,000 of the health services account appropriation is provided solely for malpractice insurance for volunteer primary care providers.

(13) \$613,000 of the health services account appropriation is provided solely for development of the health personnel improvement plan.

(14) \$1,918,000 of the health services account appropriation is provided solely for special services for children from throughout the state through Children's hospital.

(15) \$3,530,000 of the health services account appropriation is provided solely for data activities associated with health care reform.

(16) \$1,375,000 of the health services account appropriation is provided solely for the state board of health and health policy activities of the department of health.

(17) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(18) The department shall assess fees for certification and licensure of emergency medical service programs. Certification and licensure costs for volunteer personnel shall be paid from local government revenues under RCW 84.52.069.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund--State Appropriation \$ 144,578,000

Drug Enforcement and Education Account Appropriation \$ 114,000

TOTAL APPROPRIATION \$ 144,692,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 516,108,000

Drug Enforcement and Education Account Appropriation \$ 1,836,000

Transportation Account Appropriation \$ 1,075,000

TOTAL APPROPRIATION \$ 519,019,000

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund--State Appropriation \$ 25,754,000
Industrial Insurance Premium Refund Account
Appropriation \$ 147,000
TOTAL APPROPRIATION \$ 25,901,000

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation \$ 3,795,000

(5) REVOLVING FUNDS

General Fund--State Appropriation \$ 10,404,000

The appropriations in this section are subject to the following conditions and limitations: Within the appropriations, the department shall address the mental health needs of inmates.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation \$ 2,601,000

General Fund--Federal Appropriation \$ 8,552,000

General Fund--Private/Local Appropriation \$ 80,000

TOTAL APPROPRIATION \$ 11,233,000

NEW SECTION. Sec. 228. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation \$ 662,000

NEW SECTION. Sec. 229. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation \$ 1,397,000

General Fund--Federal Appropriation \$ 144,834,000

General Fund--Local Appropriation \$ 19,982,000

Administrative Contingency Fund--Federal

Appropriation \$ 7,528,000

Unemployment Compensation Administration Fund--Federal

Appropriation \$ 152,409,000

Employment Service Administration Account

Federal Appropriation \$ 11,272,000

Employment Training Trust Fund Appropriation \$ 7,804,000

TOTAL APPROPRIATION \$ 345,226,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(2) \$215,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(3) \$643,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(4) \$304,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$289,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits (timber AB screening - UI benefits extensions).

(6) \$671,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse coordinator.

(7) \$778,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse ex-offender program.

(8) \$313,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse career awareness program.

(9) \$1,790,471 of the administrative contingency fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$270,000 of the unemployment compensation account--federal appropriation is provided solely for the resource center for the handicapped.

(11) The employment security department shall spend no more than \$13,778,541 of general fund--federal appropriation for the general unemployment insurance development effort (GUIDE) project.

(12) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(13) \$275,000 of the general fund--state appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) \$400,000 of the general fund--state appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.

(15) \$400,000 of the general fund--state appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(16) \$2,000,000 of the employment and training trust fund appropriation is provided solely for the operation of thirteen job service centers located on community and technical college campuses.

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation \$ 1,518,000
General Fund--Federal Appropriation \$ 23,675,000
General Fund--Private/Local Appropriation \$ 6,769,000
Geothermal Account--Federal Appropriation \$ 41,000
Building Code Council Account Appropriation \$ 92,000
Air Pollution Control Account Appropriation \$ 6,007,000
Industrial Insurance Premium Refund Account
Appropriation \$ 4,000
Energy Efficiency Services Account Appropriation \$ 1,056,000
TOTAL APPROPRIATION \$ 39,162,000

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation \$ 574,000
General Fund--Private/Local Appropriation \$ 542,000
TOTAL APPROPRIATION \$ 1,116,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation \$ 54,625,000
General Fund--Federal Appropriation \$ 45,061,000
General Fund--Private/Local Appropriation \$ 1,103,000
Special Grass Seed Burning Research Account
Appropriation \$ 132,000
Reclamation Revolving Account Appropriation \$ 1,696,000
Emergency Water Project Revolving Account
Appropriation: Appropriation pursuant to
chapter 1, Laws of 1977 ex.s. \$ 312,000
Litter Control Account Appropriation \$ 6,388,000
State and Local Improvements Revolving Account--
Waste Disposal Facilities: Appropriation
pursuant to chapter 127, Laws of 1972
ex.s. (Referendum 26) \$ 2,680,000
Industrial Insurance Premium Refund Account
Appropriation \$ 42,000
State and Local Improvements Revolving Account--
Water Supply Facilities: Appropriation pursuant
to chapter 234, Laws of 1979 ex.s.
(Referendum 38) \$ 1,349,000

Stream Gaging Basic Data Fund Appropriation \$ 303,000
 Vehicle Tire Recycling Account Appropriation \$ 7,832,000
 Water Quality Account Appropriation \$ 2,700,000
 Wood Stove Education Account Appropriation \$ 1,382,000
 Worker and Community Right-to-Know Fund
 Appropriation \$ 410,000
 State Toxics Control Account--State Appropriation \$ 55,242,000
 Local Toxics Control Account Appropriation \$ 3,314,000
 Water Quality Permit Account Appropriation \$ 20,714,000
 Solid Waste Management Account Appropriation \$ 11,463,000
 Underground Storage Tank Account Appropriation \$ 2,970,000
 Hazardous Waste Assistance Account Appropriation \$ 4,112,000
 Air Pollution Control Account Appropriation \$ 14,217,000
 Oil Spill Response Account Appropriation \$ 7,256,000
 Oil Spill Administration Account Appropriation \$ 3,738,000
 Fresh Water Aquatic Weed Control Account
 Appropriation \$ 1,686,000
 Air Operating Permit Account Appropriation \$ 4,566,000
 Water Pollution Control Revolving Account--State
 Appropriation \$ 196,000
 Water Pollution Control Revolving Account--Federal
 Appropriation \$ 1,034,000
 Public Works Assistance Account Appropriation \$ 4,000,000
 TOTAL APPROPRIATION \$ 260,523,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$6,222,000 of the general fund--state appropriation and \$1,071,000 of the general fund--federal appropriation are provided for the implementation of the Puget Sound water quality management plan.
- (2) \$7,800,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).
- (3) \$400,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.
- (4) \$3,100,000 of the state toxics control account appropriation is provided solely for the following purposes:
 - (a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;
 - (b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and
 - (c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.
- (5) \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 is not enacted by June 30, 1993, \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.
- (6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts provided in this subsection shall lapse.
- (7) \$2,000,000 of the general fund--state appropriation is provided solely for the continued implementation of the water resources data management system.
- (8) For fiscal year 1994, \$3,750,000 of the general fund--state appropriation is provided to administer the water rights permit program. For fiscal year 1995, not more than \$1,375,000 of the general fund--state appropriation may be expended for the program unless legislation to increase fees to fund fifty percent of the full cost of the water rights permit program, including data management, is enacted by June 30, 1994.

(9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.

(11) \$3,250,000 of the general fund--state appropriation is provided for funding labor-intensive environmental restoration projects, including projects using the Washington conservation corps. In awarding grant contracts, the department shall give priority to projects which implement watershed action plans. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.

(12) \$256,000 of the general fund--state appropriation is provided to identify and designate regional water resource planning areas in the central Puget Sound region and to prepare one or more comprehensive water resource plans for the designated area or areas. To assist in preparing the report, the department shall assemble representatives from state agencies, local governments and tribal governments. The report shall identify suggested boundaries, water resource issues relevant to each planning area, and public and private groups having specific interests in the region's water resource issues. The report shall be provided to the governor and the appropriate committees of the legislature by March 15, 1994. Within 90 days thereafter, the governor shall direct the development of a comprehensive water resources plan or plans required by RCW 90.54.040(1). Any amount of this appropriation in excess of \$156,000 shall not be expended unless matched by an equal amount from utilities and local governments.

(13) \$238,000 of the water quality permit account appropriation is provided solely for implementation of Substitute House Bill No. 1169 (marine finfish). If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) Within the appropriations provided in this section, sufficient funds are provided to implement sections 8 through 15 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ 906,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation \$ 54,130,000

General Fund--Federal Appropriation \$ 1,948,000

General Fund--Private/Local Appropriation \$ 1,280,000

Winter Recreation Program Account Appropriation \$ 879,000

ORV (Off-Road Vehicle) Account Appropriation \$ 242,000

Snowmobile Account Appropriation \$ 1,636,000

Public Safety and Education Account Appropriation \$ 48,000

Litter Control Account Appropriation \$ 34,000

Motor Vehicle Fund Appropriation \$ 1,174,000

Oil Spill Administration Account Appropriation \$ 64,000

Aquatic Lands Enhancement Account Appropriation \$ 316,000

TOTAL APPROPRIATION \$ 61,751,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the general fund--state appropriation is provided to implement the Puget Sound water quality management plan.

(2) \$7,700,000 of the general fund--state appropriation is provided contingent upon the adoption and implementation of a fee schedule by the state parks and recreation commission that provides a like amount of revenue above the 1993-95 forecast for fees authorized under RCW 43.51.060(6) for fees in place as of January 1, 1993. Fees shall be based on the extent to which a facility is developed and maintained for year-round use. Maximum boat launch fees shall be assessed only at water access facilities where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis. Reduced fees may be assessed at water access facilities that are unimproved. Seasonal day area parking fees shall not be assessed. This subsection shall not preclude the assessment of a flat annual fee for use of all water access facilities and other state park facilities throughout the state.

(3) \$2,824,000 of the general fund--state appropriation is provided solely to address stewardship needs for state parks. Of this amount, \$1,800,000 is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation \$ 2,541,000

Outdoor Recreation Account--Federal Appropriation \$ 34,000

Firearms Range Account Appropriation \$ 25,000

TOTAL APPROPRIATION \$ 2,600,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ 1,180,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 is provided solely for the increased costs associated with a half-time administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation \$ 23,026,000

General Fund--Federal Appropriation \$ 458,000

General Fund--Local Appropriation \$ 40,000

Marketplace Account Appropriation \$ 150,000

Motor Vehicle Fund Appropriation \$ 582,000

Public Facilities Construction Loan Revolving

Account Appropriation \$ 238,000

Litter Control Account Appropriation \$ 3,310,000

State Convention/Trade Center Account Appropriation \$ 3,975,000

Solid Waste Management Account Appropriation \$ 701,000

TOTAL APPROPRIATION \$ 32,480,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided for operation of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$160,000 from port associations for the operation of the office. The appropriation is further contingent upon an additional expenditure of \$15,000 by port associations for promotional activities in direct support of the office.

(2) The entire litter control account appropriation and the entire solid waste management account appropriation are provided for operating the clean Washington center created in chapter 319, Laws of 1991.

(3) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

(4) \$6,065,000 of the general fund--state appropriation is provided for the Washington technology center.

(5) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

(6) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.

(7) \$1,000,000 of the general fund--state appropriation is provided to enhance the off-season tourism program.

(8) \$292,000 of the general fund--state appropriation and \$208,000 of the general fund--federal appropriation are provided for the local economic development capacity building initiative.

(9) \$250,000 of the general fund--state appropriation is provided for sections 5 and 6, and sections 16 through 27 of Engrossed Substitute House Bill No. 1493 (minority and women-owned businesses).

(10) \$50,000 of the general fund--state appropriation is provided for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

(11) Not more than \$774,000 of the general fund--state appropriation may be expended for the operation of the Pacific Northwest export assistance project. The department shall develop and implement a plan for assessing fees for services provided

by the project. The amount provided in this subsection is contingent on the receipt of revenues equal to at least twenty-five percent of the expenditures for fiscal year 1995. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996, seventy-five percent of the expenditures in fiscal year 1997, and beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(12) \$40,000 of the general fund--state appropriation is provided to establish an overseas trade office to be located in the Russian far east. An additional \$40,000 of the general fund--state appropriation shall be held in reserve and shall be released only upon receipt of at least \$40,000 from the ports association or other public entities for the operation of the office. The office is expressly prohibited from accepting any gifts, contributions, or donations of private funds or assistance. It is also the legislature's intent that the trade office remain a publicly owned and operated office for the primary benefit of Russian and Washington state businesses.

(13) In implementing the appropriations set forth in this section, the department shall minimize disproportionate impacts on any programs.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ 1,670,000

Water Quality Account Appropriation \$ 202,000

TOTAL APPROPRIATION \$ 1,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$371,800 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$750,000 of the general fund appropriation is provided solely for basic operation grants to conservation districts.

(4) \$158,000 of the general fund appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1309 (wild salmonid protection).

NEW SECTION. Sec. 310. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation \$ 3,059,000

General Fund--Federal Appropriation \$ 202,000

Water Quality Account Appropriation \$ 946,000

TOTAL APPROPRIATION \$ 4,207,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$232,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$681,000 of the general fund--state appropriation is provided solely to implement additional provisions of the Puget Sound water quality management plan.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ 55,740,000

General Fund--Federal Appropriation \$ 25,048,000

General Fund--Private/Local Appropriation \$ 9,609,000

Aquatic Lands Enhancement Account Appropriation \$ 4,092,000

Oil Spill Administration Account Appropriation \$ 388,000

Recreational Fish Enhancement--State

Appropriation \$ 4,049,000

TOTAL APPROPRIATION \$ 98,926,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,136,418 of the general fund--state appropriation is provided to implement the Puget Sound water quality management plan.

(2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin. Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.

(3) \$546,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.

(4) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

(5) \$450,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(7) Within the appropriations provided in this section, sufficient funds are provided to implement sections 1 through 6 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(8) \$3,200,000 of the general fund--state appropriation is contingent upon the enactment of Substitute Senate Bill No. 5980 (fishing licenses). If Substitute Senate Bill 5980 is not enacted by June 30, 1993, \$3,200,000 of the general fund--state appropriation shall lapse.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ 10,226,000

ORV (Off-Road Vehicle) Account Appropriation \$ 480,000

Aquatic Lands Enhancement Account Appropriation \$ 1,112,000

Public Safety and Education Account Appropriation \$ 590,000

Wildlife Fund--State Appropriation \$ 50,723,000

Wildlife Fund--Federal Appropriation \$ 32,101,000

Wildlife Fund--Private/Local Appropriation \$ 12,402,000

Game Special Wildlife Account Appropriation \$ 1,012,000

Oil Spill Administration Account Appropriation \$ 548,000

TOTAL APPROPRIATION \$ 109,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) \$1,000,000 of the general fund appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$900,000 is provided for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$140,000 of the general fund appropriation is provided for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

NEW SECTION. Sec. 313. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation \$ 49,394,000

General Fund--Federal Appropriation \$ 906,000

General Fund--Private/Local Appropriation \$ 264,000

ORV (Off-Road Vehicle) Account Appropriation \$ 3,092,000

Forest Development Account Appropriation \$ 37,652,000

Survey and Maps Account Appropriation \$ 1,519,000

Aquatic Lands Enhancement Account Appropriation \$ 2,524,000

Surface Mining Reclamation Account Appropriation \$ 1,271,000

Resource Management Cost Account Appropriation \$ 82,107,000

Aquatic Land Dredged Material Disposal Site

Account Appropriation \$ 830,000
Air Pollution Control Account Appropriation \$ 1,252,000
Natural Resources Conservation Areas Stewardship
Account Appropriation \$ 1,119,000
Oil Spill Administration Account Appropriation \$ 130,000
Litter Control Account Appropriation \$ 506,000
Industrial Insurance Premium Refund Account
Appropriation \$ 98,000
TOTAL APPROPRIATION \$ 182,664,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$8,072,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.
- (2) \$993,000 of the appropriations in this section are provided to implement the Puget Sound water quality management plan.
- (3) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.
- (4) \$1,500,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$1,350,000 shall be expended for the Washington conservation corps program established under chapter 43.220 RCW.
- (5) \$1,271,000 of the surface mining reclamation account is provided solely for surface mining regulation activities.
- (6) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.
- (7) \$3,250,000 of the general fund--state appropriation is provided solely to fund labor-intensive natural resource and forest restoration projects. In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.
- (8) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.
- (9) \$60,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.
- (10) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.
- (11) \$1,555,000 of the general fund--state appropriation is provided solely for increased workload associated with forest practice compliance and watershed management.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation \$ 13,462,000
General Fund--Federal Appropriation \$ 4,320,000
State Toxics Control Account Appropriation \$ 1,103,000
Weights and Measures Account Appropriation \$ 864,000
TOTAL APPROPRIATION \$ 19,749,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.
- (2) \$300,000 of the general fund--state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation \$ 19,471,000

The appropriation in this section is subject to the following conditions and limitations: \$810,000 of the revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3) is provided solely for marketing the facilities and services of the convention center and for promoting the locale as a convention and visitor destination, and for related activities.

NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation \$ 4,198,000

State Toxics Control Account Appropriation \$ 298,000

TOTAL APPROPRIATION \$ 4,496,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$963,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program in accordance with Substitute House Bill No. 1144. The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

(2) The marine oversight board shall prepare a report that prioritizes state agencies' spill prevention and response activities on the marine waters of the state. The report shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 1994.

NEW SECTION. Sec. 318. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund Appropriation \$ 3,028,000

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ 6,536,000

Architects' License Account Appropriation \$ 1,040,000

Cemetery Account Appropriation \$ 216,000

Health Professions Account Appropriation \$ 521,000

Funeral Directors and Embalmers Account

Appropriation \$ 521,000

Mortgage Broker Licensing Account

Appropriation \$ 187,000

Professional Engineers' Account Appropriation \$ 2,509,000

Real Estate Commission Account Appropriation \$ 7,155,000

Uniform Commercial Code Account Appropriation \$ 5,246,000

Real Estate Education Account Appropriation \$ 618,000

Master Licensing Account Appropriation \$ 6,747,000

TOTAL APPROPRIATION \$ 30,755,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 2119 (professional athletic commission) is not enacted by June 30, 1993, the general fund appropriation shall be reduced by \$54,000.

(2) \$33,000 of the uniform commercial code account appropriation is provided solely to implement revisions to the uniform commercial code article governing bulk sales. If Substitute House Bill No. 1013 is not enacted by June 30, 1993, \$33,000 of the uniform commercial code account appropriation shall lapse.

(3) \$9,000 of the general fund appropriation is provided solely to implement registration of employment listing agencies. If Engrossed Substitute House Bill No. 1496 is not enacted by June 30, 1993, \$9,000 of the general fund appropriation shall lapse.

(4) \$87,000 of the general fund appropriation is provided solely to implement bail bond agent licensing. If Substitute House Bill No. 1870 is not enacted by June 30, 1993, \$87,000 of the general fund appropriation shall lapse.

(5) If Substitute Senate Bill No. 5026 is not enacted by June 30, 1993, the entire funeral directors and embalmers account appropriation is null and void. If Substitute Senate Bill No. 5026 is enacted by June 30, 1993, the entire health professions account appropriation is null and void.

(6) \$47,000 of the architects' license account appropriation is provided solely for implementing revised architect experience requirements. If Engrossed Senate Bill No. 5545 is not enacted by June 30, 1993, \$47,000 of the architects' license account appropriation shall lapse.

(7) \$187,000 of the mortgage broker licensing account appropriation is provided solely to implement a temporary licensing program for mortgage brokers. If Substitute Senate Bill No. 5829 is not enacted by June 30, 1993, \$187,000 of the mortgage broker licensing account appropriation shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation \$ 14,223,000

General Fund--Federal Appropriation \$ 1,037,000
General Fund--Private/Local Appropriation \$ 184,000
Death Investigations Account Appropriation \$ 24,000
Public Safety and Education Account Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 16,468,000

The appropriations in this section are subject to the following conditions and limitations: \$802,000 of the general fund--state appropriation is provided solely for the lease purchased upgrade and capacity increase of the Automated Fingerprint Identification System subject to office of financial management approval of a completed feasibility study. The feasibility study will include: The steps and costs required to achieve interoperability with local government fingerprint systems, compliance with the proposed federal bureau of investigation fingerprint standards, a discussion of the issues and costs associated with the potential adoption of "live scan" technology as they relate to the proposed upgrade, the interruption of service that may occur during conversion to the proposed new system, and the long term stability of maintenance contract charges.

PART V EDUCATION

NEW SECTION. **Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation \$ 34,414,000
General Fund--Federal Appropriation \$ 33,106,000
Public Safety and Education Account Appropriation \$ 338,000
Drug Enforcement and Education Account Appropriation \$ 3,197,000
TOTAL APPROPRIATION \$ 71,055,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.

(b) \$423,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(c) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(d) \$70,000 of the general fund--federal appropriation is provided solely for special services demonstration projects and shall be expended in conformance with chapter II of the elementary and secondary school improvement amendments (P.L. 100-297).

(e) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(f) \$10,000 of the general fund--state appropriation is provided solely for a contract through the Washington State Institute for Public Policy at The Evergreen State College for a bilingual education conference to disseminate information on best practices in bilingual instruction, including model programs from other states, and to develop strategies for incorporating the most effective instructional methods into the state's bilingual curriculum.

(2) STATE-WIDE PROGRAMS

(a) \$100,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) \$62,000 of the general fund--state appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine school district.

(c) \$2,415,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific science center.

(d) \$70,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$2,949,000 of the general fund--state appropriation is provided for educational clinics, including state support activities.

(f) \$3,437,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(g) \$4,855,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30B as developed on May 4, 1993, at 11:00 a.m.

(h) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) Districts receiving allocations from subsection (2) (f) and (g) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 6,019,646,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 507 of this act;

(ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;

(iii) An additional 5.3 certificated instructional staff units for grades K-3;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.

(B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and

(b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.29 percent in the 1993-94 school year and 21.29 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.73 percent in the 1993-94 school year and 18.73 percent in the 1994-95 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of \$7,468 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of \$14,231 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$4,945,000 outside the basic education formula during fiscal years 1994 and 1995 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$409,000 may be expended in fiscal year 1994 and a maximum of \$410,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of \$297,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12B, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12B.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12B" means the computerized tabulation of 1992-93, 1993-94, and 1994-95 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 5, 1993, at 04:19 hours.

(3)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1993-94 and 1994-95 school years:

1993-94 AND 1994-95 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of

Service BA BA+15 BA+30 BA+45 BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,127	22,724	23,344	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,680
4	24,361	25,036	25,710	26,490	28,597
5	25,162	25,854	26,548	27,386	29,528
6	25,997	26,687	27,418	28,317	30,491
7	26,845	27,552	28,302	29,259	31,486
8	27,706	28,452	29,219	30,255	32,513
9	29,384	30,188	31,262	33,572	
10	31,170	32,320	34,662		
11	33,410	35,803			
12	34,465	36,973			
13	38,173				
14	39,379				
15 or more	40,403				

Years of

Service BA+135 MA MA+45 MA+90

or PHD

0	26,374	25,687	27,616	28,858
1	27,227	26,467	28,452	29,711
2	28,113	27,282	29,300	30,597
3	29,034	28,110	30,164	31,518
4	29,988	28,974	31,081	32,472
5	30,975	29,870	32,012	33,459
6	31,974	30,801	32,975	34,458
7	33,026	31,743	33,970	35,510
8	34,109	32,739	34,997	36,593
9	35,223	33,745	36,057	37,707
10	36,367	34,804	37,146	38,851
11	37,542	35,894	38,287	40,026
12	38,766	37,027	39,458	41,250
13	40,019	38,198	40,657	42,503
14	41,319	39,405	41,942	43,803
15 or more	42,394	40,429	43,032	44,942

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(4) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1992-93 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(5) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(6) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(7) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. In order to maintain equity and fairness across all employee groups, the legislature encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS

General Fund Appropriation \$ 22,570,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of \$350.25 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of \$32.46 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

(i) For pupil transportation, an increase of \$.30 per weighted pupil-mile for the 1994-95 school year;

(ii) For learning assistance, an increase of \$8.11 per pupil for the 1994-95 school year;

(iii) For education of highly capable students, an increase of \$2.06 per pupil for the 1994-95 school year;

(iv) For transitional bilingual education, an increase of \$5.25 per pupil for the 1994-95 school year.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 351,143,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) A maximum of \$795,000 may be expended for regional transportation coordinators. However, to the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and \$1.80 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for

purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation \$ 6,000,000

General Fund--Federal Appropriation \$ 183,616,000

TOTAL APPROPRIATION \$ 189,616,000

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ 867,311,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ 965,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 22, 1993, at 13:13 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation \$ 16,979,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$507,000 may be expended for regional traffic safety education coordinators. To the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) A maximum of \$137.16 per student completing the program may be expended in the 1993-94 and 1994-95 school years.

(4) An additional \$66.81 may be expended to provide tuition assistance for students from low-income families who complete the program in the 1993-94 and 1994-95 school years.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 9,891,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$400,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5889 (collaborative development school projects). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(4) \$400,000 in savings is assumed from implementation of the efficiency and boundary study as provided in section 521 of this act and RCW 28A.500.010.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 149,596,000

The appropriation in this section is provided for state matching funds pursuant to House Bill No. 2066 and in allocating this appropriation, the superintendent shall prorate these funds as required. However, in the 1993-95 biennium, each district shall receive at least 96.5 percent of the amount the district received in the 1991-93 biennium unless the district's eligibility for 1993-95 local effort assistance allocations under the current law (prior to the enactment of House Bill No. 2066) would be less than the district's 1991-93 allocations.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation \$ 197,950,000

(1) Education Consolidation and Improvement Act \$ 197,580,000

(2) Education of Indian Children \$ 370,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ 22,869,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 31,417,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 8,983,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.

(3) \$435,000 of the appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 46,940,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent shall distribute a maximum of \$628.90 per eligible bilingual student in the 1993-94 and the 1994-95 school years.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 108,456,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.

(4) The superintendent of public instruction shall develop a new allocation formula as required under section 520 of this act.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund Appropriation \$ 47,832,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Allocations to school districts shall be calculated on the basis of full time enrollment at an annual rate of up to \$26.30 per student. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(b) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(c) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(4) Receipt by a school district of one-fourth of the district's allocation of funds under this section for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATIONAL REFORM PROGRAMS

General Fund Appropriation \$ 57,990,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$23,000,000 is provided solely for resources and planning time for the 1994-95 school year for certificated staff to implement education reform under the requirements of Engrossed Substitute House Bill No. 1209 (education reform).

(2) \$2,190,000 is provided solely for paraprofessional training for classified staff. Resources and planning time for classified staff will be provided through the paraprofessional training program funded in this act.

(3) \$3,900,000 is provided solely for the twenty-first century pilot programs for the remaining months of the 1992-93 school year and for the 1993-94 school year.

(4) \$3,317,000 is provided solely for the operation of the commission on student learning under Engrossed Substitute House Bill No. 1209 (education reform). The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(5) \$1,683,000 is provided solely for development of assessments as required in Engrossed Substitute House Bill No. 1209 (education reform).

(6) \$1,800,000 is provided for school-to-work transition projects in the common schools, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform) and Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(7) \$3,300,000 is provided for mentor teacher assistance, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$400,000 is provided to establish one to three pilot projects pairing full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers, as authorized under section 402 of Engrossed Substitute House Bill No. 1209.

(8) \$900,000 is provided for superintendent and principal internships, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(9) \$4,500,000 is provided for improvement of technology infrastructure and educational technology support centers, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(10) \$8,000,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to part IX of Engrossed Substitute House Bill No. 1209 (education reform).

(11) \$5,000,000 is provided solely for the meals for kids program under Substitute Senate Bill No. 5971 (school meals) and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs.

(b) \$4,558,000 is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(12) \$400,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction as specified in section 501 of Engrossed Substitute House Bill No. 1209.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The appropriations in sections 502, 505, 507, 509, 512, 513, 515, and 516 of this act include amounts sufficient for state retirement system contributions by school districts and educational service districts to implement Engrossed Substitute Senate Bill No. 5888 (pension improvements).

Sec. 520. RCW 28A.165.070 and 1990 c 33 s 150 are each amended to read as follows:

Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs.

(1) For the 1993-94 and 1994-95 school years, the superintendent of public instruction shall distribute funds appropriated for the learning assistance program in accordance with the biennial appropriations act.

(2) For the 1995-96 school year and thereafter and unless modified under subsection (4) of this section, the superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to RCW 28A.155.010 through 28A.155.100, in distributing state funds for learning assistance.

(3) The distribution formula in this section is for allocation purposes only.

(4) The superintendent of public instruction shall recommend to the legislature a new allocation formula for use in the 1995-97 fiscal biennium that uses additional elements consistent with performance-based education and the new assessment system developed by the commission on student learning. The superintendent may request a delay in development of the new allocation formula if the commission's assessment system is not available for use in the 1995-97 biennium.

NEW SECTION. Sec. 521. EDUCATIONAL SERVICE DISTRICTS. It is the intent of the legislature that the superintendent of public instruction in conjunction with the state board of education conduct a study of educational service district boundaries. The purpose of the study shall be to develop a more cost effective and efficient service delivery system for educational service district programs. As soon as practicable, the superintendent of public instruction shall develop and submit a reorganization proposal to the state board of education for implementation by July 1, 1994.

Sec. 522. RCW 28A.310.020 and 1990 c 33 s 270 are each amended to read as follows:

The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010(~~PROVIDED, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot~~). Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: (1) Size, population, topography, and climate of the proposed district; and (2) costs associated with the governance, administration, and operation of the educational service district system in whole or part.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.

(2) The general fund--state appropriations in sections 602 through 608 of this act represent significant reductions in current funding levels. In order to provide each institution of higher education with the capability of effectively managing within their unique requirements, some flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources. In establishing spending plans for the next biennium, each institution shall address the needs of its students in keeping with the following directives: (a) Establishing reductions of a permanent nature by avoiding short term solutions; (b) not reducing enrollments below budgeted levels; (c) maintaining the current resident to nonresident student proportions; (d) protecting undergraduate programs and support services; (e) protecting assessment activities; (f) protecting minority recruitment and retention efforts; (g) protecting the state's investment in facilities; (h) using institutional strategic plans as a guide for reshaping institutional expenditures; and (i) increasing efficiencies through administrative reductions, program consolidation, the elimination of duplication, the use of other resources, and productivity improvements. Each institution of higher education and the state board for community and technical colleges shall submit a report to the legislative fiscal committees by July 1, 1993, on their spending plans for the 1993-95 biennium. The report should address the approach taken with respect to each of the directives in this subsection. A second report responding to the same directives shall be submitted by November 1, 1993, which describes the implementation of the spending plan and its effects.

(3) The appropriations in sections 602 through 608 of this act provide state general fund support for student full time equivalent enrollments at each institution of higher education. The state general fund budget is further premised on a level of specific student tuition revenue collected into and expended from the institutions of higher education--general local accounts. Listed below are the annual full time equivalent student enrollments by institution assumed in this act.

	1993-94	1994-95
Annual	Annual	Annual
Average	Average	Average
FTE	FTE	FTE
University of Washington		
Main campus	29,762	29,826
Evening Degree Program	465	525
Tacoma branch	450	490
Bothell branch	427	449
Washington State University		
Main campus	15,965	15,991
Spokane branch	248	258
Tri-Cities branch	519	541
Vancouver branch	511	595
Central Washington University	6,666	6,810
Eastern Washington University	7,429	7,573
The Evergreen State College	3,226	3,258
Western Washington University	9,216	9,360
State Board for Community and Technical Colleges	107,670	110,386
Higher Education Coordinating Board	50	50
NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES		
General Fund--State Appropriation	\$ 676,763,000	
General Fund--Federal Appropriation	\$ 11,403,000	

Industrial Insurance Premium Refund
Account Appropriation \$ 12,000
Employment and Training Trust
Fund Appropriation \$ 35,120,000

TOTAL APPROPRIATION \$ 723,298,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,883,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).
- (2) \$35,120,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:
 - (a) \$27,630,000 shall provide enrollment opportunity for 3,500 full time equivalent students in fiscal year 1994 and 5,000 full time equivalent students in fiscal year 1995. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 each year to Grays Harbor College;
 - (b) \$3,245,000 shall provide child care for the children of the student enrollments funded in (a) of this subsection;
 - (c) \$500,000 shall provide transportation funding for the student enrollments funded in (a) of this subsection;
 - (d) \$3,745,000 shall provide financial aid for the student enrollments funded in (a) of this subsection.If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.
- (3) \$3,425,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.
- (4) \$1,412,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.
- (5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund--state level.
- (6) The appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 41.06 RCW except as restricted under section 913 of this act.
- (7) \$150,000 of the general fund--state appropriation is provided solely for the two-plus-two program at Olympic College.
- (8) \$3,364,000 of the general fund--state appropriation is provided solely for instructional equipment for technical colleges.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ 507,618,000
Medical Aid Fund Appropriation \$ 3,756,000
Accident Fund Appropriation \$ 3,762,000
Death Investigations Account Appropriation \$ 1,282,000
Oil Spill Administration Account Appropriation \$ 236,000
Health Services Account Appropriation \$ 5,800,000

TOTAL APPROPRIATION \$ 522,454,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,004,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.
- (2) \$10,499,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.
- (3) The University of Washington shall prepare a plan to remedy the cause of disparate market gaps in compensation for professional/ exempt employees and librarians. The plan shall be presented to the legislative fiscal and policy committees by January 1, 1994.
- (4) \$2,300,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.
- (5) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.
- (6) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.
- (7) \$2,900,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.
- (8) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (9) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(10) The University of Washington shall maintain essential requirements level funding for the family practice residency network within the school of medicine.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 292,460,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ 293,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,338,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$6,420,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$7,062,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$85,000 of the general fund appropriation is provided solely for the implementation of section 7 of Second Engrossed Substitute House Bill No. 1309 or substantially similar legislation.

(7) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$262,000 of the general fund appropriation is provided solely for the poultry diagnostic lab.

(9) \$120,000 of the general fund appropriation is provided solely for the aquaculture certification center.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 72,813,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ 73,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 66,482,000

Health Services Account Appropriation \$ 140,000

TOTAL APPROPRIATION \$ 66,622,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$140,000 of the health services account appropriation is provided solely for health for benefits teaching and research assistants pursuant to Engrossed House Bill No. 2123.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 37,207,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$410,000 of the general fund--state appropriation is provided solely for the public schools partnership program.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 81,618,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ 81,818,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provide solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ 4,018,000

General Fund--Federal Appropriation \$ 265,000

TOTAL APPROPRIATION \$ 4,283,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$717,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full time equivalent students per fiscal year.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation \$ 125,884,000

General Fund--Federal Appropriation \$ 6,381,000

Health Services Account Appropriation \$ 2,230,000

State Education Grant Account Appropriation \$ 40,000

TOTAL APPROPRIATION \$ 134,535,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, health professional conditional scholarship program. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, this appropriation shall lapse.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(4) \$124,840,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$95,039,000 is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income. Any state need grant moneys not awarded by April 1st of each year may be transferred to the state work study program.

(b) \$24,200,000 is provided solely for the state work study program.

(c) \$1,000,000 is provided solely for educational opportunity grants.

(d) A maximum of \$2,698,000 may be expended for financial aid administration.

(4) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).

(5) \$50,000 of the general fund--state appropriation is provided solely for a demonstration project that matches money raised for scholarships by new local chapters of the Citizen's Scholarship Foundation of America. To be eligible to receive a state matching grant, the new chapter must be created after June 30, 1993. Each chapter is limited to one matching grant and must raise at least \$2,000 before receiving matching funds.

(6) \$288,000 of the general fund--state appropriation is provided solely for the educator's excellence awards, which includes \$53,000 transferred from the office of the superintendent of public instruction.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation \$ 711,000

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ 3,517,000

General Fund--Federal Appropriation \$ 34,651,000

TOTAL APPROPRIATION \$ 38,168,000

The appropriations in this section are subject to the following conditions and limitations: In order for the agency to accomplish both its federally assigned and state responsibilities under chapter 28C.18 RCW, it may, with the concurrence of the office of financial management, exercise discretion in restructuring its general fund--state and general fund--federal resources within allowed FTE staff totals.

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund

Appropriation \$ 1,898,000

The appropriation in this section is subject to the following conditions and limitations: On July 1, 1993, the appropriation contained in this section shall be provided to the department of personnel, and shall be used solely to provide personnel services to

institutions of higher education and related boards. If Engrossed Substitute House Bill No. 2054 (civil service reform) is not enacted by June 30, 1993, this limitation shall have no effect.

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation \$ 14,062,000
General Fund--Federal Appropriation \$ 4,796,000
General Fund--Private/Local Appropriation \$ 46,000
TOTAL APPROPRIATION \$ 18,904,000

The appropriations in this section are subject to the following conditions and limitations: \$2,385,516 of the general fund--state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation \$ 4,274,000
General Fund--Federal Appropriation \$ 934,000
TOTAL APPROPRIATION \$ 5,208,000

The appropriations in this section are subject to the following conditions and limitations: The portion of the general fund appropriation provided for the institutional and organizational support programs shall be awarded to applicants that have not added to any accumulated deficit in the most recently completed fiscal year. Applicants that provide artistic services to communities that are otherwise artistically underserved, are integral to the arts community in which they are based, or that have budgets of less than \$250,000 shall be exempt from this requirement.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 2,321,000

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 873,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation \$ 12,566,000
General Fund--Private/Local Appropriation \$ 40,000
TOTAL APPROPRIATION \$ 12,606,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation \$ 6,862,000
General Fund--Private/Local Appropriation \$ 26,000
TOTAL APPROPRIATION \$ 6,888,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 736,118,685

This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Appropriation \$ 24,071,715
Accident Account Appropriation \$ 5,340,254
Medical Aid Account Appropriation \$ 5,340,254
TOTAL APPROPRIATION \$ 34,752,223

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 28,156,178
Community College Refunding Bond Retirement
Fund 1974 Appropriation \$ 9,856,110
Community College Capital Construction Bond
Retirement Fund 1975, 1976, 1977 Appropriation \$ 10,304,798

Higher Education Bond Retirement Fund 1979
Appropriation \$ 6,354,922

Washington State University Bond Redemption
Fund 1977 Appropriation \$ 516,452

Higher Education Refunding Bond Redemption
Fund 1977 Appropriation \$ 6,245,701

State General Obligation Bond Retirement
1979 Appropriation \$ 65,033,822

TOTAL APPROPRIATION \$ 126,467,983

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Transportation Capital Facilities Account
Appropriation \$ 536,264

Highway Bond Retirement Fund Appropriation \$ 191,018,885

Ferry Bond Retirement 1977 Appropriation \$ 35,180,173

TOTAL APPROPRIATION \$ 226,735,322

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund
1967 Appropriation \$ 6,923,625

State Building Bond Redemption Fund 1967
Appropriation \$ 654,200

State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,456,980

TOTAL APPROPRIATION \$ 10,034,805

NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,258,314

Higher Education Construction Account
Appropriation \$ 185,130

State Convention and Trade Center Appropriation \$ 88,050

Excess Earnings Account Appropriation \$ 1,195,400

State Building Construction Account Appropriation \$ 35,298,012

Economic Development Account Appropriation \$ 162,000

Puget Sound Capital Construction Account
Appropriation \$ 2,716,792

Motor Vehicle Fund Appropriation \$ 2,849,751

Special Category C Account Appropriation \$ 974,359

Energy Efficiency Construction Account
Appropriation \$ 515,362

Common School Reimbursable Construction Account
Appropriation \$ 5,666,853

Higher Education Reimbursable Construction Account
Appropriation \$ 4,312,476

Energy Efficiency Services Account Appropriation \$ 51,282

TOTAL APPROPRIATION \$ 55,273,781

Total Bond Retirement and Interest

Appropriations contained in sections 701
through 706 of this act \$ 1,181,971,582

NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation \$ 5,141,000

Motor Vehicle Fund Appropriation \$ 6,234,000

Wildlife Fund Appropriation \$ 148,000

Marine Operating Account Appropriation \$ 2,206,000

Liquor Revolving Fund Appropriation \$ 114,000
Basic Data Account Appropriation \$ 16,000
Resource Management Cost Account Appropriation \$ 132,000
Public Service Revolving Account Appropriation \$ 18,000
Accident Account Appropriation \$ 110,000

TOTAL APPROPRIATION \$ 14,119,000

The appropriations in this section are subject to the following conditions and limitations: The amount of the transfer for the motor vehicle fund and the marine operating account is to be actuarially based and transferred proportionately into the tort claims revolving fund quarterly or as necessary to meet cash flow needs.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

General Fund--State Appropriation \$ 500,000
Americans with Disabilities Special Revolving
Fund Appropriation \$ 425,000

TOTAL APPROPRIATION \$ 925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall be used solely to fund requests from state agencies complying with the program requirements of the federal americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--EMERGENCY TRAVEL FUND

General Fund--State Appropriation \$ 3,553,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used solely for providing for the cost of travel, lodgings, and related expenses for agencies that demonstrate a critical agency-related need as a result of the reductions in travel funding made by this act. Allocations from this appropriation shall be reported quarterly to the legislative fiscal committees.

NEW SECTION. Sec. 710. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ 2,500,000
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ 3,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation \$ 1,500,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 712. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows: King county, in settlement of a claim under RCW 43.135.060, Claim No.

SCO-89-12 \$ 1,950,000

NEW SECTION. Sec. 714. FOR SUNDRY CLAIMS--DEPARTMENT OF LABOR AND INDUSTRIES. The department of labor and industries is directed to pay, as a legislative relief claim under chapter 4.92 RCW, to Mrs. Esther A. Levang an industrial insurance death benefit, from the effective date of this act, under RCW 51.32.050 for the death of her husband following an industrial chemical exposure (L & I Claim No. F282511).

NEW SECTION. Sec. 715. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation \$ 8,960,000
General Fund--Federal Appropriation \$ 3,216,000

Special Fund Salary and Insurance Contribution

Increase Revolving Fund Appropriation \$ 6,871,000

TOTAL APPROPRIATION \$ 19,047,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) The appropriations in this section shall be distributed by the office of financial management to state agencies to fund the 1993-95 increased costs of health care benefits, administration, and margin in the self-insured medical and dental plans.

(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$317.79 per eligible employee for fiscal year 1994, and \$350.25 for fiscal year 1995.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.91 per eligible employee for fiscal year 1994, and \$6.21 for fiscal year 1995.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1993-95 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) A maximum of \$587,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for benefit increases for ferry workers consistent with the 1993-95 transportation appropriations act.

NEW SECTION. Sec. 716. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

FY 1994 FY 1995

General Fund Appropriation \$ 76,794,000 82,985,000

TOTAL APPROPRIATION \$ 159,779,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$4,766,000 is provided solely to pay the increased retirement contributions resulting from Substitute House Bill No. 1294 (LEOFF II age reduction). If Substitute House Bill No. 1294 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(b) The appropriations in this subsection reflect the retirement contribution rate reduction for the law enforcement officers' and fire fighters' retirement system contained in Engrossed Substitute Senate Bill No. 5888 (pension improvements).

(2) There is appropriated for contributions to the judicial retirement system:

FY 1994 FY 1995

General Fund Appropriation \$ 4,450,000 4,450,000

TOTAL APPROPRIATION \$ 8,900,000

(3) There is appropriated for contributions to the judges retirement system:

FY 1994 FY 1995

General Fund Appropriation \$ 650,000 650,000

TOTAL APPROPRIATION \$ 1,300,000

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

FY 1994 FY 1995

General Fund--State Appropriation \$ 1,800,000 2,187,000

General Fund--Federal Appropriation \$ 455,000 557,000

Special Retirement Contribution Increase

Revolving Fund Appropriation \$ 1,279,000 1,400,000

TOTAL APPROPRIATION \$ 7,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,735,000 of the general fund--state appropriation, \$454,000 of the general fund--federal appropriation, and \$970,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from sections 2 and 3 of Engrossed Substitute Senate Bill No. 5888 (ad hoc COLA). If sections 2 and 3 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$1,508,000 of the general fund--state appropriation, \$360,000 of the general fund--federal appropriation, and \$758,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from section 1 of Engrossed Substitute Senate Bill No. 5888 (February COLA). If section 1 of Engrossed Substitute Senate Bill No. 5888 is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(3) \$201,000 of the general fund--state appropriation, \$49,000 of the general fund--federal appropriation, and \$109,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from sections 4 and 6 of Engrossed Substitute Senate Bill No. 5888 (early retirement). If sections 4 and 6 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(4) \$519,000 of the special retirement contribution increase revolving fund appropriation is provided solely to pay the increased retirement contributions for the Washington state patrol retirement system resulting from sections 17 through 21 of Engrossed Substitute Senate Bill No. 5888 (pension contribution rates). If sections 17 through 21 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) \$543,000 of the general fund--state appropriation, \$149,000 of the general fund--federal appropriation, and \$323,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from sections 15 and 16 of Engrossed Substitute Senate Bill No. 5888 (city portability). If sections 15 and 16 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS. (1) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$5,539,000 from the general fund--state appropriations, \$1,494,000 from the general fund--federal appropriations, and \$3,211,000 from appropriations from other funds, to reflect savings realized by the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to sections 17 through 21 of Engrossed Substitute Senate Bill No. 5888 (pension contribution rates).

(2) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$945,000 from the general fund--state appropriations, \$251,000 from the general fund--federal appropriations, and \$539,000 from appropriations from other funds, to reflect savings realized by the administrative rate reduction contained in section 133 of this act.

(3) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$1,056,000 from the general fund--state appropriations, \$275,000 from the general fund--federal appropriations, and \$588,000 from appropriations from other funds, to correct erroneous retirement contribution rates required for the teachers' and public employees' retirement systems that were assumed in each agency's 1993-95 budget request.

NEW SECTION. Sec. 719. SALARY INCREMENT INCREASES. (1) The office of financial management shall reduce the appropriations for the agencies of the state by \$1,040,000 from the general fund--state appropriations and \$1,128,000 from appropriations from other funds to reflect the freeze on increment increases that would have been provided to classified state employees whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

(2) The office of financial management shall reduce the appropriations for the institutions of higher education of the state by \$274,000 from the general fund--state appropriations to reflect the freeze on increment increases that would have been provided to classified employees of higher education institutions whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 720. FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the
Convention and Trade Center Operating Account \$ 2,830,000
General Fund Appropriation--For transfer to the
Community College Capital Projects Account \$ 4,550,000
TOTAL APPROPRIATION \$ 7,380,000

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation \$ 1,369,050
 Water Pollution Control Facilities Bond Redemption
 Fund 1967 Appropriation \$ 640,313
 State Building (Expo 74) Bond Redemption Fund 1973A
 Appropriation \$ 374,968
 State Building Bond Redemption Fund 1973
 Appropriation \$ 3,815,320
 State Higher Education Bond Redemption Fund 1973
 Appropriation \$ 4,395,023
 State Building Authority Bond Redemption Fund
 Appropriation \$ 9,397,425
 Community College Capital Improvement Bond
 Redemption Fund 1972 Appropriation \$ 7,528,400
 State Higher Education Bond Redemption Fund 1974
 Appropriation \$ 1,187,200
 Waste Disposal Facilities Bond Redemption Fund
 Appropriation \$ 50,473,075
 Water Supply Facilities Bond Redemption Fund
 Appropriation \$ 11,109,893
 Recreation Improvements Bond Redemption Fund
 Appropriation \$ 6,033,190
 Social and Health Services Facilities 1972 Bond
 Redemption Fund Appropriation \$ 3,713,865
 Outdoor Recreation Bond Redemption Fund 1967
 Appropriation \$ 1,593,098
 Indian Cultural Center Construction Bond
 Redemption Fund 1976 Appropriation \$ 127,231
 Fisheries Bond Redemption Fund 1976 Appropriation \$ 760,015
 Higher Education Bond Redemption Fund 1975
 Appropriation \$ 2,168,025
 State Building Bond Retirement Fund 1975
 Appropriation \$ 422,360
 Social and Health Services Bond Redemption Fund
 1976 Appropriation \$ 9,464,773
 Emergency Water Projects Bond Retirement Fund 1977
 Appropriation \$ 2,639,480
 Higher Education Bond Redemption Fund 1977
 Appropriation \$ 13,296,100
 Salmon Enhancement Bond Redemption Fund 1977
 Appropriation \$ 3,706,950
 Fire Service Training Center Bond Retirement Fund
 1977 Appropriation \$ 745,706
 State General Obligation Bond Retirement Bond 1979
 Appropriation \$ 601,579,585

TOTAL APPROPRIATION \$ 736,118,685

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

State General Obligation Bond Retirement
 1979 Appropriation \$ 28,156,178

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
premiums tax distribution \$ 4,382,550

General Fund Appropriation for public utility
district excise tax distribution \$ 29,254,986

General Fund Appropriation for prosecuting
attorneys' salaries \$ 3,300,000

General Fund Appropriation for motor vehicle
excise tax distribution \$ 96,445,099

General Fund Appropriation for local mass
transit assistance \$ 294,186,744

General Fund Appropriation for camper and
travel trailer excise tax distribution \$ 3,112,351

General Fund Appropriation for boating
safety/education and law enforcement
distribution \$ 789,528

Aquatic Lands Enhancement Account Appropriation
for harbor improvement revenue distribution \$ 154,000

Liquor Excise Tax Fund Appropriation for
liquor excise tax distribution \$ 24,307,934

Motor Vehicle Fund Appropriation for motor
vehicle fuel tax and overload penalties
distribution \$ 552,082,000

Liquor Revolving Fund Appropriation for liquor
profits distribution \$ 53,570,000

Timber Tax Distribution Account Appropriation
for distribution to "Timber" counties \$ 121,724,800

Municipal Sales and Use Tax Equalization Account
Appropriation \$ 51,882,670

County Sales and Use Tax Equalization Account
Appropriation \$ 17,476,268

Death Investigations Account Appropriation
for distribution to counties for publicly
funded autopsies \$ 1,400,000

County Criminal Justice Account Appropriation \$ 16,145,834

Municipal Criminal Justice Account Appropriation \$ 6,458,226

TOTAL APPROPRIATION \$ 1,276,672,990

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal
forest reserve fund distribution \$ 56,516,000

General Fund Appropriation for federal flood
control funds distribution \$ 46,000

General Fund Appropriation for federal grazing
fees distribution \$ 52,000

General Fund Appropriation for distribution of
federal funds to counties in conformance with
Public Law 97-99 \$ 400,000

TOTAL APPROPRIATION \$ 57,014,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Flood Control Assistance Account: For transfer to

the General Fund--State \$ 300,000
State Convention and Trade Center Account: For
transfer to the State Convention and Trade
Center Operations Account \$ 5,699,000
Water Quality Account: For transfer to the water
pollution revolving fund. Transfers shall be made
at intervals coinciding with deposits of federal
capitalization grant money into the revolving fund.
The amounts transferred shall not exceed the match
required for each federal deposit \$ 21,500,000
Trust Land Purchase Account: For transfer to the
General Fund \$ 24,000,000
General Government Special Revenue Fund--State
Treasurer's Service Account: For transfer to the
General Fund on or before July 20, 1995,
an amount up to \$7,400,000 in excess of
the cash requirements of the state treasurer's
service account \$ 7,400,000
Public Works Assistance Account:
For transfer to the General Fund \$ 35,000,000
Health Services Account:
For transfer to the Public Health Services
account \$ 20,000,000

TOTAL APPROPRIATION \$ 113,899,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the
department of retirement systems expense
fund \$ 18,000
Motor Vehicle Fund--State Patrol Highway Account: For
transfer to the department of retirement systems
expense fund \$ 135,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1993-95 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems projects in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspect critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committee.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. (1) The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

(2) The office of financial management shall encourage and maximize opportunities for state agencies to use the services of the department of information services video conference centers to reduce travel-related expenditures. The office of financial management, in conjunction with the department of information services, shall report to the legislative fiscal committees by November 30, 1994, on the monthly usage volume and the respective costs and benefits of the video conference centers. The office of financial management shall document any savings, project potential savings by each agency, and incorporate the savings in development of the 1995-97 biennial budget.

NEW SECTION. Sec. 904. PERFORMANCE AUDITS. (1) Pursuant to Engrossed Substitute House Bill No. 1372, performance audits shall be conducted during the 1993-95 biennium on the following elements of state government:

- (a) The department of ecology;
- (b) State-funded public health programs; and
- (c) State-wide administrative staffing levels and costs.

(2) The performance audits shall be directed by a steering committee consisting of the majority and minority leaders of the senate and house of representatives. For each performance audit conducted under this section, the steering committee shall determine the nature and scope of the audit and may assign staff responsibilities to the staff of the legislative policy and fiscal

committees, the legislative budget committee, the legislative evaluation and accountability program committee, the state auditor's office, and the office of financial management.

(3) The performance audit of state-wide administrative staffing levels and costs shall result in a report to the legislature that provides, at a minimum, the following information or recommendations:

(a) The number of supervisors, managers, and exempt positions, as defined by the department of personnel, for each agency of state government;

(b) The number of clerical and support staff, for each state agency, that serve the supervisors, managers, and exempt positions identified in (a) of this subsection;

(c) The amount of total compensation, including wages and benefits, for each state agency, attributable to the personnel identified in (a) and (b) of this subsection;

(d) For each state agency the total amount of all other overhead costs attributable to the personnel identified in (a) and (b) of this subsection, including the cost of office space, equipment, utilities, travel, per diem, etc.;

(e) Each agency's compensation and overhead costs under (c) and (d) of this subsection, expressed as a percentage of the agency's total compensation and overhead costs;

(f) A recommendation, expressed as a percentage of an agency's total compensation and overhead costs, that represents the maximum amount of administrative compensation and overhead costs that would be incurred by an efficiently operated agency. This recommendation may distinguish types or categories of state agencies, including such categories as regulatory agencies, agencies providing direct services, and administrative agencies;

(g) The savings, both to the general fund and to other funds, that could be realized in each agency and functional area of state government if the recommended level of maximum costs under (f) of this subsection was implemented; and

(h) A plan to implement the identified reductions in administrative costs, including the effect the plan may have on employee attrition and civil service reversion rates.

NEW SECTION. Sec. 905. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS. (1) No moneys appropriated in this act may be expended by any agency for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW or under other installment purchase agreements unless the office of financial management has determined, for each purchase, that:

(a) The method of acquisition offers a significant financial advantage to the state; and

(b) The term of the installment contract does not exceed the useful life of the item being purchased.

(2) The total principal value of new equipment purchased by the state, as defined in RCW 39.94.020(4), during the 1993-95 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed thirty-five million dollars. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) This section does not apply to contracts entered into prior to July 1, 1993, or to the refinancing of property purchased prior to July 1, 1993.

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1993.

NEW SECTION. Sec. 910. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of

financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 911. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 912. RCW 7.68.070 and 1992 c 203 s 1 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the

disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

- (a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.
- (b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.
- (c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.
- (d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.
- (e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.
- (f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.
- (g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.
- (h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.
- (i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.
- (j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.
- (k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.
- (l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed forty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services or, during the 1993-95 fiscal biennium, to the extent necessary to provide matching funds for federal medicaid reimbursement.

(17) In addition to other benefits provided under this chapter, immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Payment of counseling benefits under this section may not be provided to the perpetrator of the homicide. The benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992.

Sec. 913. RCW 41.06.150 and 1990 c 60 s 103 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;
- (14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;
- (15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. However, beginning July 1, 1993, through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW;
- (16) Allocation and reallocation of positions within the classification plan;
- (17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;
- (18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. However, beginning July 1, 1993,

through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds \$3,750;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 914. RCW 43.03.040 and 1986 c 155 s 12 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the committee on agency officials' salaries. Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993.

NEW SECTION. Sec. 915. SALARY FREEZE. (1) Beginning July 1, 1993, and until June 30, 1995, no state agency may grant a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750, except exempt employees whose salaries are determined by an elected state official or the judicial branch.

(2) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide, from appropriations in this act, a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750.

(3) It is the intent of the legislature to freeze salaries for all employees whose annual salary is greater than \$45,000. In order to maintain equity and fairness across all employee groups, the legislature encourages state-wide elected officials and the judicial branch not to grant salary increases to employees who earn more than \$45,000 a year.

Sec. 916. RCW 41.50.255 and 1991 c 35 s 73 are each amended to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the public employees' retirement system, the teachers' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, the judges' retirement system, or the law enforcement officers' and fire fighters' retirement system lawful obligations of the appropriate system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the appropriate trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

During the period from July 1, 1993, until June 30, 1995, the director may pay from the interest earnings of the trust funds specified in this section costs incurred in investigating fraud and collecting overpayments, including expenses incurred to review and

investigate cases of possible fraud against the trust funds and collection agency fees and other costs incurred in recovering overpayments.

Sec. 917. RCW 43.08.250 and 1992 c 54 s 3 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. ~~((During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services))~~ During the fiscal biennium ending June 30, 1995, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

Sec. 918. RCW 43.70.110 and 1989 1st ex.s. c 9 s 263 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. ~~After June 30, 1995,~~ municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 919. RCW 43.88.535 and 1982 1st ex.s. c 36 s 3 are each amended to read as follows:

(1) Money in the budget stabilization account may be appropriated by a favorable vote of sixty percent of the members elected to each house of the legislature for the following purposes:

(a) To provide for the continuation of agency programs at or near levels of existing appropriations when state revenues decline below projections;

(b) To provide the governor with reserve expenditure authority for the purpose specified in subsection (1)(a) of this section;

(c) For labor force training; and

(d) For any other purpose which the legislature finds would reduce unemployment caused by the state's economic cycle.

(2) ~~By January 1, 1994, the state treasurer shall transfer twenty-five million dollars from the state general fund to the budget stabilization account. In addition to the purposes specified in subsection (1) of this section, the moneys deposited in the budget stabilization account under this subsection may be appropriated for the continuing costs of any state retirement system benefits in effect on July 1, 1993.~~

(3) The legislature by appropriation may provide for, or the governor may authorize, the waiver of deposits in any fiscal quarter to the stabilization account in the event of an expenditure from the account during such quarter.

Sec. 920. RCW 43.101.200 and 1989 c 299 s 2 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 ~~((and 43.101.160))~~. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such

reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 921. RCW 43.155.050 and 1985 c 471 s 8 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1993-95 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 922. RCW 43.210.110 and 1991 c 314 s 12 are each amended to read as follows:

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under RCW 43.210.100(3):

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in RCW 43.31.601. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from

creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in RCW 43.210.070 and 43.210.100 through 43.210.120; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund. However, during the 1993-95 fiscal biennium, the receipts of the project shall be deposited into the small business export finance assistance center fund under RCW 43.210.070.

Sec. 923. RCW 70.146.020 and 1987 c 436 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial,

industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the 1993-1995 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

Sec. 924. RCW 70.146.080 and 1991 sp.s. c 16 s 923 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal (~~year 1992~~) years 1992 and 1993 and for fiscal year 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 925. RCW 70.170.080 and 1991 sp.s. c 13 s 71 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under *chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

During the 1993-1995 fiscal biennium, moneys in the hospital data collection account may be expended, pursuant to appropriation, for hospital data analysis and the administration of the health information program.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 926. RCW 74.20A.030 and 1989 c 360 s 14 are each amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of

moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation.

(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

(4) No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7). For the period July 1, 1993, through June 30, 1995, a collection action may be taken against parents of children with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care. The child support obligation shall be calculated pursuant to chapter 26.19 RCW.

Sec. 927. RCW 79.24.580 and 1987 c 350 s 1 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be distributed as follows: (1) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 928. RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1995-97 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the 1993-95 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

Sec. 929. RCW 20.01.130 and 1986 c 178 s 8 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted hereunder or for departmental administrative expenses during the 1993-95 biennium. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

NEW SECTION. **Sec. 930. MINORITY AND WOMEN'S BUSINESS ENTERPRISES.** Chapter . . . (House Bill No. 1800), Laws of 1993 is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. **Sec. 931. LICENSING OF FUNERAL DIRECTORS AND EMBALMERS.** Chapter 43 (Substitute Senate Bill No. 5026), Laws of 1993 is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. **Sec. 932. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 933. EMERGENCY CLAUSE.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for section 308(5) of this act which shall take effect immediately."

On page 1, line 1 of the title, after "1995;" strike the remainder of the title and insert "amending RCW 28A.165.070, 28A.310.020, 7.68.070, 41.06.150, 43.03.040, 41.50.255, 43.08.250, 43.70.110, 43.88.535, 43.101.200, 43.155.050, 43.210.110, 70.146.020, 70.146.080, 70.170.080, 74.20A.030, 79.24.580, 86.26.007, and 20.01.130; creating new sections; providing effective dates; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rinehart, Drew; Representatives Locke, Ebersole

MOTION

Senator Rinehart moved that the Report of the Conference Committee on Substitute Senate Bill No. 5968 be adopted.

POINT OF ORDER

Senator West: "A point of order, Mr. President. I would ask you to rule as to whether or not this issue is properly before us. The twenty-four hours has not passed since it has been placed upon our desks."

REPLY BY THE PRESIDENT

President Pritchard: "Senator West is correct that it is not twenty-four hours."

Senator West: "So, therefore, Mr. President, if this is not properly before us, we cannot consider it at this time."

President Pritchard: "That is not true, Senator West. I stand corrected. You are correct, sir. At this time, it is not within our rules. At this point, we will have to suspend work on this measure."

MOTION

At 12:45 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 12:55 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4422, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4422 by Representative Peery

Amending the joint rules.

MOTION

Senator Jesernig moved that House Concurrent Resolution No. 4422 be adopted.

PARLIAMENTARY INQUIRY

Senator Nelson: "A parliamentary inquiry, Mr. President. Are we on introduction of resolutions? Have we advanced the bill for consideration by the body?"

REPLY BY THE PRESIDENT

President Pritchard: "We're on the fifth order of business--short titles and referrals."

Senator Nelson: "As a parliamentary inquiry, how many votes does it require to advance the bill for consideration by the entire body?"

President Pritchard: "Concurrent resolutions pass by a majority vote."

Senator Nelson: "It follows the course of a bill?"

President Pritchard: "What's that?"

Senator Nelson: "Does it not follow the course of a bill?"

President Pritchard: "Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the Journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62. Senator Jesernig, did you move to advance the bill? To adopt it? I'm not sure that you can do that."

PARLIAMENTARY INQUIRY

Senator Nelson: "Mr. President, this is a parliamentary inquiry again. I believe that the President was going to read Rule 59 regarding that Concurrent Resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call."

REPLY BY THE PRESIDENT

President Pritchard: "And are not subject to Rule 62."

Senator Nelson: "Mr. President, I believe that you will find in the rules that every concurrent resolution is subject to the same tracking as a bill and are subject to amendments on second reading and not to be bi-passed for a final roll call until such a procedure is permitted."

MOTION

On motion of Senator Jesernig, the rules were suspended and House Concurrent Resolution No. 4422 was advanced to second reading and read the second time.

MOTION

Senator West moved that the following amendment be adopted:

On page 2, line 2 after "May 6, 1993," insert "conference reports that have been signed by five or more members may be considered before twenty-four hours have elapsed if approved"

MOTION

Senator Jesernig moved that the amendment by Senator West on page 2, line 2, to House Concurrent Resolution No. 4422 be laid on the table.

Senator Nelson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Jesernig to table the amendment by Senator West on page 2, line 2, to House Concurrent Resolution No. 4422.

ROLL CALL

The Secretary called the roll and the amendment was tabled by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Excused: Senator Newhouse - 1.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. This body is a body built on trust and a body built on respect. We're sent here with the trust of the people; we're here to respect the opinions of others; we're here to debate; we're here to lay on the table issues--not to lay on the table--but, I mean, discuss the issues--debate issues. The broad range of debate should be open; it should be available to all. The action that this body just took violates--"

POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. I don't believe that Senator West is discussing a point of personal privilege. He is debating the issue that has just been laid on the table. Therefore, I think his remarks are out of order."

FURTHER REMARKS BY SENATOR WEST

Senator West: "Mr. President, I think my offense at the action of the Senate is personal privilege. I think that I have been offended by the actions of this body and I think I have a right to express that offense."

REPLY BY PRESIDENT PRITCHARD

President Pritchard: "Do you feel you have expressed it?"

FURTHER REMARKS BY SENATOR WEST

Senator West: "I think that this Senate should be ashamed of itself for denying this body the opportunity to debate any amendment placed before it. We have never, in the past, with the exception of one other time this year while the control of this Legislature has been in the hands of the Democrats, have we ever laid upon the table, issues such as this. I am offended and I think the people of the state of Washington should be offended and you should be ashamed of yourself for doing it."

PERSONAL PRIVILEGE

Senator Snyder: "I think I should raise or rise or something here to a point of personal privilege. I am not ashamed, a dammed bit ashamed, of what is going on here tonight. You people should be ashamed. Our majority leader went over and talked to your leader. He was told that the only thing that you would enforce the twenty-four hour rule on, was the tax package. That is all I am going to say."

MOTION

On motion of Senator Jesernig, the rules were suspended, House Concurrent Resolution No. 4422 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution Bill No. 4422.

Senator Nelson demanded a roll call and the demand was sustained

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution Bill No. 4422.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4422 and the concurrent resolution passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 20.

Excused: Senator Newhouse - 1.

HOUSE CONCURRENT RESOLUTION NO. 4422, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MOTION

On motion of Senator Jesernig, the Senate resumed consideration of the Conference Committee Report on Substitute Senate Bill No. 5968 and the pending motion by Senator Rinehart to adopt the Report of the Conference Committee, deferred earlier today.

PARLIAMENTARY INQUIRY

Senator Nelson: "A point of parliamentary inquiry, Mr. President. At what time was the Conference Committee Report placed before the Senate--as the final version?"

REPLY BY THE PRESIDENT

President Pritchard: "3:45 p.m."

Senator Nelson: "On which day, Mr. President?"

President Pritchard: "May 5."

MOTION

On motion of Senator Rinehart, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Substitute Senate Bill No. 5968.

MOTION

On motion of Senator Rinehart, the Report of the Conference Committee on Substitute Senate Bill No. 5968 was adopted. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5968, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5968, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Excused: Senator Newhouse - 1.

SUBSTITUTE SENATE BILL NO. 5968, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:21 a.m., on motion of Senator Jesernig, the Senate was declared to be at ease.

The Senate was called to order at 2:48 a.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980.

SIGNED BY THE PRESIDENT

The President signed:
REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed REENGROSSED SENATE BILL NO. 5983, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on REENGROSSED SUBSTITUTE SENATE BILL NO. 5967 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

CONFERENCE COMMITTEE REPORT

RESSB 5967 May 5, 1993

Includes "New Item": Yes

Relating to state revenues increase

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred REENGROSSED SUBSTITUTE SENATE BILL NO. 5967, relating to state revenues increase, have had the same under consideration and we recommend that the House amendment adopted April 30, 1993, not be adopted and that the following Conference Committee striking amendment be adopted with the following amendment:

On page 8, line 17, of the Conference Committee striking amendment, strike subsection (b) and insert:

"(b) Computer services, including but not limited to computer programming, custom software modification, custom software installation, custom software maintenance, custom software repair, training in the use of custom software, computer systems design, and custom software update services."

Strike everything after the enacting clause and insert the following:

**"PART I
CURRENT BUSINESS AND
OCCUPATION SURTAXES INCORPORATED INTO BASE**

Sec. 101. RCW 82.04.230 and 1971 ex.s. c 281 s 2 are each amended to read as follows:

EXTRACTORS. Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of ~~((forty-four one-hundredths of one))~~ 0.484 percent(~~(%)~~).

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 102. RCW 82.04.240 and 1981 c 172 s 1 are each amended to read as follows:

MANUFACTURERS. Upon every person except persons taxable under ~~((subsections))~~ RCW 82.04.260 (2), (3), (4), (5), (7), (8), or (9) ~~((of RCW 82.04.260))~~ engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of ~~((forty-four one-hundredths of one))~~ 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 103. RCW 82.04.250 and 1981 c 172 s 2 are each amended to read as follows:

RETAILERS. (1) Upon every person except persons taxable under RCW 82.04.260(8) or subsection (2) of this section engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of ~~((forty-four one-hundredths of one))~~ 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

Sec. 104. RCW 82.04.260 and 1993 c ____ (Engrossed Second Substitute Senate Bill No. 5304) s 304 are each amended to read as follows:

MISCELLANEOUS BUSINESSES. (1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of ~~((one one-hundredth of one))~~ 0.011 percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of ~~((one-eighth of one))~~ 0.138 percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of ~~((one-quarter of one))~~ 0.275 percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of ~~((one-eighth of one))~~ 0.138 percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of ~~((three-tenths of one))~~ 0.33 percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of ~~((forty-four one-hundredths of one))~~ 0.484 percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of ~~((twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one))~~ 0.138 percent ~~((thereafter))~~.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of ~~((twenty-five one-hundredths of one))~~ 0.275 percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of ~~((twenty-five one-hundredths of one))~~ 0.275 percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of (~~twenty-five one-hundredths of one~~) 0.275 percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of (~~thirty-three one-hundredths of one~~) 0.363 percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of (~~thirty-three one hundredths of one~~) 0.363 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of (~~fifteen percent~~.

~~(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.~~

~~(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.~~

~~(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.)~~ 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of (~~one~~) 1.1 percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of (~~seventy-five one-hundredths of one~~) 0.75 percent through June 30, 1995, and (~~one and five-tenths~~) 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.____ (section 469, chapter ____ (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993).

Sec. 105. RCW 82.04.270 and 1981 c 172 s 4 are each amended to read as follows:

WHOLESALEERS, DISTRIBUTORS. (1) Upon every person except persons taxable under subsections (1) or (8) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of (~~forty-four one-hundredths of one~~) 0.484 percent.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying (~~forty-four one-hundredths of one~~) 0.484 percent of the value of the article so distributed as of the time of such distribution: PROVIDED, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This

proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

Sec. 106. RCW 82.04.280 and 1986 c 226 s 2 are each amended to read as follows:

PRINTING AND PUBLISHING. Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6)(~~as now or hereafter amended~~); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of (~~forty-four one hundredths of one~~) 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance.

Sec. 107. RCW 82.02.030 and 1993 c ____ (Engrossed Second Substitute Senate Bill No. 5304) s 312 are each amended to read as follows:

ADDITIONAL TAX RATES. The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), (~~82.04.290(1)~~) 82.16.020(2), 82.27.020(5), and 82.29A.030(2) shall be seven percent.

~~NEW SECTION. Sec. 108.~~ The following acts or parts of acts are each repealed:

~~REPEALS--ADDITIONAL TAXES.~~

~~(1) RCW 82.04.2901 and 1985 c 32 s 4; and~~

~~(2) RCW 82.04.2904 and 1985 c 32 s 5, 1983 2nd ex.s. c 3 s 3, & 1983 c 9 s 3.~~

PART II ADDITIONAL EXCISE TAXES

NEW SECTION. Sec. 201. A new section is added to chapter 82.04 RCW to read as follows:

SELECTED BUSINESS SERVICES DEFINED.

(1) "Selected business services" means:

(a) Stenographic, secretarial, and clerical services.

(b) Computer services, including but not limited to computer programming, software modification, software installation, software maintenance, software repair, training in the use of custom software, computer systems design, and software update services.

(c) Data processing services, including but not limited to word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. Data processing services also includes the use of a computer or computer time for data

processing whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service.

(d) Information services, including but not limited to electronic data retrieval or research that entails furnishing financial or legal information, data or research, general or specialized news, or current information unless such news or current information is furnished to a newspaper publisher or to a radio or television station licensed by the federal communications commission.

(e) Legal, arbitration, and mediation services, including but not limited to paralegal services, legal research services, and court reporting services.

(f) Accounting, auditing, actuarial, bookkeeping, tax preparation, and similar services.

(g) Design services whether or not performed by persons licensed or certified, including but not limited to the following:

(i) Engineering services, including civil, electrical, mechanical, petroleum, marine, nuclear, and design engineering, machine designing, machine tool designing, and sewage disposal system designing;

(ii) Architectural services, including but not limited to: Structural or landscape design or architecture, interior design, building design, building program management, and space planning.

(h) Business consulting services. Business consulting services are those primarily providing operating counsel, advice, or assistance to the management or owner of any business, private, nonprofit, or public organization, including but not limited to those in the following areas: Administrative management consulting, general management consulting, human resource consulting or training, management engineering consulting, management information systems consulting, manufacturing management consulting, marketing consulting, operations research consulting, personnel management consulting, physical distribution consulting, site location consulting, economic consulting, motel, hotel, and resort consulting, restaurant consulting, government affairs consulting, and lobbying.

(i) Business management services, including but not limited to administrative management, business management, and office management, but not including property management or property leasing, motel, hotel, and resort management, or automobile parking management.

(j) Protective services, including but not limited to detective agency services and private investigating services, armored car services, guard or protective services, lie detection or polygraph services, and security system, burglar, or fire alarm monitoring and maintenance services.

(k) Public relations or advertising services, including but not limited to layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, marketing research, marketing, or production supervision, but excluding services provided as part of broadcast or print advertising.

(l) Aerial and land surveying, geological consulting, and real estate appraising.

(2) Subsection (1) of this section notwithstanding, the term "selected business services" does not include:

(a) The provision of either permanent or temporary employees.

(b) Services provided by a public benefit nonprofit organization, as defined in RCW 82.04.366, to the state of Washington, its political subdivisions, municipal corporations, or quasi-municipal corporations.

(c) Services related to the identification, investigation, or cleanup arising out of the release or threatened release of hazardous substances when the services are remedial or response actions performed under federal or state law, or when the services are performed to determine if a release of hazardous substances has occurred or is likely to occur.

(d) Services provided to or performed for, on behalf of, or for the benefit of a collective investment fund such as: (i) A mutual fund or other regulated investment company as defined in section 851(a) of the Internal Revenue Code of 1986, as amended; (ii) an "investment company" as that term is used in section 3(a) of the Investment Company Act of 1940 as well as an entity that would be an investment company under section 3(a) of the Investment Company Act of 1940 except for the section 3(c)(1) or (11) exemptions, or except that it is a foreign investment company organized under laws of a foreign country; (iii) an "employee benefit plan," which includes any plan, trust, commingled employee benefit trusts, or custodial arrangement that is subject to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., or that is described in sections 125, 401, 403, 408, 457, and 501(c)(9) and (17) through (23) of the Internal Revenue Code of 1986, as amended, or similar plan maintained by state or local governments, or plans, trusts, or custodial arrangements established to self-insure benefits required by federal, state, or local law; (iv) a fund maintained by a tax exempt organization as defined in section 501(c)(3) or 509(a) of the Internal Revenue Code of 1986, as amended, for operating, quasi-endowment, or endowment purposes; or (v) funds that are established for the benefit of such tax exempt organization such as charitable remainder trusts, charitable lead trusts, charitable annuity trusts, or other similar trusts.

(e) Research or experimental services eligible for expense treatment under section 174 of the Internal Revenue Code of 1986, as amended.

(f) Financial services provided by a financial institution. The term "financial institution" means a corporation, partnership, or other business organization chartered under Title 30, 31, 32, or 33 RCW, or under the National Bank Act, as amended, the

Homeowners Loan Act, as amended, or the Federal Credit Union Act, as amended, or a holding company of any such business organization that is subject to the Bank Holding Company Act, as amended, or the Homeowners Loan Act, as amended, or a subsidiary or affiliate wholly owned or controlled by one or more financial institutions, as well as a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act, as amended. The term "financial services" means those activities authorized by the laws cited in this subsection (2)(f) and includes services such as mortgage servicing, contract collection servicing, finance leasing, and services provided in a fiduciary capacity to a trust or estate.

Sec. 202. RCW 82.04.255 and 1985 c 32 s 2 are each amended to read as follows:

TAX ON REAL ESTATE BROKERS. Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((4.50))~~ 2.0 percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 203. RCW 82.04.290 and 1985 c 32 s 3 are each amended to read as follows:

TAX ON SELECTED BUSINESS, FINANCIAL, AND OTHER BUSINESSES OR SERVICES--NEW RATE.

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.5 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.70 percent.

(3) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1) and (2) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((4.50))~~ 2.0 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. Sec. 204. A new section is added to chapter 82.04 RCW to read as follows:

TEMPORARY BUSINESS AND OCCUPATION SURTAXES. There is levied and shall be collected for the period July 1, 1993, through June 30, 1997, from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.280 and 82.04.290(3), except RCW 82.04.250(1) and 82.04.260(15), an additional tax equal to 6.5 percent multiplied by the tax payable under those sections.

To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 205. RCW 82.04.300 and 1992 c 206 s 7 are each amended to read as follows:

BUSINESS AND OCCUPATION TAX THRESHOLD. This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required, according to rules adopted by the department, to file returns even though no tax may be due. The department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

PART III
RETAIL SALES AND USE TAXES

Sec. 301. RCW 82.04.050 and 1988 c 253 s 1 are each amended to read as follows:

SALE AT RETAIL--SERVICES--DEFINED.

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person~~((7))~~; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person~~((7))~~; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale~~((7))~~; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon~~((7))~~; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) ~~((above))~~ of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280~~((7-subsections))~~ (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but ~~((excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also))~~ excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of

real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same;

(g) ~~The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) ((above)) of this subsection~~ when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this ~~((paragraph)) subsection~~ shall be construed to modify ~~((the first paragraph)) subsection (1)~~ of this section and nothing contained in ~~((the first paragraph)) subsection (1)~~ of this section shall be construed to modify this ~~((paragraph)) subsection~~.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation ~~((businesses)) services~~ including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, and others;

(b) Abstract, title insurance, and escrow ~~((businesses)) services~~;

(c) Credit bureau ~~((businesses)) services~~;

(d) Automobile parking and storage garage ~~((businesses)) services~~;

(e) Landscape maintenance and horticultural services but excluding horticultural services provided to farmers;

(f) Service charges associated with tickets to professional sporting events;

(g) Guided tours and guided charters; and

(h) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, massage services, steam bath services, turkish bath services, escort services, and dating services.

(4) The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~(7) The term shall also not include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture, or to ((persons)) farmers for the purpose of producing for sale any agricultural product ((whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330)), nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.~~

~~((7)) (8) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.~~

NEW SECTION. Sec. 302. A new section is added to chapter 82.04 RCW to read as follows:

AGRICULTURAL PRODUCT--FARMER--DEFINED. (1) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.

(2) "Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber.

Sec. 303. RCW 82.04.280 and 1993 c ... s 106 (section 106 of this act) are each amended to read as follows:

PRINTING AND PUBLISHING. Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers (~~(, periodicals or magazines)~~); (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance.

NEW SECTION. Sec. 304. A new section is added to chapter 82.04 RCW to read as follows:

NEWSPAPER DEFINED. "Newspaper" means a publication issued regularly at stated intervals at least once a week and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind.

Sec. 305. RCW 82.04.330 and 1988 c 253 s 2 are each amended to read as follows:

AGRICULTURAL EXEMPTIONS. This chapter shall not apply to any (~~(person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products))~~ **farmer that sells any agricultural product** at wholesale (~~(by such grower, producer, or raiser thereof)~~). This exemption shall not apply to any person selling such products at retail (~~(or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession))~~).

This chapter shall also not apply to any persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program.

Sec. 306. RCW 82.08.0273 and 1988 c 96 s 1 are each amended to read as follows:

SALES TO NONRESIDENTS OF TANGIBLE PERSONAL PROPERTY FOR USE OUTSIDE OF STATE--EXEMPTION LIMITED. (1) The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser (a) is a bona fide resident of a state or possession or Province of Canada other than the state of Washington and such state, possession, or Province of Canada is contiguous to the state of Washington and does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (b) agrees, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

(2)(a) Any person claiming exemption from retail sales tax under the provisions of this section must display proof of his or her current nonresident status as herein provided.

(b) Acceptable proof of a nonresident person's status shall include two pieces of identification: (i) A valid driver's license from the jurisdiction in which the out-of-state residency is claimed or a valid identification card which has a photograph of the holder and is issued by the out-of-state jurisdiction and (ii) a credit card, checks, or other reliable identification. Identification under (i) of this subsection (2)(b) must show the holder's residential address and have as one of its legal purposes the establishment of residency in that out-of-state jurisdiction.

(3) Nothing in this section requires the vendor to make tax exempt retail sales to nonresidents. A vendor may choose to make sales to nonresidents, collect the sales tax, and remit the amount of sales tax collected to the state as otherwise provided by law. If the vendor chooses to make a sale to a nonresident without collecting the sales tax, the vendor shall, in good faith, examine the proof of nonresidence, determine whether the proof is acceptable under subsection (2)(b) of this section, and maintain records for each nontaxable sale which shall show the type of proof accepted, including any identification numbers where appropriate, and the expiration date, if any.

(4)(a) Any person making fraudulent statements, which includes the offer of fraudulent identification or fraudulently procured identification to a vendor, in order to purchase goods without paying retail sales tax shall be guilty of perjury. Any person making tax exempt purchases under this section by displaying proof of identification not his or her own, or counterfeit identification, with intent to violate the provisions of this section, shall be guilty of a misdemeanor and, in addition, shall be liable for the tax and subject to a penalty equal to the greater of one hundred dollars or the tax due on such purchases.

(b) Any vendor who makes sales without collecting the tax to a person who does not hold valid identification establishing out-of-state residency, and any vendor who fails to maintain records of sales to nonresidents as provided in this section, shall be personally liable for the amount of tax due. Any vendor who makes sales without collecting the retail sales tax under this section and who has actual knowledge that the purchaser's proof of identification establishing out-of-state residency is fraudulent shall be guilty of a misdemeanor and, in addition, shall be liable for the tax and subject to a penalty equal to the greater of one thousand dollars or the tax due on such sales. In addition, both the purchaser and the vendor shall be liable for any penalties and interest assessable under chapter 82.32 RCW.

NEW SECTION. Sec. 307. FINDING--PRESCRIPTION DRUGS. The legislature finds that prevention is a significant element in the reduction of health care costs. The legislature further finds that taxing some physician prescriptions and not others is unfair to patients. It is, therefore, the intent of the legislature to remove the taxes from prescriptions issued for family planning purposes.

Sec. 308. RCW 82.08.0281 and 1980 c 37 s 46 are each amended to read as follows:

RETAIL SALES TAX EXEMPTION--PRESCRIPTION DRUGS. The tax levied by RCW 82.08.020 shall not apply to sales of prescription drugs, including sales to the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ~~((ordered by))~~, or for use for family planning purposes, including the prevention of conception, supplied:

(1) By a family planning clinic that is under contract with the department of health to provide family planning services; or

(2) Under the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions~~((;))~~; or

~~((2))~~ (3) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist~~((;))~~; or

~~((3))~~ (4) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist~~((;))~~; or

~~((4))~~ (5) By physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

Sec. 309. RCW 82.12.0275 and 1980 c 37 s 73 are each amended to read as follows:

USE TAX EXEMPTION--PRESCRIPTION DRUGS. The provisions of this chapter shall not apply in respect to the use of prescription drugs, including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ~~((ordered by))~~, or for use for family planning purposes, including the prevention of conception, supplied:

(1) By a family planning clinic that is under contract with the department of health to provide family planning services; or

(2) Under the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions~~((;))~~; or

~~((2))~~ (3) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist~~((;))~~; or

~~((3))~~ (4) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist~~((7))~~; or

~~((4))~~ (5) By physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

PART IV SALES TAX DEFERRAL PROGRAMS

NEW SECTION. Sec. 401. A new section is added to chapter 43.63A RCW to read as follows:

NEIGHBORHOOD REINVESTMENT AREA--APPLICATION. (1) The department, in cooperation with the department of revenue, the employment security department, and the office of financial management, shall approve applications submitted by local governments for designation as a neighborhood reinvestment area under this section. The application shall be in the form and manner and contain such information as the department may prescribe, provided that the application for designation shall:

(a) Contain information sufficient for the director to determine if the criteria established in section 402 of this act have been met.

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government.

(c) Contain a five-year neighborhood reinvestment plan that describes the proposed designated neighborhood reinvestment area's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.

The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(d) Certify that neighborhood residents were given the opportunity to participate in the development of the five-year neighborhood reinvestment strategy required under (c) of this subsection.

(2) No local government shall submit more than two neighborhoods to the department for possible designation as a designated neighborhood reinvestment area under this section.

(3)(a) Within ninety days after January 1, 1994, the director may designate up to six designated neighborhood reinvestment areas from among the applications eligible for designation as a designated neighborhood reinvestment area under this section. The director shall make determinations of designated neighborhood reinvestment areas on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year neighborhood reinvestment plan required under this section.

(ii) The level of private commitments by private entities of additional resources and contribution to the designated neighborhood reinvestment area.

(iii) The potential for reinvestment in the area as a result of designation as a designated neighborhood reinvestment area.

(iv) Other factors the director of the department of community development deems necessary.

(b) The determination of the director as to the areas designated as neighborhood reinvestment areas shall be final.

NEW SECTION. Sec. 402. A new section is added to chapter 43.63A RCW to read as follows:

NEIGHBORHOOD REINVESTMENT AREA--REQUIREMENTS. (1) The director may not designate an area as a designated neighborhood reinvestment area unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year neighborhood reinvestment plan for the area that meets the requirements of section 401(1)(c) of this act and as further defined by the director must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this section are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

Sec. 403. RCW 82.60.020 and 1988 c 42 s 16 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~((or))~~ ~~Applications under this subsection (3)(b) shall be filed by April 30, 1989);~~ or (c) a designated neighborhood reinvestment area approved under section 401 of this act.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure ~~((: PROVIDED, That))~~. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 404. RCW 82.60.050 and 1988 c 41 s 5 are each amended to read as follows:

EXPIRATION--TAX DEFERRAL CERTIFICATE. RCW 82.60.030 and 82.60.040 shall expire July 1, ~~((1994))~~ 1998.

Sec. 405. RCW 82.61.010 and 1988 c 41 s 1 are each amended to read as follows:

DEFINITIONS--THRESHOLD DATE MODIFIED--ELIGIBLE PROJECTS MODIFIED. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means:

(a) Construction of new buildings and the acquisition of new related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ~~((1994))~~ 1998; or

(b) Acquisition prior to December 31, ~~((1994))~~ 1998, of new machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure(~~(: PROVIDED, That)~~). The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(c) Acquisition of all new or used machinery, equipment, or other personal property for use in the production or casting of aluminum at an aluminum smelter or at facilities related to an aluminum smelter, if the plant was in operation prior to 1975 and has ceased operations or is in imminent danger of ceasing operations for economic reasons, as determined by the department, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represented employees of the plant pursuant to a collective bargaining agreement that was in effect either immediately prior to the time the plant ceased operations or during the period when the plant was in imminent danger of ceasing operations, on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(d) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after May 19, 1987, and are intended to increase the operating efficiency of existing plants which are either aluminum smelters or aluminum rolling mills or of facilities related to such plants, if the plant was in operation prior to 1975, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represents employees of the plant on the proposed operation of the plant and the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(e) Acquisition of all new or used machinery, equipment, or other personal property for use in the production of pulp and paper-related products if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management; or

(f) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, that are commenced after the effective date of this section and are intended to increase the operating efficiency of existing pulp and paper mills or facilities, if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this chapter, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment may be treated as new equipment and machinery if the certificate holder either

brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences.

Sec. 406. RCW 82.61.020 and 1987 c 497 s 2 are each amended to read as follows:

APPLICATION PROCESS. Application for deferral of taxes under this chapter shall be made before initiation of the construction of the investment project or acquisition of equipment or machinery or plant. Application for deferral of taxes for modernization projects as defined in RCW 82.61.010(4)(d) and (f) shall be made during the calendar year in which construction begins or acquisition of equipment or machinery occurs. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

Sec. 407. RCW 82.61.030 and 1987 c 497 s 3 are each amended to read as follows:

TAX DEFERRAL ELIGIBILITY. Except for eligible projects within the definitions in RCW 82.61.010(4) (c) ~~((or (d)))~~ through (f), a tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, shall also be ineligible to receive a tax deferral certificate.

Sec. 408. RCW 82.61.040 and 1988 c 41 s 2 are each amended to read as follows:

EXPIRATION--TAX DEFERRAL ELIGIBILITY. RCW 82.61.020 and 82.61.030 shall expire July 1, ~~((1994))~~ 1998.

Sec. 409. RCW 82.61.070 and 1988 c 41 s 3 are each amended to read as follows:

REPORTS. The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1 of each year through ~~((1995))~~ 1999.

Sec. 410. RCW 82.62.010 and 1988 c 42 s 17 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~((-- Applications under this subsection (3)(b) shall be filed by April 30, 1989))~~; (c) a designated neighborhood reinvestment area approved under section 401 of this act; or (d) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility ~~((:-- PROVIDED, That))~~, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 411. RCW 82.62.040 and 1988 c 41 s 4 are each amended to read as follows:

EXPIRATION--APPLICATIONS AND ELIGIBILITY. RCW 82.62.020 (~~and 82.62.030~~) shall expire July 1, (~~(1994)~~) 1998.

PART V REAL ESTATE EXCISE TAX

NEW SECTION. Sec. 501. FINDINGS--INTENT. (1) The legislature finds that transfers of ownership of entities may be essentially equivalent to the sale of real property held by the entity. The legislature further finds that all transfers of possession or use of real property should be subject to the same excise tax burdens.

(2) The legislature intends to apply the real estate excise tax of chapter 82.45 RCW to transfers of entity ownership when the transfer of entity ownership is comparable to the sale of real property. The legislature intends to equate the excise tax burdens on all sales of real property and transfers of entity ownership essentially equivalent to a sale of real property under chapter 82.45 RCW.

Sec. 502. RCW 82.45.010 and 1981 c 93 s 1 are each amended to read as follows:

SALE--DEFINED. (1) As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person (~~by his~~) at the purchaser's direction, (which) and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration. For purposes of this subsection, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department of revenue shall adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department shall consider the following:

(a) Persons shall be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(b) When persons are not commonly owned or controlled, they shall be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions shall be considered separate acquisitions.

(3) The term "sale" shall not include:

(a) A transfer by gift, devise, or inheritance((:));

(b) A transfer of any leasehold interest other than of the type mentioned above((:));

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage ((or the assumption by a grantee of the balance owing on

an obligation which is secured by a mortgage or deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration passes otherwise or).

(d) The partition of property by tenants in common by agreement or as the result of a court decree(~~(, any transfer, conveyance, or)~~).

(e) The assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement (~~(incident thereto)~~).

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved(~~(,)~~).

(g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation(~~(,)~~).

(h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof(~~(,)~~).

(i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage(~~(,)) or deed of trust.~~

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration(~~(, not)~~).

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed(~~(, not)~~).

(l) The sale of any grave or lot in an established cemetery(~~(, not)~~).

(m) A sale by (~~or to~~) the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

~~(The term sale shall further not include)~~ (n) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within (~~(five)) three~~ years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due. excise taxes shall become due and payable on the original transfer as otherwise provided by law.

(o) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of section 332, 337, 351, 368(a)(1), 721, or 731 of the Internal Revenue Code of 1986, as amended.

Sec. 503. RCW 82.45.030 and 1969 ex.s. c 223 s 28A.45.030 are each amended to read as follows:

~~SELLING PRICE--DEFINED.~~ (1) As used in this chapter, the term "selling price" means the (~~(consideration, including)) true and fair value of the property conveyed. If property has been conveyed in an arm's length transaction between unrelated persons for a valuable consideration, a rebuttable presumption exists that the selling price is equal to the total consideration paid or contracted to be paid to the transferor, or to another for the transferor's benefit.~~

(2) If the sale is a transfer of a controlling interest in an entity with an interest in real property located in this state, the selling price shall be the true and fair value of the real property owned by the entity and located in this state. If the true and fair value of the real property located in this state cannot reasonably be determined, the selling price shall be determined according to subsection (4) of this section.

(3) As used in this section, "total consideration paid or contracted to be paid" includes money or anything of value, paid or delivered or contracted to be paid or delivered in return for the (~~(transfer of the real property or estate or interest in real property)) sale, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale.~~

(~~The term~~) Total consideration shall not include the amount of any outstanding lien or incumbrance in favor of the United States, the state, or a municipal corporation for (~~the~~) taxes, special benefits, or improvements.

(4) If the total consideration for the sale cannot be ascertained or the true and fair value of the property to be valued at the time of the sale cannot reasonably be determined, the market value assessment for the property maintained on the county property tax rolls at the time of the sale shall be used as the selling price.

Sec. 504. RCW 82.45.032 and 1986 c 211 s 1 are each amended to read as follows:

REAL ESTATE--REAL PROPERTY--DEFINED. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" or "real property" means ~~((real property but includes))~~ any interest, estate, or beneficial interest in land or anything affixed to land, including the ownership interest or beneficial interest in any entity which itself owns land or anything affixed to land. The term includes used mobile homes ~~((and))~~, used floating homes, and improvements constructed upon leased land.

(2) "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) "Mobile home" means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(4) "Used floating home" means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

(5) "Floating home" means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located.

NEW SECTION. Sec. 505. A new section is added to chapter 82.45 RCW to read as follows:

CONTROLLING INTEREST--DEFINED. As used in this chapter, the term "controlling interest" has the following meaning:

(1) In the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and

(2) In the case of a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

Sec. 506. RCW 82.45.090 and 1991 c 327 s 6 are each amended to read as follows:

SALE OF BENEFICIAL INTEREST IN REAL PROPERTY--NO RECORDED INSTRUMENT. (1) Except for a sale of a beneficial interest in real property where no instrument evidencing the sale is recorded in the official real property records of the county in which the property is located, the tax imposed by this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold~~((, said))~~. In collecting the tax the treasurer ~~((acting))~~ shall act as agent for the state. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

(2) For a sale of a beneficial interest in real property where a tax is due under this chapter and where no instrument is recorded in the official real property records of the county in which the property is located, the sale shall be reported to the department of revenue within five days from the date of the sale on such returns or forms and according to such procedures as the department may prescribe. Such forms or returns shall be signed by both the transferor and the transferee and shall be accompanied by payment of the tax due. Any person who intentionally makes a false statement on any return or form required to be filed with the department under this chapter shall be guilty of perjury.

Sec. 507. RCW 82.45.100 and 1988 c 286 s 5 are each amended to read as follows:

LIABILITY FOR TAX NOT RECEIVED--EXCEPTIONS. (1) The tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within thirty days thereafter shall bear interest at the rate of one percent per month from the time of sale until the date of payment.

(2) In addition to the interest described in subsection (1) of this section, if the payment of any tax is not received by the county treasurer or the department of revenue, as the case may be, within thirty days of the date due, there shall be assessed a penalty of five percent of the amount of the tax; if the tax is not received within sixty days of the date due, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within ninety days of the date due, there shall be assessed a total penalty of twenty percent of the amount of the tax. The payment of the penalty described in this subsection shall be collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(3) If the tax imposed under this chapter is not received by the due date, the transferee shall be personally liable for the tax, along with any interest as provided in subsection (1) of this section, unless:

(a) An instrument evidencing the sale is recorded in the official real property records of the county in which the property conveyed is located; or

(b) Either the transferor or transferee notifies the department of revenue in writing of the occurrence of the sale within thirty days following the date of the sale.

(4) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department shall assess against the taxpayer the additional amount found to be due plus interest and penalties as provided in subsections (1) and (2) of this section. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable under this chapter, an additional penalty of fifty percent of the additional tax found to be due shall be added.

~~((4))~~ (5) No assessment or refund may be made by the department more than four years after the date of sale except upon a showing of:

(a) Fraud or ~~((ef))~~ misrepresentation of a material fact by the taxpayer ~~((ef))~~;

(b) A failure by the taxpayer to record documentation of a sale or otherwise report the sale to the county treasurer; or

(c) A failure of the transferor or transferee to report the sale under RCW 82.45.090(2).

~~((5))~~ (6) Penalties collected pursuant to subsection (2) of this section shall be deposited in the housing trust fund as described in chapter 43.185 RCW.

NEW SECTION. Sec. 508. TAX IMPOSED BY ORDINANCE--APPLICATION. Any ordinance imposing a tax under chapter 82.46 RCW which is in effect on the effective date of this section shall apply to all sales taxable under chapter 82.45 RCW on the effective date of this section at the rate specified in the ordinance, until such time as the ordinance is otherwise amended or repealed.

Sec. 509. RCW 82.45.150 and 1981 c 167 s 1 are each amended to read as follows:

TAX AFFIDAVIT--FORM. All of chapter 82.32 RCW, except RCW 82.32.030, 82.32.040, 82.32.050, 82.32.140, and 82.32.270 and except for the penalties and the limitations thereon imposed by RCW 82.32.090, applies to the tax imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the tax imposed by this chapter. The department of revenue shall by rule provide for the effective administration of this chapter. The rules shall ~~((also include a manual which defines transactions which are taxable under))~~ prescribe and furnish a real estate excise tax affidavit form verified by both the seller and the buyer, or agents of each, to be used by each county, or the department, as the case may be, in the collection of the tax imposed by this chapter. The department of revenue shall annually conduct audits of transactions and affidavits filed under this chapter.

Sec. 510. RCW 82.45.180 and 1991 c 245 s 15 are each amended to read as follows:

DISTRIBUTION. (1) For taxes collected by the county under this chapter, the county treasurer shall collect a two-dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. The county treasurer shall place one percent of the proceeds of the tax imposed by this chapter and the treasurer's fee in the county current expense fund to defray costs of collection and shall pay over to the state treasurer and account to the department of revenue for the remainder of the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. ~~((The proceeds of the tax on any sale occurring prior to September 1, 1981, when the proceeds have not been certified by an educational service district superintendent for school districts prior to September 1, 1981, shall be included in the amount remitted to the state treasurer.))~~ The state treasurer shall deposit the proceeds in the general fund for the support of the common schools.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund for the support of the common schools. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

Sec. 511. RCW 43.84.092 and 1993 c 4 s 9 are each amended to read as follows:

INTEREST ON LOCAL REAL ESTATE EXCISE TAX ACCOUNT. (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use

tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 512. REPORTING, APPLICATION, COLLECTION, AFFIDAVIT STANDARDS--OWNERSHIP TRANSFER OF A CORPORATION--REPEALED. The following acts or parts of acts are each repealed:

- (1) 1991 sp.s. c 22 s 1 (uncodified);
- (2) RCW 82.45A.010 and 1991 sp.s. c 22 s 2;
- (3) RCW 82.45A.020 and 1991 sp.s. c 22 s 3;
- (4) RCW 82.45A.030 and 1991 sp.s. c 22 s 4; and
- (5) RCW 82.45.120 and 1981 c 167 s 5, 1980 c 134 s 1, & 1969 ex.s. c 223 s 28A.45.120.

NEW SECTION. Sec. 513. REPEALS--NO EFFECT ON EXISTING RIGHT, LIABILITY, OBLIGATION. The repeals in section 512 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections repealed or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

PART VI INSURANCE PREMIUMS AND PREPAYMENTS TAXES

Sec. 601. RCW 48.14.--- and 1993 c ... (Engrossed Second Substitute Senate Bill No. 5304) s 301 are each amended to read as follows:

TAX ON PREMIUMS AND PREPAYMENTS. (1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under RCW 48.--- (section 434, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993).

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.--- (section 469, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993) after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. This exemption does not apply to amounts received under a certified health plan certified under RCW 48.--- (section 434, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993).

Sec. 602. RCW 48.14.080 and 1993 c ____ (Engrossed Second Substitute Senate Bill No. 5304) s 302 are each amended to read as follows:

PREMIUM TAX IN LIEU OF OTHER FORMS. As to insurers, other than title insurers and taxpayers under section 601 of this act, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and tangible personal property, excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(15).

Sec. 603. 1993 c ... (Engrossed Second Substitute Senate Bill No. 5304) s 495 (uncodified) is amended to read as follows:

EFFECTIVE DATE OF PREPAYMENTS TAX IN ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

- (1) Sections 234 through 257 of this act, which shall take effect July 1, 1995; and
- (2) Sections 301 through 303 of this act, which shall take effect January 1, ((1996)) 1994.

PART VII RESALE CERTIFICATE ABUSE CURTAILED

Sec. 701. RCW 82.04.470 and 1983 2nd ex.s. c 3 s 29 are each amended to read as follows:

RESALE CERTIFICATES. (1) Unless a seller has taken from the ((purchaser)) buyer a resale certificate ((signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide)), the burden of proving that a sale of tangible personal property, or of ((telephone)) services ((as defined in RCW 82.04.065)), was not a sale at retail shall be upon the person who made it.

(2) If a seller does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of sales tax.

(3) Resale certificates shall be valid for a period of four years from the date the certificate is provided to the seller.

(4) The department may provide by rule for suggested forms for resale certificates or equivalent documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.

(5) As used in this section, "resale certificate" means documentation provided by a buyer to a seller stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information:

(a) The name and address of the buyer;

(b) The uniform business identifier or revenue registration number of the buyer, if the buyer is required to registered;

(c) The type of business engaged in;

(d) The categories of items or services to be purchased for resale or that are exempt, unless the buyer is in a business classification

that may present a blanket resale certificate as provided by the department by rule;

(e) The date on which the certificate was provided;

(f) A statement that the items or services purchased either: (i) Are purchased for resale in the regular course of business; or (ii) are exempt from tax pursuant to statute;

(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale or exemption privilege claimed on the certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law;

(h) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(i) The signature of the authorized individual; and

(j) The name of the seller.

NEW SECTION. Sec. 702. A new section is added to chapter 82.08 RCW to read as follows:

RESALE CERTIFICATE--PURCHASE AND RESALE. If a buyer normally is engaged in both consuming and reselling certain types of articles of tangible personal property and is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a resale certificate for the entire purchase if the buyer principally resells the articles according to the general nature of the buyer's business. The buyer shall account for the value of any articles purchased with a resale certificate that are used by the buyer and remit the sales tax on the articles to the department.

A buyer who pays a tax on all purchases and subsequently resells an article at retail, without intervening use by the buyer, shall collect the tax from the purchaser as otherwise provided by law and is entitled to a deduction on the buyer's tax return equal to the cost to the buyer of the property resold upon which retail sales tax has been paid. The deduction is allowed only if the taxpayer keeps and preserves records that show the names of the persons from whom the articles were purchased, the date of the purchase, the type of articles, the amount of the purchase, and the tax that was paid. The department shall provide by rule for the refund or credit of retail sales tax paid by a buyer for purchases that are later sold at wholesale without intervening use by the buyer.

NEW SECTION. Sec. 703. A new section is added to chapter 82.32 RCW to read as follows:

PENALTY. Any person who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase shall be assessed a penalty of fifty percent of the tax due, in addition to all other taxes, penalties, and interest due, on the improperly purchased item or service. The department may waive the penalty imposed under this section if it finds that the use of the certificate was due to circumstances beyond the taxpayer's control or if the certificate was properly used for purchases for dual purposes. The department shall define by rule what circumstances are considered to be beyond the taxpayer's control.

Sec. 704. RCW 82.08.050 and 1992 c 206 s 2 are each amended to read as follows:

SELLER TO COLLECT TAX. The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax, unless the seller has taken from the buyer in good faith a properly executed resale certificate under RCW 82.04.470.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

PART VIII
BUSINESS & OCCUPATION AND PUBLIC UTILITY TAX
DEDUCTIONS FOR CAPITAL CONTRIBUTIONS REPEALED

NEW SECTION. **Sec. 801.** EXEMPTION OF AMOUNTS PAID TO POLITICAL SUBDIVISIONS FOR CAPITAL FACILITIES. RCW 82.04.417 and 1969 ex.s. c 156 s 1 are each repealed.

PART IX
REPEAL OF INSURANCE PREMIUMS TAX CREDIT FOR
PAYMENTS TO GUARANTY ASSOCIATIONS

Sec. 901. RCW 48.32.145 and 1977 ex.s. c 183 s 1 are each amended to read as follows:

CREDIT AGAINST PREMIUM TAX. Every member insurer (~~(which during any calendar year)~~) that prior to April 1, 1993, shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) (~~(as now or hereafter amended)~~) shall be entitled to take, as a credit against any premium tax falling due under RCW 48.14.020, one-fifth of the aggregate amount of such aggregate assessments during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid(~~(: PROVIDED, That)~~). Whenever an assessment or uncredited portion (~~(thereof)~~) of an assessment is or becomes less than one thousand dollars, the entire amount may be credited against the premium tax at the next time the premium tax is paid.

This section shall expire January 1, 1999.

Sec. 902. RCW 48.32A.090 and 1990 c 51 s 6 are each amended to read as follows:

CERTIFICATES OF CONTRIBUTION. (1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution issued prior to April 1, 1993, shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve(~~(: PROVIDED, That)~~). Unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

- 100% for the calendar year of issuance;
- 80% for the first calendar year after the year of issuance;
- 60% for the second calendar year after the year of issuance;
- 40% for the third calendar year after the year of issuance;
- 20% for the fourth calendar year after the year of issuance; and
- 0% for the fifth and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and ~~((by him))~~ then deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

PART X MISCELLANEOUS

NEW SECTION. Sec. 1001. TRANSFER TO BUDGET STABILIZATION ACCOUNT. If the revenues generated under this act during the biennium exceed the amounts projected to be generated, the department of revenue shall certify the excess to the state treasurer as soon as the excess is known and the state treasurer shall transfer an amount equal to the excess from the general fund to the budget stabilization account.

NEW SECTION. Sec. 1002. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1003. EFFECTIVE DATES. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except:

(1) Sections 901 and 902 of this act take effect immediately.

(2) Sections 601 through 603 of this act take effect January 1, 1994.

NEW SECTION. Sec. 1004. PART HEADINGS AND CAPTIONS. Part headings and captions as used in this act constitute no part of the law."

On page 1, beginning on line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280, 82.02.030, 82.04.255, 82.04.290, 82.04.300, 82.04.050, 82.04.280, 82.04.330, 82.08.0273, 82.08.0281, 82.12.0275, 82.60.020, 82.60.050, 82.61.010, 82.61.020, 82.61.030, 82.61.040, 82.61.070, 82.62.010, 82.62.040, 82.45.010, 82.45.030, 82.45.032, 82.45.090, 82.45.100, 82.45.150, 82.45.180, 43.84.092, 48.14.--, 48.14.080, 82.04.470, 82.08.050, 48.32.145, and 48.32A.090; amending 1993 c ... (Engrossed Second Substitute Senate Bill No. 5304) s 495 (uncodified); adding new sections to chapter 82.04 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.04.2901, 82.04.2904,

82.45A.010, 82.45A.020, 82.45A.030, 82.45.120, and 82.04.417; repealing 1991 sp.s. c 22 s 1 (uncodified); prescribing penalties; providing effective dates; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rinehart, Owen; Representatives G. Fisher, Sommers

MOTION

On motion of Senator Rinehart, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Reengrossed Substitute Senate Bill No. 5967.

MOTION

Senator Rinehart moved that the Report of the Conference Committee on Reengrossed Substitute Senate Bill No. 5967 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Snyder, in your capacity as Chair of the F & O Committee of the State Senate, you are aware of the people that have made applications for out-of-state travel."

Senator Snyder: "Yes."

Senator Talmadge: "Have any members of the majority party made applications for out-of-state travel?"

Senator Snyder: "No."

Senator Talmadge: "Have any members of the minority party in the Senate made applications for out-of-state travel?"

Senator Snyder: "Two."

Senator Talmadge: "Thank you, Senator Snyder."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Rinehart that the Report of the Conference Committee on Reengrossed Substitute Senate Bill No. 5967 be adopted.

The motion by Senator Rinehart carried and the Report of the Conference Committee on Reengrossed Substitute Senate Bill No. 5967 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5967, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5967, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Franklin, Fraser, Gaspard, Jesernig, Loveland, McAuliffe, Moore, Niemi, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Hargrove, Haugen, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Oke, Prince, Roach, Sellar, Smith, L., von Reichbauer, West and Winsley - 22.

Excused: Senator Newhouse - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5967, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5717 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

CONFERENCE COMMITTEE REPORT

SSB 5717 May 5, 1993

Includes "New Item": Yes

Adopting the capital budget

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5717, adopting the capital budget, have had the same under consideration and we recommend that the House amendments not be adopted and that the following Conference Committee amendment be adopted with the following changes:

On page 14, line 35, after "park" strike all material through "park" on line 36

On page 79, line 16, strike "\$25,000,000" and insert "\$32,500,000"

On page 79, line 20, strike "\$20,525,800" and insert "\$28,025,800"

On page 79, line 43, strike "\$45,525,800" and insert "\$60,525,800"

On page 79, line 47, strike "\$50,000,000" and insert "\$65,000,000"

On page 80, line 1, strike "\$250,000,000" and insert "\$265,000,000"

On page 118, line 10, after "inconsistent" strike all material through "area" on line 11 and insert "with the recommendations of the higher education coordinating board"

On page 128, after line 44, insert the following:

"NEW SECTION. Sec. 784. FOR WASHINGTON STATE UNIVERSITY

International Marketing Program for Agricultural Commodities and Trade (IMPACT): For expenses of the IMPACT program.

Appropriation:

General Fund State \$ 148,000

Prior Biennia (Expenditures) \$

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 148,000

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1995, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Fruit Comm Fac Acct" means Fruit Commission Facility Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account-- Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dairy Prod Comm Fac Acct" means Washington State Dairy Products Commission Facilities Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1 GENERAL GOVERNMENT

NEW SECTION. **Sec. 101. FOR THE COURT OF APPEALS**

Division III: Vault enlargement (93-2-001)

Appropriation:

St Bldg Constr Acct \$ 65,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000

NEW SECTION. **Sec. 102. FOR THE SECRETARY OF STATE**

Central Washington Regional Archives--Central Washington University Campus (93-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 3,934,000

Prior Biennia (Expenditures) \$ 259,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,343,000

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE
Northwest Washington Regional Branch Archives (90-1-003)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 3,199,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,399,000

NEW SECTION. Sec. 104. FOR THE SECRETARY OF STATE
Puget Sound Regional Branch Archives predesign and maintenance (94-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of this appropriation shall be used to conduct a predesign study to determine if the agency should remodel the existing facility, build a new structure, or relocate to a new leased or other state-owned facility. The study shall determine the availability of existing state land and cost of adapting an existing regional archives design.

(2) \$100,000 of this appropriation is for critical deferred maintenance at the existing Puget Sound Regional Archives.

Appropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,839,000

TOTAL \$ 3,979,000

NEW SECTION. Sec. 105. FOR THE SECRETARY OF STATE
Eastern Washington Regional Archives predesign (94-2-002)

Appropriation:

St Bldg Constr Acct \$ 58,200

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,058,200

NEW SECTION. Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT
To purchase land for new higher education institution

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property for a new institution of higher education to meet the higher education needs of the north King and south Snohomish county area. A minimum of four sites shall be evaluated by the higher education coordinating board for purchase with this appropriation;

(2) The appropriation in this section shall not be expended to purchase property unless the office of financial management has made a reasonable determination that potential storm water and flood water will not damage property or buildings to be constructed on the proposed site, result in mitigation actions that cost more than comparable property in the general area, or possess characteristics which require extraordinary environmental mitigation or engineering safeguards;

(3) The appropriation in this section shall not be expended to purchase property until a site development plan is proposed for the site that accommodates all proposed buildings outside of any potential flood plain;

(4) The legislature recognizes that additional appropriations may be required for development of the new institution in future biennia; and

(5) The office of financial management may consider any studies, whether or not still in progress, relevant to this appropriation.

Appropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground storage tank pool (94-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Reappropriation:

St Bldg Constr Acct \$ 1,748,146

CEP & RI Acct \$ 150,000

Subtotal Reappropriation \$ 1,898,146

Appropriation:

St Bldg Constr Acct \$ 3,120,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 11,018,146

NEW SECTION. Sec. 108. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos removal or abatement pool (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for asbestos removal or abatement projects.

(2) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(3) Subsection (2) of this section does not apply to moneys reappropriated in this act for projects for which the design has been completed, bids have been requested, or a contract has been entered into before the effective date of this act.

Reappropriation:

St Bldg Constr Acct \$ 2,338,088
CEP & RI Acct \$ 268,500

Subtotal Reappropriation \$ 2,606,588 -----

Appropriation:

St Bldg Constr Acct \$ 7,020,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 23,626,588 -----

NEW SECTION. Sec. 109. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Americans with disabilities act modifications pool (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 9,360,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 40,360,000 -----

NEW SECTION. Sec. 110. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Capital budget system improvements (94-2-002)

Reappropriation:

St Bldg Constr Acct \$ 100,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,600,000 -----

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Cherberg Building remodel (88-2-040)

The reappropriation in this section is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:

St Bldg Constr Acct \$ 2,960,000

Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:

East Cap Constr Acct \$ 750,000

Prior Biennia (Expenditures) \$ 72,250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highways-Licenses Building: To complete the construction to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The appropriation shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 18,000,000

Prior Biennia (Expenditures) \$ 4,938,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,938,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus minor works: Boiler plant structural repairs (92-5-901)

Reappropriation:

Cap Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 2,790,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,865,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Condition assessment: By December 31, 1993, develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance **(92-2-007)**

Reappropriation:

St Bldg Constr Acct \$ 500,000

Cap Bldg Constr Acct \$ 340,000

Subtotal Reappropriation \$ 840,000

Prior Biennia (Expenditures) \$ 251,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,091,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Inadequate building systems and Northern State multiservice center repairs (92-5-900)

Reappropriation:

St Bldg Constr Acct \$ 270,000

Prior Biennia (Expenditures) \$ 8,559,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,829,000 -----

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Plaza garage: Elevator repairs (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 133,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,000 -----

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus control system improvements: Phase 2 (92-2-014)

Reappropriation:

Cap Bldg Constr Acct \$ 850,000

Prior Biennia (Expenditures) \$ 521,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,371,000 -----

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Capitol Campus voltage improvements (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 9,484,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,484,000 -----

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-2-015)

Reappropriation:

St Bldg Constr Acct \$ 1,100,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Utilities and grounds (92-2-016)

Reappropriation:

Cap Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 1,287,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,487,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Satellite Campus Land Acquisition: To purchase in fee simple real property for future state development in the city of Tumwater **(92-5-000)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for land acquisition, and shall not be expended until the office of financial management has approved a specific plan for development of the Tumwater satellite campus.

(2) Before expending any moneys from the appropriations, the department shall obtain a written agreement from the city of Tumwater, the port of Olympia, and the Tumwater school district requiring the consent of the office of financial management for any state responsibility or liability associated with general infrastructure development or facility relocation within the Tumwater campus planning area.

Reappropriation:

St Bldg Constr Acct \$ 890,000

Appropriation:

St Bldg Constr Acct \$ 3,600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,490,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Cap Bldg Constr Acct \$ 300,000

Subtotal Reappropriation \$ 500,000

Prior Biennia (Expenditures) \$ 1,485,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,985,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building interior repairs (92-2-018)

Reappropriation:

Cap Bldg Constr Acct \$ 160,000

St Bldg Constr Acct \$ 450,000

Subtotal Reappropriation \$ 610,000 -----

Prior Biennia (Expenditures) \$ 1,917,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,527,000 -----

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building mechanical system improvements (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Collocation and consolidation of state facilities: To identify the current locations of major concentrations of state facilities within the state and determine where state facilities can be collocated and consolidated **(92-5-004)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall prepare policy recommendations and cost estimates for opportunities to collocate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts.

(2) The appropriations shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

(3) The reappropriation is provided solely to complete phase one of the project, begun in the 1991-93 biennium.

Reappropriation:

St Bldg Constr Acct \$ 105,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 120,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 525,000 -----

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake: To develop a dredging plan and to dredge Capitol Lake **(92-3-019)**

\$200,000 of the appropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State facilities--Thurston county: To develop designs and plans to accommodate agency housing needs in Thurston county **(92-5-100)**

This appropriation is provided solely to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for collocation with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Capitol satellite campuses: To develop designs and plans to accommodate agency housing needs in Thurston county **(92-5-101)**

The appropriation in this section is provided to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater, and a facility plan, developed in consultation with the city of Olympia, which includes mixed use in the downtown Olympia area. The plans shall provide for the siting of consumer services within walking distance of the major areas of concentration of state employees.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 650,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Business park facilities: Master plan (92-5-102)

Reappropriation:

St Bldg Constr Acct \$ 175,000

Prior Biennia (Expenditures) \$ 75,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 131. TO THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park: Acquisition. To complete the purchase of property for Heritage Park **(92-5-105)**

The appropriations in this section are provided solely to complete acquisition of the property forming the southern boundary of the park and to update the predesign for the park to reflect the reduced size of the park. The appropriations shall not be used to purchase the two residential properties along Columbia street.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Appropriation:

St Bldg Constr Acct \$ 330,000

Prior Biennia (Expenditures) \$ 2,200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,030,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus geotechnical and hydrologic survey (92-5-108)**

Reappropriation:

St Bldg Constr Acct \$ 185,000

Prior Biennia (Expenditures) \$ 15,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2: To upgrade the air supply system by rebuilding the existing system, changing the emergency diesel exhaust system and investigating energy savings to reduce operating and maintenance costs **(93-2-025)**

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Small and emergency repairs (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 275,000

Cap Bldg Constr Acct \$ 671,000

Subtotal Appropriation \$ 946,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,373,380

TOTAL \$ 5,319,380

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multiservice center **(94-1-007)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 90,000

CEP & RI Acct \$ 60,000

Subtotal Appropriation \$ 150,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000 -----

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
CFC/Halon fire control systems: Removal and replacement (94-1-009)**

Appropriation:

Cap Bldg Constr Acct \$ 464,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,534,000

TOTAL \$ 1,998,000 -----

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus preservation (94-1-010)**

Appropriation:

St Bldg Constr Acct \$ 3,037,000

Cap Bldg Constr Acct \$ 388,000

Subtotal Appropriation \$ 3,425,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 27,259,550

TOTAL \$ 30,684,550 -----

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building preservation (94-1-011)**

Appropriation:

St Bldg Constr Acct \$ 304,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 304,000 -----

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Temple of Justice preservation (94-1-012)**

Appropriation:

St Bldg Constr Acct \$ 147,000

Cap Bldg Constr Acct \$ 277,000

Subtotal Appropriation \$ 424,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 424,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life/safety and preservation projects (94-1-014)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall report to the legislature by November 1, 1994, with options for the disposition of the nonstate-occupied portions of the campus after the reduction or closure of state programs.

(2) The appropriation shall not be spent until the office of financial management has approved a facility repair and preservation plan for the campus.

Appropriation:

CEP & RI Acct \$ 872,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 872,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2 preservation (94-1-015)

Appropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,339,000

TOTAL \$ 2,589,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Modular Building preservation (94-1-016)

Appropriation:

St Bldg Constr Acct \$ 251,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,051,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Employment Security Building preservation (94-1-017)

Appropriation:

St Bldg Constr Acct \$ 74,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 575,000

TOTAL \$ 649,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Plaza garage: Repair and study (94-1-023)

Appropriation:

St Bldg Constr Acct \$ 235,000
Motor Vehicle Acct \$ 26,000

Subtotal Appropriation \$ 261,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,627,000

TOTAL \$ 3,888,000 -----

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Old Capitol Building preservation (94-1-025)

Appropriation:

St Bldg Constr Acct \$ 1,179,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,179,000 -----

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Burien conference center preservation (94-1-026)

Appropriation:

St Bldg Constr Acct \$ 238,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,675,000

TOTAL \$ 1,913,000 -----

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Lacey light industrial park acquisition (94-2-003)

Appropriation:

St Bldg Constr Acct \$ 1,100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,200,000

TOTAL \$ 19,300,000 -----

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
General Administration Engineering and Architectural Services Division: Project management (94-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with

agencies for additional fees to manage exceptional projects or projects that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 38,563,092

TOTAL \$ 46,563,092

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Library for the Blind and Physically Handicapped: To acquire and renovate space for the Washington library for the blind and physically handicapped **(92-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) The facility acquired under this section shall be owned, operated, managed, and maintained by the city of Seattle.
- (2) The appropriation in this section shall complete the state's capital obligation for the facility.
- (3) In accepting the ownership of the facility and the renovation funding provided in this section, the city of Seattle agrees to provide rent-free space to the library for the blind and physically handicapped equal to the same amount as the library currently occupies for as long as the state contracts services from the Seattle public library.

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Appropriation:

St Bldg Constr Acct \$ 1,400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000

NEW SECTION. Sec. 150. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Floor voids and wall repair (94-1-002)

Appropriation:

Liquor Revolving Acct \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000

NEW SECTION. Sec. 151. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Appropriation:

Liquor Revolving Acct \$ 28,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800

NEW SECTION. Sec. 152. FOR THE LIQUOR CONTROL BOARD
Distribution Center: Receiving dock cut-outs (94-1-004)

Appropriation:

Liquor Revolving Acct \$ 40,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000

NEW SECTION. Sec. 153. FOR THE LIQUOR CONTROL BOARD
Distribution Center: Warehouse reroof (94-1-005)

Appropriation:

Liquor Revolving Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT
Armory life and safety code compliance projects (88-1-005)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 260,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 1,535,000

TOTAL \$ 2,820,000

NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT
Minor works (92-5-900)

In support of federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-004) (86-2-004)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 288,624

General Fund--Federal \$ 615,000

Subtotal Reappropriation \$ 903,624

Prior Biennia (Expenditures) \$ 9,305,376

Future Biennia (Projected Costs) \$ 8,691,000

TOTAL \$ 18,900,000

NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT

Minors works: Support of federal construction projects (93-1-007)

Appropriation:

St Bldg Constr Acct \$ 406,200
General Fund--Federal \$ 3,998,000

Subtotal Appropriation \$ 4,404,200 -----

Prior Biennia (Expenditures) \$ 8,456,500
Future Biennia (Projected Costs) \$ 17,777,000

TOTAL \$ 30,637,700 -----

NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT
State-wide preservation (93-1-008)

Appropriation:

St Bldg Constr Acct \$ 2,518,400

Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 1,766,000

TOTAL \$ 5,084,400 -----

NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT
Buckley Armory construction (93-2-001)

Reappropriation:

St Bldg Constr Acct \$ 1,127,000
General Fund--Federal \$ 1,728,000

Subtotal Reappropriation \$ 2,855,000 -----

Appropriation:

General Fund--Federal \$ 311,000

Prior Biennia (Expenditures) \$ 170,245
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,336,245 -----

NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT
Grandview Armory construction (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 1,102,000
General Fund--Federal \$ 1,602,000

Subtotal Reappropriation \$ 2,704,000 -----

Appropriation:

General Fund--Federal \$ 225,000

Prior Biennia (Expenditures) \$ 162,130

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,091,130

NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT

Moses Lake Armory construction (93-2-003)

Reappropriation:

St Bldg Constr Acct \$ 1,206,000

General Fund--Federal \$ 1,804,000

Subtotal Reappropriation \$ 3,010,000

Appropriation:

General Fund--Federal \$ 229,000

Prior Biennia (Expenditures) \$ 177,245

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,416,245

NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT

Camp Murray--Agency Headquarters predesign (93-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1994.

(2) The department shall ensure the continued preservation of the exterior appearance of building number one at Camp Murray.

Appropriation:

St Bldg Constr Acct \$ 102,948

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,579,000

TOTAL \$ 8,681,948

NEW SECTION. Sec. 162. FOR THE WASHINGTON HORSE RACING COMMISSION

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) No expenditure from this appropriation may be made to construct horse race or related facilities until the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Appropriation:

Washington Thoroughbred

Racing Fund \$ 8,200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,200,000

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Development loan fund recapitalization (88-2-002)

The appropriations in this section are subject to the following conditions and limitations: One million dollars of the state building construction account appropriation is provided solely for loans to minority and women-owned businesses under Engrossed Substitute House Bill No. 1493.

Appropriation:

St Bldg Constr Acct \$ 2,000,000
WA St Dev Loan Acct \$ 2,000,000

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 5,429,699
Future Biennia (Projected Costs) \$ 17,000,000

TOTAL \$ 26,429,699

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct \$ 5,688,000

Prior Biennia (Expenditures) \$ 4,312,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000 -----

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Housing assistance program (88-5-015)

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$2,000,000 appropriation from the charitable, educational, penal, and reformatory institutions account is provided to promote development of at least 120 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall convene an advisory group of developmental disabilities service agencies and family members to plan implementation of this initiative.

(2) The department of community development shall conduct a study on the feasibility of providing financial guarantees to housing authorities. The department shall submit its findings to the appropriate legislative committees by December 15, 1993.

(3) It is the intent of the legislature that, in addition to the moneys provided under subsection (1) of this section, a portion of the state building construction account appropriation be used to develop safe and affordable housing for the developmentally disabled.

Reappropriation:

St Bldg Constr Acct \$ 22,000,000

Appropriation:

St Bldg Constr Acct \$ 34,000,000

CEP & RI Acct \$ 2,000,000

Subtotal Appropriation \$ 36,000,000 -----

Prior Biennia (Expenditures) \$ 35,449,197

Future Biennia (Projected Costs) \$ 136,000,000

TOTAL \$ 229,449,197 -----

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
A Contemporary Theatre, Seattle (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation is provided solely for the construction or renovation of a new theater in Seattle.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct \$ 6,525,000

Prior Biennia (Expenditures) \$ 1,975,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Mystic Lake Flood Assistance: For mitigation of development-induced flooding of the lake (92-2-000)

Reappropriation:

St Bldg Constr Acct \$ 39,000

Prior Biennia (Expenditures) \$ 14,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 53,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Resource Center: To construct an Asian Resource Center in Seattle (92-2-002)

This reappropriation shall be matched by at least \$600,000 cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income weatherization: For the low-income weatherization program under chapter 70.164 RCW (92-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,500,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 4,500,000

Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 48,000,000 -----

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency Management Building: Minor works (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 120,000
General Fund--Federal \$ 69,000

Subtotal Reappropriation \$ 189,000 -----

Prior Biennia (Expenditures) \$ 97,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000 -----

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands **(92-2-011)**

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 350,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000 -----

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Meeker Mansion (92-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be matched by at least \$100,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(2) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tacoma Educational Enrichment Center (92-2-999)

The reappropriation in this section shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this section is provided to the

Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Resource center for the handicapped: To acquire and improve the facilities in which the center currently operates **(92-5-000)**

The reappropriation in this section is subject to the following conditions and limitations: No expenditure may be made until an equal amount of nonstate moneys dedicated to the purchase of the facility have been raised. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Reappropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia river dredging feasibility study: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver **(92-5-006)**

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tears of Joy Theatre (92-5-018)

The reappropriation in this section shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 1,850,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,950,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Carolyn Downs Family Medical Center (92-5-021)

The reappropriation in this section shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Columbia River Renaissance (93-5-001)

The reappropriation in this section shall be matched by an equal amount of money from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Pacific Science Center (93-5-002)

Each dollar expended from the reappropriation in this section shall be matched by at least three dollars from nonstate sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 1,061,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,061,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least two million eight hundred thousand dollars provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 1,800,000

Appropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000 -----

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Whatcom Museum (93-5-004)

Expenditures from the reappropriation in this section shall not exceed fifteen percent of the total estimated capital costs of the project. The remaining portions of the project costs shall be a match from nonstate sources. The match may include cash and land value received after January 1, 1990.

Reappropriation:

St Bldg Constr Acct \$ 6,750

Prior Biennia (Expenditures) \$ 293,250

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Science Hall, Walla Walla (93-5-007)**

The reappropriation in this section is provided solely for a grant to the Downtown Walla Walla Foundation for facade restoration and preservation of Science Hall, the site of the 1878 constitutional convention. The appropriation in this section shall be matched by an equal amount of nonstate moneys.

Reappropriation:

St Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Fire Training Academy preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 1,350,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,639,904

TOTAL \$ 4,989,904

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building preservation (94-1-018)**

Appropriation:

St Bldg Constr Acct \$ 85,084

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 285,084

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,000,000 of the reappropriation is provided solely for the purposes of chapter 314, Laws of 1991.

(2) \$7,500,000 of the appropriation may be used for projects authorized in House Bill No. 1790 (chapter 3, Laws of 1993).

Reappropriation:

Public Works Assistance Acct \$ 76,357,632

Appropriation:

Public Works Assistance Acct \$ 93,876,640

Prior Biennia (Expenditures) \$ 81,376,520

Future Biennia (Projected Costs) \$ 583,400,000

TOTAL \$ 835,010,792

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Affordable housing program (94-2-019)**

Reappropriation:

St Bldg Constr Acct \$ 6,000,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 2,000,000

Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 40,000,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Building for the arts-Phases 1 and 2 (92-5-100) (94-2-021)**

For grants to local performing arts and art museum organizations for facility improvements or additions.

The appropriations in this section are subject to the following conditions and limitations:

(1) Grants are limited to the following projects:

Phase 1 (92-5-100)

Estimated Total State State
Capital Cost Grant Share
@ 15%

Seattle Children's Theatre \$ 8,000,000 \$ 1,200,000 15%

Admiral Theatre (Bremerton) \$ 4,261,000 \$ 639,000 15%

Pacific Northwest Ballet \$ 7,500,000 \$ 1,125,000 15%

Seattle Symphony \$ 54,000,000 \$ 8,100,000 15%

Seattle Repertory Theatre

(Phase 1) \$ 4,000,000 \$ 600,000 15%

Intiman Theatre \$ 800,000 \$ 120,000 15%

Broadway Theatre District

(Tacoma) \$ 11,800,000 \$ 1,770,000 15%

Allied Arts of Yakima \$ 500,000 \$ 75,000 15%

Spokane Art School \$ 454,000 \$ 68,000 15%

Seattle Art Museum \$ 4,862,500 \$ 729,000 15%

Total \$ 96,177,500 \$ 14,426,000

Phase 2 (94-2-021)

Estimated Total State State
Capital Cost Grant Share
@ 15%

Bainbridge Performing

Arts Center \$ 1,200,000 \$ 180,000 15%

The Children's Museum \$ 2,850,000 \$ 427,500 15%

Everett Community Theatre \$ 12,119,063 \$ 1,817,859 15%

Kirkland Center for

the Performing Arts \$ 2,500,000 \$ 375,000 15%

Makah Cultural and

Research Center \$ 1,600,000 \$ 240,000 15%
 Mount Baker Theatre Center \$ 1,581,000 \$ 237,150 15%
 Seattle Group Theatre \$ 334,751 \$ 50,213 15%
 Seattle Opera Association \$ 985,000 \$ 147,750 15%
 Seattle Repertory Theatre
 (Phase 2) \$ 4,000,000 \$ 600,000 15%
 Tacoma Little Theatre \$ 1,250,000 \$ 187,500 15%
 Valley Museum of Northwest
 Art \$ 1,100,000 \$ 165,000 15%
 Village Theatre \$ 6,000,000 \$ 900,000 15%
 The Washington Center
 for the Performing Arts \$ 400,000 \$ 60,000 15%
 Whidbey Island Center
 for the Arts \$ 1,200,000 \$ 180,000 15%

Total \$ 38,119,814 \$ 5,567,972

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1995-97 capital budget. The list shall result from a competitive grants program developed by the department providing for:

(a) A maximum state funding amount of \$4 million in the 1995-97 biennium for new projects not previously authorized by the legislature. Maximum state grant awards shall be limited to fifteen percent of the total cost of each qualified project;

(b) Uniform criteria for the selection of projects and awarding of grants. The criteria shall address, at a minimum: The administrative and financial capability of the organization to complete and operate the project; local community support for the project; the contribution the project makes to the diversity of performing arts, museum, and cultural organizations operating in the state; and the geographic distribution of projects; and

(c) A process to provide information describing application procedures to performing arts, museum, and cultural organizations state-wide.

The department may consult with and utilize existing arts organizations to assist with developing the grant criteria and administering the grant program.

Reappropriation:

St Bldg Constr Acct \$ 9,475,000

Appropriation:

St Bldg Constr Acct \$ 5,961,086

Prior Biennia (Expenditures) \$ 1,773,900

Future Biennia (Projected Costs) \$ 2,783,986

TOTAL \$ 19,993,972

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building replacement predesign (94-2-026)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 53,425

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,900,000

TOTAL \$ 8,953,425

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tall ships tourist attraction (86-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(2) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(3) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

(4) The reappropriation in this subsection is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Historic community theaters (90-5-014)

The reappropriation in this section is provided solely for grants to preserve historic community theaters. No portion of the reappropriation in this section may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the total amount shall be expended for renovation of the Admiral Theatre in West Seattle.

Reappropriation:

St Bldg Constr Acct \$ 25,000

Prior Biennia (Expenditures) \$ 475,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Childhaven: Therapeutic Child Day Treatment and Family Support Center (94-2-051)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the capital costs of a new facility to house a treatment program for abused and neglected preschool children.

(2) Each dollar expended from the appropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Appropriation:

St Bldg Constr Acct \$ 975,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 975,000 -----

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Daybreak Star Center Remodel (94-2-100)

Appropriation:

St Bldg Constr Acct \$ 227,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000 -----

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sisters of Visitation Monastery and Retreat Center: For the City of Federal Way to provide up to fifteen percent of the cost of acquiring the Sisters of Visitation Monastery and Retreat Center.

The appropriation in this section is subject to the following conditions and limitations: The city of Federal Way shall ensure public access to the grounds of the monastery and retreat center during standard accepted park operating hours.

Appropriation:

St Bldg Constr Acct \$ 405,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000 -----

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sand Point Naval Station Planning: For the city of Seattle for community liaison committee planning related to future use of the Sand Point Naval Station on Lake Washington. No more than one percent of the appropriation may be expended by the department of community development and the city of Seattle for administrative costs.

Appropriation:

St Bldg Constr Acct \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000 -----

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors.

The appropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Appropriation:

St Bldg Constr Acct \$ 308,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000 -----

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Camp North Bend: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center.

The appropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Camelot Community Flooding Assistance: To provide financial assistance to King county to relieve flooding in the Camelot community.

The appropriation in this section is subject to the following conditions and limitations: Each dollar expended from the appropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Appropriation:

St Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Olympic Peninsula Natural History Museum: For development of the museum.

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this appropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this appropriation represents a one time grant for this project.

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Kitsap Mental Health Services

The appropriation in this section is subject to the following conditions and limitations: Each dollar expended from the appropriation shall be matched by at least eight dollars from nonstate sources for the same purpose.

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access.

The appropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Seventh Street Hoquiam Theatre (90-2-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be matched by at least \$400,000 from nonstate sources. The match may include cash or in-kind contributions.

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Boren Field Repairs: To provide financial assistance to the Seattle school district for repairs to Boren Field.

The appropriation in this section shall be matched by at least \$50,000 from nonstate sources.

Appropriation:

St Bldg Constr Acct \$ 275,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Complete Labor and Industries Headquarters Building in Tumwater (90-4-004)

Reappropriation:

L&I Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 62,100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 63,000,000

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects for Division of Alcohol and Substance Abuse (90-3-010)

Reappropriation:

CEP & RI Acct \$ 336,728

Prior Biennia (Expenditures) \$ 13,272

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Childrens' Center: Security improvements (90-5-002)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 475,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital--Ward phase 5 remodel (92-1-314)**

Reappropriation:

St Bldg Constr Acct \$ 12,669,000

Prior Biennia (Expenditures) \$ 1,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,669,000

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital--Ward phase 3 remodel (92-1-340)**

Reappropriation:

St Bldg Constr Acct \$ 6,328,000

Prior Biennia (Expenditures) \$ 1,250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,578,000

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Alcohol and Substance Abuse Division (92-2-010)**

Reappropriation:

CEP & RI Acct \$ 375,000

Prior Biennia (Expenditures) \$ 102,840

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 477,840

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Construct a 64-bed, level one security facility (92-2-225)

Reappropriation:

St Bldg Constr Acct \$ 6,215,800

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,715,800 -----

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Construct 48-bed, level 2 security facility (92-2-230)

Reappropriation:

St Bldg Constr Acct \$ 1,553,500

Prior Biennia (Expenditures) \$ 1,553,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,107,000 -----

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: Design and construct high school (92-2-319)

Reappropriation:

St Bldg Constr Acct \$ 3,825,000

Prior Biennia (Expenditures) \$ 617,300

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,442,300 -----

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities for state employees, including higher education employees (92-4-050)

Reappropriation:

St Bldg Constr Acct \$ 1,700,000

Appropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital preservation (94-1-004)

Reappropriation:

CEP & RI Acct \$ 1,261,951

Appropriation:

St Bldg Constr Acct \$ 928,000

CEP & RI Acct \$ 3,000,000

Subtotal Appropriation \$ 3,928,000

Prior Biennia (Expenditures) \$ 3,735,931
Future Biennia (Projected Costs) \$ 22,727,750

TOTAL \$ 31,653,632

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Environmental management and planning (94-1-005)**

Reappropriation:

CEP & RI Acct \$ 137,576

Prior Biennia (Expenditures) \$ 221,424
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 359,000

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Energy conservation management and planning (94-1-006)**

Reappropriation:

CEP & RI Acct \$ 230,476

Prior Biennia (Expenditures) \$ 330,624
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 561,100

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency repairs (94-1-007)**

Appropriation:

CEP & RI Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,266,250

TOTAL \$ 1,516,250

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Chlorofluorocarbon abatement (94-1-008)**

Appropriation:

CEP & RI Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 350,000

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Predesign for future projects (94-1-009)**

The agency shall conduct a predesign of future projects in accordance with the predesign manual published by the office of financial management. Future appropriations for these projects are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 350,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Juvenile Rehabilitation Division (94-1-020)**

Reappropriation:

CEP & RI Acct \$ 245,719

Appropriation:

St Bldg Constr Acct \$ 2,079,600

Prior Biennia (Expenditures) \$ 1,177,843

Future Biennia (Projected Costs) \$ 11,237,000

TOTAL \$ 14,740,162

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Mental Health Division (94-1-030)**

Reappropriation:

CEP & RI Acct \$ 621,164

Appropriation:

St Bldg Constr Acct \$ 1,845,300

Prior Biennia (Expenditures) \$ 74,872

Future Biennia (Projected Costs) \$ 15,338,000

TOTAL \$ 17,879,336

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Developmental Disabilities Division (94-1-040)**

Reappropriation:

CEP & RI Acct \$ 203,902

Appropriation:

CEP & RI Acct \$ 1,361,500

Prior Biennia (Expenditures) \$ 504,596

Future Biennia (Projected Costs) \$ 14,389,000

TOTAL \$ 16,458,998

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Removal of underground storage tanks (94-1-060)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 40,290

Appropriation:

CEP & RI Acct \$ 410,000

Prior Biennia (Expenditures) \$ 104,710

Future Biennia (Projected Costs) \$ 350,000

TOTAL \$ 905,000

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Remodel of administrative building (94-1-127)

The appropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Appropriation:

St Bldg Constr Acct \$ 3,273,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,273,500

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Remodel apartment building (94-1-142)

Appropriation:

CEP & RI Acct \$ 2,133,112

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (94-1-150)

Reappropriation:

CEP & RI Acct \$ 109,947

Appropriation:

CEP & RI Acct \$ 309,500

Prior Biennia (Expenditures) \$ 182,853

Future Biennia (Projected Costs) \$ 518,000

TOTAL \$ 1,120,300

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Design and construct a wastewater treatment plant (94-1-201)

Appropriation:

St Bldg Constr Acct \$ 772,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Naselle Youth Camp: Design and construct a water system (94-1-202)**

Appropriation:

St Bldg Constr Acct \$ 1,165,694

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center: Remodel and construct addition to clinic (94-1-207)**

Appropriation:

St Bldg Constr Acct \$ 1,086,614

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Medical Lake: Replace wastewater treatment plant (94-1-301)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 750,444

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,250,000

TOTAL \$ 8,000,444

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Study and Treatment Center: Remodel administration building (94-1-306)**

Appropriation:

CEP & RI Acct \$ 777,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Remodel ward, phase 6 (94-1-316)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,151,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,151,000 -----

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Remodel ward, phase 4 (94-1-341)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 9,266,900

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,266,900 -----

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances H. Morgan Center: Remodel facility (94-1-402)

Appropriation:

St Bldg Constr Acct \$ 1,721,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300 -----

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Sanitary sewer (88-2-400)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 190,000

Prior Biennia (Expenditures) \$ 2,119,238

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,309,238 -----

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)

Reappropriation:

St Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 46,927
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 121,927

NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Naselle Youth Camp: Eagle Lodge Replacement

Appropriation:

St Bldg Constr Acct \$ 2,100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000

NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Green Hill School Repairs

The appropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Appropriation:

St Bldg Constr Acct \$ 240,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000

NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF HEALTH
Referendum 38 water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac \$ 5,366,855

Prior Biennia (Expenditures) \$ 3,742,099
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954

NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF HEALTH
Laboratory expansion, phase 2 (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 780,000

Appropriation:

St Bldg Constr Acct \$ 12,583,468

Prior Biennia (Expenditures) \$ 420,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,783,468

**NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF HEALTH
Fircrest Campus: Preservation of health laboratory (94-1-001)**

Reappropriation:

CEP & RI Acct \$ 251,318

Appropriation:

CEP & RI Acct \$ 615,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,043,460

TOTAL \$ 2,909,778

**NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF HEALTH
Remodel regional office in Wenatchee (94-1-002)**

Appropriation:

CEP & RI Acct \$ 91,947

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 91,947

**NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Complete facility improvements on building nine at Soldiers' Home (90-1-009)**

Reappropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

**NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Minor works at veterans' homes (92-2-008)**

Reappropriation:

CEP & RI Acct \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

**NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Underground storage tank replacement (92-1-001)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 88,280

Prior Biennia (Expenditures) \$ 11,720
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Emergency repairs (94-1-018)

Appropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To replace underground storage tanks (94-1-019)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

CEP & RI Acct \$ 155,902

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 293,320

TOTAL \$ 449,222

NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair mechanical, electrical, and heating, ventilation, and air conditioning systems at Soldiers' Home (94-1-

100)

Appropriation:

CEP & RI Acct \$ 837,057

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,821,835

TOTAL \$ 2,658,892

NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair building exterior at Soldiers' Home (94-1-101)

Appropriation:

CEP & RI Acct \$ 541,570

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 937,546

TOTAL \$ 1,479,116

NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interior at Soldiers' Home (94-1-102)

Appropriation:

CEP & RI Acct \$ 162,659

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,659

**NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To make grounds improvements at Soldiers' Home (94-4-103)**

Appropriation:

CEP & RI Acct \$ 275,595

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,446,123

TOTAL \$ 1,721,718

**NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair mechanical, electrical and heating, ventilation, and air conditioning systems at Veterans' Home (94-1-**

200)

Appropriation:

CEP & RI Acct \$ 1,246,611

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 726,722

TOTAL \$ 1,973,333

**NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair building exterior at Veterans' Home (94-1-201)**

Appropriation:

CEP & RI Acct \$ 377,895

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 605,939

TOTAL \$ 983,834

**NEW SECTION. Sec. 296. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interiors at Veterans' Home (94-1-202)**

Appropriation:

CEP & RI Acct \$ 135,084

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 188,464

TOTAL \$ 323,548

NEW SECTION. Sec. 297. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To make grounds improvements at Veterans' Home (94-1-203)

Appropriation:

CEP & RI Acct \$ 139,485

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 949,612

TOTAL \$ 1,089,097

NEW SECTION. Sec. 298. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Korean War Memorial: To complete the erection of the memorial on the capitol campus

Appropriation:

St Bldg Constr Acct \$ 20,000

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

NEW SECTION. Sec. 299. FOR THE DEPARTMENT OF CORRECTIONS

To make regulatory and code compliance improvements for the preservation of correctional facilities (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 4,390,000

CEP & RI Acct \$ 300,000

Subtotal Reappropriation \$ 4,690,000

Appropriation:

St Bldg Constr Acct \$ 10,736,573

CEP & RI Acct \$ 1,225,953

Subtotal Appropriation \$ 11,962,526

Prior Biennia (Expenditures) \$ 25,863,968

Future Biennia (Projected Costs) \$ 61,726,068

TOTAL \$ 104,242,562

NEW SECTION. Sec. 300. FOR THE DEPARTMENT OF CORRECTIONS

To make small repairs and improvements to correctional facilities (94-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 10,650,000

Appropriation:

St Bldg Constr Acct \$ 9,697,577

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 44,652,002

TOTAL \$ 64,999,579 -----

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF CORRECTIONS

To replace roofs and associated building improvements for the preservation of correctional facilities (94-1-003)

Reappropriation:

St Bldg Constr Acct \$ 900,000

Appropriation:

St Bldg Constr Acct \$ 4,938,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 35,037,216

TOTAL \$ 40,875,216 -----

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF CORRECTIONS

To repair internal building systems for the preservation of correctional facilities (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 8,779,445

CEP & RI Acct \$ 431,568

Subtotal Appropriation \$ 9,211,013 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 65,561,403

TOTAL \$ 74,772,416 -----

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF CORRECTIONS

Underground storage tanks (90-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 256,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,500 -----

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF CORRECTIONS

To repair or replace leaking underground storage tanks (94-1-005)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 513,848

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 989,089

TOTAL \$ 1,502,937 -----

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF CORRECTIONS

To continue to implement the master plan for capital improvements to McNeil Island Correctional Facility (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 7,936,000

Appropriation:

St Bldg Constr Acct \$ 12,878,689

Prior Biennia (Expenditures) \$ 36,153,201

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 56,967,890 -----

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF CORRECTIONS

For state-wide repairs and improvements (94-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,742,000

Appropriation:

St Bldg Constr Acct \$ 17,767,557

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 110,387,730

TOTAL \$ 137,897,287 -----

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF CORRECTIONS

Western Washington prerelease: For the acquisition and design of the replacement facility and necessary repairs at the current facility at Western State Hospital (94-2-003)

The appropriations in this section shall not be expended for a replacement facility until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,839,510

Prior Biennia (Expenditures) \$ 249,091

Future Biennia (Projected Costs) \$ 14,780,396

TOTAL \$ 18,868,997 -----

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF CORRECTIONS

Dayton: 300-bed minimum security facility (94-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 2,783,000
Future Biennia (Projected Costs) \$ 19,388,011

TOTAL \$ 22,471,011

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF CORRECTIONS

Develop a predesign for a 356-bed reception center at the Washington Corrections Center (94-2-008)

The appropriation in this section shall be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 266,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 39,851,000

TOTAL \$ 40,117,400

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF CORRECTIONS

Continuation of master plan implementation at the Washington Corrections Center for Women (94-2-015)

Reappropriation:

St Bldg Constr Acct \$ 6,157,000

Prior Biennia (Expenditures) \$ 6,682,943
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,839,943

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF CORRECTIONS

Continue construction of Airway Heights and begin site preparation work for a 512-bed addition (94-2-016)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 19,033,000

Prior Biennia (Expenditures) \$ 75,104,993
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,137,993

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF CORRECTIONS

New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds and to begin site preparation work for a 512-bed addition to the Airway Height correctional center (90-2-001)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 6,072,000

Prior Biennia (Expenditures) \$ 48,010,052

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 54,082,052

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: For initiation of a feasibility study for relocation of program and living space at the honor farm (92-2-029)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,000

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights: 512-Bed addition

To design a 512-bed addition to the Airway Heights Corrections Center utilizing existing designs and for site preparation work. The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,971,000

TOTAL \$ 30,971,000

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF CORRECTIONS

1,936-Bed Multi-Custody Facility: Predesign and Site Selection (94-2-007)

To predesign and begin site selection for a 1,936-bed multi-custody facility. The predesign shall be conducted in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 100,020,760

TOTAL \$ 101,020,760

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy partnerships: Planning, development, and contract review of cogeneration projects, and development and financing of conservation capital projects, for schools and state agencies (92-1-003) (92-1-004) (94-1-002)

The reappropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the energy efficiency construction account reappropriation is provided solely for financing conservation capital projects for schools under chapter 39.35C RCW.

Reappropriation:

St Bldg Constr Acct \$ 358,000
Energy Eff Constr Acct \$ 3,000,000

Subtotal Appropriation \$ 3,358,000 -----

Prior Biennia (Expenditures) \$ 620,424
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,978,424 -----

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF ECOLOGY
Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA, Waste Disp Fac \$ 8,236,396

Appropriation:

LIRA, Waste Disp Fac \$ 104,186

Prior Biennia (Expenditures) \$ 228,031,960
Future Biennia (Projected Costs) \$ 863,843

TOTAL \$ 237,236,385 -----

NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF ECOLOGY
Referendum 38 water supply facilities (74-2-006)

Reappropriation:

LIRA, Water Sup Fac \$ 11,300,000

Prior Biennia (Expenditures) \$ 57,081,346
Future Biennia (Projected Costs) \$ 13,824,661

TOTAL \$ 82,206,007 -----

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF ECOLOGY
State emergency water project revolving account (76-2-003)

Reappropriation:

Emergency Water Proj \$ 8,835,351

Appropriation:

Emergency Water Proj \$ 636,879

Prior Biennia (Expenditures) \$ 17,395,945
Future Biennia (Projected Costs) \$ 223,290

TOTAL \$ 27,091,465 -----

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF ECOLOGY
Referendum 39 waste disposal facilities 1980 bond issue (82-2-005)

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
 - (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract;
- and
- (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac \$ 29,116,174

Appropriation:

LIRA, Waste Disp Fac \$ 42,000

Prior Biennia (Expenditures) \$ 426,649,138

Future Biennia (Projected Costs) \$ 28,000

TOTAL \$ 455,835,312

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund: Water Quality Account (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

- (1) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:
 - (a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;
 - (b) Give second priority to projects that reduce combined sewer overflows; and
 - (c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both subsections (1) and (2) of this section.
- (2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:
 - (a) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;
 - (b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;
 - (c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;
 - (d) Not more than ten percent for activities that control nonpoint source water pollution;
 - (e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.
- (3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.
- (4) The department shall develop and implement a strategy for increasing the percentage of loans from the centennial clean water program.
- (5) No later than December 1, 1993, the department of ecology shall provide to the appropriate committees of the legislature an implementation plan for making administrative efficiencies and service improvements to the grant and loan programs currently administered by the department. The plan shall include but not be limited to actions which: (a) Simplify application and funding cycle procedures; (b) eliminate duplicative oversight functions; (c) consolidate planning requirements as appropriate to be consistent with the growth management act; (d) reduce state and local administrative costs; (e) encourage demand management strategies; and (f) develop watershed or regional mechanisms for solving as completely as possible a community's environmental needs through coordinated cross program prioritization and administration of funding programs. The plan shall identify actions which the department has taken to implement administrative efficiencies and service improvements to the grant and loan programs. At the same time the implementation plan is submitted to the legislature, the department shall provide recommendations for any statutory changes that are needed to implement the plan. Recommendations may include a new method for distributing water quality account money after the current statutory allocation formula expires.

Reappropriation:

Water Quality Acct \$ 87,820,000

Appropriation:

Water Quality Acct \$ 63,899,000

Prior Biennia (Expenditures) \$ 183,982,825

Future Biennia (Projected Costs) \$ 305,676,000

TOTAL \$ 641,377,825

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF ECOLOGY
Local toxics control account (88-2-008)

Reappropriation:

Local Toxics Control Acct \$ 55,848,951

Appropriation:

Local Toxics Control Acct \$ 41,167,432

Prior Biennia (Expenditures) \$ 49,584,365

Future Biennia (Projected Costs) \$ 192,012,768

TOTAL \$ 337,613,516

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF ECOLOGY
Water pollution control facility loans (90-2-002)

Reappropriation:

Water Pollution Cont Rev

Fund--State \$ 13,044,335

Water Pollution Cont Rev

Fund--Federal \$ 65,206,025

Subtotal Reappropriation \$ 78,250,360

Appropriation:

Water Pollution Cont Rev Fund--

State \$ 19,961,601

Water Pollution Cont--Federal \$ 78,689,866

Subtotal Appropriation \$ 98,651,467

Prior Biennia (Expenditures) \$ 54,871,279

Future Biennia (Projected Costs) \$ 283,370,816

TOTAL \$ 515,143,921

NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF ECOLOGY
Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF ECOLOGY

**Improved water drainage and repair access roads, walks, and parking lots at the Padilla Bay Interpretive Center
(94-1-012)**

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 411. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide potable water system improvements (88-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

LIRA, Water Sup Fac \$ 42,488

St Bldg Constr Acct \$ 85,000

Subtotal Reappropriation \$ 127,488

Prior Biennia (Expenditures) \$ 53,563

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 181,051

NEW SECTION. Sec. 412. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide sewer facility remodel (92-5-900)

Reappropriation:

LIRA, Waste Fac 1980 \$ 118,226

St Bldg Constr Acct \$ 40,000

Subtotal Reappropriation \$ 158,226

Prior Biennia (Expenditures) \$ 35,458

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 193,684

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION

Construct state-wide boat pumpout facilities (92-5-901)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 96,131
ORA--State \$ 203,419

Subtotal Reappropriation \$ 299,550 -----

Prior Biennia (Expenditures) \$ 128,275
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 427,825 -----

NEW SECTION. Sec. 414. FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill State Park development (88-5-035)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 829,563

Prior Biennia (Expenditures) \$ 83,413
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 912,976 -----

NEW SECTION. Sec. 415. FOR THE STATE PARKS AND RECREATION COMMISSION

Crystal Falls: Acquisition and development (88-5-057)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 24,761

Prior Biennia (Expenditures) \$ 239
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,000 -----

NEW SECTION. Sec. 416. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide water supply facilities remodel (89-1-101)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 127,516

Prior Biennia (Expenditures) \$ 33,387
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 160,903 -----

NEW SECTION. Sec. 417. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide sanitary facilities renovation (89-1-102)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 87,460

Prior Biennia (Expenditures) \$ 60,692
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 148,152

NEW SECTION. Sec. 418. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide electrical wiring and hookups (89-1-103)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 48,716

Prior Biennia (Expenditures) \$ 28,172
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 76,888

NEW SECTION. Sec. 419. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide Clean Water Act code compliance (89-1-116)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 125,000

Prior Biennia (Expenditures) \$ 316,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 441,000

NEW SECTION. Sec. 420. FOR THE STATE PARKS AND RECREATION COMMISSION

Sacajawea: Launch, pilings, and float repair (89-1-129)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 180,000

Prior Biennia (Expenditures) \$ 10,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000

NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide general construction (89-2-107)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 208,320

Prior Biennia (Expenditures) \$ 188,948
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 397,268

NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide special construction (89-2-109)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 114,782

Prior Biennia (Expenditures) \$ 65,898

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 180,680

NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven: Comfort station and parking construction (89-2-119)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 311,349

Prior Biennia (Expenditures) \$ 85,448

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 396,797

NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish: Boat launch repairs (89-2-139)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 51,387

Prior Biennia (Expenditures) \$ 62,613

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 114,000

NEW SECTION. Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide site/environmental protection (89-3-104)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 150,475

Prior Biennia (Expenditures) \$ 104,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 255,392

NEW SECTION. Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide acquisition (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 50,256

General Fund--Federal \$ 450,000

Subtotal Reappropriation \$ 500,256 -----

Prior Biennia (Expenditures) \$ 7,950,930

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,451,186 -----

NEW SECTION. Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden: Rebuild boat launch (89-3-135)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 275,219

Prior Biennia (Expenditures) \$ 13,639

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 288,858 -----

NEW SECTION. Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION

Larrabee development (89-5-002)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 275,000

ORA--State \$ 140,540

Subtotal Reappropriation \$ 415,540 -----

Prior Biennia (Expenditures) \$ 65,350

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 480,890 -----

NEW SECTION. Sec. 429. FOR THE STATE PARKS AND RECREATION COMMISSION

Blake Island fire protection (89-1-050)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 29,312

Prior Biennia (Expenditures) \$ 73,386

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 102,698 -----

NEW SECTION. Sec. 430. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Canby initial development (89-5-115)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 232,813

Prior Biennia (Expenditures) \$ 26,774
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 259,587

NEW SECTION. Sec. 431. FOR THE STATE PARKS AND RECREATION COMMISSION
Ocean beach access (89-5-120)

Reappropriation:

ORA--State \$ 286,195
St Bldg Constr Acct \$ 250,000

Subtotal Reappropriation \$ 536,195

Prior Biennia (Expenditures) \$ 27,191
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 563,386

NEW SECTION. Sec. 432. FOR THE STATE PARKS AND RECREATION COMMISSION
Spokane Centennial Trail (89-5-166)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 223,507

Prior Biennia (Expenditures) \$ 3,456
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 226,963

NEW SECTION. Sec. 433. FOR THE STATE PARKS AND RECREATION COMMISSION
Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)

Reappropriation:

St Bldg Constr Acct \$ 40,000

Prior Biennia (Expenditures) \$ 725,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 765,000

NEW SECTION. Sec. 434. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide facilities preservation (90-1-001)

Reappropriation:

St Bldg Constr Acct \$ 352,835

Prior Biennia (Expenditures) \$ 7,165
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 360,000

**NEW SECTION. Sec. 435. FOR THE STATE PARKS AND RECREATION COMMISSION
Dougs Beach initial development (90-1-171)**

Reappropriation:

St Bldg Constr Acct \$ 62,206

Prior Biennia (Expenditures) \$ 57,440

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 119,646

**NEW SECTION. Sec. 436. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide--Omnibus facility contingency (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 89,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 239,400

**NEW SECTION. Sec. 437. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tanks removal (90-2-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,445,725

Prior Biennia (Expenditures) \$ 454,275

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 438. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide minor works preservation (92-5-905)**

Reappropriation:

St Bldg Constr Acct \$ 2,814,016

Prior Biennia (Expenditures) \$ 922,284

Future Biennia (Projected Costs) \$ 6,698,000

TOTAL \$ 10,434,300

**NEW SECTION. Sec. 439. FOR THE STATE PARKS AND RECREATION COMMISSION
Deception Pass repairs (91-2-006)**

Reappropriation:

St Bldg Constr Acct \$ 1,179,216

Prior Biennia (Expenditures) \$ 72,464

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,251,680

**NEW SECTION. Sec. 440. FOR THE STATE PARKS AND RECREATION COMMISSION
Triton Cove remodel (91-2-008)**

Reappropriation:

ORA--State \$ 572,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 582,000

**NEW SECTION. Sec. 441. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (91-2-009)**

Reappropriation:

ORA--State \$ 274,221

Prior Biennia (Expenditures) \$ 104,779

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 379,000

**NEW SECTION. Sec. 442. FOR THE STATE PARKS AND RECREATION COMMISSION
St. Edwards--Gym remodel (92-2-501)**

Reappropriation:

St Bldg Constr Acct \$ 575,079

Prior Biennia (Expenditures) \$ 89,921

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 665,000

**NEW SECTION. Sec. 443. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark Equestrian Center predesign (92-5-502)**

Reappropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 444. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sewer facilities improvements (93-2-001)**

Reappropriation:

LIRA, Waste Fac 1980 \$ 1,313,681

Prior Biennia (Expenditures) \$ 272,139

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820

**NEW SECTION. Sec. 445. FOR THE STATE PARKS AND RECREATION COMMISSION
Saltwater State Park flood control (93-2-091)**

Reappropriation:

St Bldg Constr Acct \$ 399,269

Prior Biennia (Expenditures) \$ 97,731

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 497,000

**NEW SECTION. Sec. 446. FOR THE STATE PARKS AND RECREATION COMMISSION
Chuckanut Hill: Planning and acquisition for addition to Larrabee state park (93-5-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for property acquisition, may not be used to acquire development rights, and is subject to chapter 43.99 RCW.

(2) Before the expenditure of any funds provided from this section, Whatcom county shall have acquired under forest board ownership a majority of the 1200-acre parcel of privately owned land adjacent and to the north of Larrabee state park. The county shall also have entered into an agreement with the board of natural resources committing the county to manage these lands, adjacent to Larrabee state park, as county park land under RCW 76.12.072.

(3) Before the expenditure of any funds provided from this section, either the city of Bellingham or Whatcom county shall have made application to the interagency committee for outdoor recreation for funding available through the wildlife and recreation program so that the city or county may acquire park lands adjacent to Larrabee state park. The application may provide for management of the lands by the state parks and recreation commission.

(4) No additional state funds may be expended for this acquisition unless authorized by the interagency committee for outdoor recreation in accordance with chapter 43.98A RCW.

Reappropriation:

ORA--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 447. FOR THE STATE PARKS AND RECREATION COMMISSION
Olmstead Place Interpretive Center (93-5-002)**

Reappropriation:

St Bldg Constr Acct \$ 92,000

Prior Biennia (Expenditures) \$ 1,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,000

**NEW SECTION. Sec. 448. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide emergency and unforeseen needs (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 1,900,000

NEW SECTION. Sec. 449. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide underground storage tank remediation (94-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 800,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 450. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide building systems preservation (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 3,400,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,969,800

TOTAL \$ 17,369,800

NEW SECTION. Sec. 451. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide preservation (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 1,223,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,620,068

TOTAL \$ 15,843,568

NEW SECTION. Sec. 452. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide roadway preservation (94-1-005)

Appropriation:

Motor Vehicle Acct \$ 2,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,957,673

TOTAL \$ 17,957,673

NEW SECTION. Sec. 453. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide utility preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,195,890

TOTAL \$ 20,695,890

**NEW SECTION. Sec. 454. FOR THE STATE PARKS AND RECREATION COMMISSION
San Juan Islands--Phase 1 and 2 boating facilities (94-1-055)**

Appropriation:

ORA--State \$ 1,212,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,212,500

**NEW SECTION. Sec. 455. FOR THE STATE PARKS AND RECREATION COMMISSION
Puget Sound/Northwest Washington--Phase 1 and 2 boating facilities (94-1-056)**

Appropriation:

ORA--State \$ 1,080,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,080,400

**NEW SECTION. Sec. 456. FOR THE STATE PARKS AND RECREATION COMMISSION
Hood Canal to the coast--Phase 1 boating facilities (94-1-057)**

Appropriation:

ORA--State \$ 488,100

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 488,100

NEW SECTION. Sec. 457. FOR THE STATE PARKS AND RECREATION COMMISSION. Expenditures by the state parks and recreation commission to develop utilities and other camping facilities specific to recreation vehicle use at a state park on the Miller peninsula in Clallam county shall be limited such that the annual debt service payments relating to those expenditures shall not exceed the anticipated revenues to be derived from the completed park.

**NEW SECTION. Sec. 458. FOR THE STATE PARKS AND RECREATION COMMISSION
Steamboat Rock remodel (95-2-182)**

Reappropriation:

St Bldg Constr Acct \$ 120,000

Prior Biennia (Expenditures) \$ 19,060

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 139,060

NEW SECTION. Sec. 459. FOR SPECIAL LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

Special land purchases and common school construction (94-2-000)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$27,424,000 of the total appropriation is provided to the state parks and recreation commission ("commission") solely to acquire the following trust lands that have been identified by the department of natural resources and the commission as appropriate for state park use:

- (i) Squak mountain, King county;
- (ii) Miller peninsula, Clallam county;
- (iii) Hoko river, Clallam county;
- (iv) Cascade island, Skagit county;
- (v) Skykomish river, Snohomish county;
- (vi) Leadbetter point, Pacific county;
- (vii) Square lake, Kitsap county;
- (viii) Iron Horse/Ragner, King county;
- (ix) Robe gorge, Snohomish county.

(b) Acquisitions shall be made in priority order, as determined by the commission in consultation with the department of natural resources.

(c) \$4,975,000 of the total appropriation is provided to the department of wildlife solely to acquire the following trust lands that have been identified by the department of natural resources and the department of wildlife as appropriate for wildlife habitat:

- (i) Cabin creek, Kittitas county;
- (ii) Riffe lake, Lewis county;
- (iii) Divide ridge, Yakima county.

(d) \$17,953,000 of the total appropriation is provided to the department of natural resources solely to acquire the following prioritized list of trust lands appropriate for natural area preserve, natural resource conservation area, and/or recreation use:

- (i) Mount Pilchuck, Snohomish county;
- (ii) Mt. Si, King county.

(2) Lands acquired under this section shall be transferred in fee simple. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Property transferred under this section shall be appraised and transferred at fair market value. The proceeds from the value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the value of the land transferred shall be used by the department of natural resources to acquire real property of equal value to be managed as common school trust land.

(4) The proceeds from the value of the land transferred under this section shall be deposited in the park land trust revolving account to be utilized by the department of natural resources for the exclusive purpose of acquiring replacement common school trust land.

(5) The department of natural resources shall attempt to maintain an aggregate ratio of 85:15 timber-to-land value in these transactions.

(6) Intergrant exchanges between common school and noncommon school trust lands of equal value may occur if the noncommon school trust land meets the criteria established by the commission and the departments of natural resources and wildlife for selection of sites and if the exchange is in the interest of both trusts.

(7) Lands and timber purchased under subsection (1)(d) of this section shall be managed under chapter 79.68, 79.70, or 79.71 RCW as determined by the department of natural resources.

(8) The state parks and recreation commission shall identify appropriate sites for a new marine state park in south Puget Sound as an alternative to the Squaxin Island state park or may enter into agreements which will provide permanent public access to Squaxin Island state park. Moneys provided under subsection (1)(a) of this section may be expended for these purposes pursuant to subsections (2) through (6) of this section.

Appropriation:

St Bldg Constr Acct \$ 45,798,000

Aquatic Lands Acct \$ 4,554,000

Subtotal Appropriation \$ 50,352,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,352,000 -----

NEW SECTION. Sec. 460. FOR THE STATE PARKS AND RECREATION COMMISSION
Timberland purchases and common school purchases (94-2-001)

This reappropriation is provided solely and expressly to reimburse the department of natural resources for administrative expenses incurred for the replacement of timberland and common school lands.

Reappropriation:

Trust Land Purchase Acct \$ 750,000

Prior Biennia (Expenditures) \$ 49,250,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000,000 -----

NEW SECTION. Sec. 461. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms range program and grants to public agencies (90-2-001)

Reappropriation:

Firearms Range Acct \$ 389,875
ORA--Federal \$ 43,634

Subtotal Reappropriation \$ 433,509 -----

Appropriation:

Firearms Range Acct \$ 245,000

Prior Biennia (Expenditures) \$ 608,501
Future Biennia (Projected Costs) \$ 1,050,000

TOTAL \$ 2,337,010 -----

NEW SECTION. Sec. 462. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (90-5-002)

Reappropriation:

ORA--State \$ 1,265,227
Habitat Conservation Acct \$ 1,426,962

Subtotal Reappropriation \$ 2,692,189 -----

Prior Biennia (Expenditures) \$ 32,425,345
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,117,534 -----

**NEW SECTION. Sec. 463. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (92-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 6,048,754
ORA--Federal \$ 700,000
ORA--State \$ 3,715,970
Firearms Range Acct \$ 136,892

Subtotal Reappropriation \$ 10,601,616 -----

Prior Biennia (Expenditures) \$ 5,979,136
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,580,752 -----

**NEW SECTION. Sec. 464. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (92-5-002)**

Reappropriation:

ORA--State \$ 14,152,287
Habitat Conservation Acct \$ 5,738,486

Subtotal Reappropriation \$ 19,890,773 -----

Prior Biennia (Expenditures) \$ 30,109,227
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000,000 -----

NEW SECTION. Sec. 465. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Clear creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation **(93-2-002)**

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

The state shall not be obligated for project costs that exceed this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,550,000 -----

**NEW SECTION. Sec. 466. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (94-3-001) (94-3-005)**

Appropriation:

ORA--Federal \$ 1,000,000
ORA--State \$ 5,653,614

Subtotal Appropriation \$ 6,653,614 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,653,614

NEW SECTION. Sec. 467. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Initiative 215 (94-3-003)

Appropriation:

ORA--State \$ 3,694,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,400,000

TOTAL \$ 19,094,000

NEW SECTION. Sec. 468. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION NOVA projects (94-3-004)

Appropriation:

ORA--State \$ 4,996,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 30,496,000

NEW SECTION. Sec. 469. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Washington wildlife and recreation program (94-5-002)

(1) \$25,000,000 of the state building construction account appropriation in this section shall be deposited into and is hereby appropriated from the habitat conservation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW. \$20,525,800 of the state building construction account appropriation and all of the aquatic lands enhancement account appropriation shall be deposited into and is hereby appropriated from the state outdoor recreation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW.

(2) \$1,000,000 of the outdoor recreation account appropriation shall be expended for nonhighway projects and shall be included in the calculation of expenditure limitations in RCW 46.09.170(1)(d)(iii).

(3) \$1,000,000 of the outdoor recreation account appropriation shall be expended for marine recreation and water access projects and shall be part of the distribution of RCW 43.99.080(2).

(4) \$2,028,000 of the outdoor recreation account appropriation shall be expended for marine recreation and water access projects and shall be part of the distribution of RCW 43.99.080(1).

(5) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(6) The following projects are deleted from the approved list of projects established under chapter 43.98A RCW:

(a) That portion of mule deer winter range (project number 92-638A) other than mule deer migration corridors in the Methow Valley.

(b) Sharptailed grouse phase 2 (project number 92-636A).

Appropriation:

St Bldg Constr Acct \$ 45,525,800

ORA--State \$ 4,028,200

Aquatic Lands Acct \$ 446,000

Subtotal Appropriation \$ 50,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 250,000,000

NEW SECTION. Sec. 470. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Community economic revitalization board (86-1-001)

\$2,000,000 of the public works assistance account appropriation and the entire public facility construction loan revolving account appropriation in this section are provided solely for communities defined as timber-impact areas under chapter 314, Laws of 1991. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Reappropriation:

St Bldg Constr Acct \$ 5,911,000
Public Fac Constr Loan Rev Acct \$ 2,940,000

Subtotal Reappropriation \$ 8,851,000

Appropriation:

Public Works Assistance Acct \$ 4,000,000
Public Fac Constr Loan Rev Acct \$ 1,195,000

Subtotal Appropriation \$ 5,195,000

Prior Biennia (Expenditures) \$ 7,460,462
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,506,462

NEW SECTION. Sec. 471. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Washington Technology Center (88-1-003) (92-5-001) (94-2-002)

The appropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct \$ 3,158,144

Appropriation:

St Bldg Constr Acct \$ 1,266,000

Prior Biennia (Expenditures) \$ 7,243,571
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,667,715

NEW SECTION. Sec. 472. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Timber ports capital asset improvement (94-2-004)

To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities.

The appropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this appropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

<u>Port</u>	<u>Amount</u>
Port of Grays Harbor	\$ 564,000
Port of Port Angeles	\$1,500,000
Port of Longview	\$1,855,400

Appropriation:

St Bldg Constr Acct \$ 3,900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000 -----

NEW SECTION. Sec. 473. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Johnston Ridge Observatory--Mt. St. Helens National Volcanic Monument (94-2-010)

Funds provided by the state to assist in accelerating the project are subject to restoration by the federal government when the total federal appropriation for the project is made available.

Appropriation:

St Bldg Constr Acct \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 474. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects: Provides grants to local conservation districts for resource conservation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

Reappropriation:

Water Quality Acct--State \$ 348,652

Appropriation:

Water Quality Acct--State \$ 5,224,000

Prior Biennia (Expenditures) \$ 1,791,348

Future Biennia (Projected Costs) \$ 9,120,000

TOTAL \$ 13,484,000 -----

NEW SECTION. Sec. 475. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access renovation (86-3-028)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 190,000

Prior Biennia (Expenditures) \$ 21,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000 -----

**NEW SECTION. Sec. 476. FOR THE DEPARTMENT OF FISHERIES
Shorefishing access (88-5-018)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 671,946

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,071,946

**NEW SECTION. Sec. 477. FOR THE DEPARTMENT OF FISHERIES
Ilwaco boat access expansion (90-2-023)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 478. FOR THE DEPARTMENT OF FISHERIES
Minter Creek hatchery phase 1 reconstruction (92-2-016)**

Reappropriation:

St Bldg Constr Acct \$ 2,700,000

Appropriation:

St Bldg Constr Acct \$ 1,400,000

Prior Biennia (Expenditures) \$ 600,000

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 5,700,000

**NEW SECTION. Sec. 479. FOR THE DEPARTMENT OF FISHERIES
Willapa Interpretive Center construction (92-2-020)**

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 480. FOR THE DEPARTMENT OF FISHERIES
Strait of Juan de Fuca shoreline acquisition (92-5-901)**

Reappropriation:

ORA--State \$ 350,000

Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 430,000

NEW SECTION. Sec. 481. FOR THE DEPARTMENT OF FISHERIES

Minor works: Code compliance (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 300,000

Appropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 2,128,887
Future Biennia (Projected Costs) \$ 5,200,000

TOTAL \$ 9,128,887

NEW SECTION. Sec. 482. FOR THE DEPARTMENT OF FISHERIES

Facilities rehabilitation and acquisition (94-1-002)

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of wildlife. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

Reappropriation:

St Bldg Constr Acct \$ 650,000

Appropriation:

St Bldg Constr Acct \$ 2,185,000

Prior Biennia (Expenditures) \$ 1,127,200
Future Biennia (Projected Costs) \$ 22,000,000

TOTAL \$ 25,962,200

NEW SECTION. Sec. 483. FOR THE DEPARTMENT OF FISHERIES

Sunset Falls fishway remodel (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 690,000

NEW SECTION. Sec. 484. FOR THE DEPARTMENT OF FISHERIES

Skagit salmon hatchery facility upgrade (94-1-004)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Subject to the passage of Substitute House Bill No. 2055 or substantially similar legislation, combining the Departments of Fisheries and Wildlife, the appropriation in this section shall not be expended until July 1, 1994.
- (2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 722,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 722,000

NEW SECTION. Sec. 485. FOR THE DEPARTMENT OF FISHERIES
Dungeness hatchery facility upgrade (94-1-005)

Appropriation:

St Bldg Constr Acct \$ 837,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 610,000

TOTAL \$ 1,447,000

NEW SECTION. Sec. 486. FOR THE DEPARTMENT OF FISHERIES
Fishing reef marker buoys replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct \$ 15,000

Appropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 275,000

NEW SECTION. Sec. 487. FOR THE DEPARTMENT OF FISHERIES
Underground storage tanks: Removal and replacement (94-1-008)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 225,000

Future Biennia (Projected Costs) \$ 720,000

TOTAL \$ 1,145,000

NEW SECTION. Sec. 488. FOR THE DEPARTMENT OF FISHERIES
Pathogen-free water and incubation isolation systems development (94-2-001)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 2,400,000 -----

**NEW SECTION. Sec. 489. FOR THE DEPARTMENT OF FISHERIES
Tidelands acquisition (94-2-003)**

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

**NEW SECTION. Sec. 490. FOR THE DEPARTMENT OF FISHERIES
Fish protection facilities replacement (94-2-005)**

Reappropriation:

St Bldg Constr Acct \$ 5,000

Appropriation:

General Fund--Federal \$ 1,000,000

St Bldg Constr Acct \$ 600,000

Subtotal Appropriation \$ 1,600,000 -----

Prior Biennia (Expenditures) \$ 445,894

Future Biennia (Projected Costs) \$ 9,270,100

TOTAL \$ 11,320,994 -----

**NEW SECTION. Sec. 491. FOR THE DEPARTMENT OF FISHERIES
Habitat and salmon enhancement program (94-2-006)**

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 1,565,000

General Fund--Federal \$ 800,000

General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 3,165,000 -----

Prior Biennia (Expenditures) \$ 2,021,243

Future Biennia (Projected Costs) \$ 13,510,000

TOTAL \$ 18,716,243 -----

**NEW SECTION. Sec. 492. FOR THE DEPARTMENT OF FISHERIES
Habitat management shop building construction (94-3-007)**

Appropriation:

St Bldg Constr Acct \$ 415,000

Prior Biennia (Expenditures) \$ 432,041
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 847,041

NEW SECTION. Sec. 493. FOR THE DEPARTMENT OF FISHERIES
Coast and Puget Sound wild stock restoration (94-2-008)

Reappropriation:

St Bldg Constr Acct \$ 1,480,397

Appropriation:

St Bldg Constr Acct \$ 2,800,000

Prior Biennia (Expenditures) \$ 2,144,411
Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 10,924,808

NEW SECTION. Sec. 494. FOR THE DEPARTMENT OF FISHERIES
Field services storage units acquisition (94-2-012)

Reappropriation:

St Bldg Constr Acct \$ 94,500

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 225,500
Future Biennia (Projected Costs) \$ 220,000

TOTAL \$ 690,000

NEW SECTION. Sec. 495. FOR THE DEPARTMENT OF FISHERIES
Clam and Oyster Beach enhancement and acquisition (95-2-004)

Reappropriation:

St Bldg Constr Acct \$ 30,000

Appropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 2,005,699
Future Biennia (Projected Costs) \$ 3,300,000

TOTAL \$ 6,535,699

NEW SECTION. Sec. 496. FOR THE DEPARTMENT OF FISHERIES
Ringold water--John Day Dam mitigation (95-2-015)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 497. FOR THE DEPARTMENT OF FISHERIES
Klickitat acclimation pond (95-2-016)

Appropriation:

General Fund--Federal \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000 -----

NEW SECTION. Sec. 498. FOR THE DEPARTMENT OF FISHERIES
Water access and development (95-2-017)

The entire state and local improvement revolving account--public recreation facilities appropriation is provided solely for improvements to the boat ramp and associated facilities at the Boston Harbor boat launch.

Reappropriation:

ORA--State \$ 1,200,000

Appropriation:

General Fund--Federal \$ 280,000

ORA--State \$ 150,000

LIRA, Public Rec Fac \$ 25,000

Subtotal Appropriation \$ 655,000 -----

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,905,000 -----

NEW SECTION. Sec. 499. FOR THE DEPARTMENT OF FISHERIES
South Sound net pens replacement (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 345,000

Prior Biennia (Expenditures) \$ 178,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 523,000 -----

NEW SECTION. Sec. 500. FOR THE DEPARTMENT OF WILDLIFE
Aberdeen hatchery expansion (89-5-017)

Reappropriation:

Game Spec Wildlife Acct \$ 8,554

Prior Biennia (Expenditures) \$ 731,446

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 740,000

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF WILDLIFE
Skagit wildlife area dike repair (93-3-008)

Reappropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 21,250

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 171,250

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing access flood repair (92-5-016)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 40,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing interpretive center (92-5-017)

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 405,029

Prior Biennia (Expenditures) \$ 44,971

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF WILDLIFE
Hood Canal wetlands center construction (93-5-001)

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 491,000

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF WILDLIFE
Health, safety, and code compliance (94-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 830,000

Prior Biennia (Expenditures) \$ 1,080,000

Future Biennia (Projected Costs) \$ 3,900,000

TOTAL \$ 5,830,000

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF WILDLIFE

Minor works: Emergency repair (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 349,233

Future Biennia (Projected Costs) \$ 1,625,000

TOTAL \$ 2,474,233

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF WILDLIFE

Fishing access area redevelopment (94-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

Wildlife Acct--Federal \$ 107,000

ORA--State \$ 959,000

Subtotal Reappropriation \$ 1,066,000

Appropriation:

ORA--State \$ 887,000

Wildlife Acct--Federal \$ 500,000

Subtotal Appropriation \$ 1,387,000

Prior Biennia (Expenditures) \$ 1,456,000

Future Biennia (Projected Costs) \$ 7,333,400

TOTAL \$ 10,176,400

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF WILDLIFE

Hatchery remodel (94-1-004)

(1) \$100,000 of the state building construction account appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of fisheries. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

(2) No funds are provided for increased residential capacity at state hatchery facilities.

Reappropriation:

St Bldg Constr Acct \$ 740,000

Wildlife Acct--Federal \$ 300,000

Subtotal Reappropriation \$ 1,040,000 -----

Appropriation:

St Bldg Constr Acct \$ 2,275,000
Wildlife Acct--Federal \$ 1,000,000

Subtotal Appropriation \$ 3,275,000 -----

Prior Biennia (Expenditures) \$ 1,672,155
Future Biennia (Projected Costs) \$ 12,600,000

TOTAL \$ 18,587,155 -----

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence repair (94-1-005)

Reappropriation:

Wildlife Acct--State \$ 92,000

Appropriation:

St Bldg Constr Acct \$ 122,500

Prior Biennia (Expenditures) \$ 1,375,000
Future Biennia (Projected Costs) \$ 1,100,000

TOTAL \$ 2,687,500 -----

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF WILDLIFE
Wildlife area repair (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 574,000
Wildlife Acct--Federal \$ 50,000

Subtotal Appropriation \$ 624,000 -----

Prior Biennia (Expenditures) \$ 265,000
Future Biennia (Projected Costs) \$ 2,900,000

TOTAL \$ 3,789,000 -----

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF WILDLIFE
Sprague Lake access area development (94-2-008)

Appropriation:

Wildlife Acct--Federal \$ 55,000
ORA--State \$ 118,000

Subtotal Appropriation \$ 173,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000

NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence construction (94-2-009)

Appropriation:

St Bldg Constr Acct \$ 627,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,500,000

TOTAL \$ 2,127,500

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF WILDLIFE
Habitat acquisition (94-2-011)

Reappropriation:

Wildlife Acct--State \$ 599,920

Appropriation:

Wildlife Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 996,562

Future Biennia (Projected Costs) \$ 7,800,000

TOTAL \$ 10,696,482

NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat acquisition (94-2-013)

Appropriation:

Wildlife Acct--State \$ 350,000

Prior Biennia (Expenditures) \$ 949,335

Future Biennia (Projected Costs) \$ 1,700,000

TOTAL \$ 2,999,335

NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF WILDLIFE
Regional office construction (94-2-010)

Appropriation:

Wildlife Acct--State \$ 138,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 138,000

NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF WILDLIFE
Mitigation and dedicated fund projects (94-2-013)

Appropriation:

Wildlife--Federal \$ 6,000,000
Wildlife--Priv/Loc \$ 5,000,000
Game Spec Wildlife Acct--State \$ 50,000

Subtotal Appropriation \$ 11,050,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 44,800,000

TOTAL \$ 55,850,000 -----

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF WILDLIFE
Game farm remodel (95-1-007)

Appropriation:

St Bldg Constr Acct \$ 275,000

Prior Biennia (Expenditures) \$ 850,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000 -----

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF WILDLIFE
Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this section is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 184,166
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,684,166 -----

NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF WILDLIFE

Gloyd Seeps Fish Hatchery: For the purchase of the property by the Department of Wildlife

The appropriation in this section shall not be expended until the Department of Wildlife has made a determination that:

- (1) The water rights to the property being transferred to the Department of Wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and
(2) The operation of a warm water fish hatchery on the property is feasible.

Appropriation:

St Bldg Constr Acct \$ 1,870,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,870,000 -----

NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic land enhancement (86-3-030)

Reappropriation:

Aquatic Lands Acct \$ 1,123,000

Prior Biennia (Expenditures) \$ 6,124,236

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,247,236

NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 1 development (90-5-202)

Reappropriation:

ORA--State \$ 747,600

Prior Biennia (Expenditures) \$ 2,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (92-2-410)

Reappropriation:

Res Mgmt Cost Acct \$ 569,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 609,000

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mountains to Sound acquisition (92-2-550)

The appropriation in this section shall be matched by \$2,000,000 in cash, land, or other consideration from nonstate moneys provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

Reappropriation:

St Bldg Constr Acct \$ 999,000

Appropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 1,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES
Cedar River dredging (92-3-000)

The appropriation in this section is contingent upon a match of at least \$500,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic land enhancement grants (93-3-501)

Reappropriation:

Aquatic Lands Acct \$ 1,762,000

Prior Biennia (Expenditures) \$ 4,798,884

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,560,884

NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites construction (92-5-201)

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 144,000

ORA--State \$ 200,000

Subtotal Reappropriation \$ 344,000

Prior Biennia (Expenditures) \$ 506,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES
Americans with Disabilities Act modifications (94-1-101)

Appropriation:

St Bldg Constr Acct \$ 31,000

Res Mgmt Cost Acct \$ 54,500

For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 500,000

NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES
Underground storage tanks removal (94-1-103)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 20,000

Res Mgmt Cost Acct \$ 15,600
For Dev Acct \$ 14,400

Subtotal Appropriation \$ 50,000 -----

Prior Biennia (Expenditures) \$ 581,500
Future Biennia (Projected Costs) \$ 408,000

TOTAL \$ 1,039,500 -----

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (94-1-104)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000 -----

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
Environmental protection: Design and construction (94-1-105)

Appropriation:

St Bldg Constr Acct \$ 33,800
Res Mgmt Cost Acct \$ 25,100
For Dev Acct \$ 23,600

Subtotal Appropriation \$ 82,500 -----

Prior Biennia (Expenditures) \$ 208,600
Future Biennia (Projected Costs) \$ 945,100

TOTAL \$ 1,236,200 -----

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
Snowbird: Well plug (94-1-106)

Appropriation:

St Bldg Constr Acct \$ 179,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 179,500 -----

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repair (94-1-107)

Appropriation:

St Bldg Constr Acct \$ 391,200
Res Mgmt Cost Acct \$ 384,700
For Dev Acct \$ 146,100

Subtotal Appropriation \$ 922,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,445,200

TOTAL \$ 5,267,200 -----

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
Small repairs and improvements (94-1-108)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct--State \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000 -----

Prior Biennia (Expenditures) \$ 100,100
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,100 -----

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites: Emergency repairs (94-4-201)

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 800,000 -----

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural resource conservation areas: Emergency repairs (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural area preserve management (94-1-203)

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation: Health and safety (94-1-204)

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,300,000

NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate property: Small repairs and improvements (94-1-401)

Appropriation:

Res Mgmt Cost Acct \$ 200,000

Prior Biennia (Expenditures) \$ 181,000

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,381,000

NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation: Emergency repairs (94-1-402)

Appropriation:

Res Mgmt Cost Acct \$ 200,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 500,000

TOTAL \$ 780,000

NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate tenant improvements (94-1-403)

Appropriation:

Res Mgmt Cost Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 3,400,000

NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication site repair (94-1-404)

Appropriation:

Res Mgmt Cost Acct \$ 190,000

For Dev Acct \$ 110,000

Subtotal Appropriation \$ 300,000 -----

Prior Biennia (Expenditures) \$ 480,000

Future Biennia (Projected Costs) \$ 385,000

TOTAL \$ 1,165,000 -----

NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation system replacement (94-1-405)

Appropriation:

Res Mgmt Cost Acct \$ 300,000

Prior Biennia (Expenditures) \$ 682,000

Future Biennia (Projected Costs) \$ 1,175,000

TOTAL \$ 2,157,000 -----

NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous waste cleanup on state lands (94-1-406)

Appropriation:

Res Mgmt Cost Acct \$ 350,000

For Dev Acct \$ 150,000

Subtotal Appropriation \$ 500,000 -----

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 1,585,000

TOTAL \$ 2,135,000 -----

NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road maintenance (94-1-801)

Appropriation:

ORV Acct \$ 126,500

Access Road Revolving Acct \$ 802,000

Subtotal Appropriation \$ 928,500 -----

Prior Biennia (Expenditures) \$ 89,000

Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 1,417,500 -----

**NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF NATURAL RESOURCES
Fire control facilities upgrades (94-2-102)**

Appropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 126,200

TOTAL \$ 296,200 -----

**NEW SECTION. Sec. 546. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repairs (94-2-103)**

Appropriation:

St Bldg Constr Acct \$ 66,500

Res Mgmt Cost Acct \$ 63,500

For Dev Acct \$ 36,000

Subtotal Appropriation \$ 166,000 -----

Prior Biennia (Expenditures) \$ 412,400

Future Biennia (Projected Costs) \$ 2,822,000

TOTAL \$ 3,400,400 -----

**NEW SECTION. Sec. 547. FOR THE DEPARTMENT OF NATURAL RESOURCES
Long Lake phase 3 development (94-2-201)**

Appropriation:

ORA--State \$ 223,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 223,000 -----

**NEW SECTION. Sec. 548. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 2 development (94-2-202)**

Appropriation:

ORA--State \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000 -----

**NEW SECTION. Sec. 549. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development: Local improvement district (94-2-401)**

Appropriation:

Res Mgmt Cost Acct \$ 920,000

Prior Biennia (Expenditures) \$ 1,284,000

Future Biennia (Projected Costs) \$ 2,840,000

TOTAL \$ 5,044,000

NEW SECTION. Sec. 550. FOR THE DEPARTMENT OF NATURAL RESOURCES
Rights of way acquisition (94-2-402)

Appropriation:

Res Mgmt Cost Acct \$ 582,000

For Dev Acct \$ 611,000

Subtotal Appropriation \$ 1,193,000

Prior Biennia (Expenditures) \$ 1,048,000

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,641,000

NEW SECTION. Sec. 551. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication sites construction (94-2-403)

Appropriation:

Res Mgmt Cost Acct \$ 160,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 735,000

TOTAL \$ 895,000

NEW SECTION. Sec. 552. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (94-2-404)

Appropriation:

Res Mgmt Cost Acct \$ 336,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,150,000

TOTAL \$ 5,486,000

NEW SECTION. Sec. 553. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Resources Real Property Replacement Account (94-2-405)

Appropriation:

Nat Res Prop Repl Acct \$ 25,000,000

Prior Biennia (Expenditures) \$ 10,000,000

Future Biennia (Projected Costs) \$ 125,000,000

TOTAL \$ 160,000,000 -----

NEW SECTION. Sec. 554. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land bank acquisition (94-2-406)

Appropriation:

Res Mgmt Cost Acct \$ 18,000,000

Prior Biennia (Expenditures) \$ 21,176,000

Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 99,176,000 -----

NEW SECTION. Sec. 555. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mineral resource testing (94-2-407)

Appropriation:

Res Mgmt Cost Acct \$ 10,000

For Dev Acct \$ 10,000

Subtotal Appropriation \$ 20,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 104,000

TOTAL \$ 124,000 -----

NEW SECTION. Sec. 556. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic lands enhancement grants (94-2-501)

Appropriation:

Aquatic Lands Acct \$ 2,776,000

Prior Biennia (Expenditures) \$ 3,541,000

Future Biennia (Projected Costs) \$ 32,885,000

TOTAL \$ 39,202,000 -----

NEW SECTION. Sec. 557. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road construction and improvement (94-2-801)

Appropriation:

Res Mgmt Cost Acct \$ 641,500

For Dev Acct \$ 172,500

Subtotal Appropriation \$ 814,000 -----

Prior Biennia (Expenditures) \$ 232,000

Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 5,546,000 -----

NEW SECTION. Sec. 558. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center construction (89-5-001)

Reappropriation:

St Conv & Trade Ctr Acct \$ 348,250

Prior Biennia (Expenditures) \$ 2,651,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 559. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center conversion (89-5-002)

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 9,897,364

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,797,364

NEW SECTION. Sec. 560. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center expansion (89-5-003)

Reappropriation:

St Conv & Trade Ctr Acct \$ 461,190

Prior Biennia (Expenditures) \$ 11,755,390

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,216,580

NEW SECTION. Sec. 561. FOR THE STATE CONVENTION AND TRADE CENTER
Eagles Building exterior cleanup (89-5-005)

Reappropriation:

St Conv & Trade Ctr Acct \$ 267,360

Prior Biennia (Expenditures) \$ 32,640

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 562. FOR THE STATE CONVENTION AND TRADE CENTER
Refunding of parking garage note

Reappropriation:

St Conv & Trade Ctr Acct \$ 387,076

Prior Biennia (Expenditures) \$ 1,912,924

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,300,000

**NEW SECTION. Sec. 563. FOR THE STATE CONVENTION AND TRADE CENTER
Minor works (93-2-001)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,010,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,050,000

NEW SECTION. Sec. 564. FOR THE STATE CONVENTION AND TRADE CENTER

The appropriation in this section is subject to the following conditions and limitations:

(1) The state convention and trade center shall assist in the rehabilitation of the Eagles building by transferring the state's right and title to the land and building as is, at no cost, to A Contemporary Theatre (ACT) and the Seattle Housing Resource Group (SHRG) subject to and following final action by the city of Seattle to grant a new contract rezone for not less than ten years, on terms deemed acceptable to the state convention and trade center for the site rezoned under city ordinance 115663.

(2) \$2,700,000 is provided solely for payments to ACT and SHRG for the purchase by the state convention and trade center of a minimum of 225,000 square feet of theatre and housing floor area ratio bonuses to be generated by the restoration and development of the Eagles land and building by ACT and SHRG.

Appropriation:

St Conv & Trade Ctr Acct \$ 2,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,700,000

NEW SECTION. Sec. 565. FOR THE WASHINGTON STATE FRUIT COMMISSION

For land acquisition, design, construction, furnishing, equipping, and other costs related to the acquisition of a new headquarters and visitor center facility

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation may be spent only after the director of financial management has: (a) Certified that, based on the future income from the assessments levied under chapter 15.28 RCW, and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments on the bonds issued for the project; and (b) approved the plans for the facility.

(2) The appropriation shall be matched by at least \$200,000 from the commission's general operating fund provided for the capital costs of the project.

Appropriation:

Fruit Comm Fac Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

NEW SECTION. Sec. 566. FOR THE WASHINGTON STATE DAIRY PRODUCTS COMMISSION

Acquire permanent facility: To acquire a permanent facility to house the offices and operations of the commission (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations: At least one dollar from the commission's operating funds shall be spent for each three dollars spent from this appropriation.

Reappropriation:

Wa St Dairy Prod Comm Fac Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

**PART 4
TRANSPORTATION**

**NEW SECTION. Sec. 601. FOR THE WASHINGTON STATE PATROL
To construct a new district headquarters building in Everett (90-2-018)**

Reappropriation:

St Bldg Constr Acct \$ 90,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,000

**NEW SECTION. Sec. 602. FOR THE WASHINGTON STATE PATROL
To construct a new crime lab in Tacoma (92-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 1,940,000

Prior Biennia (Expenditures) \$ 77,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,017,000

**NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF TRANSPORTATION
Funds to continue Mt. St. Helens recovery program (87-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 370,000

Prior Biennia (Expenditures) \$ 5,579,161

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,949,161

**PART 5
EDUCATION**

**NEW SECTION. Sec. 701. FOR THE STATE BOARD OF EDUCATION
Public school building construction (83-2-001)**

Reappropriation:

Common School Constr Fund \$ 110,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000

NEW SECTION. Sec. 702. FOR THE STATE BOARD OF EDUCATION
Public school building construction (85-2-001)

Reappropriation:

Common School Constr Fund \$ 830,000

Prior Biennia (Expenditures) \$ 270,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000

NEW SECTION. Sec. 703. FOR THE STATE BOARD OF EDUCATION
Public school building construction (87-2-001)

Reappropriation:

Common School Constr Fund \$ 2,346,000

Prior Biennia (Expenditures) \$ 1,654,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

NEW SECTION. Sec. 704. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund \$ 7,294,260

Prior Biennia (Expenditures) \$ 21,712,889
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,007,159

NEW SECTION. Sec. 705. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-002)

Reappropriation:

Common School Constr Fund \$ 4,266,450

Prior Biennia (Expenditures) \$ 16,734,725
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,001,175

NEW SECTION. Sec. 706. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-003)

Reappropriation:

Common School Constr Fund \$ 15,000,000

Prior Biennia (Expenditures) \$ 64,708,899
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 79,708,899

NEW SECTION. Sec. 707. FOR THE STATE BOARD OF EDUCATION
Public school building construction (91-2-001)

Reappropriation:

Common School Reimb Constr Acct \$ 124,101,800
Common School Constr Fund \$ 85,817,008

Subtotal Reappropriation \$ 209,918,808

Prior Biennia (Expenditures) \$ 198,435,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 408,353,808

NEW SECTION. Sec. 708. FOR THE STATE BOARD OF EDUCATION
Common schools: Design and construction (94-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) Not more than \$106,000,000 of this appropriation may be obligated in fiscal year 1994 for school district project design and construction.
- (2) A maximum of \$1,250,000 may be expended for direct costs of state administration of school construction funding.
- (3) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction or architectural experience to assist in evaluation of project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.
- (4) A maximum of \$75,000 is provided solely for development of an automated state inventory and facility condition management database. This database shall utilize information obtained through implementation of the new priority system developed in the 1991-93 biennium and periodic updating.
- (5) Projects approved for state assistance by the state board after the effective date of this section, in which new construction will be in lieu of modernization of an existing instructional facility or space, shall receive state assistance only if the district certifies that the existing facility or space will not be used for instructional purposes, and that the facility or space will be ineligible for any future state financial assistance. Further, if the district does return the facility or space to instructional purposes, the district shall become ineligible for state construction financial assistance for a period of at least five years as determined by the state board of education. The state board shall adopt regulations to implement this subsection.

Appropriation:

Common School Constr Fund \$ 233,179,000
St Bldg Constr Acct \$ 4,821,000

Subtotal Appropriation \$ 238,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 238,000,000

NEW SECTION. Sec. 709. FOR THE STATE SCHOOL FOR THE BLIND
Demolish museum building (92-1-002)

Reappropriation:

St Bldg Constr Acct \$ 237,051

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 237,051

**NEW SECTION. Sec. 710. FOR THE STATE SCHOOL FOR THE BLIND
Elevator in administration building (92-1-003)**

Reappropriation:

St Bldg Constr Acct \$ 234,745

Prior Biennia (Expenditures) \$ 149,716

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 384,461

**NEW SECTION. Sec. 711. FOR THE STATE SCHOOL FOR THE BLIND
Campus preservation (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 2,688,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,520,781

TOTAL \$ 19,209,181

**NEW SECTION. Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND
Demolish commissary building (94-1-002)**

Appropriation:

St Bldg Constr Acct \$ 547,455

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 547,455

**NEW SECTION. Sec. 713. FOR THE STATE SCHOOL FOR THE DEAF
Campus heating system repairs (92-2-008)**

Reappropriation:

St Bldg Constr Acct \$ 16,500

Prior Biennia (Expenditures) \$ 15,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,345

**NEW SECTION. Sec. 714. FOR THE STATE SCHOOL FOR THE DEAF
Campus preservation (94-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 200,000

Appropriation:

St Bldg Constr Acct \$ 1,553,415

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,518,336

TOTAL \$ 15,271,751

NEW SECTION. Sec. 715. FOR THE STATE SCHOOL FOR THE DEAF
Building demolition of Mary Roberts Hospital (94-1-008)

Appropriation:

St Bldg Constr Acct \$ 59,566

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 59,566

NEW SECTION. Sec. 716. FOR THE HIGHER EDUCATION COORDINATING BOARD
Campus Planning

Appropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 170,000

The higher education coordinating board shall evaluate a variety of organizational models for meeting the higher education and work force training needs of the people in the North King/South Snohomish county area. The goal is to design the most effective delivery system of education opportunities for students and the region's population. By November 30, 1993, the board shall recommend the preferred organizational model, and report its decision to the governor, appropriate legislative committees, and affected institutions of higher education.

In developing the model, the board shall consider, but need not be limited to, the following:

- (1) Previously identified short and long-range higher education needs, including upper and lower division, graduate programs, work force training, and basic skills as updated for current circumstances;
- (2) Previous community studies, including their conclusion that a new community college is needed in the area;
- (3) Teaching as the primary mission;
- (4) The smooth and convenient student transfer, as appropriate, between lower and upper division programs and courses;
- (5) The capacity of nearby existing public institutions;
- (6) Transportation and growth management principles;
- (7) The consolidation of capital investment through a single campus, whether permanently or temporarily collocated, and consider potential future need for an additional site;
- (8) Alternative organizational arrangements; and
- (9) Recommendations of the community siting committee.

NEW SECTION. Sec. 717. FOR THE UNIVERSITY OF WASHINGTON
H Wing addition (86-2-021)

Reappropriation:

St Bldg Constr Acct \$ 24,500,000

UW Building Acct--State \$ 1,500,000

Subtotal Reappropriation \$ 26,000,000

Prior Biennia (Expenditures) \$ 25,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,000,000 -----

NEW SECTION. Sec. 718. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center H Wing remodel (88-2-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 632,999

Future Biennia (Projected Costs) \$ 16,518,000

TOTAL \$ 17,250,999 -----

NEW SECTION. Sec. 719. FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (88-2-022)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 16,500,000

Prior Biennia (Expenditures) \$ 4,357,491

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,857,491 -----

NEW SECTION. Sec. 720. FOR THE UNIVERSITY OF WASHINGTON

Biomedical Sciences Research Building financing (90-1-001)

The appropriations in this section are provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:

H Ed Constr Acct \$ 24,500,000

Appropriation:

H Ed Constr Acct \$ 20,000,000

Prior Biennia (Expenditures) \$ 20,500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000,000 -----

NEW SECTION. Sec. 721. FOR THE UNIVERSITY OF WASHINGTON

Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct \$ 5,440,000

Prior Biennia (Expenditures) \$ 11,457,222

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,897,222

NEW SECTION. Sec. 722. FOR THE UNIVERSITY OF WASHINGTON

Physics/Astronomy Building construction (90-2-009)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

H Ed Reimb Constr Acct \$ 32,000,000

Prior Biennia (Expenditures) \$ 40,564,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000

NEW SECTION. Sec. 723. FOR THE UNIVERSITY OF WASHINGTON

Chemistry Building construction (90-2-011)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 28,500,000

Prior Biennia (Expenditures) \$ 10,652,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000

NEW SECTION. Sec. 724. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering/Computer Sciences Engineering Building construction (90-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,547,000

Appropriation:

St Bldg Constr Acct \$ 89,997,000

UW Bldg Acct \$ 536,000

Subtotal Appropriation \$ 90,533,000

Prior Biennia (Expenditures) \$ 2,711,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 95,791,000

NEW SECTION. Sec. 725. FOR THE UNIVERSITY OF WASHINGTON

Nuclear reactor decommissioning (92-1-022)

Reappropriation:

St Bldg Constr Acct \$ 230,000

Prior Biennia (Expenditures) \$ 5,000

Future Biennia (Projected Costs) \$ 2,551,000

TOTAL \$ 2,786,000

NEW SECTION. Sec. 726. FOR THE UNIVERSITY OF WASHINGTON
Kincaid basement (zoology) (92-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 1,814,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,314,000

NEW SECTION. Sec. 727. FOR THE UNIVERSITY OF WASHINGTON
Old Physics Hall design and construction (92-2-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Appropriation:

St Bldg Constr Acct \$ 30,914,000

UW Bldg Acct \$ 1,650,000

Subtotal Appropriation \$ 32,564,000

Prior Biennia (Expenditures) \$ 143,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000

NEW SECTION. Sec. 728. FOR THE UNIVERSITY OF WASHINGTON
Comparative medicine facility (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 729. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fishery Sciences II predesign (92-2-027)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management and for infrastructure improvements in the southwest campus. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 70,531,000

TOTAL \$ 72,381,000 -----

**NEW SECTION. Sec. 730. FOR THE UNIVERSITY OF WASHINGTON
Olympic Natural Resource Center design and construction (92-2-202)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 5,450,000

Prior Biennia (Expenditures) \$ 225,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,675,000 -----

**NEW SECTION. Sec. 731. FOR THE UNIVERSITY OF WASHINGTON
Parrington Hall exterior (92-3-018)**

Reappropriation:

UW Bldg Acct \$ 1,675,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,759,000 -----

**NEW SECTION. Sec. 732. FOR THE UNIVERSITY OF WASHINGTON
Meany Hall exterior renovation (92-3-019)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

UW Bldg Acct \$ 7,200,000

Prior Biennia (Expenditures) \$ 38,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,238,000 -----

**NEW SECTION. Sec. 733. FOR THE UNIVERSITY OF WASHINGTON
Denny Hall exterior repair (92-3-020)**

Reappropriation:

UW Bldg Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 835,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,385,508

NEW SECTION. Sec. 734. FOR THE UNIVERSITY OF WASHINGTON
Underground storage tanks (92-5-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000

NEW SECTION. Sec. 735. FOR THE UNIVERSITY OF WASHINGTON
Henry Gallery addition (93-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

(2) The appropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 250,000

Appropriation:

St Bldg Constr Acct \$ 8,316,000

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,616,000

NEW SECTION. Sec. 736. FOR THE UNIVERSITY OF WASHINGTON
Burke Museum (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 2,175,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 737. FOR THE UNIVERSITY OF WASHINGTON
Business Administration expansion (93-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

(2) The appropriations in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Appropriation:

St Bldg Constr Acct \$ 6,850,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 738. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs preservation (94-1-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 10,000,000

UW Bldg Acct \$ 6,300,000

Subtotal Reappropriation \$ 16,300,000

Appropriation:

St Bldg Constr Acct \$ 3,148,000

UW Bldg Acct \$ 299,000

Subtotal Appropriation \$ 3,447,000

Prior Biennia (Expenditures) \$ 4,942,625

Future Biennia (Projected Costs) \$ 20,981,375

TOTAL \$ 45,671,000

NEW SECTION. Sec. 739. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 4,500,000

Subtotal Reappropriation \$ 7,500,000

Appropriation:

UW Bldg Acct \$ 8,250,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 33,221,000

TOTAL \$ 49,996,000

NEW SECTION. Sec. 740. FOR THE UNIVERSITY OF WASHINGTON
Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct \$ 420,000

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 31,347,000

TOTAL \$ 34,807,000 -----

NEW SECTION. Sec. 741. FOR THE UNIVERSITY OF WASHINGTON
Suzzallo Library predesign (94-1-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 196,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,684,000

TOTAL \$ 25,880,000 -----

NEW SECTION. Sec. 742. FOR THE UNIVERSITY OF WASHINGTON
Condon Law Library predesign (94-2-017)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 128,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,655,000

TOTAL \$ 16,783,000 -----

NEW SECTION. Sec. 743. FOR THE UNIVERSITY OF WASHINGTON
Minor repairs (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 3,300,000

Subtotal Reappropriation \$ 6,300,000 -----

Appropriation:

UW Bldg Acct \$ 7,071,000

Prior Biennia (Expenditures) \$ 4,403,000
Future Biennia (Projected Costs) \$ 46,204,000

TOTAL \$ 63,978,000

NEW SECTION. Sec. 744. FOR THE UNIVERSITY OF WASHINGTON
Harborview Medical Center Research and Training Building--Design (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 3,620,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 63,283,000

TOTAL \$ 66,903,000

NEW SECTION. Sec. 745. FOR THE UNIVERSITY OF WASHINGTON
Branch campuses (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the organization model recommended by the higher education coordinating board for the King-Snohomish county area.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act and the allotment requirements of section 1016 of this act have been met.

(3) Of the appropriation in this section, \$23,000,000 is provided for the Bothell branch campus. The remaining \$30,983,320 is provided for the Tacoma branch campus.

Reappropriation:

St Bldg Constr Acct \$ 8,741,680

Appropriation:

St Bldg Constr Acct \$ 53,983,320

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 106,000,000

TOTAL \$ 168,725,000

NEW SECTION. Sec. 746. FOR THE UNIVERSITY OF WASHINGTON

Thomas Burke Memorial Washington State Museum: For a study of the museum's space needs, long-term physical facility needs, and options for future expansion

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 200,000

NEW SECTION. Sec. 747. FOR THE UNIVERSITY OF WASHINGTON
Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2)

roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 748. FOR WASHINGTON STATE UNIVERSITY
Branch campus acquisition (90-5-002)**

Reappropriation:

St Bldg Constr Acct \$ 933,731

Prior Biennia (Expenditures) \$ 896,469

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,830,200

NEW SECTION. Sec. 749. FOR WASHINGTON STATE UNIVERSITY

East campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

Reappropriation:

WSU Bldg Acct \$ 235,625

Prior Biennia (Expenditures) \$ 434,375

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 670,000

NEW SECTION. Sec. 750. FOR WASHINGTON STATE UNIVERSITY

Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

Reappropriation:

WSU Bldg Acct \$ 713,645

Prior Biennia (Expenditures) \$ 405,708

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,119,353

NEW SECTION. Sec. 751. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct \$ 1,241,524

Prior Biennia (Expenditures) \$ 101,476

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,343,000

NEW SECTION. Sec. 752. FOR WASHINGTON STATE UNIVERSITY
Coliseum asbestos removal (92-1-020)

Reappropriation:

WSU Bldg Acct \$ 675,444

Prior Biennia (Expenditures) \$ 837,556

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,513,000

NEW SECTION. Sec. 753. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices **(92-2-021)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 673,109

Appropriation:

St Bldg Constr Acct \$ 12,162,400

WSU Bldg Acct \$ 3,478,000

Subtotal Appropriation \$ 15,640,400

Prior Biennia (Expenditures) \$ 688,891

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,002,400

NEW SECTION. Sec. 754. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall/Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space **(92-1-022)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 655,590

Appropriation:

St Bldg Constr Acct \$ 12,511,500

Prior Biennia (Expenditures) \$ 301,410

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,468,500

NEW SECTION. Sec. 755. FOR WASHINGTON STATE UNIVERSITY
Holland Library renewal predesign (92-2-003)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

WSU Bldg Acct \$ 98,553

Prior Biennia (Expenditures) \$ 770,447

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 869,000

NEW SECTION. Sec. 756. FOR WASHINGTON STATE UNIVERSITY
Holland Library addition (90-2-013)

Reappropriation:

St Bldg Constr Acct \$ 8,535,913

Prior Biennia (Expenditures) \$ 21,955,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,491,733

NEW SECTION. Sec. 757. FOR WASHINGTON STATE UNIVERSITY

Veterinary teaching hospital construction: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 32,310

H Ed Reimb Constr Acct \$ 24,947,571

Subtotal Reappropriation \$ 24,979,881

Prior Biennia (Expenditures) \$ 2,430,703

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,442,894

NEW SECTION. Sec. 758. FOR WASHINGTON STATE UNIVERSITY

Child care facility: Design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

Reappropriation:

St Bldg Constr Acct \$ 1,806,825

Prior Biennia (Expenditures) \$ 364,175

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,171,000

NEW SECTION. Sec. 759. FOR WASHINGTON STATE UNIVERSITY

Student services addition: To design and construct a building for consolidated student service functions **(92-2-027)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 15,000,000

WSU Bldg Acct \$ 789,353

Subtotal Reappropriation \$ 15,534,772 -----

Prior Biennia (Expenditures) \$ 177,647

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,967,000 -----

NEW SECTION. Sec. 760. FOR WASHINGTON STATE UNIVERSITY

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage **(92-2-028)**

Reappropriation:

WSU Bldg Acct \$ 1,657,046

Prior Biennia (Expenditures) \$ 103,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,761,000 -----

NEW SECTION. Sec. 761. FOR WASHINGTON STATE UNIVERSITY

WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at Wenatchee Valley College in Wenatchee **(92-2-908)**

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Reappropriation:

WSU Bldg Acct \$ 1,331,176

Prior Biennia (Expenditures) \$ 989,824

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,321,000 -----

NEW SECTION. Sec. 762. FOR WASHINGTON STATE UNIVERSITY

Dairy and forage facility: Design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms **(92-3-024)**

Reappropriation:

WSU Bldg Acct \$ 2,269,663

Prior Biennia (Expenditures) \$ 444,337

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,714,000 -----

NEW SECTION. Sec. 763. FOR WASHINGTON STATE UNIVERSITY

Chilled water storage facility: Design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

Reappropriation:

St Bldg Constr Acct \$ 818,728

Prior Biennia (Expenditures) \$ 2,031,272

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,850,000 -----

NEW SECTION. Sec. 764. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 1,485,000

Appropriation:

St Bldg Constr Acct \$ 6,000,000

Prior Biennia (Expenditures) \$ 4,015,000

Future Biennia (Projected Costs) \$ 23,000,000

TOTAL \$ 34,500,000 -----

NEW SECTION. Sec. 765. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym predesign (94-1-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 49,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,000,000

TOTAL \$ 5,049,000 -----

NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY

Thompson Hall design (94-1-024)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 697,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 8,485,000

TOTAL \$ 9,262,000 -----

NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY
Prosser: Septic system (94-1-500)

Appropriation:

WSU Bldg Acct \$ 1,250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000 -----

NEW SECTION. Sec. 768. FOR WASHINGTON STATE UNIVERSITY
Minor works (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,420,000

TOTAL \$ 19,420,000 -----

NEW SECTION. Sec. 769. FOR WASHINGTON STATE UNIVERSITY
Chemical storage building predesign (94-2-005)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 56,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,934,000

TOTAL \$ 4,990,000 -----

NEW SECTION. Sec. 770. FOR WASHINGTON STATE UNIVERSITY
Hazardous waste facilities predesign (94-2-006)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 211,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,603,000

TOTAL \$ 15,814,000 -----

NEW SECTION. Sec. 771. FOR WASHINGTON STATE UNIVERSITY
Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct \$ 2,412,890

Appropriation:

WSU Bldg Acct \$ 6,000,000

Prior Biennia (Expenditures) \$ 4,087,110

Future Biennia (Projected Costs) \$ 24,500,000

TOTAL \$ 37,000,000

NEW SECTION. Sec. 772. FOR WASHINGTON STATE UNIVERSITY

Pathological and biomedical incinerator: Design and construction (94-2-012)

Appropriation:

St Bldg Constr Acct \$ 3,443,000

Prior Biennia (Expenditures) \$ 455,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,898,000

NEW SECTION. Sec. 773. FOR WASHINGTON STATE UNIVERSITY

Communication infrastructure renewal: Campus network system (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,104,101

Appropriation:

WSU Bldg Acct \$ 5,000,000

St Bldg Constr Acct \$ 7,000,000

Subtotal Appropriation \$ 12,000,000

Prior Biennia (Expenditures) \$ 1,895,899

Future Biennia (Projected Costs) \$ 3,000,000

TOTAL \$ 25,000,000

NEW SECTION. Sec. 774. FOR WASHINGTON STATE UNIVERSITY

Engineering teaching and research lab building design (94-2-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

WSU Bldg Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 170,000

Future Biennia (Projected Costs) \$ 17,061,000

TOTAL \$ 18,431,000

NEW SECTION. Sec. 775. FOR WASHINGTON STATE UNIVERSITY

Chemical waste collection facilities: Design and construction (94-2-016)

Appropriation:

WSU Bldg Acct \$ 2,337,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 3,337,000

NEW SECTION. Sec. 776. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym addition: Design (94-2-017)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 94,000

Future Biennia (Projected Costs) \$ 8,630,000

TOTAL \$ 9,624,000

NEW SECTION. Sec. 777. FOR WASHINGTON STATE UNIVERSITY

Animal science laboratory building design (94-2-018)

Appropriation:

WSU Bldg Acct \$ 515,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 6,643,000

TOTAL \$ 7,238,000

NEW SECTION. Sec. 778. FOR WASHINGTON STATE UNIVERSITY

WSU-Vancouver: New campus construction (94-2-902)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act and the allotment requirements of section 1016 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 4,917,900

Appropriation:

St Bldg Constr Acct \$ 29,656,462

Prior Biennia (Expenditures) \$ 1,448,000

Future Biennia (Projected Costs) \$ 54,843,091

TOTAL \$ 90,865,453

NEW SECTION. Sec. 779. FOR WASHINGTON STATE UNIVERSITY

Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act which have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk

repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 780. FOR WASHINGTON STATE UNIVERSITY
Greenhouse replacement repair (94-2-027)

Appropriation:

St Bldg Constr Acct \$ 2,241,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000

NEW SECTION. Sec. 781. FOR WASHINGTON STATE UNIVERSITY
Carpenter Hall equipment (94-2-020)

Appropriation:

WSU Bldg Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 782. FOR WASHINGTON STATE UNIVERSITY

Consolidated Information Center: For design of a new facility on the Tri-Cities campus

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided in anticipation of federal matching money to provide fifty percent of the construction costs for the project;

(2) Prior to requesting construction funds, Washington State University will have an agreement that includes a commitment from state, federal, and private scientific organizations that substantially all future operating costs of the project, exceeding Washington State's University's present operating costs, will be provided from nonstate general fund sources; and

(3) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,224,000

WSU Bldg Acct \$ 186,000

Subtotal Appropriation \$ 1,410,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,724,500

TOTAL \$ 9,134,500

NEW SECTION. Sec. 783. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: For constructing and equipping a new nursing education facility at Yakima

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Appropriation:

St Bldg Constr Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 784. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall design and construction: To design the remodeling of Sutton Hall for offices and classroom space **(81-2-002)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 275,337

Appropriation:

St Bldg Constr Acct \$ 4,875,000

Prior Biennia (Expenditures) \$ 13,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,163,992

NEW SECTION. Sec. 785. FOR EASTERN WASHINGTON UNIVERSITY

Science Building Addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building **(83-1-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 9,000,000

Prior Biennia (Expenditures) \$ 12,035,472

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,472

NEW SECTION. Sec. 786. FOR EASTERN WASHINGTON UNIVERSITY

Electrical system renewal (86-1-002)

Reappropriation:

St Bldg Constr Acct \$ 279,000

Prior Biennia (Expenditures) \$ 551,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 830,506

NEW SECTION. Sec. 787. FOR EASTERN WASHINGTON UNIVERSITY

Roof replacement and preservation: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school **(94-1-003)**

Appropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 788. FOR EASTERN WASHINGTON UNIVERSITY

Energy conservation (86-2-006)

Reappropriation:

St H Ed Constr Acct \$ 124,000

Prior Biennia (Expenditures) \$ 630,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 754,000

NEW SECTION. Sec. 789. FOR EASTERN WASHINGTON UNIVERSITY

Life and safety code compliance asbestos (88-1-001)

Reappropriation:

EWU Cap Proj Acct \$ 597,180

Prior Biennia (Expenditures) \$ 252,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 790. FOR EASTERN WASHINGTON UNIVERSITY

Telecommunications: Cable replacement (90-2-004)

Reappropriation:

St Bldg Constr Acct \$ 1,400,000

EWU Acct \$ 97,000

Subtotal Reappropriation \$ 1,497,000

Appropriation:

EWU Cap Proj Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 1,087,392
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,584,392

NEW SECTION. Sec. 791. FOR EASTERN WASHINGTON UNIVERSITY
Seventh Street replacement (90-3-001)

Reappropriation:

EWU Cap Proj Acct \$ 26,000

Prior Biennia (Expenditures) \$ 312,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 338,000

NEW SECTION. Sec. 792. FOR EASTERN WASHINGTON UNIVERSITY
Minor capital renewal (90-3-002)

Reappropriation:

EWU Cap Proj Acct \$ 304,000

Prior Biennia (Expenditures) \$ 846,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000

NEW SECTION. Sec. 793. FOR EASTERN WASHINGTON UNIVERSITY
JFK Library remodel and addition design (90-5-003)

Reappropriation:

EWU Cap Proj Acct \$ 24,000

Appropriation:

St Bldg Constr Acct \$ 2,050,000

Prior Biennia (Expenditures) \$ 165,000
Future Biennia (Projected Costs) \$ 19,950,000

TOTAL \$ 22,189,000

NEW SECTION. Sec. 794. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-1-001)

Reappropriation:

EWU Cap Proj Acct \$ 1,330,000

Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 795. FOR EASTERN WASHINGTON UNIVERSITY
Small repair projects (92-1-002)

Reappropriation:

EWU Cap Proj Acct \$ 660,000

Prior Biennia (Expenditures) \$ 340,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 796. FOR EASTERN WASHINGTON UNIVERSITY
Underground storage tank code compliance (92-1-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

EWU Cap Proj Acct \$ 243,000

Prior Biennia (Expenditures) \$ 7,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 797. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-3-004)

Reappropriation:

St Bldg Constr Acct \$ 1,800,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 798. FOR EASTERN WASHINGTON UNIVERSITY
EWU Spokane Center: Fire egress and remodel (92-5-008)

Reappropriation:

EWU Cap Proj Acct \$ 183,000

Prior Biennia (Expenditures) \$ 1,617,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000

NEW SECTION. Sec. 799. FOR EASTERN WASHINGTON UNIVERSITY
Property acquisition: To acquire property within the campus boundary from the Department of Natural Resources (92-5-001)

The reappropriation in this section is in addition to the appropriation for same purpose in section 36, chapter 14, Laws of 1991 sp.s.

Reappropriation:

EWU Cap Proj Acct \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 175,000

NEW SECTION. Sec. 800. FOR EASTERN WASHINGTON UNIVERSITY
Utility expansion joints and utility lines replacement (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,753,000

TOTAL \$ 3,253,000

NEW SECTION. Sec. 801. FOR EASTERN WASHINGTON UNIVERSITY
Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 2,410,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 4,310,000

NEW SECTION. Sec. 802. FOR EASTERN WASHINGTON UNIVERSITY
Building exterior preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 255,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,255,000

NEW SECTION. Sec. 803. FOR EASTERN WASHINGTON UNIVERSITY
Electrical systems and transformers and emergency lighting (94-1-010)

Appropriation:

EWU Cap Proj Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 849,000

TOTAL \$ 1,749,000

NEW SECTION. Sec. 804. FOR EASTERN WASHINGTON UNIVERSITY
Minor works preservation projects (94-1-014)

Appropriation:

EWU Cap Proj Acct \$ 2,924,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,970,800

TOTAL \$ 26,894,800 -----

NEW SECTION. Sec. 805. FOR EASTERN WASHINGTON UNIVERSITY
Minor works program projects (94-2-012)

Appropriation:

EWU Cap Proj Acct \$ 3,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,900,000

TOTAL \$ 27,600,000 -----

NEW SECTION. Sec. 806. FOR CENTRAL WASHINGTON UNIVERSITY
Handicap modifications (88-1-007)

Reappropriation:

CWU Cap Proj Acct \$ 50,000

Prior Biennia (Expenditures) \$ 554,300

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 604,300 -----

NEW SECTION. Sec. 807. FOR CENTRAL WASHINGTON UNIVERSITY
Psychology animal research facility (90-1-060)

Reappropriation:

St Bldg Constr Acct \$ 80,000

Prior Biennia (Expenditures) \$ 1,620,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION. Sec. 808. FOR CENTRAL WASHINGTON UNIVERSITY
Telecommunications phase II (90-2-003)

Reappropriation:

CWU Cap Proj Acct \$ 300,000

Prior Biennia (Expenditures) \$ 1,143,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,443,600 -----

NEW SECTION. Sec. 809. FOR CENTRAL WASHINGTON UNIVERSITY
Shaw/Smyser Hall remodel (90-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

H Ed Reimb Constr Acct \$ 7,027,000

CWU Cap Proj Acct \$ 250,000

Subtotal Reappropriation \$ 8,277,000 -----

Prior Biennia (Expenditures) \$ 5,008,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000 -----

NEW SECTION. Sec. 810. FOR CENTRAL WASHINGTON UNIVERSITY
Life safety (92-1-030)

Reappropriation:

CWU Cap Proj Acct \$ 335,000

Prior Biennia (Expenditures) \$ 165,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 811. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (92-1-040)

Reappropriation:

CWU Cap Proj Acct \$ 350,000

Prior Biennia (Expenditures) \$ 400,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000 -----

NEW SECTION. Sec. 812. FOR CENTRAL WASHINGTON UNIVERSITY
Barge Hall remodel (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,550,000

Prior Biennia (Expenditures) \$ 9,031,970

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970 -----

NEW SECTION. Sec. 813. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 2,750,000

Prior Biennia (Expenditures) \$ 3,572,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,322,595 -----

**NEW SECTION. Sec. 814. FOR CENTRAL WASHINGTON UNIVERSITY
Bouillon Hall asbestos abatement (94-1-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 4,950,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,950,000 -----

**NEW SECTION. Sec. 815. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (94-1-003)**

Reappropriation:

CWU Cap Proj Acct \$ 100,000

Prior Biennia (Expenditures) \$ 1,605,388

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,705,388 -----

**NEW SECTION. Sec. 816. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-1-005)**

Appropriation:

CWU Cap Proj Acct \$ 3,562,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,432,000

TOTAL \$ 29,994,000 -----

**NEW SECTION. Sec. 817. FOR CENTRAL WASHINGTON UNIVERSITY
Underground storage tank replacement (94-1-007)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 276,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000 -----

**NEW SECTION. Sec. 818. FOR CENTRAL WASHINGTON UNIVERSITY
Electrical cable replacement (94-1-008)**

Reappropriation:

CWU Cap Proj Acct \$ 600,000

Appropriation:

St Bldg Constr Acct \$ 950,000

Prior Biennia (Expenditures) \$ 400,000

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 3,850,000 -----

NEW SECTION. Sec. 819. FOR CENTRAL WASHINGTON UNIVERSITY
Steamline replacement (94-1-009)

Appropriation:

St Bldg Constr Acct \$ 850,000

Prior Biennia (Expenditures) \$ 819,924

Future Biennia (Projected Costs) \$ 850,000

TOTAL \$ 2,519,924 -----

NEW SECTION. Sec. 820. FOR CENTRAL WASHINGTON UNIVERSITY
Chilled water expansion (94-1-011)

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,900,000 -----

NEW SECTION. Sec. 821. FOR CENTRAL WASHINGTON UNIVERSITY
Science facility design and construction (94-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 54,200,000

CWU Cap Proj Acct \$ 4,000,000

Subtotal Appropriation \$ 58,200,000 -----

Prior Biennia (Expenditures) \$ 193,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,393,500 -----

NEW SECTION. Sec. 822. FOR CENTRAL WASHINGTON UNIVERSITY
Computing infrastructure (94-2-004)

Appropriation:

CWU Cap Proj Acct \$ 950,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 950,000

NEW SECTION. Sec. 823. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 400,000

Appropriation:

St Bldg Constr Acct \$ 65,000

CWU Cap Proj Acct \$ 2,507,000

Subtotal Appropriation \$ 2,572,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,174,000

TOTAL \$ 20,146,000

NEW SECTION. Sec. 824. FOR CENTRAL WASHINGTON UNIVERSITY
Black Hall predesign (94-2-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

CWU Cap Proj Acct \$ 159,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 13,159,000

NEW SECTION. Sec. 825. FOR THE EVERGREEN STATE COLLEGE
Lab annex: Metal and wood shops (90-5-008)

Reappropriation:

St Bldg Constr Acct \$ 320,000

Prior Biennia (Expenditures) \$ 652,100
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 972,100

NEW SECTION. Sec. 826. FOR THE EVERGREEN STATE COLLEGE
Life safety and code compliance (92-1-001)

Reappropriation:

St Bldg Constr Acct \$ 119,000

Prior Biennia (Expenditures) \$ 1,647,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,766,500

NEW SECTION. Sec. 827. FOR THE EVERGREEN STATE COLLEGE
Minor works: Failed systems (92-2-004)

Reappropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 917,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 967,000

NEW SECTION. Sec. 828. FOR THE EVERGREEN STATE COLLEGE

Campus preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 1,749,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,749,000

NEW SECTION. Sec. 829. FOR THE EVERGREEN STATE COLLEGE
Failed systems (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 955,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 5,655,000

NEW SECTION. Sec. 830. FOR THE EVERGREEN STATE COLLEGE
Emergency repairs (94-1-007)

Appropriation:

TESC Cap Proj Acct \$ 264,499

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,014,000

TOTAL \$ 1,278,499

NEW SECTION. Sec. 831. FOR THE EVERGREEN STATE COLLEGE
Small repairs and improvements (94-1-010)

Appropriation:

TESC Cap Proj Acct \$ 272,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 966,000

TOTAL \$ 1,238,500

**NEW SECTION. Sec. 832. FOR THE EVERGREEN STATE COLLEGE
Capital renewal (94-1-012)**

Appropriation:

St Bldg Constr Acct \$ 306,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,320,000

TOTAL \$ 3,626,000

**NEW SECTION. Sec. 833. FOR THE EVERGREEN STATE COLLEGE
Longhouse classroom facility (94-2-008)**

Appropriation:

St Bldg Constr Acct \$ 2,200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 834. FOR THE EVERGREEN STATE COLLEGE
Campus computer network phase II (94-2-009)**

Appropriation:

St Bldg Constr Acct \$ 390,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 162,000

TOTAL \$ 552,000

**NEW SECTION. Sec. 835. FOR THE JOINT CENTER FOR HIGHER EDUCATION
Spokane Intercollegiate Research and Technology Institute (SIRTI)**

Reappropriation:

St Bldg Constr Acct \$ 8,200,000

Prior Biennia (Expenditures) \$ 2,914,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,114,000

**NEW SECTION. Sec. 836. FOR THE JOINT CENTER FOR HIGHER EDUCATION
Riverpoint Campus: Design and construction (94-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act and the allotment requirements of section 1016 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 17,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 49,000,000

TOTAL \$ 66,000,000 -----

**NEW SECTION. Sec. 837. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase I construction (90-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

**NEW SECTION. Sec. 838. FOR WESTERN WASHINGTON UNIVERSITY
Institute of Wildlife Toxicology (90-2-003)**

Reappropriation:

WWU Cap Proj Acct \$ 650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 650,000 -----

**NEW SECTION. Sec. 839. FOR WESTERN WASHINGTON UNIVERSITY
Wilson Library asbestos abatement (92-1-002)**

Reappropriation:

St Bldg Constr Acct \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000 -----

**NEW SECTION. Sec. 840. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase II construction (92-1-007)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 20,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,500,000 -----

NEW SECTION. Sec. 841. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III design (92-1-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000 -----

NEW SECTION. Sec. 842. FOR WESTERN WASHINGTON UNIVERSITY
Minor works (94-2-028)

Reappropriation:

WWU Cap Proj Acct \$ 4,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,300,000 -----

NEW SECTION. Sec. 843. FOR WESTERN WASHINGTON UNIVERSITY
Fire detection systems preservation (94-1-030)

Appropriation:

St Bldg Constr Acct \$ 743,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,300,000

TOTAL \$ 3,043,000 -----

NEW SECTION. Sec. 844. FOR WESTERN WASHINGTON UNIVERSITY
Underground storage tank removal (94-1-032)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000 -----

NEW SECTION. Sec. 845. FOR WESTERN WASHINGTON UNIVERSITY
Pool chlorine gas system replacement (94-1-033)

Appropriation:

WWU Cap Proj Acct \$ 35,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000

NEW SECTION. Sec. 846. FOR WESTERN WASHINGTON UNIVERSITY
Exterior envelope and roofing (94-1-034)

Appropriation:

St Bldg Constr Acct \$ 601,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,400,000

TOTAL \$ 3,001,000

NEW SECTION. Sec. 847. FOR WESTERN WASHINGTON UNIVERSITY
Electrical preservation (94-1-035)

Appropriation:

WWU Cap Proj Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

NEW SECTION. Sec. 848. FOR WESTERN WASHINGTON UNIVERSITY
Utility upgrade (94-1-037)

Appropriation:

St Bldg Constr Acct \$ 405,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,405,000

NEW SECTION. Sec. 849. FOR WESTERN WASHINGTON UNIVERSITY
Interior renewal (94-1-038)

Appropriation:

WWU Cap Proj Acct \$ 98,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 898,000

NEW SECTION. Sec. 850. FOR WESTERN WASHINGTON UNIVERSITY
Flooring (94-1-039)

Appropriation:

WWU Cap Proj Acct \$ 410,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,410,000

NEW SECTION. Sec. 851. FOR WESTERN WASHINGTON UNIVERSITY
Interior painting (94-1-041)

Appropriation:

WWU Cap Proj Acct \$ 401,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,950,000

TOTAL \$ 2,351,000

NEW SECTION. Sec. 852. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III construction (94-2-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,263,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,263,000

NEW SECTION. Sec. 853. FOR WESTERN WASHINGTON UNIVERSITY
Haggard Hall renovation and abatement design (94-2-015)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,116,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,197,000

TOTAL \$ 17,313,000

NEW SECTION. Sec. 854. FOR WESTERN WASHINGTON UNIVERSITY
Minor works (92-1-022)

Appropriation:

WWU Cap Proj Acct \$ 6,100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 37,100,000

NEW SECTION. Sec. 855. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way facility preservation (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 632,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,075,692

TOTAL \$ 3,707,692

**NEW SECTION. Sec. 856. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Union Station Museum design and construction (94-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met. A portion of the appropriation may be used by the Washington State Historical Society as a match toward a challenge grant from the National Endowment for the Humanities.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 27,551,867

Prior Biennia (Expenditures) \$ 5,698,000

Future Biennia (Projected Costs) \$ 280,000

TOTAL \$ 33,679,867

**NEW SECTION. Sec. 857. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Capital Museum: Replacement of building systems (92-1-003)**

Reappropriation:

St Bldg Constr Acct \$ 14,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,000

**NEW SECTION. Sec. 858. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Coach House preservation (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 107,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 533,994

TOTAL \$ 641,494

**NEW SECTION. Sec. 859. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
State Capital Museum preservation (94-1-013)**

Appropriation:

St Bldg Constr Acct \$ 265,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 210,800

TOTAL \$ 475,800

**NEW SECTION. Sec. 860. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel Tech Building at Skagit Valley (86-3-022)**

Reappropriation:

St Bldg Constr Acct \$ 27,458

Prior Biennia (Expenditures) \$ 1,811
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,269

**NEW SECTION. Sec. 861. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior walls (88-3-003)**

Reappropriation:

St Bldg Constr Acct \$ 95,762

Prior Biennia (Expenditures) \$ 16,263
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 112,025

**NEW SECTION. Sec. 862. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair mechanical, ventilation, and air conditioning systems (88-3-004)**

Reappropriation:

St Bldg Constr Acct \$ 45,672

Prior Biennia (Expenditures) \$ 179,294
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,966

**NEW SECTION. Sec. 863. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Clark College (88-3-012)**

Reappropriation:

St Bldg Constr Acct \$ 50,740

Prior Biennia (Expenditures) \$ 248,184
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 298,924

**NEW SECTION. Sec. 864. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct extension center at Yakima Valley (88-3-013)**

Reappropriation:

St Bldg Constr Acct \$ 86,507

Prior Biennia (Expenditures) \$ 7,111
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,618

**NEW SECTION. Sec. 865. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct math and science building at Spokane Falls (88-3-015)**

Reappropriation:

St Bldg Constr Acct \$ 57,192

Prior Biennia (Expenditures) \$ 161,650
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 218,842

**NEW SECTION. Sec. 866. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Spokane (88-3-016)**

Reappropriation:

St Bldg Constr Acct \$ 31,780

Prior Biennia (Expenditures) \$ 243,224
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,004

**NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct Whidbey Island learning resource center for Skagit Valley (88-5-020)**

Reappropriation:

St Bldg Constr Acct \$ 781,285

Prior Biennia (Expenditures) \$ 1,341,714
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999

**NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct science and fine arts building at South Puget Sound (88-5-021)**

Reappropriation:

St Bldg Constr Acct \$ 238,424

Prior Biennia (Expenditures) \$ 5,759,575
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999

**NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an early childhood education facility at Shoreline (88-5-022)**

Reappropriation:

St Bldg Constr Acct \$ 1,247,598

Prior Biennia (Expenditures) \$ 77,936
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,325,534

**NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library at Columbia Basin (88-5-023)**

Reappropriation:

St Bldg Constr Acct \$ 113,307

Prior Biennia (Expenditures) \$ 1,869,398
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705

**NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational shop building at Centralia (88-5-024)**

Reappropriation:

St Bldg Constr Acct \$ 216,393

Prior Biennia (Expenditures) \$ 1,855,432
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825

**NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library resource center at Tacoma (88-5-025)**

Reappropriation:

St Bldg Constr Acct \$ 366,605

Prior Biennia (Expenditures) \$ 1,382,293
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,748,898

**NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational food addition at Lower Columbia (88-5-026)**

Reappropriation:

St Bldg Constr Acct \$ 1,591,782

Prior Biennia (Expenditures) \$ 1,402,254
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033

**NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct business education building at Spokane (88-5-027)**

Reappropriation:

St Bldg Constr Acct \$ 819,778

Prior Biennia (Expenditures) \$ 5,492,190
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968

**NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct student activity center and physical education facility at Seattle Central (88-5-028)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 10,520,500

Prior Biennia (Expenditures) \$ 680,399
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899

**NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs at various colleges (90-1-004)**

Reappropriation:

St Bldg Constr Acct \$ 220,194

Prior Biennia (Expenditures) \$ 150,747
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941

**NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remove minor asbestos problems at various colleges (90-1-008)**

Reappropriation:

St Bldg Constr Acct \$ 2,625,390

Prior Biennia (Expenditures) \$ 566,394
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,784

**NEW SECTION. Sec. 878. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs and structures at various colleges (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 318,665

Prior Biennia (Expenditures) \$ 396,628
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293

**NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair air conditioning, heating, and ventilation systems at various colleges (90-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 421,926

Prior Biennia (Expenditures) \$ 576,457

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383 -----

**NEW SECTION. Sec. 880. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair electrical systems (90-2-005)**

Reappropriation:

St Bldg Constr Acct \$ 14,355

Prior Biennia (Expenditures) \$ 55,399

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 69,754 -----

**NEW SECTION. Sec. 881. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make small repairs and improvements at various colleges (90-3-001)**

Reappropriation:

St Bldg Constr Acct \$ 138,013

Prior Biennia (Expenditures) \$ 690,756

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 828,769 -----

**NEW SECTION. Sec. 882. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning assistance resource center at Centralia (90-3-006)**

Reappropriation:

St Bldg Constr Acct \$ 4,410

Prior Biennia (Expenditures) \$ 13,566

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,976 -----

**NEW SECTION. Sec. 883. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make minor repairs at various facilities (90-3-007)**

Reappropriation:

St Bldg Constr Acct \$ 57,314

Prior Biennia (Expenditures) \$ 470,702

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016 -----

**NEW SECTION. Sec. 884. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To perform minor works for the preservation of community college facilities (90-5-009)**

Reappropriation:

St Bldg Constr Acct \$ 447,631

Prior Biennia (Expenditures) \$ 2,577,893

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524

**NEW SECTION. Sec. 885. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire site and construct technology center building at Whatcom (90-5-010)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 247,562

Appropriation:

St Bldg Constr Acct \$ 4,913,000

Prior Biennia (Expenditures) \$ 29,868

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,190,430

**NEW SECTION. Sec. 886. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct physical education facility at North Seattle (90-5-011)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 104,673

Appropriation:

St Bldg Constr Acct \$ 8,352,200

Prior Biennia (Expenditures) \$ 97,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,200

**NEW SECTION. Sec. 887. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct applied arts facility at Spokane Falls (90-5-012)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 291,510

Appropriation:

St Bldg Constr Acct \$ 5,191,000

Prior Biennia (Expenditures) \$ 9,579

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089

NEW SECTION. Sec. 888. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct an industrial technology facility at Spokane (90-5-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 296,143

Appropriation:

St Bldg Constr Acct \$ 6,625,000

Prior Biennia (Expenditures) \$ 10,932

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,075

NEW SECTION. Sec. 889. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct vocational arts facility at Shoreline (90-5-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 88,719

Appropriation:

St Bldg Constr Acct \$ 2,886,000

Prior Biennia (Expenditures) \$ 90,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405

NEW SECTION. Sec. 890. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct a business education facility at Clark (90-5-015)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 250,836

Appropriation:

St Bldg Constr Acct \$ 5,953,000

Prior Biennia (Expenditures) \$ 87,430

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266

NEW SECTION. Sec. 891. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct a student center at South Seattle (90-5-016)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 248,817

Appropriation:

St Bldg Constr Acct \$ 5,122,000

Prior Biennia (Expenditures) \$ 11,276
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093

NEW SECTION. Sec. 892. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a library addition at Skagit Valley (90-5-017)

Reappropriation:

St Bldg Constr Acct \$ 43,627

Appropriation:

St Bldg Constr Acct \$ 1,890,000

Prior Biennia (Expenditures) \$ 72,372
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999

NEW SECTION. Sec. 893. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel business complex at Clover Park (91-2-001)

Reappropriation:

St Bldg Constr Acct \$ 2,427,982

Prior Biennia (Expenditures) \$ 72,017
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,499,999

NEW SECTION. Sec. 894. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a vocational technical institute at Bellingham (91-3-002)

Reappropriation:

St Bldg Constr Acct \$ 1,561,287

Prior Biennia (Expenditures) \$ 50,713
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000

NEW SECTION. Sec. 895. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for child care facility in Centralia (92-1-602)

Reappropriation:

St Bldg Constr Acct \$ 390

Prior Biennia (Expenditures) \$ 77,610
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 78,000

NEW SECTION. Sec. 896. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire auto shop at Olympic (92-1-604)

Reappropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

**NEW SECTION. Sec. 897. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property and construct graphic arts building at Skagit (92-1-605)**

Reappropriation:

St Bldg Constr Acct \$ 27,172

Prior Biennia (Expenditures) \$ 252,828

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 280,000

**NEW SECTION. Sec. 898. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To renovate or replace underground storage tanks (92-2-102)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 765,978

Prior Biennia (Expenditures) \$ 630,874

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852

**NEW SECTION. Sec. 899. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair campus facilities to meet legal and code requirements (92-2-103)**

Reappropriation:

St Bldg Constr Acct \$ 506,163

Prior Biennia (Expenditures) \$ 665,837

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000

**NEW SECTION. Sec. 900. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs at various colleges (92-2-104)**

Reappropriation:

St Bldg Constr Acct \$ 2,629,340

Prior Biennia (Expenditures) \$ 4,827,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000

**NEW SECTION. Sec. 901. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior structures at various colleges (92-2-105)**

Reappropriation:

St Bldg Constr Acct \$ 454,837

Prior Biennia (Expenditures) \$ 362,163

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000

**NEW SECTION. Sec. 902. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating, ventilation, and air conditioning systems at various colleges (92-2-106)**

Reappropriation:

St Bldg Constr Acct \$ 2,727,942

Prior Biennia (Expenditures) \$ 346,057

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999

**NEW SECTION. Sec. 903. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair electrical systems at various colleges (92-2-107)**

Reappropriation:

St Bldg Constr Acct \$ 1,524,807

Prior Biennia (Expenditures) \$ 782,193

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000

**NEW SECTION. Sec. 904. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make mechanical repairs at various colleges (92-2-108)**

Reappropriation:

St Bldg Constr Acct \$ 1,991,612

Prior Biennia (Expenditures) \$ 516,388

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000

**NEW SECTION. Sec. 905. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs (92-2-109)**

Reappropriation:

St Bldg Constr Acct \$ 665,234

Prior Biennia (Expenditures) \$ 26,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999

**NEW SECTION. Sec. 906. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair interiors at various community colleges (92-2-110)**

Reappropriation:

St Bldg Constr Acct \$ 860,557

Prior Biennia (Expenditures) \$ 579,442

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999

**NEW SECTION. Sec. 907. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make site repairs at various colleges (92-2-111)**

Reappropriation:

St Bldg Constr Acct \$ 626,461

Prior Biennia (Expenditures) \$ 702,538

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999

**NEW SECTION. Sec. 908. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair pool at Pierce College (92-2-112)**

Reappropriation:

St Bldg Constr Acct \$ 100,562

Prior Biennia (Expenditures) \$ 499,438

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

**NEW SECTION. Sec. 909. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for emergency and unforeseen repairs at various colleges (92-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 3,715,444

Prior Biennia (Expenditures) \$ 2,540,556

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,256,000

**NEW SECTION. Sec. 910. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an addition to administration building at Lake Washington (92-5-003)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,337,110

Prior Biennia (Expenditures) \$ 6,805,089

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199

**NEW SECTION. Sec. 911. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct a business technology building in Renton (92-5-004)**

Reappropriation:

St Bldg Constr Acct \$ 2,701,102

Prior Biennia (Expenditures) \$ 1,283,898

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,985,000

**NEW SECTION. Sec. 912. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor improvement projects at various colleges (92-5-200)**

Reappropriation:

St Bldg Constr Acct \$ 9,092,760

Prior Biennia (Expenditures) \$ 7,837,239

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999

**NEW SECTION. Sec. 913. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for new college (92-5-701)**

Reappropriation:

St Bldg Constr Acct \$ 35,130

Prior Biennia (Expenditures) \$ 264,870

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 914. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide equipment for L.H. Bates Technical College (93-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 108,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 108,000

**NEW SECTION. Sec. 915. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make roof repairs at Clover Park (93-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 174,355

Prior Biennia (Expenditures) \$ 14,644
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999

**NEW SECTION. Sec. 916. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make electrical repairs at Olympic (93-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 3,347

Prior Biennia (Expenditures) \$ 96,652
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,999

**NEW SECTION. Sec. 917. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating system at Columbia Basin (93-2-004)**

Reappropriation:

St Bldg Constr Acct \$ 29,117

Prior Biennia (Expenditures) \$ 252,483
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 281,600

**NEW SECTION. Sec. 918. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To conduct Seattle Vocational Institute study at District 6 (93-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 72,617

Prior Biennia (Expenditures) \$ 27,383
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 919. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Washington Higher Education telecommunications system (93-5-002)**

Reappropriation:

St Bldg Constr Acct \$ 241,422

Prior Biennia (Expenditures) \$ 8,578
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 920. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs: For small repairs and improvements; roof repairs; heating, ventilation, and air conditioning system repairs; mechanical repairs; electrical repairs; exterior repairs; interior repairs; site improvement repairs, and other repairs at various colleges.

The appropriation in this section shall not be allotted to the state board for community and technical colleges until the board submits for approval by the office of financial management a list describing the proposed projects to be funded from this appropriation. The office of financial management shall base its approval of listed projects on the severity ranking system implemented by the state board for community and technical colleges, recognizing the most current information available regarding repair needs.

Appropriation:

St Bldg Constr Acct \$ 37,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 46,000,000

TOTAL \$ 83,000,000 -----

**NEW SECTION. Sec. 921. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for removal or replacement of underground storage tanks (94-1-370)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 202,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000 -----

**NEW SECTION. Sec. 922. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funds for asbestos abatement (94-1-390)**

Appropriation:

St Bldg Constr Acct \$ 451,327

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327 -----

**NEW SECTION. Sec. 923. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for facility upgrades at Seattle Vocational Institute, including acquisition of property for parking (94-1-733)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 7,583,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000 -----

**NEW SECTION. Sec. 924. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor project enhancements (94-2-400)**

Appropriation:

St Bldg Constr Acct \$ 11,478,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 83,740,000

TOTAL \$ 95,218,000

NEW SECTION. Sec. 925. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor work projects (94-2-500)

Appropriation:

St Bldg Constr Acct \$ 629,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000

NEW SECTION. Sec. 926. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for Puyallup Campus phase II at Pierce College (94-2-601)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,650

Appropriation:

St Bldg Constr Acct \$ 969,920

Prior Biennia (Expenditures) \$ 55,350

Future Biennia (Projected Costs) \$ 11,742,847

TOTAL \$ 12,769,767

NEW SECTION. Sec. 927. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for vocational building at Skagit Valley (94-2-602)

Reappropriation:

St Bldg Constr Acct \$ 110

Appropriation:

St Bldg Constr Acct \$ 169,044

Prior Biennia (Expenditures) \$ 24,890

Future Biennia (Projected Costs) \$ 1,942,079

TOTAL \$ 2,136,123

NEW SECTION. Sec. 928. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for learning research center/arts/student center building at Whatcom (94-2-603)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 11,944

Appropriation:

St Bldg Constr Acct \$ 560,636

Prior Biennia (Expenditures) \$ 33,055

Future Biennia (Projected Costs) \$ 7,422,880

TOTAL \$ 8,028,515

**NEW SECTION. Sec. 929. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for classroom and laboratory building at Edmonds (94-2-604)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 36,010

Appropriation:

St Bldg Constr Acct \$ 808,636

Prior Biennia (Expenditures) \$ 21,989

Future Biennia (Projected Costs) \$ 10,270,930

TOTAL \$ 11,137,565

**NEW SECTION. Sec. 930. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for technical education facility at South Puget Sound (94-2-605)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,608

Appropriation:

St Bldg Constr Acct \$ 606,067

Prior Biennia (Expenditures) \$ 38,392

Future Biennia (Projected Costs) \$ 6,632,000

TOTAL \$ 7,280,067

**NEW SECTION. Sec. 931. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for information technology center at Green River (94-2-606)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,124

Appropriation:

St Bldg Constr Acct \$ 1,335,729

Prior Biennia (Expenditures) \$ 54,876

Future Biennia (Projected Costs) \$ 14,608,996

TOTAL \$ 16,002,725

NEW SECTION. Sec. 932. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 933. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign major construction projects**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for predesign for the system's highest priority design and construction projects that will be included in the community and technical college system's 1995-97 capital budget request;

(2) The predesign documents shall be in accordance with the predesign manual published by the office of financial management; and

(3) Future appropriations for these predesigned projects are subject to submittal of completed predesign documents to the office of financial management by July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

**NEW SECTION. Sec. 934. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To purchase land for child care facilities at Green River College, Walla Walla College at Clarkston, and Centralia College**

Appropriation:

St Bldg Constr Acct \$ 509,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000

**NEW SECTION. Sec. 935. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire parcels No. 3 and 4 of the Flett Dairy to be used as an outdoor environmental lab and education center for Clover Park Technical College**

Appropriation:

St Bldg Constr Acct \$ 2,750,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,750,000

PART 6
MISCELLANEOUS

NEW SECTION. Sec. 1001. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$17,035,207 during the 1993-95 fiscal period; \$100,789,559 during the 1995-97 fiscal period; \$143,219,500 during the 1997-99 fiscal period; \$143,148,641 during the 1999-2001 fiscal period; and \$143,068,817 during the 2001-03 fiscal period.

NEW SECTION. Sec. 1002. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies takes place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

(1) Department of social and health services:

(a) Lease-develop with option to purchase or lease-purchase a new West Seattle customer service office to combine staff currently housed in three locations for \$6,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility;

(b) Lease-develop the remodeling and expansion of the Mt. Vernon multiservice center for \$3,000,000;

(c) Enter into a long-term lease with option to purchase the existing facility used by the office of revenue collections in Olympia for \$11,000,000;

(d) Lease-develop with option to purchase or lease-purchase expanded office space for the office of revenue collections in Olympia for \$11,000,000;

(e) Lease-develop with option to purchase or lease-purchase space for consolidation of Thurston county service delivery programs for \$13,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility. The department shall follow the established office of financial management predesign process and receive approval from the office of financial management before initiating design of the project; and

(f) Lease-develop with option to purchase or lease-purchase space for consolidation of department programs in south Grays Harbor county for \$1,800,000. The department shall consider collocation with other state agencies in this facility.

(2) Department of ecology: Lease-purchase the eastern regional office facility currently leased by the department for \$2,300,000.

(3) Department of general administration:

(a) Lease-purchase and upgrade an existing building, and purchase adjacent property and develop a new building in Yakima for a state government service center for \$24,800,000;

(b) Lease-purchase the 9th and Columbia, 13th and Jefferson, and Capital Plaza buildings in Olympia for \$11,100,000. The department shall prepare an engineering evaluation, cost-benefit study, and life-cycle cost analysis reviewing the maintenance, utility, and future renovation costs for each building. The authority to acquire the buildings is contingent on approval of these studies by the office of financial management; and

(c) Refinance and upgrade the 600 Franklin street building in Olympia for \$527,000.

(4) Department of corrections:

(a) Lease-purchase property from the department of natural resources at the Cedar Creek, Indian Ridge, Larch, and Olympic correctional centers for \$1,000,000;

(b) Lease-develop with option to purchase or lease-purchase 296 work release beds in facilities located throughout the state for \$9,898,758.

(5) Western Washington University: Lease-purchase property adjacent to the campus for future expansion for \$5,000,000.

(6) Community and technical colleges:

- (a) Lease-develop or lease-purchase off-campus program space for Clark College for \$6,000,000;
- (b) Enter into a long-term lease for Green River Community College off-campus programs for approximately \$143,700 during the 1993-95 biennium;
- (c) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;
- (d) Lease-purchase a facility to provide instructional, meeting, and office space for Skagit Valley Community College on San Juan Island for \$600,000;
- (e) Lease-purchase property on Whidbey Island for program space for Skagit Valley Community College for \$252,000;
- (f) Lease-develop or lease-purchase space for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$250,000;
- (g) Lease-purchase 6 acres of property contiguous to Wenatchee Valley College for \$265,000;
- (h) Lease-develop with option to purchase or lease-purchase expanded classroom space for Yakima Valley College in Ellensburg for \$625,000;
- (i) Lease-develop or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000 subject to approval of the office of financial management; and
- (j) Lease-purchase 55 acres adjacent to Green River Community College for \$200,000.

NEW SECTION. Sec. 1003. STUDY OF POTENTIAL FUTURE LONG-TERM LEASES, LEASE-PURCHASES, AND LEASE-DEVELOPMENTS. The department of general administration and the office of the state treasurer, after consulting with the office of financial management, shall provide technical assistance to the community and technical colleges in analyzing the feasibility of entering into long-term lease, lease-purchase, or lease-development agreements in future biennia for the following projects. This section does not imply a future legislative commitment to develop these projects.

- (1) Acquisition of a building currently leased for instruction and administration purposes at Edmonds Community College;
- (2) Acquisition of land and two buildings, known as the South Annex, at Seattle Central Community College;
- (3) Acquisition of approximately 1.72 acres of land and 108,721 square feet of buildings, known as the United Graphics property, at Seattle Central Community College;
- (4) Long-term lease of aviation maintenance facilities at Boeing Field for South Seattle Community College;
- (5) Acquisition of approximately 11 acres of trust land adjacent to the Duwamish Branch of South Seattle Community College;
- (6) Acquisition of property for future expansion adjacent to Skagit Valley College;
- (7) Acquisition or development of approximately 3,600 square feet of instructional space in Sunnyside for Yakima Valley Community College;
- (8) Acquisition of approximately 12,000 square feet of space in Colville for training and retraining programs for the community colleges of Spokane;
- (9) Acquisition of approximately 6.66 acres adjacent to South Puget Sound Community College;
- (10) Acquisition of two dormitories on approximately 2.5 acres adjacent to Wenatchee Valley College; and
- (11) Lease-development or acquisition of approximately 50,000 square feet of instruction space and up to 10 acres of land at the Tacoma Narrows Airport for Clover Park Technical College.

NEW SECTION. Sec. 1004. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies. A coordinated capital plan shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by September 15, 1993, for projects included in the 1993-95 capital budget. A coordinated evaluation policy and criteria for service improvement shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by June 30, 1994.

NEW SECTION. Sec. 1005. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards of directors.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency. For department of corrections construction projects, the Washington state arts commission shall give priority to selecting works of art produced by inmates.

(4) At least 85% of the moneys spent by the Washington state arts commission during the 1993-95 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 1006. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 1007. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1993, in the 1991-93 biennial appropriations for each project.

NEW SECTION. Sec. 1008. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 1009. As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease-development and lease-purchase projects to the office of financial management.

NEW SECTION. Sec. 1010. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 1011. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

NEW SECTION. Sec. 1012. Notwithstanding any other provisions of law, for the 1993-95 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 1013. Any capital improvements or capital project involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 1014. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 1015. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has

reviewed the agency's predesign and other documents and approved the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

The office of financial management shall provide to the house of representatives capital budget committee and the senate ways and means committee a list of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management.

NEW SECTION. Sec. 1016. Appropriations for design and construction of facilities on higher education branch campuses shall be allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 1017. (1) Agencies shall expedite the expenditure of reappropriations and appropriations in order to: (a) Rehabilitate infrastructure in a timely manner and prevent further deterioration of public facilities and resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(2) In order to meet the goals of this section, the following conditions apply to appropriations which reference this section:

(a) To the extent feasible, agencies are directed to manage accelerated expenditure rates at the current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(b) Reappropriations which reference this subsection (2)(b) shall lapse on June 30, 1994. In developing the 1995-97 capital budget, the office of financial management shall consider all project requests which have been an element of an appropriation which references this section as a request for a new appropriation.

(3) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 1995:

(a) A listing of reappropriations in the governor's 1995-97 capital budget recommendation that have been reappropriated one or more times and have ten percent or more of the original appropriation unexpended; and

(b) An explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 1018. The higher education coordinating board shall develop and maintain an inventory system to account for all space in the state's higher education system. The institutions of higher education shall provide to the higher education coordinating board a complete inventory of space in the form determined by the higher education coordinating board.

NEW SECTION. Sec. 1019. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 1020. \$1,200,000 of the state and local improvement revolving account--waste disposal facilities and \$6,300,000 of the state and local improvement revolving account--waste disposal facilities 1980 are transferred to the water quality account, and shall be used for extended grant payments for public waste disposal facilities that discharge directly into marine waters. The funds shall be subject to the conditions and limitations set forth in section 406 of this act. These funds shall qualify as tax receipts in any calculation under RCW 70.146.080.

NEW SECTION. Sec. 1021. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of

postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 1022. The state investment board shall evaluate the feasibility of investing in office buildings expressly built for use by state agencies. The evaluation shall be performed in cooperation with the office of financial management, the department of general administration, and other appropriate state agencies and shall consider financing and construction alternatives to ensure cost-effective facilities for the state and an acceptable return on the investment for the state investment board. The evaluation shall also consider opportunities for collocating and consolidating state agencies under section 1013 of this act. Upon completion of the evaluation, the state investment board shall report its findings to the senate ways and means and house capital budget committees.

Sec. 1023. RCW 90.70.011 and 1990 c 115 s 2 are each amended to read as follows:

(1) There is established the Puget Sound water quality authority composed of eleven members. Nine members shall be appointed by the governor and confirmed by the senate. In addition, the commissioner of public lands or the commissioner's designee and the director of ecology or the director's designee shall serve as ex officio members. Three of the members shall include a representative from the counties, a representative from the cities, and a tribal representative. The director of ecology shall be chair of the authority. In making these appointments, the governor shall seek to include representation of the variety of interested parties concerned about Puget Sound water quality. Of the appointed members, at least one shall be selected from each of the six congressional districts surrounding Puget Sound. Members shall serve four-year terms. Of the initial members appointed to the authority, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Members representing cities, counties, and the tribes shall also serve four-year staggered terms, as determined by the governor. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. The executive director of the authority shall be selected by the governor and shall serve at the pleasure of the governor. The executive director shall not be a member of the authority.

(2) Members shall be compensated as provided in RCW 43.03.250. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The executive director of the authority shall be a full-time employee responsible for the administration of all functions of the authority, including hiring and terminating staff, contracting, coordinating with the governor, the legislature, and other state and local entities, and the delegation of responsibilities as deemed appropriate. The salary of the executive director shall be fixed by the governor, subject to RCW 43.03.040.

(4) The authority shall prepare a budget and a work plan.

(5) Not more than four employees of the authority may be exempt from the provisions of chapter 41.06 RCW.

(6) The executive director and staff of the authority shall be located in the Olympia area ~~((, as space becomes available. The department of general administration shall house the authority within the department of ecology)).~~

NEW SECTION. Sec. 1024. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1025. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the capital improvements; amending RCW 90.70.011; creating new sections; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Snyder, Quigley; Representatives Wang, Ogden

MOTION

On motion of Senator Snyder, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Substitute Senate Bill No. 5717.

MOTION

Senator Snyder moved that the Report of the Conference Committee on Substitute Senate Bill No. 5717 be adopted. Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Quigley, just to have this appear on the record, I would like to inquire as to Section 745, which is the money in the Capital Budget for the Bothell campus--the branch campus in Bothell--and Section 716 which is the direction for the HEC Board to study the higher education needs in the King/Snohomish County area. I want it to be clear to the HEC Board that it is not your intent as the author of the Capital Budget that they should delay the Bothell campus in any way for this study--that it is not the intent of this study to restrict the development or delay the development of the Bothell campus. Is that your understanding?"

Senator Quigley: "Senator West, in fact, that is my understanding and if one would note that the money that is allocated to fund the Bothell branch campus and the provisos related thereto are identical to the money that is allocated to fund the Vancouver and other branch campuses. The study is, in fact, merely there to address the concern that was raised by previous studies that two community colleges are needed for the region and that we ought to make sound policy about how and where to locate them. It is not intended, in any way, to slow down the development of the Bothell branch campus."

Senator West: "So, your direction to the HEC Board would be not to interfere with the development of the Bothell campus for purposes of this study?"

Senator Quigley: "My statement would be that was not the intent of the Legislature, to the best of my knowledge, when they adopted that provision."

Senator West: "Thank you."

The President declared the question before the Senate to be the motion by Senator Snyder that the Report of the Conference Committee on Substitute Senate Bill No. 5717 be adopted.

The motion by Senator Snyder carried and the Report of the Conference Committee on Substitute Senate Bill No. 5717 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5717, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5717, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Oke, Roach, Sellar and Smith, L. - 14.

Excused: Senator Newhouse - 1.

SUBSTITUTE SENATE BILL NO. 5717, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jesernig, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5719, by Senators Rinehart, Bluechel and Snyder (by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1993-95 biennium.

MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Senate Bill No. 5719 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Snyder, the following amendment by Senators Snyder and Quigley was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1993-95 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred twenty-six million seven hundred thirty-seven thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Nine hundred three million dollars to remain in the state building construction account created by RCW 43.83.020; and
- (2) One million five hundred thousand dollars to the fruit commission facility account.

These proceeds shall be used exclusively for the purposes specified in this section, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 4. On each date on which any interest or principal and interest payment is due for the purposes of section 2(2) of this act, the Washington state fruit commission shall cause the amount computed by the state finance committee in section 3 of this act for the purposes of section 2(2) of this act to be paid out of the commission's general operating fund to the state treasurer for deposit into the general fund of the state treasury.

NEW SECTION. Sec. 5. The bonds authorized in section 2(2) of this act may be issued only after the director of financial management has: (1) Certified that, based on the future income from assessments levied under this chapter and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments due under section 4 of this act for the life of the bonds; and (2) approved the plans for facility.

NEW SECTION. Sec. 6. The fruit commission facility account is created in the state treasury. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 9. RCW 67.40.045 and 1992 c 4 s 1 are each amended to read as follows:

(1) The director of financial management, in consultation with the chairpersons of the ways and means committees of the senate and house of representatives, may authorize temporary borrowing from the state treasury for the purpose of covering cash deficiencies in the state convention and trade center account resulting from project completion costs. Subject to the conditions and limitations provided in this section, lines of credit may be authorized at times and in amounts as the director of financial management determines are advisable to meet current and/or anticipated cash deficiencies. Each authorization shall distinctly specify the maximum amount of cash deficiency which may be incurred and the maximum time period during which the cash deficiency may continue. The total amount of borrowing outstanding at any time shall never exceed the lesser of:

- (a) \$58,275,000; or

(b) An amount, as determined by the director of financial management from time to time, which is necessary to provide for payment of project completion costs.

(2) Unless the due date under this subsection is extended by statute, all amounts borrowed under the authority of this section shall be repaid to the state treasury by June 30, ((1995)) 1997, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed. Borrowing may be authorized from any excess balances in the state treasury, except the agricultural permanent fund, the Millersylvania park permanent fund, the state university permanent fund, the normal school permanent fund, the permanent common school fund, and the scientific permanent fund.

(3) As used in this section, "project completion" means:

(a) All remaining development, construction, and administrative costs related to completion of the convention center; and

(b) Costs of the McKay building demolition, Eagles building rehabilitation, development of low-income housing, and construction of rentable retail space and an operable parking garage.

(4) It is the intent of the legislature that project completion costs be paid ultimately from the following sources:

(a) \$29,250,000 to be received by the corporation under an agreement and settlement with Industrial Indemnity Co.;

(b) \$1,070,000 to be received by the corporation as a contribution from the city of Seattle;

(c) \$20,000,000 from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(d) \$4,765,000 for contingencies and project reserves from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(e) \$13,000,000 for conversion of various retail and other space to meeting rooms, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(f) \$13,300,000 for expansion at the 900 level of the facility, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(g) \$10,400,000 for purchase of the land and building known as the McKay Parcel, for development of low-income housing, for development, construction, and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation, and for partially refunding obligations under the parking garage revenue note issued by the corporation to Industrial Indemnity Company in connection with the agreement and settlement identified in (a) of this subsection, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090. All proceeds from any sale of the McKay parcel shall be deposited in the state convention and trade center account and shall not be expended without appropriation by law.

(h) \$300,000 for Eagles building exterior cleanup and repair, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090; and

(i) The proceeds of the sale of any properties owned by the state convention and trade center that are not planned for use for state convention and trade center operations, with the proceeds to be used for development, construction, and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation.

(5) The borrowing authority provided in this section is in addition to the authority to borrow from the general fund to meet the bond retirement and interest requirements set forth in RCW 67.40.060. To the extent the specific conditions and limitations provided in this section conflict with the general conditions and limitations provided for temporary cash deficiencies in RCW 43.88.260 (section 7, chapter 502, Laws of 1987), the specific conditions and limitations in this section shall govern.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW."

On motion of Senator Snyder, the following title amendment was adopted:

On page 1, line 1 of the title, after "bonds;" strike the remainder of the title and insert "amending RCW 67.40.045; and adding a new chapter to Title 43 RCW."

MOTION

On motion of Senator Snyder, the rules were suspended, Reengrossed Senate Bill No. 5719, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 5719, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 5719, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Drew, Franklin, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Moyer, Niemi, Owen, Pelz, Prentice, Prince, Quigley, Rasmussen, M., Rinehart, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Winsley and Wojahn - 34.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Erwin, Hochstatter, McCaslin, McDonald, Nelson, Oke, Roach, Sellar and Smith, L. - 14.

Excused: Senator Newhouse - 1.

REENGROSSED SENATE BILL NO. 5719, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5717,
REENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
SUBSTITUTE SENATE BILL NO. 5968.

MOTION

On motion of Senator Jesernig, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5724 with the following amendment(s):

On page 33, after line 9, insert the following:

"NEW SECTION. Sec. 20. The department of social and health services shall provide a prospective rate enhancement for nursing homes meeting all of the following conditions: (1) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (2) the lessee purchased the leased facility after January 1, 1980; (3) the lessor defaulted on its loan or mortgage for the assets of the facility; (4) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate enhancement increase shall be effective July 1, 1993. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this section shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis."

Renumber the remaining section consecutively and correct internal references accordingly.

On page 1, beginning on line 5 of the title, after "creating" strike "a new section" and insert "new sections", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5724.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5724, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5724, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Drew, Fraser, Gaspard, Hargrove, Haugen, Jesernig, Loveland, McAuliffe, Moore, Owen, Pelz, Prentice, Quigley, Rasmussen, M., Rinehart, Sellar, Sheldon, Skratek, Smith, A., Snyder, Spanel, Sutherland, Vognild, Williams and Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Deccio, Erwin, Franklin, Hochstatter, McCaslin, McDonald, Moyer, Nelson, Niemi, Oke, Prince, Roach, Smith, L., Talmadge, von Reichbauer, West and Winsley - 22.

Excused: Senator Newhouse - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5724, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has passed REENGROSSED SENATE BILL NO. 5719, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

REENGROSSED SENATE BILL NO. 5719.

MOTION

On motion of Senator Jesernig, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8416 by Senators Gaspard and Sellar

Returning measures to their house of origin.

SCR 8417 by Senators Gaspard and Sellar

Adjourning the 1st special session of the Fifty-third Legislature Sine Die.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to third reading, the second reading considered the third, and the concurrent resolution was adopted.

MOTIONS

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8417 was advanced to second reading and read the second time.

On motion of Senator Jesernig, the rules were suspended, Senate Concurrent Resolution No. 8417 was advanced to third reading, the second reading considered the third, and the concurrent resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5724.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761,
ENGROSSED HOUSE BILL NO. 2123,
HOUSE CONCURRENT RESOLUTION NO. 4422,
REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5724,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,
SENATE CONCURRENT RESOLUTION NO. 8409, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761,
ENGROSSED HOUSE BILL NO. 2123,
HOUSE CONCURRENT RESOLUTION NO. 4422,

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8417, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8416,
SENATE CONCURRENT RESOLUTION NO. 8417.

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5717, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed REENGROSED SENATE BILL NO. 5719, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed REENGROSSED SUBSTITUTE SENATE BILL NO. 5967, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5968, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1993

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8417, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Jesernig, Substitute Senate Bill No. 5044 and Substitute Senate Bill No. 5405, which were on the second reading calendar, were referred to the Committee on Rules.

MOTION

On motion of Senator Jesernig, the Senate Journal for the eleventh day of the 1993 First Special Session of the Fifty-third Legislature was approved.

MOTION

At 3:57 a.m., on motion of Senator Jesernig, the 1993 First Special Session of the Fifty-third Legislature adjourned SINE DIE.

JOEL PRITCHARD, President of the Senate

MARTY BROWN, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, FIRST SPECIAL SESSION, MAY 6, 1993